

BAXTER CITY COUNCIL MINUTES
April 16, 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 the council to amend the agenda to include the Camp Ripley annual update under 5B Presentations.

5. Presentations

A. Brainerd Community Action, Cassie Carey

Ms. Carey, the new executive director of Brainerd Community Action, explained the organizations outreach is for nonprofits located in Crow Wing County. Ms. Carey explained a new give back grant initiative and there may be interest to hold the Ms. Minnesota USA in Baxter. Ms. Carey thanked the council for the annual contribution to the 4th of July event.

B. Camp Ripley Annual Update

Brigadier General Lowell Kruse summarized Camp Ripley's annual economic impact provided to the area, summarized the 2019 accomplishments and events, reviewed the 2019 training schedule, and explained the Camp will be completing prescribed burns.

6. Public Comments

None.

7. Consent Agenda

- A. Approve City Council Work Session Minutes from April 2, 2019
- B. Approve City Council Minutes from April 2, 2019
- C. Approve the Payment of Bills and Finance Report
- D. Approve Appointments for the Seasonal Position of Public Works Maintenance for the 2019 Summer
- E. Approve the Appointment for the Seasonal Position of Park Attendant for the 2019 Summer
- F. Accept with Gratitude a \$400.00 Donation from Baxter Lions for 2019 Triathlon Event
- G. Approve the 2018 Public Transit Service Payment to the City of Brainerd for Baxter's Service

- H. Appoint Mr. Trevor Thompson to the Assistant City Engineer Position at Grade 12, Step 2 of the Non-Union Employee Schedule
- I. Accept Architectural Review Commission Minutes of April 4, 2019
- J. Accept Planning and Zoning Commission Minutes of April 9, 2019
- K. Accept Utilities Commission Minutes of April 3, 2019
 - 1. Approve the BNSF Invoice No. 90184529 for Railroad Signal Equipment in the amount of \$69,379.28 for the 2018 Cypress Drive Improvements Project per the BNSF Construction and Maintenance Agreement
 - 2. Approve the SEH, Inc. Supplemental Letter Agreement for the Right-of-Way Ordinance and Permit Application Update Support in the not to exceed amount of \$6,900.00
 - 3. Approve the Retail Partners Baxter II, LLC Stormwater Facilities Maintenance Agreement
 - 4. Approve the WSN Amendment to Proposal for Engineering Services for the 2019 Mapleton Road and Jasperwood Drive Area Improvements in the not to exceed amount of \$53,700.00
 - 5. Approve the Quality Flow Systems Inc. Equipment Quote in the amount of \$52,240.00 for the Lift Station No. 11 Reconstruction Project
 - 6. Approve the Lift Station No. 11 Reconstruction Plans and Specifications and authorize staff to bid the project
 - 7. Approve the Rice Lake Construction Partial Pay Estimate No. 1 for the Water Treatment Plant Filter 2 & 4 Media Replacement Project in the amount of \$161,500.00
 - 8. Approve the Public Works Maintenance Facility Mezzanine Improvements Plans and Specifications and authorize staff to bid the project
- L. Award the Professional Engineering and Related Engineering Services Contract for the 2020 Fairview Road, Golf Course Drive, Excelsior Road and Trail Connections Improvements Project to WSB Consulting Engineer Rickart in the not to exceed amount of \$215,215.00
- M. Adopt Resolution 2019-029 Ordering Improvement and Preparation of Plans for 2019 Mapleton Road, Jasperwood Drive and Knollwood Drive Area Improvement Project
- N. Authorize contract with WSN for Land Surveying Services Related to the Navillus Land Company Real Estate Acquisition, Contingent Upon Council Approval of Purchase Agreement with Navillus Land Company

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

8. Pulled Agenda Items

None.

9. Other Business

A. Planning and Zoning, Architectural, and Vacation Actions

- 1. **Adopt Ordinance No. 2019-007 amending the City's official zoning map from RS (Special Residential Cluster) and R-1 (Low Density Residential) to PB (Public Benefit), Resolution 2019-025 approving Preliminary and Final Plat of First Addition To City Center Of Baxter, and Resolution 2019-026 approving Conditional Use Permit to allow Baxter Elementary School located at 12191 Jasperwood Drive**

Community Development Director Doty explained the request is for the new Baxter Elementary School. Under the partnership between the City and ISD 181, the City would sell 40.7 acres of land to the school district for the construction of the new school. Community Development Director Doty summarized the proposal to include the new elementary school, an extension of Jasperwood Drive, and two mini-roundabouts on Mapleton Road. The City's traffic consultant reviewed ISD 181's traffic study and expressed concerns with the parent drop off lane. The Planning and Zoning Commission has recommended approval, subject to the facts and findings in the resolution.

Council Member Lyscio explained she received a phone call from a resident expressing concerns about children not being able to safely cross the street at the roundabouts. Staff explained the roundabouts create a safe harbor area otherwise the street crossing width would be 44' without the roundabouts.

MOTION by Council Member Cross, seconded by Council Member Lyscio to Adopt Ordinance No. 2019-007 amending the City's official zoning map from RS (Special Residential Cluster) and R-1 (Low Density Residential) to PB (Public Benefit), Resolution 2019-025 approving Preliminary and Final Plat of First Addition To City Center Of Baxter, and Resolution 2019-026 approving Conditional Use Permit to allow Baxter Elementary School located at 12191 Jasperwood Drive. Motion carried unanimously.

2. **Accept the Architectural Plans for the New Baxter Elementary School to be Located at 12191 Jasperwood Drive**

Community Development Director Doty explained the architectural review commission has made a recommendation regarding the metal applications proposed for the new elementary school exterior.

MOTION by Council Member Cross, seconded by Council Member Holman to Accept the Architectural Plans for the New Baxter Elementary School to be Located at 12191 Jasperwood Drive. Motion carried unanimously.

3. **Vacate drainage and utility easements for property located north and west of Mapleton Road and East of Knollwood Drive:**

- i. **PUBLIC HEARING at 7:00 p.m. or shortly thereafter.**
- ii. **Adopt Resolution 2019-027 vacating standard 5-foot and 10-foot wide drainage and utility easements**

Community Development Director Doty explained the request is for the vacation of a standard 5' by 10' wide drainage and utility easement for lots 1, 2, 3, Block 1 City Center of Baxter.

Mayor Olson opened the public hearing at 7:50 p.m. and closed it at 7:50:30 after hearing no public comments.

MOTION by Council Member Cross, seconded by Council Member Tabatt to Adopt Resolution 2019-027 vacating standard 5-foot and

10-foot wide drainage and utility easements. Motion carried unanimously.

4. **Adopt Resolution 2019-028 approving a conditional use permit and a variance to allow site and building modifications to Forestview Middle School located at 12149 Knollwood Drive**

Community Development Director Doty explained this is a requested by ISD 181 for the Forestview Middle School to allow site improvements, including a small addition on the front of the building for office access and student drop off improvements. The Planning and Zoning Commission is recommending approval. The City's traffic consultant has indicated there may be a need for left turn lanes for the front school entrance and the new drop off lane. The school was constructed without parking lot islands and due to the uniqueness of the property, the Planning and Zoning Commission is not recommending the need for parking lot islands. The Utilities Commission recommended approval subject to the conditions in the resolution.

If the left turns do not work, ISD 181 would be responsible for installing the fourth lane in the future. ISD 181's traffic consultant indicated traffic would have to wait 10 seconds and it will not be an issue.

5. **MOTION** by Council Member Cross, seconded by Council Member Tabatt to Adopt Resolution 2019-028 approving a conditional use permit and a variance to allow site and building modifications to Forestview Middle School located at 12149 Knollwood Drive and if it is determine left turn lanes are needed, they will be installed at the school expense. Motion carried unanimously.

6. **Accept the Architectural Plan for a Remodel of Forestview Middle School Located at 12149 Knollwood Drive**

Community Development Director Doty explained the Architectural Review Commission is recommending approval of the blue metal for the front addition of Forestview Middle School.

MOTION by Council Member Cross, seconded by Council Member Holman to Accept the Architectural Plan for a Remodel of Forestview Middle School located at 12149 Knollwood Drive. Motion carried unanimously.

B. **Consider Adoption of Resolution 2019-024, Approving and Authorizing the Execution of an Addendum to the Arbor Glen Development Agreement and Petition and Waiver Agreement for Arbor Glen Trail Improvements, No. 4124; Determining Sufficiency of Petition and Ordering Improvement**

Finance Director Vacinek explained in 2001 the City entered into a development agreement with the developer of Arbor Glen to provide 13 units of affordable senior rental housing in the newly constructed Arbor Glen apartment building on Broadmoor Drive. In exchange for setting aside 20% of the units for tenants with incomes at 50% or less of the area median gross income, the City agreed to tax increment financing (TIF) assistance. Last August, the terms of the TIF note were satisfied.

The City has received some tenant inquiries about extending the 13 affordable units. In addition, tenants in the past have expressed interest in connecting the Arbor Glen building, via its fire lane, to the Paul Bunyan Trail.

An addendum to the development agreement to extend the TIF assistance to Arbor Glen has been drafted. In exchange for extending the TIF assistance to the developer through a supplemental TIF note, the developer, as part of the agreement, agrees to continue to provide the 13 units of affordable senior rental housing at Arbor Glen through February 2, 2030. The developer also agrees, through the petition and waiver agreement, to a 100% assessment for the trail improvement project to connect Arbor Glen to the Paul Bunyan Trail.

The proposed agreement includes a supplemental TIF note for an additional \$320,000 of TIF assistance. The principal amount of the TIF note was determined by evaluating the developer estimated subsidy of the 13 units for the 11-year extension and the cost of the trail assessment being assumed by the developer.

Extending the developer TIF assistance will require the TIF district to be operational up until its statutorily required decertification in 2029. The estimated \$44,528 assessment, with capitalized interest, to the developer is proposed to cover the entire cost of the trail connection improvement. As part of the agreement, the developer will agree to waive the public hearing requirements and agrees to be assessed the entire cost of the improvements. The trail improvements are proposed to be completed with the 2019 FDR and 2019 Memorywood Drive projects.

MOTION by Council Member Holman, seconded by Council Member Tabatt to adopt Resolution 2019-024, Approving and Authorizing the Execution of an Addendum to the Arbor Glen Development Agreement and Petition and Waiver Agreement for Arbor Glen Trail Improvements, No. 4124; Determining Sufficiency of Petition and Ordering Improvement

10. Council Comments

Connie Lyscio: Council Member Lyscio acknowledged former Council Member Quinn Nystroms' work on insulin affordability.

Mark Cross: Council Member Cross reminded motorists to watch out for motorcycles.

Darrel Olson: Mayor Olson acknowledged County Commissioner Steve Barrow's attendance at the council meeting.

11. City Administrator's Report

No report.

12. City Attorney's Report

- A. **Closed Session Under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property:** 010173204A00009, 010172300D00009, 40130510 (033670010020009), 40130509 (033670010030009), 40240616, 40240650, 40240652, 40240653, 40240668, 40190628, 40190631, 40190632, 40180598

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

MOTION by Council Member Cross, seconded by Council Member Lyscio to enter into a closed session at 8:23 p.m. under Minnesota Statute 13D.05, subd. 3 (c) and Minnesota Statute 13D.05, subd. 3 (b). Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Tabatt to return to the open meeting at 9:30 p.m. Motion carried unanimously.

MOTION by Council Member Tabatt, seconded by Council Member Lyscio to accept the final rendition of the trail corridor and Navillus purchase agreement. Motion carried unanimously.

MOTION by Council Member Tabatt, seconded by Council Member Holman to accept Resolution 2019-030, the Development Agreement, Petition and Waiver Agreement, and Real Estate Sale Agreement with ISD 181. Motion carried with Council Member Lyscio abstaining.

13. Adjourn

MOTION by Council Member Tabatt, seconded by Council Member Cross to adjourn at p.m. to the special council meetings on April 23, 2019. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator