

BAXTER CITY COUNCIL MINUTES
July 19, 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, Police Chief Jim Exsted, and Public Works Director/City Engineer Trevor Walter.

GUEST PRESENTATION

Brainerd Rotary Noon Club Representative Rod Osterloh stated the club started 1905 and is the first and largest service club with over 34,000 rotary clubs across the world with 1.2 million members.

Mr. Osterloh explained the Brainerd Rotary Club was chartered on July 8, 1921 and in celebration of the club's 100-year anniversary in five (5) years, members are considering a community project. They are seeking ideas to do a community project in Brainerd/Baxter.

Mayor Olson inquired on the time frame and Mr. Osterloh stated they have a five (5) year window to identify, develop financial, and complete by the centennial. The deadline for the submittal for the project ideas is September 1, 2016.

PUBLIC COMMENTS

No public comments were received.

CONSENT AGENDA

- A. Approve City Council Minutes from July 5, 2016.
- B. Approve City Council Work Session Minutes from July 5, 2016.
- C. Approve Special Council Minutes from July 7, 2016.
- D. Approve Planning & Zoning Commission Minutes from July 12, 2016.
- E. Approve the Payment of Bills and Finance Report.
- F. Adopt Resolution 2016-064 Accepting Bid for the 2016 Golf Course Drive Improvement Project.
- G. Adopt Resolution 2016-065 Adopting Assessment for the 2016 Golf Course Drive Improvement Project, Municipal Project Number 4110.
- H. Appoint Mr. Steve Karels to the Public Works Lead Maintenance Position and Authorize Staff to Commence the Process to Fill the Public Works Maintenance Position.
- I. Appoint Ms. Angela Hart to Utility Billing Specialist Position and Authorize Staff to Commence the Process to Fill the Receptionist/Cashier Position.
- J. Appoint Mr. Michael Karas to the Seasonal Position of Roadside Mower.
- K. Approve Amendment to Section 37 of the Personnel Policy Regarding Insurance Coverage for Terminated or Retired Employees.

- L. Accept Utilities Commission Special Meeting Minutes of June 22, 2016.
- M. Accept Utilities Commission Meeting Minutes of July 6, 2016.
 - 1. Approve the Chosen Valley Testing and Schultz Engineering 100-Year Stormwater Management Plan for the Vaughans Townhomes Development.
 - 2. Approve the Anderson Brothers Partial Pay Estimate No. 1 in the amount of \$106,179.65 for the 2016 Fairview Road Improvements Project.
 - 3. Approve the Tri-City Paving Change Order No. 1 for a two week extension request for the 2016 Mill and Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.
 - 4. Approve the TDKA Engineering Proposal for Additional Engineering Services for the Water Meter Replacement Project Construction Administration in the estimated amount of \$9,960.00.
 - 5. Approve the Ludenia Project for Appraisal Services for Land Acquisition for the Baxter Water Quality Project for the Whiskey Creek Tributary to the Mississippi River in the lump sum amount of \$3,500.00.

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

PLANNING AND ZONING ACTIONS

Adopt Resolution 2016-066 approving a preliminary and final plat named “First Addition to Vaughans Lots”, and Resolution 2016-067 approving a Conditional Use Permit to allow two principal structures on a lot for two, 4-unit rental buildings located at the Northwest corner of Baxter Lions Road and Art Ward Drive

Community Development Director Doty reviewed the plat application and condition use permit that would allow the development of two, 4-unit rental buildings on property located near the intersection of Baxter Lions Road and Art Ward Drive. The council had previously reviewed the plat application over one (1) year ago and at that time the site was platted into an outlot until the owners were ready develop the property into lot and block.

There will be one garage stall per unit and property access will line up with the entrance to Baxter Elementary School.

Mr. Doty explained the conditional use permit is needed in order for the property to have two principal buildings on one site. It was noted that the rental units and garages will be similar to other rental properties in the area.

MOTION by Council Member Cross, seconded by Council Member Barrows to adopt Resolution 2016-066 approving a preliminary and final plat named “First Addition to Vaughans Lots”, and Resolution 2016-067 approving a Conditional Use Permit to allow two principal structures on a lot for two, 4-unit rental buildings located at the Northwest corner of Baxter Lions Road and Art Ward Drive. Motion carried unanimously.

Adopt Resolution 2016-068 approving Conditional Use Permit to allow a nonconforming structure on a riparian lot to be expanded and Variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located southeast of County Road 48 at 12464 Camwood Trail

Community Development Director Doty explained the applicant is requesting a conditional use permit to allow a nonconforming structure on a riparian lot to be expanded and variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River.

The variance is to allow a nonconforming use to be enlarged to occupy a greater area of land within the required 100 foot setback of the Mississippi River. Mr. Doty stated this property is in an area that is slated for water and sewer in 2017. If the home was currently on city services then the setback would only have to be 75' instead of 100' and would not need the CUP or variances.

MOTION by Council Member Cross, seconded by Council Member Barrows to adopt Resolution 2016-068 approving Conditional Use Permit to allow a nonconforming structure on a riparian lot to be expanded and Variances to allow a nonconforming use to be enlarged to occupy a greater area of land and to allow a structure to encroach 17 feet into the required 100-foot setback to the Mississippi River for property located southeast of County Road 48 at 12464 Camwood Trail. Motion carried unanimously.

Adopt Resolution 2016-069 denying variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court

Community Development Director Doty explained the applicant is requesting variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court. The applicant is trying to center the home and it does not meet the setback requirements.

Mr. Doty stated the Planning and Zoning Commission recommended denial of the application based on finding of fact.

MOTION by Council Member Cross, seconded by Council Member Barrows to adopt Resolution 2016-069 denying variances to allow a principal single-family structure to encroach 3.3 feet into the required 30-foot rear yard setback and to allow a principal single-family structure to encroach 3 feet into the required 40-foot front yard setback for property located on the south side of Fairfax Court. Motion carried unanimously.

Adopt Resolution 2016-070 approving a Conditional Use Permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive

Community Development Director Doty explained the applicant would like to clear trees and to raise the level of the lot to remove it from the flood plain. A buffer of trees will be maintained and a stormwater pollution prevention plan will be in place.

Mr. Doty stated the conditional use permit is being presented at this time due to FEMA's proposal to revise flood plan map and the applicant would like to raise the level of the lot to remove it from the flood plain.

Both the Utilities Commission and Planning and Zoning Commission have reviewed this request and recommends approval.

Council Member Holman inquired if the wetland delineation has been completed? Mr. Doty stated the green area on the map is wetland, but the applicant is not proposing to fill or cut tress in wetland area.

Council Member Cross inquired if the grading plan will have requirement for water retention? Council Member Cross expressed concern if the lot is filled where does the water go? Mr. Doty stated the City will have to make sure this conversion does not impact neighboring property and staff could add a storage condition to the resolution.

Council Member Holman discussed making a sidewalk condition. City Attorney Person stated it is a condition use permit now but when the property is built it might be an over the counter permit. Mr. Doty stated the parcel is currently an outlot. Council Member Cross stated if we want sidewalk in front of every building then the City needs to create an ordinance so property owners are aware there will be a sidewalk in front of their place.

Council Member Holman stated each individual project needs to have sidewalk/connectivity placement discussion. There needs to be a future work session agenda item soon to staff can adequately add or drop. Mayor Olson stated the City does have a second chance with it being an outlot.

MOTION by Council Member Barrows, seconded by Council Member Cross to adopt Resolution 2016-070 approving a Conditional Use Permit for forestland conversion to allow tree clearing on property located between Homestead Drive and Isle Drive contingent on a 100-year stormwater event being retained onsite. Motion carried unanimously.

OTHER BUSINESS

City Administrator Hiring Update

Interim Administrator Steele stated she had been contacted by Mr. Weirs to explain one of the finalists, Mr. Antonen, has removed his name from the list as he has accepted another position.

Mr. Weirs has inquired if the City would like to add another candidate to the interview list. The next candidate was in the top three with two of the council members. There is sufficient time to add another candidate.

Council Member Barrows had no concerns with adding another candidate since there is still time to do background checks. Council Member Cross was fine with the two candidates

MOTION by Council Member Barrows, seconded by Council Member Nystrom to add a third candidate to the interview list. Motion carried unanimously.

COUNCIL COMMENTS

Quinn Nystrom: Reminded everyone of the Oscar Kristofferson Park Pavilion Grand Opening on Wednesday night at 6:00 p.m. and hoped everyone comes tomorrow evening.

Steve Barrows: Develop a communication task force to direction to better communicate with our residents with regards to projects like Mill and Overlay. He would like to move forward at a future work session.

Darrel Olson: Reminded staff of the Grand Opening and Night to Unite. He stated the park looks gorgeous and staff has done a great job to prepare for this event. He also stated that information is out there and it will never be perfect.

Todd Holman: The city has come a long way on the Capital Improvements Plan and the city needs to develop the mechanism to do that.

Mark Cross: Agreed with Council Member Barrow and Council Member Holman but stated the city has the plans and have placed it in the quarterly newsletter and website. How many other forms of communication are needed?

CITY ADMINISTRATOR’S REPORT

Interim Administrator Steele stated the 2016 Golf Course Drive Project Open House is scheduled for Tuesday, July 26th at 6:00 p.m.

ADJOURNMENT

MOTION by Council Member Barrows, seconded by Council Member Cross to adjourn the meeting at 7:46 p.m. to the Special Meeting on July 28, 2016 at 5:15 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant