

**BAXTER CITY COUNCIL MINUTES**  
**May 15, 2018**

**1. Call Meeting to Order**

Vice Mayor Todd Holman called the meeting to order at 7:00 p.m.

**2. Roll Call**

Vice Mayor Todd Holman and Council Members Quinn Nystrom, Steve Barrows, and Mark Cross were present. Mayor Darrel Olson was absent.

City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, Public Works Director Trevor Walter, Police Chief Jim Exsted, Finance Director Jeremy Vacinek, and Community Development Director Josh Doty were present.

**3. Pledge of Allegiance**

All joined Vice Mayor Todd Holman in the Pledge of Allegiance

**4. Additions or Changes to the Agenda**

City Administrator Chapulis asked the council to add the approval of a fireworks license for Cub Foods to the Consent Agenda as agenda item U.

**5. Public Comments**

None.

**6. Consent Agenda**

- A. Approve City Council Minutes from May 1, 2018
- B. Approve the Payment of Bills and Finance Report
- C. Approve Resolution 2018-040 Adopting Crow Wing County All Hazards Mitigation Plan.
- D. Approve Special Event Permit for Brainerd Lakes Susan G. Komen Race for the Cure on June 30<sup>th</sup>, 2018.
- E. Approve Special Event Permit for Lakes Country Triathlon on August 26<sup>th</sup>, 2018.
- F. Approve the Sale of two Retired 2013 Police Ford Sedans at Mid-State Auction.
- G. Adopt Resolution 2018-039, Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Isle/Falcon Drive Redevelopment Tax Increment Financing District
- H. Adopt Ordinance 2018-009, Summary 2018-010 Amending Title 5, Chapter 6 Tobacco License Regulations of the Baxter City Code
- I. Adopt Resolution 2018-041 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the 2018 Mill and Overlay and Full Depth Reclamation Improvement Project, Municipal Improvement Number 4418
- J. Adopt Resolution 2018-042 For Hearing on Proposed Assessment for the 2018 Mill and Overlay and Full Depth Reclamation Improvement Project, Municipal Improvement Number 4418
- K. Approve Temporary Liquor License for the Brainerd American Legion Event on June 2, 2018 at the Northland Arboretum
- L. Approve Appointments for the Seasonal Positions of Park Attendant for the 2018 Summer
- M. Approve Seasonal Vending Application for Morey's Fish House located at 15811 Audubon Way, subject to the conditions of approval.

- N. Approve Mobile Vending Application for The Grandstand Concession Company at Jack Pine Brewery
- O. Accept Architectural Review Commission Minutes from May 7, 2018
- P. Approve Resolution No. 2018-043 for the City of Baxter To Enter into MnDOT Agreement No. 1026677 with the State of Minnesota, Department of Transportation; and Approve said MnDOT Cooperative Construction Agreement
- Q. Approve the Hengel Readymix and Construction, Inc. quote for the 2018 Cypress Drive Residential Home Site Demolition and Restoration Improvements Project in the not to exceed amount of \$24,800.00
- R. Approve purchase agreement for 4445 State Highway 210 as part of the 2018 Cypress Drive Improvements Project
- S. Accept Utilities Commission Minutes from May 2, 2018
  - 1. Approve the final acceptance of Retail Partners Baxter, LLC Developers Agreement and release Letter of Credit No. 3706 in the amount of \$105,606.88.
  - 2. Approve Pratt's Affordable Excavating, Inc. Partial Pay Estimate No. 2 in the amount of \$113,683.65 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.
- T. Approve the Music in the Park Event at Oscar Kristofferson Park to be held on July 9, 2018 and Authorize a \$200 musician fee for the event
- U. Approve Permit for Retail Sales of Fireworks for Cub Foods for the Period of May 16, 2018 through May 15, 2019

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

**7. Pulled Agenda Items**

None.

**8. Other Business**

**A. Planning and Zoning and Architectural Review Actions**

**1. Approve Resolution 2018-044 approving conditional use permits and variance and approve architectural review application for the Four Seasons Car Wash located at the northeast corner of Dellwood Drive and Universal Road**

Community Development Director Doty explained the applicant is requesting approval of architectural review for a 4,830-square foot car wash to be located on a vacant property at the northeast corner of Universal Road and Dellwood Drive. The applicant has requested approval of architectural review, conditional use permits and a variance. The conditional use permits and variance were reviewed by the Planning Commission on March 13, 2018. The Planning Commission unanimously recommended approval of the conditional use permits and variance.

The car wash would include a unique conveyor belt system to pull cars efficiently through the car wash. The conveyor runs nonstop so a loader can run cars 5-10 feet apart. The building would be approximately 40-feet wide by 133-feet long. They would have a small office and some storage space, with the remainder of the building used for the car wash. The applicant is proposing the following exterior siding materials: rock-face CMU, nichiha wall panels, aluminum glass, doors and vertical panels, prefinished metal coping and CMU/structural steel columns. The applicant is

proposing an arched roof for the front of the building facing Dellwood Drive, and a flat roof for most of the roof. The applicant is proposing a standing seam metal roof application for the arched roof. The proposed colors include blue, and various shades of grey, taupe, and tan. The building design has been redesigned with this new submittal to minimize conditional use permits and variances.

The proposed stacking plan is adequate. There is an escape route should a driver choose to leave. The drive through is not located near residential zoned property although there is still a landscaping and screening plan submitted. The electronic speakers would not be used with the business. The drive through lanes face Universal Road and require a variance. Due to the large amount of street frontage on Dellwood and Universal and the pull through type of car wash, it renders the site very difficult to develop without a variance. On March 7, 2018 the Utilities Commission recommended approval. On May 7, 2018 the Architectural Review Commission recommended approval subject the applicant submitted a plan for the dumpster enclosure. The dumpster has to meet accessory structure setback requirements, which it does not, so some modification would be needed before issuance of a building permit.

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to Approve Resolution 2018-044 approving conditional use permits and variance and approve architectural review application for the Four Seasons Car Wash located at the northeast corner of Dellwood Drive and Universal Road. Motion carried unanimously.

**B. Consider Adoption of Resolution 2018-038, Approving and Authorizing the Execution of a Purchase and Development Agreement with Lakes Area Habitat for Humanity**

City Administrator Chapulis city staff has been working with Lakes Area Habitat for Humanity (“HFH”) to preserve the five homes from the Cypress Drive Improvement Project. According to the proposed agreement, the City of Baxter agrees to sell HFH the five homes for \$1 each and provide HFH with a forgivable loan for the acquisition of real estate and related soft costs to the relocation of three homes and the construction of two new homes within the City of Baxter. In exchange for the City’s participation, HFH agrees to relocate and preserve the five homes, three within Baxter, construct the two new homes on a vacant city lot and a tax forfeited lot, and sell all five structures to remain in Baxter to homebuyers meeting their eligibility criteria.

Vice Mayor Holman thanked city staff and HFH staff for the great work on this project.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to Adopt Resolution 2018-038, Approving and Authorizing the Execution of a Purchase and Development Agreement with Lakes Area Habitat for Humanity. Motion carried unanimously.

**9. Council Comments**

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

**10. City Administrator’s Report**

**A. Set Special Council Meeting to award the contract for the 2018 Cypress Dive Improvements Project**

City Administrator Chapulis is looking at scheduling the special meeting with preference for June 14 at 5 p.m. or 6 pm. The Council consensus was to schedule the special meeting for June 11 at 5 p.m.

**11. City Attorney’s Report**

**A. Closed Session, Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property**

Attorney Person asked the Council to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c), to discuss the purchase of property related to the Cypress Drive project and Excelsior Road project.

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to enter into a closed session at 7:21 p.m. Motion carried unanimously.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to return to an open session at 7:26 p.m. Motion carried unanimously.

Attorney Person explained the Council heard from staff about the need to acquire a small piece of land for the Baxter Drive project and there was consensus for staff to present an offer and come back with a purchase agreement.

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to authorize staff to continue negotiations with the Baxter Drive project. Motion carried unanimously.

**12. Adjourn**

**MOTION** by Council Member Cross, seconded by Council Member Barrows to adjourn at 7:27p.m. to the special meeting on May 22 at 4:00 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

\_\_\_\_\_  
Todd Holman  
Vice Mayor

\_\_\_\_\_  
Kelly Steele  
Assistant City Administrator