

**BAXTER CITY COUNCIL MINUTES**  
**October 3, 2017**

**1. Call Meeting to Order**

Mayor Darrel Olson called the meeting to order at 7:00 p.m.

**2. Roll Call**

Mayor Darrel Olson, Council Members Quinn Nystrom, Steve Barrows, Todd Holman, and Mark Cross

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

**3. Pledge of Allegiance**

All joined in the Pledge of Allegiance

**4. Guest Presentation**

**Presentation of Appreciation of Service Plaque to Sergeant Matt Maier and K9 Gator**

Chief Exsted recognized Sergeant Maier and K9 Gator for their nine years of service provided to the City of Baxter. During this time, they responded to 930 calls for service across the area. The call area included all of Crow Wing County, and almost every jurisdiction located in the county. They also responded to calls in the counties of Aitkin, Cass, Mille Lacs, Morrison, and Wadena. They assisted the Minnesota State Patrol and the BCA. They took 163 people into custody, conducted 50 demonstrations for over 3,100 people, and they participated in 141 tracks, of which 63 were successful in finding the search subject. A K9 program can bring a lot of risks, but Sergeant Maier has showed the K9 program can also bring a lot of rewards. Chief Exsted is very thankful for Sergeant Maier and K9 Gator's service. Sergeant Maier and K9 Gator brought in 30 firearms, 16 vehicles, many drugs, and \$98,000. The department receives 70% of the cash back. This cash is used for equipment purchases. Sergeant Maier and K9 Gator received numerous awards. Sergeant Maier explained the K9 program has been a great experience and he is very fortunate for the support of the council and community over the past nine years. Chief Exsted explained Sergeant Maier has been responsible for training Rossi, the new K9, and has been instrumental in getting the new K9 officer, Joe Sundgaard, up to speed.

**5. Public Comments**

**6. Consent Agenda**

- A. Approve City Council Minutes from September 19, 2017**
- B. Approve City Council Work Session Minutes from September 19, 2017**
- C. Approve the Payment of Bills and Finance Report**

- D. Schedule a Public Hearing for Certification of Delinquent Utility Bills, Invoices, and Abatements for Tuesday, November 21, 2017 at 7:00 p.m., or shortly thereafter**
- E. Renew the National Joint Powers Alliance Health Partners Health Insurance Contract for 2018 and Authorize Execution of the Contracts**
- F. Accept Architectural Review Commission Minutes from September 21, 2017**
- G. Approve Architectural Review Application for CentraCare specialty clinic located at 7418 Forthun Road**

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

**7. Pulled Agenda Items**

**8. Other Business**

**A. Planning and Zoning Actions**

- 1. Adopt Resolution 2017-090 approving a preliminary and final plat named “Fourth Addition To Baxter Wal-Mart Subdivision”, Ordinance 2017-011 approving rezoning, and Resolution 2017-098 approving PUD Amendment to allow the existing multi-tenant retail building to be occupied by Gander Outdoors, Camping World and Overton’s for property located at 14275 Edgewood Drive**

Community Development Director Doty explained the request is for a preliminary plat, a rezoning, and a PUD amendment to allow the existing multi-tenant retail building formerly occupied by Gander Mountain to be re-occupied by the new Gander Outdoors, Camping World, and Overtons. There are several changes proposed to the site. A change to the exterior would be the addition of nine overhead doors added to the north side of the building and the exterior would receive general maintenance and paint. There are several site improvements that need to occur to allow the development to move forward.

The council approved a PUD for the frontage property along Edgewood Drive which includes the building currently under construction, Aspen Dental and Caribou Coffee, and a second retail building planned just north of the building under construction. Tonight’s request would not have the north building constructed. The requests seeks the consolidation of two lots, the frontage lot and the Gander Mountain lot. There would be two RV display areas enclosed with a decorative fence and landscaping.

Staff reviewed plat standards, park dedication, traffic, right-of-way, and access. After staff review of the parking stalls, it was determined the applicant has a shortage of 117 parking stalls. The applicant has agreed to provide proof of a parking plan to address the shortage. The applicant believes they have capacity to add parking to the north-west corner and the south side of the building to reach

the additional 117 parking stalls. However, the applicant believes the existing number of parking stalls is adequate for their business.

Sidewalk connectivity, addressed with the last PUD, had a condition that once changes occur to this building, sidewalk connectivity must be addressed. A sidewalk along the front of the building would connect to Cub Foods and the Kuepers apartment development, creating a significant north south connectivity. A parking lot spine going east and west and a sidewalk on the south side of the RV parking lot area would be provided. Staff did receive letters regarding sidewalk connectivity. Kuepers raised concerns of screening on the north side of the building and providing a safe pedestrian crossing. The applicant has provided an increase number of pine trees on the north side of the building to provide additional screening and has increased the 5' sidewalk to a 10' wide trail and included pedestrian signage. The second letter is from the Light Depot and the multi-tenant building along Edgewood Drive. This letter requests pedestrian connections which have not been provided by the applicant. From a staff recommendation perspective, staff always encourages pedestrian connectivity that is safe. At this point the applicant has not added the request. The existing sidewalk on the property to the north includes a sidewalk around the south side of the Verizon building and wraps around on the west side of the building. The request is to connect this sidewalk to the proposed development. The Light Depot has also requested the sidewalk at the store front of their building which would connect into the proposed development. The Light Depot indicated many pedestrians use the area. Staff is concerned this requested trail would empty into a two-way drive aisle that has no sidewalk connection.

There is a request for PUD flexibility with the application for parking lot islands. The code requires a parking island for every ten parking stalls, up to fifteen parking stalls. The applicant is requesting 16 stalls per parking island. The proposed spacing is similar to what currently exists on the site.

The proposed signage is to be consistent to the Aspen Dental/Caribou Coffee sign. The signs do not have matching stone elements and the poles are different color but are both a two-pole pylon.

Camping World proposes to have several RV parking and display stalls located on the site. The zoning ordinance for motor vehicle repairs and sales has many standards. Staff has reviewed the standards has found the request to be compliant with the standards with the addition of the conditions contained in the resolution.

The Utilities Commission has review the application and recommended approval contingent upon seven conditions which have been included in the approval. The Architectural Commission has reviewed the application and recommended approval, which is the next council agenda item. The Planning and Zoning Commission is recommending approval subject to having both signs being consistent and screening being added along the north property line.

Council Member Holman inquired if the signage square foot was amended in the course of the PUD to deviate from the code size requirements. Community Development Director Doty explained the PUD would be approving a ten-square foot overage from the code but would be compliant with the basic sign ordinance because of the ability to go upward based on the frontage width.

Council Member Holman explained the code requires islands for every ten parking stalls to provide shade and break up the impact the area of large parking. There are no islands or tress on the north RV parking area to meet the community driven value to break up a sea of vehicles on display. Community Development Director Doty explained the commission did not review but staff did as an outdoor display area. The RV parking area is proposed to be surrounded by landscaping. Due to the adjacent restaurants and the new residential project, is there a way to condition the sales parking area to building islands to function as a pedestrian north south crossing.

Community Development Director Doty clarified the RV parking spaces do not count towards the required parking spaces.

Tom Ryan, representing the applicant, explained the connectivity via a walkway could be striped along the east side of the RV display area. Camping World operates 200 stores nationwide and do not see a need for additional parking.

Tim Ramerth, WSN, explained the applicant would be willing to stripe a walkway along the east side of the RV parking area. The better solution would have been a sidewalk along Edgewood Drive. Council Member Cross explained the city should follow the code and require parking lot islands for every ten parking stalls and both signs should be consistent.

Rick Mileski, representing the Light Depot properties, explained there are a lot of pedestrians and an accessible pedestrian connection should be required.

Council Member Cross suggested the east pedestrian walkway should be constructed with a curb.

**MOTION** by Council Member Holman, to approve the planned unit development generally as presented with the following amendments: 1) to create a north south curb separated pedestrian connection on the easterly side of the parking area that would connect generally speaking from the Verizon sidewalk southward to the dental facility and connect into to the existing east west connectivity with similar design and ADA accommodations to allow for flow, and 2) installation of at least two parking islands between the east and west section of that east parking section and two parking islands between the east west section of the northwesterly section to create a tree curb separated parking island of like design of the regular parking island design, seconded by Council Member Cross with the amendment to add parking islands in the south customer parking area to not exceed the maximum of

ten parking stalls per island, Council Member Holman accepted the amendment. Council Member Barrows explained he is of the opinion the proposed shrubs are creating enough of a barrier and does not vision the north road going to the back of the RV area as a property site line. Further, the City has not required vehicle sales lots to install parking islands and the addition of this requirement is not consistent and nobody has objected to the vehicle sales lots. The connectivity is a nice added feature and the curb separation is wonderful. Mayor Olson explained he does not agree with some of the comments made tonight. Council Member Nystrom agreed connectivity with ADA compliance is important as is a raised separated walkway on the west side of the property. The applicant has proposed adequate landscaping. Vehicles traveling on TH 371 cannot see the far north area as driving past. Council Member Cross explained many of the large parking lots located throughout the City were installed prior to the adoption of the parking island requirements. Often when projects come forth they don't want to follow the rules. If the City does not want to follow the code, then consideration should be made to change the code.

Council Members Nystrom and Cross voting yes to the amendment and Council Members Barrows, Council Member Holman and Mayor Olson voting no. Amendment failed.

Council Members Cross and Holman voting yes and Council Member Nystrom, Council Member Barrows, and Mayor Olson voting no to Council Member Holman's motion. Motion failed.

**MOTION** by Council Member Barrows, seconded by Council Member Holman to Adopt Resolution 2017-090 approving a preliminary and final plat named "Fourth Addition To Baxter Wal-Mart Subdivision", Ordinance 2017-011 approving rezoning, and Resolution 2017-098 approving PUD Amendment to allow the existing multi-tenant retail building to be occupied by Gander Outdoors, Camping World and Overton's for property located at 14275 Edgewood Drive, subject to the facts and findings with the additional condition of including a sidewalk on the east side of the RV parking lot to have a separated curb walkway. Council Member Holman inquired if the City can address the remaining two-foot connection and the connection from the Light Depot front porch to the west. City Attorney Person explained the City cannot condition over the property line. Mayor Olson and Council Members Nystrom, Barrows, and Holman voting yes and Council Member Cross voting no. Motion carried.

**B. Approve Architectural Review Application for Gander Outdoors, Camping World and Overton's for property located at 14275 Edgewood Drive, based on the following condition:**

- 1. Submit verification that the white color shall be an off-white color to comply with the earth tone requirement of the ordinance**

**Community Development of overhead doors to make white met earth tone.**

Community Development Director Doty explained this is the same project and the architectural review for this project previously discussed with the addition of the overhead doors on the north side of the building. The Architectural Review Commission recommended approval subject to the white color meeting the earth tone requirements of the ordinance. Due to the addition of the north overhead doors, the review of the front facade was required and the existing front façade meet the ordinance.

**MOTION** by Council Member Cross, seconded by Council Member Barrows to Approve Architectural Review Application for Gander Outdoors, Camping World and Overton’s for property located at 14275 Edgewood Drive, based on the following condition: Submit verification that the white color shall be an off-white color to comply with the earth tone requirement of the ordinance. Motion carried unanimously.

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

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

Community Development Director Doty explained this is for the same project. The plat does include the standard five-foot drainage and utility easement on each side of the property. The request is to vacate the easement otherwise the easement is in the location of the RV parking.

Mayor Olson opened the Public Hearing at 8:17 p.m. Hearing no public comments, Mayor Olson closed the Public Hearing at 8:17:30 p.m.

**2. Adopt Resolution 2017-099 Approving vacation of a 5-foot wide Drainage and Utility Easement along the west property line of Lot 2, Block 1 and a 5-foot wide Drainage and Utility easement along the northerly 248.81 feet of the east property line of Lot 1, Block 1, Third Addition to Baxter Wal-Mart Subdivision**

**MOTION** by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2017-099 Approving vacation of a 5-foot wide Drainage and Utility Easement along the west property line of Lot 2, Block 1 and a 5-foot wide Drainage and Utility easement along the northerly 248.81 feet of the east property line of Lot 1, Block 1, Third Addition to Baxter Wal-Mart Subdivision. Motion carried unanimously.

**9. Council Comments**

**Mark Cross:** Reminded motorists to watch out for motorcycles.

**10. City Administrator’s Report**

City Administrator Chapulis reminded the Council of the upcoming Chamber breakfast meeting and League of Minnesota Cities regional meetings. The League of Minnesota Cities has released their proposed 2018 legislative agenda. City Administrator Chapulis asked council to share any comments with him or to contact League staff.

**11. City Attorney’s Report**

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

City Attorney Person asked the council to motion to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c) to discuss the purchase of property.

**MOTION** by Council Member Barrows, seconded by Council Member Holman to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c) at 8:15 p.m. Motion carried unanimously.

**MOTION** by Council Member Barrows, seconded by Council Member Holman to return to open session at 8:35 p.m. Motion carried unanimously.

City Attorney Person explained the council consensus of the closed session was to accept the offer to purchase property for the Nguyen property.

**MOTION** by Council Member Nystrom, seconded by Council Member Barrows to accept the Nguyen offer. Motion carried unanimously.

**B. Adopt Resolution No. 2017-096 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project**

**MOTION** by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution No. 2017-096 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project. Motion carried unanimously.

**C. Adopt Resolution 2017-097 Requesting Municipal State Aid Street Funds Advance**

**MOTION** by Council Member Holman, seconded by Council Member Barrows to Adopt Resolution 2017-097 Requesting Municipal State Aid Street Funds Advance. Motion carried unanimously.

**D. Adopt Resolution 2017-100 Authorizing the Presentation of Offers to Property Owners and to Acquire the Property Areas Needed for the Excelsior Road Improvement Project**

**MOTION** by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2017-100 Authorizing the Presentation of Offers to Property Owners and to Acquire the Property Areas Needed for the Excelsior Road Improvement Project. Motion carried unanimously.

**12. Adjourn**

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to adjourn at 8:37 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Kelly Steele  
Assistant City Administrator