

BAXTER CITY COUNCIL MINUTES
September 19, 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, Steve Barrows, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: None

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

GUEST PRESENTATION:

Congratulate the 11U Baxter Baseball Team for Receiving the Norm & Colleen Travis Sportsmanship Award

Mayor Olson explained he was very impressed to hear the Baxter 11U team won a sportsmanship award. This award is a reflection of not only the team but also a reflection of Couch Amundson, the teammates, and the parents to instill these values in the team. Couch Amundson explained the team travels 2-3 days per week from end of March through the end of July. The team, while participating in a tournament in Kansas, won the sportsmanship award. The success of the team can be attributed to a list of thirteen beliefs of sportsmanship drafted by the team. The umpires and committee were unanimous in their decision to award the Baxter 11U team with the sportsmanship award. The umpires and committee explained a there is never a unanimous decision to decide the award winner, but this time the decision was unanimous.

Cheryal Lee Hills, Executive Director of Region 5 Development Commission

Cheryal Lee Hills, Executive Director of the Region 5 Development Commission, explained this is the first time she has attended a Baxter Council meeting. Region 5 Development Commission has been in existence for forty years covering five counties. The Commission was established by state statute with levying authority. The Commission levies \$1.62 per resident of the five-county region. Ms. Hill explained the focus of the Commission is in economic development, business lending, entrepreneur programing, household well water and septic loans and crowd funding. The Commission will be conducting newly elected official training on November 14, 2017 at the Northland Arboretum. Ms. Hill explained she and the board support the creation of the Unified Fund.

CONSENT AGENDA:

- A. Approve City Council Minutes from September 5, 2017
- B. Approve City Council Work Session Minutes from September 5, 2017
- C. Approve City Council Special Minutes from September 7, 2017
- D. Approve the Payment of Bills and Finance Report
- E. Appoint Applicants to the Seasonal Position of Park Attendant
- F. Approve 2018 Delayed Payment of Tax on Special Assessments for Applicants with Eligible Hardships
- G. Adopt Resolution No. 2017-087 Setting the Preliminary 2018 Property Tax Levy at \$6,003,400

- H. Adopt Resolution No. 2017-088 Approving the Preliminary 2018 Governmental Funds Budget
- I. Set the Public Information Meeting to Review the 2018 Budget and Levy with Public Testimony for Monday, December 4, 2017 at 6:00 p.m.
- J. Authorize Staff to execute Microsoft Enterprise Enrollment for Office 365 Government Cloud Services
- K. Accept Utilities Commission Minutes from September 6, 2017
 - 1. Approve the Four Seasons Carwash Stormwater Facilities Maintenance Agreement
 - 2. Approve the Baxter Redevelopment Stormwater Facilities Maintenance Agreement
 - 3. Accept Vaughan Townhomes Project and release DK Investments Standby Letter of Credit No. 90 from Neighborhood National Bank in the amount of \$63,452.50
 - 4. Approve the Pine Grove Estate Phase Two of Phase Two of Baxter, LLP Development Agreement
 - 5. Approve the Pine Grove Estates Phase Two of Baxter, LLP Stormwater Facilities Maintenance Agreement
 - 6. Approve the CentraCare Health System Plans and Specifications contingent on the most current MnDOT ADA Design Plates being added to the plans and specifications
 - 7. Approve the CentraCare Health System Development Agreement
 - 8. Approve the CentraCare Health System Stormwater Facilities Maintenance Agreement
 - 9. Approve the CentraCare Health System Utility Access Easement Agreement
 - 10. Approve the Casey's General Store Stormwater Facilities Maintenance Agreement
 - 11. Approve the Lindar Corporation Stormwater Facilities Maintenance Agreement
 - 12. Approve the Astech Corporation Partial Pay Estimate No. 1 in the amount of \$283,632.29 for the 2017 Chip Seal Improvements Project
 - 13. Approve the Anderson Brothers Final Pay Estimate No. 7 in the amount of \$9,692.20 for the 2016 Fairview Road Improvements Project
 - 14. Approve the SEH Agreement for Professional Engineering Services for the 2017 Super One Foods Parking Lot and Fairview Road Improvements Project for the Engineering Construction Services in the not to exceed amount of \$56,115.00
 - 15. Approve the DeChantal Excavating, LLC Partial Pay Estimate No. 2 in the amount of \$58,232.87 for the 2017 Elder Drive Improvements Project
 - 16. Approve the Tri-City Paving Inc. Change Order No. 1 for a two week extension request for the 2017 Mill & Overlay and Full Depth Reclamation Improvements Project and 2017 Excelsior Road Residential Full Depth Reclamation Improvements Project
 - 17. Approve the Anderson Brothers Construction Change Order No. 1 in the amount of \$1,500.00 for the 2017 Lift Station No. 10 Reconstruction Project
 - 18. Approve the Anderson Brothers Construction Final Pay Estimate No. 1 in the amount of \$106,873.71 for the 2017 Lift Station No. 10 Reconstruction Project
 - 19. Approve the Section 6 Area A1 Stormwater Outlet Design from Clearwater Road to Woida Road Improvements Project Plans and Specifications
 - 20. Approve holding the Public Informational Input Open House Meeting for the ADA Transition Plan on Thursday, October 5, 2017 at 6:00 p.m. at Baxter City Hall in the Council Chambers
 - 21. Accept the 2017 Water Treatment Polymer Pilot Study but take no action on the recommended next steps as per the study at this time
- L. Accept Planning Commission Minutes from September 12, 2017
- M. Adopt Resolution 2017-089 Objecting to the City of Brainerd's Property Owner Petition for Concurrent Detachment and Annexation
- N. Approve the Transfer of Ownership of City of Baxter Asset K9 Gator to Ownership of Sergeant Matt Maier

- O. Adopt Resolution 2017-095 For Agreement to State Transportation Fund (Local Road Improvement Program) Grant Terms and Conditions, S.A.P. 230-113-006, Reconstruction of Cypress Drive from College Road to Excelsior Road, and said LRIP Grant Agreement

MOTION by Council Member Cross, seconded by Council Member Holman to approve the consent agenda with consent agenda items K1, K2, K5, K7, K8, K10, K11, K16, and K20 pulled for further discussion. Motion carried unanimously.

PULLED AGENDA ITEMS:

Council Member Cross asked to pull agenda items K1, K2, K5, K7, K8, K10, and K11 to have discussion on the stormwater facilities maintenance agreements for which time did not allow under the work session.

Public Works Director Walter explained the stormwater facilities maintenance agreements are required under the MS4 permit issued by the MPCA. Public Works Director Walter explained the city was previously not completing the stormwater facility maintenance agreements as required by the MPCA. The City will have to complete inspections on the private facilities to ensure the property owners are following the terms of the agreement due to the MPCA placing control on the local units of government. The agreement is in place forever, not just during the time of project construction. Council Member Cross inquired if there is a mechanism in place should redevelopment occur on the property. Public Works Director Walter explained if redevelopment occurs on the property the city has the ability to terminate the existing agreement and complete a new agreement or amend the existing agreement.

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve consent agenda items K1, K2, K5, K7, K8, K10, and K11. Mayor Olson explained the agreements are another mandate the City has to follow. Motion carried unanimously.

Council Member Nystrom requested the council pull agenda item K20 for discussion on a date for the ADA open house which would allow more time for public input. Council Member Nystrom suggested staff notice the date of the open house with WJJY, Brainerd Dispatch, City Website, and the police department Facebook page. The notice should state public input is being requested for the ADA transition plan.

MOTION by Council Member Nystrom, seconded by Council Member Cross to change the date of the ADA open house from October 5 to November 21 to allow more time for public input. Motion carried unanimously.

Mayor Olson requested the council pull agenda item K16 to discuss the contact extension request. Mayor Olson expressed concerns the hot mix plants will be closing for the season on October 15, which is prior to the project being completed. Public Works Director Walter explained Tri-City should be paving the last week of September or first week of October. The contractor encountered a delay in installing the storm sewer pipe on Excelsior Road due to a delay in receiving the concrete storm sewer pipe. Council Member Barrows stated if the contractor does not complete the project this year, the city should not be charged a mobilization fee next year. Council Member Nystrom explained it is good the contractor is willing to complete driveways in the project area, but the contractor entered into a contract with the City and their priority should be to complete the City's projects on a timely manner.

MOTION by Council Member Cross, seconded by Council Member Holman to approve consent agenda item K16 with the condition that if the projects gets extended into 2018 there will be no mobilization charges to the City. Motion carried unanimously.

**OTHER BUSINESS:
Planning and Zoning Actions**

Adopt Resolution 2017-090 approving a Conditional Use Permit to allow for the expansion of a nonconforming structure on a nonconforming riparian lot located at 14386 Shoreview Drive

Community Development Director Doty explained the applicant is proposing the expansion of a nonconforming structure on a nonconforming riparian lot located on Whipple Lake. Due to this, City Code requires a conditional use permit to enlarge the structure. The proposed addition is on the non-lake side of the property. The front and side property line set backs would be met with the addition. The conditional use permit cannot be issued until the applicant demonstrates how the lake will be protected with mitigation of erosion control measures. The excavation would be limited to only the pier footings for the proposed porch.

MOTION by Council Member Barrows, seconded by Council Member Cross to Adopt Resolution 2017-090 approving a Conditional Use Permit to allow for the expansion of a nonconforming structure on a nonconforming riparian lot located at 14386 Shoreview Drive, subject to the facts and findings of the conditional use permit. Motion carried unanimously.

Adopt Resolution 2017-091 approving Conditional Use Permits to allow for an accessory structure to exceed 1,800 square feet, grading and filling in a shoreland district and the expansion of a structure on a nonconforming riparian lot located at 14558 Red Sequoia Drive

Community Development Director Doty explained the request is for a conditional use permit to allow an expansion of an accessory structure. The subject property is located on Whipple Lake. The applicant would like to exceed the allowed garage size of 1,800 by 48 square feet. The applicant would meet the side and rear lot lines and the garage would be rearward of the front line of the home. The proposed garage is parallel with the front line of the existing garage line. The applicant is also requesting a conditional use permit to allow grading and filling. A condition of the resolution is to ensure an erosion control plan is present. The applicant will also need a conditional use permit for the expansion of a structure on a nonconforming riparian lot.

MOTION by Council Member Barrows, seconded by Council Member Cross to Adopt Resolution 2017-091 approving Conditional Use Permits to allow for an accessory structure to exceed 1,800 square feet, grading and filling in a shoreland district and the expansion of a structure on a nonconforming riparian lot located at 14558 Red Sequoia Drive, subject to the facts and findings of the conditional use permit. Motion carried unanimously.

Adopt Resolution 2017-092 approving Conditional Use Permits to allow a legally nonconforming structure on a riparian lot to be enlarged and to allow grading and filling within the shoreland overlay district for property located at 14312 Memorywood Drive

Community Development Director Doty explained the request is for the expansion of a legally nonconforming structure on a riparian lot. The home is located on White Sand Lake. The existing garage would be converted to a garage and home addition. This is an expansion of a legally nonconforming setback. The setback is not increasing from the existing structure, as the addition is proposed away from the lake. Minimal grading is expected due to the property being relatively flat. Staff would ensure a grading and erosion control plan would be submitted. The Planning Commission recommends approval.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2017-092 approving Conditional Use Permits to allow a legally nonconforming structure on a riparian lot

to be enlarged and to allow grading and filling within the shoreland overlay district for property located at 14312 Memorywood Drive, subject to the facts and findings of the conditional use permit. Motion carried unanimously.

Adopt Resolution 2017-093 approving a Conditional Use Permit to allow an accessory apartment in a single-family home for property located at 13518 Honeysuckle Way

Community Development Director Doty explained the request is for a conditional use permit for an accessory apartment in a single-family home. The applicant has started construction of the new home under a building permit that does not include the apartment. The accessory dwelling, located in the single-family home, would be a caretaker suite with a kitchenette and separate bathroom, but part of the functional space of the single family home. Community Development Director Doty reviewed the City Code terms for the accessory apartment. The Planning Commission has reviewed the request and recommends approval.

Roger Blomberg, the applicant, would like to provide comfort and privacy for the caregiver.

MOTION by Council Member Barrows, seconded by Council Member Cross to Adopt Resolution 2017-093 approving a Conditional Use Permit to allow an accessory apartment in a single-family home for property located at 13518 Honeysuckle Way, subject to the facts and findings of the conditional use permit. Motion carried unanimously.

Approving the Vacation of Drainage & Utility Easement for property located at 14545 Grand Oaks Drive:

PUBLIC HEARING at 7:00 p.m. or shortly thereafter.

Adopt Resolution 2017-094 Approving vacation of a 10' wide Drainage and Utility Easement over the lot line between Lot 5 and Lot 6, Block 7, JMS Baxter Estates contingent on a signed assessment agreement for the two parcels being combined as one

Community Development Director Doty explained the property owner has requested the consolidation of the two parcels. There is a standard drainage easement located on one parcel. To allow for the consolidation of the property, the drainage easement needs to be vacated. The request is subject to the applicant signing an assessment agreement. With the consolidation of the parcels, there is no need by the city for the easement.

Mayor Olson opened the public hearing at 7:56 p.m. Hearing no comments from the public, Mayor Olson closed the public hearing at 7:56:30 p.m.

MOTION by Council Member Barrows, seconded by Council Member Cross to Adopt Resolution 2017-094 Approving vacation of a 10' wide Drainage and Utility Easement over the lot line between Lot 5 and Lot 6, Block 7, JMS Baxter Estates contingent on a signed assessment agreement for the two parcels being combined as one. Motion carried unanimously.

Vacation of Drainage & Utility Easement for properties located at 14275 Edgewood Drive and 14203 Edgewood Drive:

PUBLIC HEARING at 7:00 p.m. or shortly thereafter.

Table item to the October 3, 2017 City Council Meeting.

Community Development Director Doty explained the request is related to the Gander Mountain property. The request will be rescheduled for the first council meeting in October. The vacation presented tonight is related to the project, but the council has not seen the project. Staff published for tonight's public hearing and requests the council open the public hearing and then table the request until October 3.

Mayor Olson opened the public hearing at 7:58 p.m. Hearing no public comments, Mayor Olson closed the public hearing at 7:58:30 p.m.

MOTION by Council Member Barrows, seconded by Council Member Cross to table the agenda item until October 3, 2017. Motion carried unanimously.

COUNCIL COMMENTS:

Todd Holman: Asked for an update on the bike trial crossing project at CSAH 48. Aric Welch explained all agreements have been signed and submitted to BNSF. Mr. Welch is just waiting for BNSF to return the agreements before starting.

Darrel Olson: Explained Pet Smart had their grand opening last Saturday. The Bataan Memorial was also held last Saturday. Mr. Walter brought his hamster wheel to Bemidji. The change of command was held on Sunday at Camp Ripley. Colonel Scott St. Sauver will be missed. The City has a great relationship with Camp Ripley and anticipates that will continue. Mayor Olson explained the extension of Cypress to CSAH 44 is just a concept at this point.

CITY ADMINISTRATOR'S REPORT:

None

CITY ATTORNEY'S REPORT:

No report.

ADJOURN:

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 8:00 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator