

BAXTER CITY COUNCIL MINUTES
March 19, 2019

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 Connie Lyscio, Zach Tabatt, Todd Holman, and Mark Cross were present.

City Administrator Brad Chapulis, Assistant City Administrator Kelly Steele, Police Chief Jim Exsted, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter 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 add the approval of Summary Ordinance 2019-006 Northern States Power (DBA – Xcel Energy) Franchise Agreement Ordinance as Consent Agenda Item K. This is a summary of Ordinance 2019-005 which is currently on the Consent Agenda.

5. Public Comments

None.

6. Consent Agenda

- A. Approve City Council Work Session Minutes from March 5, 2019
- B. Approve City Council Minutes from March 5, 2019
- C. Approve City Council Special Minutes from March 9, 2019
- D. Approve the Payment of Bills and Finance Report
- E. Approve Permit for Retail Sales of Fireworks for Costco, Cub Foods, Target, and Walmart for the Period of April 1, 2019 through March 31, 2020
- F. Approve Resolution 2019-015 Supporting a DNR Trails Grant Application for the Oakwood Drive trail project.
- G. Accept Planning and Zoning Commission Minutes of March 12, 2019
- H. Approve the Bolton & Menk Proposal for Engineering Services for the Inventory of Existing Septic Systems and Wells in the not to exceed amount of \$19,308.00.
- I. Approve the WSN Proposal for the Assessment of Unsewered Areas Environmental Assessment in the not to exceed amount of \$10,500.00.
- J. Accept Utilities Commission Minutes from March 6, 2019
 1. Adopt Ordinance 2019-003 Title 7 Chapter 4 Right-of-Way Management revisions contingent on the City Attorney’s review and Summary Ordinance 2019-004.
 2. Approve the Right-of-Way Permit Applications Revisions.
 3. Approve the Retail Partners Baxter II, LLC Development Agreement.
 4. Approve the Pratt’s Affordable Excavating, Inc. Change Order No. 8 in the increased amount of \$3,850.00 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.

5. Approve Pratt's Affordable Excavating, Inc. Final Pay Estimate No. 11 in the amount of \$35,722.98 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project contingent on submittal of the IC134's.
 6. Approve the Anderson Brothers Construction Change Order No. 6 in the increased amount of \$6,125.95 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
 7. Approve the WSB Amendment to Proposal for Biological Filtration Water Treatment Plant Pilot Study in the not to exceed amount of \$2,250.00.
 8. Approve the BNSF Invoice to the Crow Wing County Highway Department in the amount of \$575.61 for the 2017 County State Aid Highway 48 Railroad Crossing and Trail Improvements Project.
 9. Approve the Ziegler Cat 3-Year Maintenance Contract for the Water Treatment Plant Emergency Generator in the amount of \$3,221.93 per year.
- K. Approve Northern States Power (DBA – Xcel Energy) Franchise Agreement Ordinance 2019-005 and Summary Ordinance 2019-006
- L. Approve the Purchase of the 2018 RAM 2500 from Brandl Motors, including plow and accessories, for a total cost of \$44,256.64

MOTION by Council Member Cross, seconded by Council Member Holman to approve the consent agenda as amended. Motion carried unanimously.

7. Pulled Agenda Items

8. Other Business

A. Planning and Zoning Actions

1. Adopt Ordinance No. 2019-001, Summary Ordinance No. 2019-002 and Findings of Fact Resolution 2019-016 approving an ordinance amending the text of Title 10 and Title 11 of the City Code

Community Development Director Doty explained the City is requesting general ordinance amendments within Title 10 Zoning Regulations and Title 11 Subdivision Regulations. The primary purpose of the changes is to provide greater flexibility in some areas of the city code, add substantive requirements in other areas and also to provide increased clarity of the intent of existing areas of the zoning code.

These updates resulted in revisions to: General Definitions; Conditional Uses in Articles F, I, and J; Height Requirements in section 10-4-4; Building Requirements in section 10-4-5; General Performance Standards in section 10-4-6; Storage Standards in section 10-4-7; Screening/Landscaping/Fencing in section 10-4-8; Signs in section 10-5-1; Off Street Parking in section 10-5-2; Certificate of Occupancy in section 10-7-8 of the Zoning Ordinances and Lots in section 11-4-6 of the Subdivision Ordinance.

The Planning and Zoning Commission recommends approval of the ordinance, summary ordinance, and finding of fact resolution.

Council Member Cross asked for clarification to be added to the ordinance to indicate trees with a minimum diameter at breast height of 2.5 inches should be measured six inches above the ground and staff to review the definition of hotel.

MOTION by Council Member Cross, seconded by Council Member Holman to Adopt Ordinance 2019-001, Summary Ordinance 2019-002 and Findings of Fact Resolution 2019-016 approving an ordinance amending the test of Title 10 and Title 11 of the City Code, with changes to provide diameter at breast height of 2.5 inches should be measured the same as the current landscaping ordinance and staff to review the definition of motel. Motion carried unanimously.

9. Council Comments

Zach Tabatt: Council Member Tabatt congratulated the Brainerd Warriors Adaptive Floor Hockey team on winning their third state championship.

Darrel Olson: Mayor Olson explained city staff was asked to provide a list of accomplishments to be reviewed at the council retreat. There was not time at the retreat to fully review the list. Mayor Olson thanked city staff for all the work they have accomplished.

10. City Administrator's Report

City Administrator Chapulis explained staff has submitted the LCCMR grant application, due on April 15, for comments. Staff will use the comments received to strengthen the final application. The City received a letter from District 33A Representative Hertaus regarding LGA funding for cities not currently receiving LGA, including Baxter. Representative Hertaus is seeking a letter of support. If the council does not object to the letter of support, staff will draft one this week. Council members should let City Administrator Chapulis or Assistant City Administrator Steele know if they would like to attend the League of MN Cities annual conference to be held in June 26-28, 2019.

11. City Attorney's Report

A. Closed Session Under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property: 40130510 (033670010020009), 40130509 (033670010030009), 020133100G00009, 0336700090B0009, 010183400A00009, 010183304A00009, 010173204A00009, 010172300D00009, 010172400BI0009, and 0322000090A0009

B. Closed Session Under Minnesota Statute 13D.05, subd. 3 (b), Attorney-Client Privilege

MOTION by Council Member Holman, seconded by Council Member Lyscio to enter into a closed session at 7:24 p.m. Motion carried unanimously.

Mayor Olson opened the council meeting at 8:38 p.m.

MOTION by Council Member Tabatt, seconded by Council Member Lyscio to authorize staff to make offers on the parcels discussed during closed session, authorize the mayor to execute all zoning documents for the two parcels related to the new Baxter elementary school, and authorize staff to execute the WSN agreement to commence the planting process. Motion carried unanimously.

MOTION by Council Member Holman, seconded by Council Member Tabatt to accept the counter offer as presented. Motion carried unanimously.

12. Adjourn

MOTION by Council Member Cross, seconded by Council Member Holman to adjourn at 8:42 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator