

BAXTER CITY COUNCIL MINUTES
April 19, 2016

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 and Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Gordon Heitke, Community Development Director Josh Doty, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter

CONSENT AGENDA

- A. Approve City Council Minutes from April 5, 2016
- B. Approve City Council Work Session Minutes from April 5, 2016
- C. Approve the Payment of Bills and Finance Report
- D. Approve Planning & Zoning Commission Minutes from April 12, 2016
- E. Approve Appointment for the Seasonal Position of Park Attendant
- F. Approve Resolution 2016-027 Accepting updated feasibility report and ordering improvement hearing for 2016 Golf Course Drive Improvement Project
- G. Approve Special Event Application for Brainerd Lakes Susan G. Komen Race for the Cure on June 25, 2016
- H. Adopt Ordinance 2016-009 and Summary Ordinance 2016-010 Amending Text of Title 2, Chapter 6 of the Baxter City Code Cemetery Board of Trustees
- I. Schedule a Public Hearing for Certification of Delinquent Utility Bills, Invoices, and Abatements for Tuesday, May 17, 2016 at 7:00 p.m., or shortly thereafter
- J. Approve Resolution 2016-028 Ordering Improvement and Preparation of Plans for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project
- K. Accept Utilities Commission Minutes of April 6, 2016
 1. Approve the Agreement for SEH Professional Services for the 2016 Fairview Road Improvement for Bidding, Final Assessment Calculations/Hearing, Additional Design and Easement Support in the Not to Exceed amount of \$25,353.00
 2. Adopt Resolution No. 2016-029 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lake Improvement Project
 3. Approve the WSN Agreement for Professional Engineering Services for the Inglewood Drive Railway Crossing and Foley Road Improvements Feasibility Report Update in the Not to Exceed amount of \$9,750.00
 4. Award the 2016 Lift Station No. 8 Reconstruction Project to DeChantal Excavating in the amount of \$76,941.00
 5. Approve the Development Agreement for Riverwood Bank, Inc.

City Administrator Heitke asked the Council to pull agenda item F.

Council Member Holman asked to the Council to pull agenda items J, K2, and K3.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda, excluding agenda items F, J, K2, and K3. Motion carries unanimously.

PULLED AGENDA ITEMS

F. Approve Resolution 2016-027 Accepting updated feasibility report and ordering improvement hearing for 2016 Golf Course Drive Improvement Project

City Administrator Heitke explained staff requested the item be pulled from the consent agenda for discussion, as there was not enough time to discuss during the work session. Mike Rardin, Bolton & Menk, discussed updates to the feasibility report. The improvement hearing is tentatively scheduled for Thursday, May 5, 2016 at 6:00 p.m.

MOTION by Council Member Barrows, seconded by Council Member Cross to approve Resolution 2016-027 Accepting updated feasibility report and ordering improvement hearing for the 2016 Golf Course Drive Improvement Project. Motion carries unanimously.

J. Approve Resolution 2016-028 Ordering Improvement and Preparation of Plans for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project

Council Member Holman explained he would be abstaining from this agenda item because he is a property owner included in the project.

MOTION by Council Member Nystrom, seconded by Council Member Cross to approve Resolution 2016-028 Ordering the improvement and preparation of plans for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project. Motion carries with Mayor Olson and Council Members Nystrom, Barrows, and Cross voting yes. Council Member Holman abstained.

K2. Adopt Resolution No. 2016-029 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project

Council Member Holman explained he would be abstaining from this agenda item because he is a property owner included in the project.

MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt resolution 2016-029 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project. Motion carries with Mayor Olson and Council Members Nystrom, Barrows, and Cross voting yes. Council Member Holman abstained.

K3. Approve the WSN Agreement for Professional Engineering Services for the Inglewood Drive Railway Crossing and Foley Road Improvements Feasibility Report Update in the Not to Exceed amount of \$9,750.00

Council Member Holman asked the item be pulled from the consent agenda. Council Member Holman suggested it is advisable to wait to complete the feasibility report because the potential project is five years out and prices could change. The council discussed if other projects should be combined into one feasibility report. Finance Director Vacinek explained the project has been identified in capital improvement plan as a 2020 project.

MOTION by Council Member Holman, seconded by Council Member Barrows to table ordering the feasibility report until the Council conducts discussions regarding updates to the capital improvement plan or learn more about other processes that need to come together. Motion carries unanimously.

OTHER BUSINESS

Adopt Resolution 2016-030 Revisions to Resolution No. 2016-019 approving a Conditional Use Permit for Riverwood Bank for property located at 14540 Dellwood Drive

Community Development Director Doty explained on March 15, 2016 the Council approved a conditional use permit for Riverwood Bank with a condition the bank construct a sidewalk from the proposed north drive aisle to the northeast corner of the site to provide pedestrian connectivity to the street intersection near the front entrance of Target. The applicant has requested this condition be removed from the approval based on the finding in their letter. Staff has prepared a draft resolution amendment removing this condition for the Council's consideration.

MOTION by Council Member Barrows, seconded by Council Member Holman to adopt Resolution 2016-030 Revisions to Resolution No. 2016-019 approving a Conditional Use Permit for Riverwood Bank for property located at 14540 Dellwood Drive. Motion carries unanimously.

Adopt Resolution No. 2016-031 approving a Conditional Use Permit for grading and filling within a shoreland district to the Mississippi Rivera and to allow cumulative building square footage to exceed 1,800 square feet for a 704 square foot accessory structure for property locate at 6245 Paris Road

Community Development Director Doty explained the applicants request and the Planning and Zoning Commission is recommending approval.

MOTION by Council Member Holman, seconded by Council Member Nystrom to Adopt Resolution No. 2016-031 approving a Conditional Use Permit for grading and filling within a shoreland district to the Mississippi River and to allow cumulative building square footage to exceed 1,800 square feet for a 704 square foot accessory structure for property locate at 6245 Paris Road. Motion carries unanimously.

Adopt Resolution No. 2016-032 approving a Conditional Use Permit for grading related to the construction of an accessory structure and general filling of a low area within the shoreland district to Perch Lake for property located at 13230 Timberlane Drive

Community Development Director Doty explained the request is for grading in the Shoreland district. The Planning and Zoning Commission has reviewed the request and is recommending approval.

MOTION by Council Member Barrows, seconded by Council Member Cross to Adopt Resolution No. 2016-032 approving a Conditional Use Permit for grading related to the construction of an accessory structure and general filling of a low area within the shoreland district to Perch Lake for property located at 13230 Timberlane Drive. Motion carries unanimously.

Adopt Ordinance No. 2016-011, Summary Ordinance No. 2016-012 Findings of Fact Resolution No. 2016-033 to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the C-2 district and Resolution No. 2016-034 approving a Conditional Use Permit to allow a propane fill station at Von Hanson's Meats located at 15811 Audubon Way

Community Development Director Doty explained the request and that the Planning and Zoning Commission is recommending approval.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Ordinance No. 2016-011, Summary Ordinance No. 2016-012 Findings of Fact Resolution No. 2016-033 to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the C-2 district and Resolution No. 2016-034 approving a Conditional Use Permit to allow a propane fill station at Von Hanson's Meats located at 15811 Audubon Way. Motion carries unanimously.

Adopt Ordinance No. 2016-013 and Summary Ordinance No. 2016-014 approving City Code Amendments to related to mobile vending and seasonal vending regulations

Community Development Director Doty summarized the ordinance amendment and explained the Planning and Zoning Commission recommended approval. The Council discussed if the number of allowed days of use should be adjusted, waste water disposal methods, size of the trailer, if the use could be spread to other venues, and outdoor seating.

MOTION by Council Member Nystrom, seconded by Council Member Cross to direct Community Development Director Doty to review the concerns identified by the Council and to incorporate them into the ordinance. Motion carries with Mayor Olson and Council Members Nystrom and Cross voting yes. Council Members Barrows and Holman voting no.

COUNCIL COMMENTS

Darrel Olson: Mayor Olson explained tonight is City Administrator Heitke's last council meeting. Mayor Olson thanked City Administrator Heitke for his years of service and for all that has been accomplished in the last seven years. Mayor Olson presented City Administrator Heitke with a plaque.

Quinn Nystrom: Council Member Nystrom explained she appreciates City Administrator Heitke's service and that he has been a good steward of the City. Council Member Nystrom thanked The Journey North Community Church for allowing the City to hold a council meeting at their facility.

Steve Barrows: Council Member Barrows expressed his appreciation of the leadership provided by City Administrator Heitke.

Mark Cross: Council Member Cross suggested City Administrator Heitke contact him for a motorcycle ride.

CITY ADMINISTRATOR'S REPORT

City Administrator Heitke expressed his appreciation of the kind words provided by the council and thanked council and staff for the support.

CITY ATTORNEY'S REPORT

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

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

City Attorney Person explained the Council would be entering into a closed session under the attorney client privilege and to develop an offer to purchase real property.

MOTION by Council Member Nystrom, seconded by Council Member Barrows to enter into a closed session at 8:53 p.m. Motion carries unanimously.

Mayor Olson opened the regular meeting at 9:24 p.m.

Attorney Person explained based on the council consensus during the closed session, the council agrees to the counter offer, as it will be a net savings to the city for not having to move the fence.

MOTION by Council Member Barrows, seconded by Council Member Cross to approve the counter offer for 6072 Fairview Road. Motion carries unanimously.

Attorney Person explained there is not final action to report on the pending litigation.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn the meeting at 9:25 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk