

BAXTER CITY COUNCIL MINUTES
May 21, 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, and Mark Cross were present. Council Members Zach Tabatt and Todd Holman were absent.

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. Presentation

A. Visit Brainerd, Mary Devine Johnson

Mary Devine Johnson, Executive Director of Visit Brainerd, provided the Council with an update on the organization and their efforts to market Baxter/Brainerd as a tourism destination on a state and regional level.

Ms. Devine Johnson explained the organization was established in 1995 as the Brainerd Baxter Lodging Association and changed to Visit Brainerd in 2008. The organization is primarily funded by a 3% lodging tax collected from the short term lodging entities in the cities of Baxter and Brainerd for which 95% of the gross proceeds from the tax shall be used by the cities to fund a local convention or tourism bureau for the purpose of market and promoting the cities as a tourist destination.

Approximately \$400,000 is collected annually by 11 hotels and one campground. This equals about \$13 million in gross sales. There has been a 28% growth in the lodging tax in the last ten years.

Visit Brainerd spends more than \$250,000 annually on direct marketing and advertising. 60% of the marketing budget is spent in the Twin Cities metro area.

5. Additions or Changes to the Agenda

None

6. Public Comments

None

7. Consent Agenda

MOTION by Mark Cross, seconded by Connie Lyscio to approve the Consent Agenda. Motion unanimously approved. Absent: Holman, Tabatt

- A. Approve City Council Minutes from May 7, 2019**
- B. Approve the Payment of Bills and Finance Report (Addendum A)**
- C. Accept Utilities Commission Minutes of May 8, 2019**
- D. Approve the Stormwater Facilities Maintenance Agreement for ISD No. 181 for the New Baxter Elementary School**
- E. Approve the Stormwater Facilities Maintenance Agreement for Sicalas Properties**
- F. Approve the Sicalas Properties, LLC Development Agreement**
- G. Approve the 2019 South Sanitary Sewer Interceptor Improvements Plans**
- H. Approve the Landwehr Construction Inc. Partial Pay Estimate No. 8 in the amount of \$385,808.51 for the 2018 Cypress Drive Improvements Project**
- I. Accept the Biological Filtration Water Treatment Plant Pilot Study**
- J. Approve the Plans and Specifications and Order Bids for the 2019 Mapleton Road, Jasperwood Drive & Knollwood Drive Area Improvements**
- K. Approve the Holden Electric Partial Pay Estimate No. 3 for the Water Treatment Plant Generator Improvements Project.**
- L. Approve the Rice Lake Construction Partial Pay Estimate No. 2 in the amount of \$30,115.00 for the Water Treatment Plant Filter 2 & 4 Media Replacement Project**
- M. Accept Planning and Zoning Commission Minutes from May 14, 2019**

8. Pulled Agenda Items

None

9. Other Business

- A. Approve Shoreland Grading/Filling CUP to allow a beach at 14232 Memorywood Drive**

Community Development Director Doty explained the applicant has requested a conditional use permit (CUP) to allow grading and filling in a shoreland area in relation to the installation of a beach sand blanket, located at 14232 Memorywood Drive. The applicant states they would like to remove fill that was brought in to level off the turf yard by a previous owner of the property and restore the beach extending landward into

the yard that was previously in place. The applicant is also proposing to incorporate some planted landscape areas along the edge of the proposed beach area. The City's shoreland ordinance requires a CUP to grade and fill in a shoreland district when the slope of the land is toward public water. The subject property is located on White Sand Lake.

The Planning and Zoning Commission has reviewed the request and recommends approval, subject to the findings of the resolution.

MOTION by Mark Cross, seconded by Connie Lyscio to approve Resolution 2019-039 approving CUP for shoreland grading and filling. Motion unanimously approved. Absent: Holman, Tabatt

B. Approve the following to allow for a 20-unit apartment building and two, 10-unit townhomes located at 14272, 14236, and 14232 Grand Oaks Drive:

1. Preliminary and Final Plat of "First Addition to Refuge on Grand Oaks"

2. Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development

3. PUD General and Final Plan for White Oak Estates

Community Development Director Doty explained the applicant is requesting approval of a preliminary and final replat to allow the First Addition to Refuge on Grand Oaks to create one lot and one outlot; rezoning from R-3 High Density Residential to (PUD) Planned Unit Development; and a PUD General Plan and Final Plan to allow a 20-unit apartment building and two 10-unit townhome buildings. The subject property is a 6.6 acre site located east of Grand Oaks Drive and north of Firewood.

Under the plan the applicant would construct a 20-unit apartment building to serve individuals who are certified disabled. Specifically, individual they would assist include those with chronic mental health disorders, including but not limited to depression, PTSD, schizophrenia, etc. Rental units will not be offered to sex offenders or individuals who have violent crimes against another person, such as armed robbery, 1st degree assault, etc. There will be a 24-hour front desk staff person to monitor for any disturbances. Nystrom and Associates will provide services to residents.

The applicant is also proposing to construct two 10-unit townhouse buildings. The townhouses are designed for low to moderate income families.

The proposed apartment would be constructed in the north portion of the site and the two 10-unit townhomes would be constructed in the south portion of the site. The development would be served with private drives off Grand Oaks Drive and Firewood Drive. The apartment is designed to allow greenspace around the building. The townhomes are oriented with a looped drive in front and green space in the front including a playground. The developer would also provide surface parking, driveway parking in front of the garage units in the townhomes and garage units for the townhome development.

The townhouse access to Grand Oaks doesn't line up perfectly due to trying to avoid wetland impact. Staff is not requesting the additional 7' of ROW on Firewood due to future plans of a trail. There is pedestrian connectivity throughout the development. The applicant is requesting PUD flexibility on parking being one parking stall short of meeting the island requirement, so some trees were added.

The Planning and Zoning Commission has recommended approval, subject to the findings of the resolution. The Utilities Commission's recommendations have been included in the resolution.

MOTION by Mark Cross, seconded by Connie Lyscio to to approve Resolution 2019-040 approving Preliminary and Final Plat of First Addition to Refuge on Grand Oaks, Resolution 2019-041 approving PUD General and Final Plan for First Addition to Refuge on Grand Oaks, and Ordinance 2019-008 approving rezoning from C-2 to PUD for First Addition to Refuge on Grand Oaks. Motion unanimously approved. Absent: Holman, Tabatt

C. **Approve the following to allow for a multi-tenant commercial development known as The EkoMarkt located on Lot 3, Block 1 of Baxter Village east of Edgewood Drive and west of HWY 371:**

1. Rezoning from C-2, Regional Commercial to PUD, Planned Unit Development

2. PUD General and Final Plan for The EkoMarkt

Community Development Director Doty explained the applicant is requesting review of a rezoning from C-2, Regional Commercial to PUD (Planned Unit Development), and PUD General and Final Plan for the development of a 2.28 acre commercial site east of Edgewood Drive and west of State Highway 371 and Audubon Way. The site is currently the vacant Lot 3, on the south side of Baxter Village. There, the subject property is set up to connect to the Baxter Village south drive aisle entrance to the commercial development to the north. The proposal includes the construction of a primary 14,600 square foot building that would include Edgewood Dental, a dental lab, a bakery, and spaces for two other tenants that are currently unknown. A weekend farmers market use is also proposed in the infiltration basin in the northeast corner of the site. The project includes several green practices that are incorporated into the design.

The landscape plan meets the requirements of the ordinance with some additional plantings along 371. The applicant is requesting native ground planting to be located within the 10' setback.

The applicant has reduced the porous parking surface to a small location to conduct a test study to see how the surface performs. The rest of the parking would be paved with standard materials.

Parking would be reviewed with each tenant build out.

The applicant would provide pedestrian access to the adjacent development and back to Edgewood Drive.

Tim Ramerth, WSN, explained the applicant is requesting modification to the parking to allow parking to encroach into the storm water basin for larger vehicles, such as boats and RVs.

The architectural review can be approved administratively, the Utilities Commission has incorporated their comments, and the Planning and Zoning Commission is recommending approval, subject to conditions contained in the resolution.

The applicant is anticipating a spring 2020 completion.

MOTION by Mark Cross, seconded by Connie Lyscio to approve Resolution 2019-042 approving PUD General and Final Plan for The EkoMarkt and Ordinance 2019-009 approving rezoning from C-2 to PUD for The EkoMarkt. Motion unanimously approved. Absent: Holman, Tabatt

D. Approve a Conditional Use Permit to allow for an auto repair use located at 15910 Edgewood Drive

Community Development Director Doty explained the applicant is requesting approval of a conditional use permit to allow automobile repair for Abra to locate at the former Sears building, 15910 Edgewood Drive. The application would allow the new use in the existing building. The applicant would remodel the interior of the building for the use. Exterior improvements would include modifying the loading dock to allow an at grade vehicle entrance on the west side of the building and exterior elevation changes. No other site plan changes are needed to accommodate the use.

The use meets the parking stall requirements.

The architectural review can be reviewed administratively and the Planning and Zoning Commission recommends approval, subject to the findings contained in the resolution.

MOTION by Mark Cross, seconded by Connie Lyscio to to approve Resolution 2019-043 approving CUP for vehicle repair at 15910 Edgewood Drive. Motion unanimously approved. Absent: Holman, Tabatt

10. Council Comments

A. Connie Lyscio

Council Member Lyscio expressed gratitude for the coordination between the City of Baxter and ISD 181 for the new Baxter Elementary School project.

B. Zach Tabatt

C. Todd Holman

D. Mark Cross

Council Member Cross reminded motorists to watch out for motorcycles.

E. Darrel Olson

Mayor Olson explained he received a complement about how easy staff was to work with on the new school project.

11. City Administrator's Report

City Administrator Chapulis reminded everyone that City Hall will be closed on Monday for Memorial Day. The College Road and Cypress Drive intersection will be closed for the next 6 weeks for the construction of the roundabout. With the appointment of Mr. Matt Mallie to the judge position, Brainerd has appointed Severson Porter Law to assume the Mallie contract with the same financial obligation. The contact is effective June 1 through 2022.

12. City Attorney's Report

MOTION by Mark Cross, seconded by Connie Lyscio to enter into a closed session, as listed on the council agenda, at 7:52 p.m.. Motion passed. Absent: Holman, Tabatt

MOTION by Mark Cross, seconded by Connie Lyscio to return to open session at 8:00 p.m.. Motion passed. Absent: Holman, Tabatt

- A. Closed Session Under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property: PID 020133100G00009 and 020134105M00889

MOTION by Mark Cross, seconded by Connie Lyscio to approve easement agreement with ISD 181, as the final offer as been accepted by ISD 181. Motion unanimously approved.

City Attorney Person explained there is no action to take on the Crow Wing Power discussion.

1. Approve ISD #181 Land Acquisition, 12149 Knollwood Drive, PID 020133100G00009
2. Crow Wing Power Land Acquisition, 6464 Mapleton Road, PID 020134105M00889

13. Adjourn

MOTION by Mark Cross, seconded by Connie Lyscio to adjourn. Motion passed. Absent: Holman, Tabatt