

**BAXTER CITY COUNCIL MINUTES**  
**August 16, 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, IT/GIS Director Todd DeBoer, and Public Works Director/City Engineer Trevor Walter.

**PUBLIC COMMENTS**

No public comments were received.

**CONSENT AGENDA**

- A. Approve City Council Minutes from August 2, 2016.
- B. Approve City Council Work Session Minutes from August 2, 2016.
- C. Approve the Payment of Bills and Finance Report (Addendum A).
- D. Accept Architectural Review Commission Minutes from August 8, 2016.
- E. Accept Planning & Zoning Commission Minutes from August 10, 2016.
- F. Approve Memorandum of Understanding with Central Lakes College Addressing Campus Sexual Assault Responsibilities and Information Sharing.
- G. Approve Drug Task Force Funding Agreement with National Joint Powers Alliance (NJPA) in the Amount of \$9,000 to Support Funding of Drug Task Force Agent.
- H. Adopt Resolution 2016-071, Providing for Procedures Related to the AMI Water Meter Project and Establishment of Associated Fees.
- I. Accept Utilities Commission Minutes from August 3, 2016.
  1. Approve the DK Investments Agreement for Development for Vaughans Townhomes.
  2. Approve the WSN 100-Year Stormwater Management Plan for the Third Addition to Baxter Wal-Mart Subdivision contingent on final approval from the Public Works Director/City Engineer that the volume equals the 100 year 24 hour storm event for the two new lots being created.
  3. Approve the Anderson Brothers Partial Pay Estimate No. 2 in the amount of \$219,879.78 for the 2016 Fairview Road Improvements Project.
  4. Approve the 13413 Maplewood Drive Temporary Easement Agreement for the 2016 Mill and Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.
  5. Approve the Tri-City Paving Partial Pay Estimate No. 1 in the amount of \$176,652.90 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.
  6. Approve the DeChantal Excavating Partial Pay Estimate No. 1 in the amount of \$49,500.00 for the Lift Station No. 8 Reconstruction Project.

- J. Approve the Anderson Brothers Construction Quote for Ditch Cleaning between Trunk Highway 371 and Dellwood Drive from Aldi's to Clearwater Road in the lump sum of \$26,970.00.

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

### **PLANNING AND ZONING ACTIONS**

**Adopt ordinance No. 2016-040 amending the City's official zoning map from C-2 (Regional Commercial) to PUD (Planned Unit Development) and Resolution 2016-072 approving a preliminary and final plat for "Third Addition to Baxter Wal-Mart Subdivision" and Resolution 2016-073 approving a PUD general plan for two new multi-tenant retail buildings located on the Gander Mountain site at 14275 Edgewood Drive**

Community Development Director Doty reviewed the request for the Preliminary and Final Plat named "Third Addition to Baxter Wal-Mart Subdivision" to rezone from C-2, Regional Commercial to PUD, Planned Unit Development and a PUD General Plan for two new multi-tenant retail buildings along Edgewood Drive for property located at 14275 Edgewood Drive.

Mr. Doty reviewed the site location and plan for two retail buildings along the Edgewood Drive frontage road. Staff reviewed the plat which meets minimum requirements and park dedication fees will be collected for the creation of the two new lots. Plans call for the development east of the existing Gander Mountain building which includes a dental office and drive through coffee shop.

Mr. Doty reviewed the access and traffic patterns within the development. The Utilities Commission did not recommend a traffic study due to the options within the area for ingress and egress since only the private entrance into the development is being changed. No additional right-of-way was necessary since the proposed development abuts existing development with less right-of-way.

Mr. Doty stated a pedestrian master plan will need be submitted for the entire site showing a spine sidewalk that would run the length of the parking lot from the two new building to the existing Gander Mountain and a sidewalk connection to Cub Foods and the vacant land to the North. Only the sidewalks on the two lots with the two proposed new buildings will be required at this time. When the developer comes back to the City in the future to make improvements on the third lot where Gander Mountain currently is, a PUD amendment will be required and the pedestrian connections to that site will be made at that time.

Mr. Doty reviewed the stormwater for the proposed development and Oppidan requested flexibility for an increase of 1.5 percent in impervious surface site coverage, which includes paved surfaces and roofs that create water run-off. The city's ordinance requires an island for every 10 parking spaces. Some of the rows in question were not much longer and had 12 or 13 parking spaces.

Council Member Cross inquired if the curb line on Edgewood Drive would change or if the trees along the street would remain as they were not about 20 years old. WSN Engineer Tim Ramerth said the trees will stay except for one that may have to be removed for utilities.

Council Member Holman requested council consider adding road condition that the private roadway be maintained at a city engineer pacer level not just for this site but for the city overall. The city has a system in place to measure pavement status and could the City require private drives to not have

potholes, ponded water or broken pavement. He noted the private streets by Gander Mountain and the Lakes 12 Theatre stating that people don't know those aren't city streets and the state of repair varies. He asked if that was something the city could enforce as those streets are used by police and fire and as through streets.

City Attorney Person said with the pavement rating system it makes it easier as a requirement and more enforceable but it would have to be applied everywhere the City has the same issues.

WSN Engineer Tim Ramerth stated that both retail partners and Oppidan Developers are excited with the project. They will be working with staff to make any necessary changes requested by the City of Baxter.

**MOTION** by Council Member Holman, seconded by Council Member Cross to adopt ordinance No. 2016-040 amending the City's official zoning map from C-2 (Regional Commercial) to PUD (Planned Unit Development) and Resolution 2016-072 approving a preliminary and final plat for "Third Addition to Baxter Wal-Mart Subdivision" and Resolution 2016-073 approving a PUD general plan for two new multi-tenant retail buildings located on the Gander Mountain site at 14275 Edgewood Drive, with a condition that the project maintain an average pacer level of our streets program. Motion carried unanimously.

Discussion: Council Member Cross stated the city has language about building maintenance and so adding road maintenance would be a benefit since this particular section of road has had maintenance issues. Council Member Nystrom said she was in favor of this recommendation, noting she's been asked about private street conditions and about faded stop signs as well and why they are not maintained.

Mayor Olson said he'd be in favor of discussing it at a later time but was not in favor of bringing it up that night since he was sure no one had previously talked about this matter with the developers.

**Approve architectural plans for two new multi-tenant retail buildings located on the Gander Mountain site at 14275 Edgewood Drive, subject to conditions of approval**

Community Development Director Doty stated the application met all requirements except the hardy siding on one retail space.

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to approve architectural plans for two new multi-tenant retail buildings located on the Gander Mountain site at 14275 Edgewood Drive, subject to conditions of approval. Motion carried unanimously.

**Adopt Resolution No. 2016-074 approving a variance to allow a 264-square foot addition to an existing 1,000-square foot detached accessory, where 1,152 square feet is the maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive**

Community Development Director Doty reviewed the request for a variance to allow a 12 x 22 sq. ft. addition to an existing 1,000 square foot detached accessory structure raising the cumulative square footage for a single detached accessory structure 112 square feet beyond the 1,152-square foot maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive.

**MOTION** by Council Member Barrows, seconded by Council Member Cross to adopt Resolution No. 2016-074 approving a variance to allow a 264-square foot addition to an existing 1,000-square foot detached accessory, where 1,152 square feet is the maximum allowed by the zoning ordinance for property located at 13152 Timberland Drive. Motion carried unanimously.

**Adopt Ordinance No. 2016-041 approving language to opt-out of State of Minnesota regulations related to Temporary Health Care Dwellings**

Community Development Director Doty informed the council that on May 12, 2016, Governor Dayton signed into law a bill creating a new process for landowners to place mobile residential dwellings “drop housing” on their property to temporarily help a family member with health care issues.

The law included an option for communities to opt out by September 1, 2016, by passing an ordinance to opt out of this specific State requirement. If a community does not opt out by September 1, 2016, than they will be required to follow the regulation as set forth in the bill. Mr. Doty stated that a good majority of cities are opting out. The opt out provides the city time to look at possibility allowing in the future.

**MOTION** by Council Member Barrows, seconded by Council Member Holman to adopt ordinance No. 2016-041 approving language to opt-out of State of Minnesota regulations related to Temporary Health Care Dwellings. Motion carried unanimously.

**Approve architectural plans for Jack Pine Brewery located at on Edgewood Drive south of Arrowwood Lodge**

Community Development Director Doty stated the applicant is proposing a new building in a new location for the Jack Pine brewery and taproom on a vacant lot. The applicant proposes the use of cement board panel siding, prefinished metal insulated panel siding, prefinished metal base flashing, anodized aluminum windows; the building also includes stained timber accents on the front façade.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to approve the architectural plans for Jack Pine Brewery located at on Edgewood Drive south of Arrowwood Lodge. Motion carried unanimously.

**COUNCIL COMMENTS**

**Quinn Nystrom:** Had a quarterly meeting with the behavior health hospital. No big issues and no negative community input. Baxter night to unite was very well run and police department did very nice job. Attended the luncheon for Chief Exsted today for his 20 years of service and thanked him for the wonderful job he does.

**Mark Cross:** Stated this was the first chance the council had to look at and make a comment on the Oppidan redevelopment. It's always been my feeling that the buck stops here with the council when it comes to a proposal and when if we see something that needs to be improved even if it is a surprise to developers being on that other side for so many years it's just somewhat perceived that there will be surprises as we go along.

Council Member Cross stated that he does not care if they get a few surprises here at the council level.

**Darrel Olson:** Congratulated Chief Exsted and retiring Police Administrative Assistant Beki Sommer for her years of service. Chief Exsted had stated that the average office has 1.5 people doing her job and she thanked for her years of service. Mayor Olson stated the Chief is well respected within the community.

**CITY ATTORNEY’S REPORT**

City Attorney Person presented the assessment agreement for 6646 Woida Road to the council for approval.

**MOTION** by Council Member Holman, seconded by Council Member Barrows to approve the 6646 Woida Road Non-Use Agreement. Motion carried unanimously.

**Closed Session: Minnesota Statute 13D.03, Labor Negotiations**

City Attorney Person requested council enter closed session to discuss labor negotiations at 9:07 p.m.

**MOTION** by Council Member Barrows, seconded by Council Member Cross to enter a closed session at 9:07 p.m.

**ADJOURNMENT**

**MOTION** by Council Member Barrows, seconded by Council Member Nystrom to adjourn the meeting at 9:08 p.m. to a Special Budget Work Session on Tuesday, August 30, 2016 at 6:00 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Mary Haugen  
Administrative Assistant