

BAXTER CITY COUNCIL MINUTES
July 18, 2017

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

COUNCIL MEMBERS ABSENT: None.

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

CONSENT AGENDA

- A. Approve City Council Minutes from July 5, 2017
- B. Approve City Council Work Session Minutes from July 5, 2017
- C. Approve Special City Council Minutes from July 10, 2017
- D. Approve the Payment of Bills and Finance Report
- E. Approve Special Event Application for the Lakes Country Triathlon at Whipple Beach on August 27th, 2017
- F. Approve Special Event Application for the Walk a Mile Event at Mills Ford on August 12th, 2017
- G. Adopt Resolution 2017-065, Authorizing an Interfund Loan for Advance of Certain Costs in Connection with the Isle Drive Economic Development Tax Increment Financing District
- H. Adopt Resolution 2017-066 Declaring Cost to Be Assessed and Ordering Preparation of Proposed Assessment for the 2017 Mill and Overlay and Full Depth Reclamation Improvement Project, Municipal Improvement Number 4417
- I. Adopt Resolution 2017-067 For Hearing on Proposed Assessment for the 2017 Mill and Overlay and Full Depth Reclamation Improvement Project, Municipal Improvement Number 4417
- J. Adopt Resolution 2017-068 Declaring Cost to Be Assessed and Ordering Preparation of Proposed Assessment for the 2017 Excelsior Road Residential Area Improvement Project, Municipal Improvement Number 4120
- K. Adopt Resolution 2017-069 For Hearing on Proposed Assessment for the 2017 Excelsior Road Residential Area Improvement Project, Municipal Improvement Number 4120
- L. Adopt Resolution 2017-070 Ordering Improvement and Preparation of Plans for the 2018 Cypress Drive Improvement Project, Municipal Improvement Number 4027
- M. Approve the 2016 Financial Statements and the 2016 CliftonLarsonAllen Audit Report and Its Findings
- N. Accept Planning and Zoning Commission Minutes of July 11, 2017
- O. Accept Utilities Commission Minutes of July 6, 2017

1. Approve the Anderson Brothers Construction Final Pay Estimate No. 4 in the amount of \$22,660.69 for the 2016 Golf Course Drive Improvements Project.
2. Approve the SEH, Inc. 2017 Alano Sewer and Water Service Improvements Project Agreement for Professional Services - Construction Services Contract in the Not to Exceed Amount of \$4,914.00.
3. Adopt Resolution 2017-071 Ordering Preparation of Report on 2020 Fairview Road, Golf Course Drive, Excelsior Road and Trail Connection Improvement Project
 - a. Approve the SEH, Inc. 2020 Fairview Road, Golf Course Drive, Excelsior Road and Trail Connection Improvements Project Agreement for Professional Services – Feasibility Report and Public Informational Meeting Contract in the Not to Exceed amount of \$14,726.00.
4. Adopt Resolution 2017-072 Ordering Preparation of Report on 2022 Cypress Drive Connection to Woida Road Improvement Project
 - a. Approve the SEH, Inc. 2022 Cypress Drive Improvements Project Agreement for Professional Services - Feasibility Report Contract in the Not to Exceed Amount of \$14,977.00.
5. Approve the DeChantal Excavating Partial Pay Estimate No. 1 in the amount of \$29,713.52 for the 2017 Elder Drive Improvements Project.

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

OTHER BUSINESS

Planning and Zoning Actions

Adopt Resolution No. 2017-073 approving a Conditional Use Permit allowing motor fuel sales at 15811 Audubon Way

Community Development Director Doty explained the request has received previous council approval and one administrative extension. Shortly after staff has approved the administrative extension, the property owner was ready to commence the project. The current request is the same request as the council approved two years ago, for three standalone gas pumps, except the request no longer includes a car wash. The two existing tenants will manage the gas pumps. The Planning and Zoning Commission has recommended approval.

MOTION by Council Member Barrows, seconded by Council Member Cross to adopt Resolution 2017-073 approving a conditional use permit allowing motor fuel sales at 15811 Audubon Way, subject to the facts and findings. Motion carried unanimously.

Adopt Resolution No. 2017-074 revising Resolution No. 2017-014 to allow a revised phasing plan for the Pine Grove Estates Planned Unit Development located South of Clearwater Road and East of Forest Drive

Community Development Director Doty explained the applicant is seeking approval to revise the phasing plan approved in February 2017. The phasing plan was approved for three 35 unit

apartment buildings and two townhouse buildings. The proposed south apartment building was scheduled to be constructed next, but the applicant would like to construct the third building next to reduce disruption to the current tenants. The applicant has agreed to complete the trail south to the Gander Mountain property and to loop the utilities. There would be a proposed fire lane constructed between the two buildings. The overall development plan would still be followed; just the order of the building construction would be changed. The new approval would include the condition of having to pave the gravel segment of the looped fire lane at the trail connection. Mr. Doty explained if the third phase construction has not commenced by 2021 the gravel fire lane shall be paved. Council Member Holman explained the need to maintain private roads, which appear to be public, at the same standard of public roads.

MOTION by Council Member Barrows, seconded by Council Member Nystrom adopt Resolution No. 2017-074 revising Resolution No. 2017-014 to allow a revised phasing plan for the Pine Grove Estates Planned Unit Development located South of Clearwater Road and East of Forest Drive, subject to the facts and findings. Motion carried unanimously.

Adopt Ordinance No. 2017-007, Summary Ordinance No. 2017-008 and Findings of Fact Resolution 2017-075 approving an ordinance amending the text of Title 4, Title 10, and Title 11 of the City Code

Community Development Director Doty explained the request is a city application for several zoning amendments. The amendments include updates to standards for native prairie and forest restoration in section 4-4-5 (Subsections A and C); definitions in section 10-2-2; signs in section 10-5-1 (Subsections E and F); off street parking in section 10-5-2 (Subsection C); drive-through businesses in section 10-5-5 (Subsection A); motor fuel stations in section 10-5-8 (Subsection C); and concurrent preliminary and final plat review procedure in section 11-2-4 (Subsection A).

The City has received a letter from a property owner asking the council to consider either tabling the vote on the drive lane amendment or vote on a 12' drive lane rather than the staff recommended 14' drive lane.

MOTION by Council Member Barrows, seconded by Mayor Olson to table the Ordinance No. 2017-007, Summary Ordinance No. 2017-008 and Findings of Fact Resolution 2017-075 approving an ordinance amending the text of Title 4, Title 10, and Title 11 of the City Code. Motion carried unanimously.

Adopt Ordinance No. 2017-009, Summary Ordinance No. 2017-010 and Findings of Fact Resolution 2017-076 approving city code amendments to repeal and replace the Floodplain Management code

Community Development Director Doty explained FEMA requires local governments to update their ordinances to be equally or more restrictive than FEMA. Due to FEMA's update, property owners that were not required to purchase flood insurance may now be required to purchase flood insurance. If the council adopts the ordinance, staff recommends mailing letters to the property owners now potentially required to purchase flood insurance. The ordinance needs to be adopted and published before August 15, 2017.

MOTION by Council Member Cross, seconded by Council Member Holman to adopt Ordinance No. 2017-009, Summary Ordinance No. 2017-010 and Findings of Fact Resolution 2017-076 approving city code amendments to repeal and replace the Floodplain Management code. Motion carried unanimously.

COUNCIL COMMENTS

Quinn Nystrom – Encouraged everyone to attend the second annual music in the park concert on July 19.

Steve Barrows – Complemented the finance department on their outstanding work on the 2016 audit.

Darrel Olson – Thanked Council Member Holman for presiding over the July 10 special council meeting. Congratulated Senator Carrie Ruud for her work representing cities and receiving the LMC award. Received a phone call from Representative Heintzeman explaining the state bonding tour will be in Baxter in August 13-16. Asked council to email project ideas to City Administrator Chapulis.

CITY ADMINISTRATOR COMMENTS

City Administrator Chapulis received an email from the Fruth family explaining their decision will be to not execute the petition for the Excelsior Road commercial improvement project. Staff will bring the Excelsior Road commercial project to the August 15 council meeting.

CITY ATTORNEY COMMENTS

Attorney Person explained the council would be entering into a closed session under Minnesota Statute 13D.05, subd. 3 (c) to discuss the purchase of property.

Council Member Holman suggested staff review the presentation from the Congressman Nolan listening session prepared a couple of years ago.

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

MOTION by Council Member Cross, seconded by Council Member Barrows to enter into a closed session at 7:44 p.m. under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property. Motion carried unanimously.

Mayor Olson opened the meeting at 7:54 p.m.

Attorney Person explained there was council consensus to adopt the resolution to present the offers to purchase property.

MOTION by Council Member Holman, seconded by Council Member Barrows to adopt Resolution 2017-077 authorizing the presentation of offers to property owners and to acquire the property areas needed either by negotiation or condemnation for the 2017 Excelsior Road Residential Area Improvement Project. Motion carried unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn at 7:53 p.m. to the July 19 Music in the Park event. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator