

BAXTER CITY COUNCIL MINUTES
June 7, 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: Interim City Administrator Kelly Steele, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, Assistant Police Chief Russ Wicklund, and Public Works Director/City Engineer Trevor Walter.

PUBLIC COMMENTS

Dave Schonrock - 6056 Fairview Road - Provided the council with a handout from Minnesota State Statutes regarding mufflers and sound levels.

Mr. Schonrock stated he is concerned with the sound levels in the City and feels like the sound level is out of control and he requested that law enforcement step up noise enforcement.

Mr. Schonrock addressed his concern with the speed limit on Fairview Road. He requested the City of Baxter reduce the speed limit to 30 mph. On the assessments sheet he recently received it stated it was a residential area so why is the speed limit on Fairview Road 40 mph.

CONSENT AGENDA

- A. Approve City Council Minutes from May 17, 2016
- B. Approve City Council Work Session Minutes from May 17, 2016
- C. Approve City Council Special Minutes from May 24, 2016
- D. Approve City Council Special Minutes from June 2, 2016
- E. Approve Parks and Trails Commission Minutes from May 23, 2016
- F. Approve Long Range Planning Commission Minutes from May 23, 2016
- G. Approve the Payment of Bills and Finance Report
- H. Adopt Ordinance No. 2016-023 and Summary Ordinance No. 2016-024, An Ordinance Implementing a Utility Service Franchise Fee on Brainerd Public Utilities, a Municipal Utility, Its Successors and Assigns, for Providing Electric Service within the City of Baxter
- I. Adopt Ordinance No. 2016-025 and Summary Ordinance No. 2016-026, An Ordinance Implementing a Utility Service Franchise Fee on Crow Wing Cooperative Power and Light Company, a Minnesota Cooperative, Its Successors and Assigns, for Providing Electric Service within the City of Baxter
- J. Adopt Ordinance No. 2016-027 and Summary Ordinance No. 2016-028, An Ordinance Implementing a Gas Service Franchise Fee on Northern States Power Company, a Minnesota Corporation, Its Successors and Assigns, DBA Xcel Energy for Providing Gas Service within the City of Baxter
- K. Adopt Ordinance No. 2016-029 and Summary Ordinance No. 2016-030, An Ordinance Implementing a Gas Service Franchise Fee on Centerpoint Energy Resources Corporation,

- DBA Centerpoint Energy Minnesota Gas, a Minnesota Corporation, Its Successors and Assigns, for Providing Gas Service within the City of Baxter
- L. Appoint Mr. David Nelson to the Seasonal Position of Roadside Mower
 - M. Appoint Ms. Nena Newman to the Finance Specialist Position and Authorize Staff to Commence the Process to Fill the Utility Billing Specialist Position
 - N. Approve Licenses for the Sale of Liquor, 3.2 Beer, On-Sale Brewer Taproom, Off-Sale Growlers, and Sunday Sales for the Period July 1, 2016 through June 30, 2017
 - O. Adopt 2017 Budget Calendar
 - P. Approve the \$3,500.00 Purchase of the Night Vision System with Proceeds from Drug Forfeiture Fund
 - Q. Approve the Public Works Landscape Bins Project, Award Project to Baratto Brothers for \$40,811.00 and Amend the 2016 Budget
 - R. Adopt Resolution 2016-049 Adopting Assessments for the 2016 Fairview Road Improvement Project
 - S. Adopt Resolution 2016-050 Accepting Bid for the 2016 Fairview Road Improvement Project
 - T. Adopt Resolution 2016-051 Ordering Preparation of Report on the North Inglewood Drive Utility Improvement Project
 - U. Adopt Resolution 2016-052 Receiving Feasibility Report on the North Inglewood Drive Utility Improvement Project
 - V. Adopt Resolution 2016-053 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Golf Course Drive Improvement Project
 - W. Adopt Resolution 2016-054 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for the 2016 Golf Course Drive Improvement Project
 - X. Adopt Resolution 2016-055 For Hearing on Proposed Assessment for the 2016 Golf Course Drive Improvement Project
 - Y. Adopt Ordinance No. 2016-031 and Summary Ordinance No. 2016-032 approving City Code Amendments to Title 9 of the City Code relating to utilities.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda excluding agenda item L. Motion carried unanimously.

PULLED AGENDA ITEMS

L. Appoint Mr. David Nelson to the Seasonal Position of Roadside Mower

Interim Administrator Steele informed the council that Mr. Nelson has declined the seasonal roadside mower position. Ms. Steele stated the position will need to be re-advertised.

OTHER BUSINESS

LELS STEP 3 GRIEVANCE PRESENTATION

LELS Union Representative Andrew Masterman requested a two week extension on the Step 3 grievance due to some new information that was recently received.

MOTION by Council Member Cross, seconded by Council Member Barrows to table the LELS Step 3 Grievance until the June 22, 2016 council meeting. Motion carried unanimously.

PLANNING AND ZONING ACTIONS

Adopt Ordinance No. 2016-033 amending the City's official zoning map from C-2 (Regional Commercial) to PUD (Planned Unit Development) and Resolution 2016-056 approving a

preliminary and final plat for “Elmwood Addition” and Resolution 2016-057 approving a PUD general plan for a multi-tenant retail development located at 13499 Elmwood Drive

Community Development Director Doty gave a brief summary of the 8.9 acre project since it was discussed in detail at the May 17th meeting.

- Four sided architecture – This projects exhibits four sided architecture with all four sides of the building exhibiting decorative brick at its base along with vertical accent bands.
- Pedestrian Friendly Design Elements – The site has been designed with pedestrian movements in mind and will have connections to neighboring lots. In addition, bike racks will be available on the sidewalks in front of the stores to provide a safe place for bike riding patrons to store their bikes.
- Landscaping & Greenspace – The site has abundant trees and greenspace
- No outside storage or display is allowed in the development except for the approved site plan for the sporting goods store.
- Trucks will not be allowed to remain parked/stored in the docks for extended periods of time.

Council Member Holman inquired if the traffic study was included in conditions. Mr. Doty confirmed the study was in the conditions.

Council Member Cross inquired on the height of signs. Height of the sign almost always comes off flat of the roof, never off parapet and the 40’ sign is excessive. Council Member Cross stated he still has an issue with the 600 square feet which has not been a past city practice for one sign.

Council Member Cross expressed concern on the loading docks since the landscape tree screening will not be of much assistance for a few years.

Sambatek Civil Engineer Mike Bolten reviewed the screening function of the area. The norway spruce and black hills spruce that are being used are a wide base and double loaded and are 10’ high which is above the 6’ requirement of the City. The berm is higher than the original design and will provide adequate cover. Council Member Cross stated he felt the southwest corner screening is still a problem.

HJ Development Representative Chris Moe reviewed the site signage and why the 40’ size was requested.

Council Member Barrows complemented the developer for the additional trees and felt they had done due diligence to the project and City requests.

MOTION by Council Member Barrows, seconded by Council Member Holman to adopt Ordinance No. 033 amending the City’s official zoning map from C-2 to Planned Unit Development and Resolution No. 057 approving a Planned Unit Development general plan for a multi-tenant retail development located a 13499 Elmwood Drive. Motion carried unanimously.

Approve architectural plans for Elmwood Addition located at 13499 Elmwood Drive, subject to conditions of approval

MOTION by Council Member Barrows, seconded by Council Member Nystrom to approve the architectural plans located at 13499 Elmwood Drive, subject to conditions of approval. Motion carried unanimously.

MOTION by Council Member Barrows, seconded by Council Member Holman to adopt Resolution No. 2016-056 approving the preliminary and final plat for “Elmwood Addition”. Motion carried unanimously.

Adopt ordinance No. 2016-034 amending the City’s official zoning map from C-2 (Regional Commercial) to PUD (Planned Unit Development) and Resolution 2016-058 approving a preliminary and final plat for “Central lakes Crossing 3rd Addition” and Resolution 2016-059 approving a PUD general plan for a multi-tenant retail development located at 7361 Glory Road

Community Development Director Doty gave a brief summary of the 8.9 acre project since it was discussed in detail at the May 17th meeting.

- Pond - The pond that is part of this site will be an aesthetically pleasing pond that will have a liner in it so that it holds water and also a water fountain type feature.
- Outdoor Dining Areas – The building will have patios for outdoor dining that will overlook the pond.
- Pedestrian Friendly Design Elements – The site is being designed with pedestrian movements in mind and will provide connection to neighboring properties as well as the Paul Bunyan trail. In addition, bike racks will be available on the sidewalks in front of the stores to provide a safe place for bike riding patrons to store their bikes.
- Four Sided Architecture – The building will have four sided architecture that has a continued theme throughout all four elevations.

Council Member Cross inquired if the pond is private or is it taking some of the ditch. Mr. Doty stated the pond is private, the city did not want the pond platted as an outlot should it ever go into tax forfeiture.

Council Member Cross inquired about the trash disposal. He also expressed reservations about the set back. The PUD flexibility for that much of a lesser set back doesn’t seem like the right thing.

Council Member Holman shared this concern. PUD’s are not new to Baxter; however, the ordinance configuration is newer. Council Member Holman stated that he supports staff and this request but he felt that a future work session should be held to bring council and commissions together to discuss our views.

Council Member Cross inquired if council is being asked to approve a major project without seeing the easement. City Attorney Person stated the easement does exist and cars can park in it. Mr. Person explained the easement is a restriction on the land. Mr. Doty stated a fence is only needed for a restaurant if the establishment serves liquor and it would have to meet the fencing requirement

Council Member Holman inquired on the waste screening. Pope Architecture Representative stated they have extra marking spacing with some retail having internal disposal. The tenants are not known at this time and the trash can be addressed as we proceed.

Mr. Doty explained the ordinance requires screening and explained screening options. Mr. Moe stated that when the screening is constructed with matching materials. Mr. Doty explained the resolution states the applicant shall submit trash plan to the city for review and approval of staff.

MOTION by Council Member Barrows, seconded by Council Member Holman to adopt ordinance No. 2016-034 amending the City’s official zoning map from C-2 (Regional Commercial) to PUD (Planned Unit Development) and Resolution 2016-058 approving a preliminary and final plat for “Central lakes Crossing 3rd Addition” and Resolution 2016-059 approving a PUD general plan for a multi-tenant retail development with an additional condition that the trash area be a similar exterior product as the building located at 7361 Glory Road. Motion carried unanimously.

Approve architectural plans for Central Lakes Crossing 3rd Addition located at 7361 Glory Road, subject to conditions of approval

MOTION by Council Member Holman, seconded by Council Member Nystrom to approve the architectural plans for Central Lakes Crossing 3rd Addition located at 7361 Glory Road, subject to conditions of approval. Motion carried unanimously.

COUNCIL COMMENTS

Darrel Olson: Expressed his thanks to Mary Haugen, Parks & Trails Roy Rauen and parks staff for great job at the cemetery for Memorial Day.

Attended Police Sex trafficking seminar and stated that Chief Exsted did a great job on the presentation.

CITY ADMINISTRATOR’S REPORT

Interim Administrator Steele stated the Fairview Road notices have been mailed and the neighborhood meeting will be held on Wednesday, June 15th at 6:00 p.m.

Ms. Steele inquired on the retreat topics. Council Member Holman would like to look at transportation policies with relation to any inconsistency between the comp plan and CIP. He would like to have this informal discussion before the July 5th budget meeting. Ms. Steele will have the call on staff attendance.

MOTION by Council Member Barrows, seconded by Council Member Holman to set the Wednesday, June 29th at 6:00 p.m. scheduled as neighborhood meeting first to discuss issues around Water Treatment Plant and second council work shop around transportation plans .

ADJOURNMENT

MOTION by Council Member Barrows, seconded by Council Member Nystrom to adjourn the meeting at 8:10 p.m. to the special council meeting on Monday, June 13, 2016 at p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant