

BAXTER CITY COUNCIL MINUTES
July 15, 2014

Mayor 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.

MEMBERS PRESENT: Mayor Darrel Olson, Council Members Mark Cross, Todd Holman, Rob Moser, and Jim Klein.

STAFF PRESENT: City Administrator Gordon Heitke, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, Police Chief Jim Exsted, Public Works Director/City Engineer Trevor Walter, Assistant City Administrator Kelly Steele, and City Attorney Brad Person.

GUEST PRESENTATION BY JR. TEEN MISS BAXTER, TEEN MISS BAXTER, AND MISS BAXTER

Vicki Musel introduced the recently crowned Miss Baxter Teen Alicia Andrews and Miss Baxter Anna Bieganek. Each ambassador spoke about what it means to them to hold their title and thanked Mayor Olson and the city council for their support.

CONSENT AGENDA

- A. Approve City Council Minutes from July 1, 2014
- B. Approve City Council Work Session Minutes from July 1, 2014
- C. Approve the Payment of Bills and Finance Report
- D. Resolution No. 2014-63 Ordering Preparation of Proposed Assessment for the Falcon Drive Improvement
- E. Resolution No. 2014-64 For Hearing on Proposed Assessment for the Falcon Drive Improvement
- F. Approve Appointment of Election Judges for the August 12, 2014 Primary Election and November 4, 2014 General Election
- G. Approve the Special Event Permit Application for the Walk A Mile event to be held on Saturday, August 9th
- H. Approve Transfer of funds from Alcohol Seizure Fund to Equipment Fund to pay for purchase of a New Squad Radar Unit
- I. Accept Planning Commission Minutes from July 8, 2014
- J. Accept Utilities Commission Minutes from July 2, 2014
 1. Accept the Edgewood Drive Stormwater Feasibility Study
 2. Approve cleaning the stormwater ditch on T.H. 371 in front of Northland Brick & Fireplace with funding from the Stormwater Enterprise Fund and forward the Edgewood Drive Feasibility Study to MnDOT, Crow Wing County and the City of Brainerd.
 3. Approve the Lift Station No. 9 Plans and Specifications and direct staff to bid the 2014 Lift Station No. 9 Rehabilitation Project
 4. Approve the WSN Proposal for Engineering Services for the Isle Drive Extension Feasibility Study Update in the not to exceed amount of \$5,800.00

5. Approve the WSN Proposal for Design Engineering Services for the Dellwood Drive & Novotny Road Improvements for additional services in the not to exceed amount of \$6,500.00
6. Approve the WSN Proposal for Design Services for the Right Turn Lane on College Drive for the Cypress Drive Intersection in the not to exceed amount of \$16,273.50
7. Approve the WSN Proposal for Feasibility Study for Golf Course Drive from Excelsior Road to Woida Road in the not to exceed amount of \$4,900.00

MOTION by Council Member Cross, seconded by Council Member Holman to approve the Consent Agenda with the exception of agenda items J2 and J6. Motion carries unanimously.

PULLED AGENDA ITEMS

J2. Approve cleaning the stormwater ditch on T.H. 371 in front of Northland Brick & Fireplace with funding from the Stormwater Enterprise Fund and forward the Edgewood Drive Feasibility Study to MnDOT, Crow Wing County and the City of Brainerd.

Council Member Cross pulled the agenda item to asked staff to approach MN DOT regarding assistance in cleaning the ditch.

MOTION by Council Member Cross, seconded by Council Member Klein to move ahead with discussing the storm water study with MN DOT, Crow Wing County, and the city of Brainerd. Motion carries unanimously.

J6. Approve the WSN Proposal for Design Services for the Right Turn Lane on College Drive for the Cypress Drive Intersection in the not to exceed amount of \$16,273.50

Council Member Holman asked to have the record reflect the justification for awarding the contract to WSN, against the City's RFP policy, results from the City working with WSN for an extended period of time on this project.

MOTION by Council Member Holman, seconded by Council Member Cross to have the record reflect the City has worked extensively with WSN on this project, which justifies continuing to work WSN on the project, even though the proposal for \$16,000 exceeds the City's RFP policy. Motion carries unanimously.

OTHER BUSINESS

Planning & Zoning Actions

Adopt Resolution No. 2014-65 Approving Conditional Use Permit for Planned Unit Development Amendment and Resolution No. 2014-66 for a Preliminary and Final Plat to allow "Second Addition to MacDonald Acres" for a consolidation of two unit lots to one unit lot for property located at 14540 Jewelwood Drive

The applicant has requested a conditional use permit for a planned unit development amendment to consolidate two twin home units into one single-family home parcel. Four of the planned 14 twin homes have been constructed. The parcel in question did not provide adequate space for the placement of two driveways. The inability to place two driveways is the reason for the amendment. The homeowner association documents added a condition for an amendment to reflect the density reduction. Staff will review the proposed design of the single family home to ensure compatibility

with the design of the twin homes. The Utilities Commission added conditions that the original PUD conditions and development conditions are met and the water and sewer services for the second unit are appropriately abandoned. The Council discussed the allocation of shared common service costs in relation to combing two units into one unit.

MOTION by Council Member Klein, seconded by Council Member Holman to Adopt Resolution No. 2014-65 Approving Conditional Use Permit for Planned Unit Development Amendment and Resolution No. 2014-66 for a Preliminary and Final Plat to allow “Second Addition to MacDonald Acres” for a consolidation of two unit lots to one unit lot for property located at 14540 Jewelwood Drive with the added condition that requisite number of owners and mortgagees as required by the covenants and said amendment must confirm that the owners of the newly created lot shall continue to pay for two shares of the common expenses of the associations as if it were still two lots and thereby not increasing the burden on the remaining owners within the plat. Motion carries with Council Members Klein, Holman, Cross, and Mayor Olson voting yes, Council Member Moser voting no.

Attorney Person explained governing language typically found in homeowner’s association documents. The Council discussed either allowing the homeowners association to govern shared cost allocations or the city can intervene due to the plat request.

Adopt Resolution No. 2014-67 Approving Preliminary and Final Plat to allow “Dens Addition” for a consolidation of two lots to one lot for property located at 6980 Fairview Road and 13779 Flintwood Drive

The two lots for consideration consist of a dental office on the west lot and a single family home on the east lot. The applicant proposes to remove the single family home to allow for the consolidation of the two lots. The applicant will then extend the dental parking lot over the current single-family home lot, with access to Flintwood Drive. Staff found the plat to be consistent with City Code. The approval of the request would eliminate the nonconforming single-family home. The Utilities Commission has reviewed the request and recommends an additional seven feet of right-of-way be dedicated on Flintwood Drive, recognize the excess right-of-way on Fairview Road can be used as part of the 100-year stormwater plan for the site, and require the water and sanitary sewer service to the single family home be properly abandoned. The applicant is asking for approval to relocate the parking lot island from the north side of the parking lot to the south side of the parking lot. The applicant, Dr. Kevin Dens, asked the council for approval to move the parking lot island to preserve a large oak tree. Dr. Dens explained he disagrees with the City requiring the seven feet of right-of-way and asked the council to reduce the right-of-way request to five feet or to allow the right-of-way to remain, as it currently exists.

MOTION by Council Member Holman, seconded by Council Member Moser to adopt Resolution No. 2014-67 approving preliminary and final plat to allow “Dens Addition” for a consolidation of two lots to one lot for property located at 6980 Fairview Road and 13779 Flintwood Drive. Motion carries unanimously.

PUBLIC HEARING at 7:00 p.m. or thereafter to Discuss Vacating utility easements for Westwood Acres.

The public hearing relates to the vacation of easements of interior lot lines to allow the construction of the parking lot to service the dental office.

Mayor Olson opened the public hearing at 7:38 p.m. With there being no other public comments on the proposed drainage and utility easement, the mayor closed the public hearing at 7:38:15 p.m.

Adopt Resolution No. 2014-68 Vacating utility easements for Lots 1 and 2, Block 1, Westwood Acres

MOTION by Council Member Cross, seconded by Council Member Klein to adopt Resolution No. 2014-68 vacating utility easements for lots 1 and 2, block 1, Westwood Acres. Motion carries unanimously.

Adopt Resolution No. 2014-69 Approving a Preliminary and Final Plat to subdivide a lot and two outlots from Outlot A of Nystrom Addition to be known as “Nystrom Second Addition” and Adopt Resolution No. 2014-70 Variances for lot width and lot area, and a Conditional Use Permit for off-site/joint parking for property located west of Falcon Drive, North of Isle Drive and South of Glory Road

The request is to approve a preliminary plat and final plat to subdivide one outlot into three lots. The south 25’ wide lot will be conveyed to the Nystroms, the middle outlot will be used for a storm water pond, and the north lot will be platted as an outlot for future development. The City has previously approved a revised plat to allow 50’ on the north side of the Nystrom property. Following the purchase of the additional 50’, the applicant determined there is a need for an additional 25’. A consolidation of the two lots is not permitted due the tax increment financing regulations. There will be additional park dedication fees due on the 25’ lot; right-of-way is not needed. The applicant is also requesting a conditional use permit to allow joint and off-site parking between the Nystrom lot and the 25’ lot for parking over the lot line. Approval of the conditional use permit request will result in the lot requiring a lot width and lot area variance. Staff has found the request meets variance standards. The request also includes the need for a vacation along the south property line. The Utilities Commission does not have concerns with approval, provided there is an assessment agreement. Staff recommends approval.

MOTION Council Member Moser, seconded by Council Member Cross adopt Resolution No. 2014-69 Approving a Preliminary and Final Plat to subdivide a lot and two outlots from Outlot A of Nystrom Addition to be known as “Nystrom Second Addition” and adopt Resolution No. 2014-70 Variances for lot width and lot area, and a Conditional Use Permit for off-site/joint parking for property located west of Falcon Drive, North of Isle Drive and South of Glory Road
Motion carries unanimously.

PUBLIC HEARING at 7:00 p.m. or thereafter to Discuss Vacating a drainage and utility easement for Nystrom Addition.

Mr. Doty explained the request is for a vacation of the south lot line to allow parking across the lot line.

Mayor Olson opened the public hearing at 7:44 p.m. With there being no public comments on the proposed drainage and utility easement, the mayor closed the public hearing at 7:44:15 p.m.

Adopt Resolution No. 2014-71 Vacating a drainage utility easement for Lots 1, Block 1, Nystrom Addition

MOTION by Council Member Cross, seconded by Council Member Moser to adopt Resolution No. 2014-71 vacating a drainage utility easement for lots 1, block 1, Nystrom Addition. Motion carries unanimously.

COUNCIL COMMENTS

Darrel Olson: Mayor Olson explained the Whipple Beach picnic shelter dedication ceremony went well. Mayor Olson reminded everyone of the August 9 Walk a Mile in Her Shoes event. Mayor Olson explained he received a letter from Gary Carlson, League of Minnesota Cities, acknowledging Representative Ward and Senator Ruud as Legislators of Distinction for their work supporting cities during the last legislative session. Cub Foods is sponsoring Baxter night on July 19 at the North Central Speedway.

Todd Holman: Council Member Holman reminded everyone the July 27 Jim Oberstar Memorial ride starts at 9:00 a.m. at the Northland Arboretum. Congressman Nolan has agreed to speak at the event. Council Member Holman thanked staff for helping to promote the event.

CITY ADMINISTRATOR'S REPORT

City Administrator Heitke explained the Council discussed scheduling a Briarwood Lane public informational meeting during the work session.

MOTION by Council Member Cross, seconded by Council Member Klein to schedule the Briarwood Lane public informational meeting for August 6, 2014 at 6:00 p.m. Motion carries unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Holman to adjourn at 7:50 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Todd Holman
Vice Mayor

Kelly Steele
Assistant City Administrator/Clerk