

**BAXTER CITY COUNCIL MINUTES**  
**October 18, 2016**

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

COUNCIL MEMBERS ABSENT: Mayor Darrel Olson.

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 Trevor Walter.

**PUBLIC COMMENTS**

Dave Schonrock - 6056 Fairview Road

Mr. Schonrock addressed the speed limit and safety concerns on Fairview Road. He felt the City of Baxter owed it to the people on Fairview Road to reduce the speed limit to 30 mph. The white fog line will not save anyone's life and with homes every 100' for the ¼ of a mile the speed limit can be lowered.

Mr. Schonrock once again addressed the noise level as the train level is up to 145 decibels which is double the level limit. He felt that violators of the noise levels should be ticketed.

Mr. Schonrock commented on the franchise fees and felt this matter needed to be revisited and/or thrown out the door. The ditches installed on Fairview Drive ruined the look of the houses and made no difference as the water goes away very quickly.

Mr. Schonrock commented that back in 2011 a pamphlet came out for the ISD 181 budget. Vice Mayor Holman thanked him for his comments and explained the truth in taxation hearing that is coming up on December 5<sup>th</sup> at 6:00 p.m.

**CONSENT AGENDA**

- A. Approve City Council Minutes from October 4, 2016.
- B. Approve City Council Work Session Minutes from October 4, 2016.
- C. Approve the Payment of Bills and Finance Report.
- D. Accept with Gratitude a \$1,000 Donation form the Brainerd Kiwanis Club for the City's efforts supporting the Kiwanis Kids Triathlon.
- E. Accept Planning & Zoning Commission Minutes from October 11, 2016.
- F. Schedule a Public Hearing for Certification of Delinquent Utility Bills, Invoices, and Abatements for Tuesday, November 15, 2016 at 7:00 p.m., or shortly thereafter.
- G. Approve 2017 Delayed Payment of Tax on Special Assessments for Applicants with Eligible Hardships.

- H. Approve the appointment of Josh Pennington to the Parks and Trails Commission.
- I. Accept Utilities Commission Minutes from October 5, 2016.
  - 1. Approve the WSN Proposal for Engineering Services for the Forestview Area Stormwater Outlet Study in the lump sum fee of \$5,750.00 and as a short term solution pump the water to the south pond in Industrial Park Phase II without overflowing onto the county's tax forfeited property.
  - 2. Approve the WW Goetsch Backwash Recycle Pump Decanter in the amount of \$11,283.00.
  - 3. Approve the WSB Traffic Study Proposal for the Dellwood Drive Development and Adjacent Area in the not to exceed amount of \$10,150.00.
  - 4. Approve the Dakota Supply Group Change Order No. 1 in the increased amount of \$36,129.50 and a time extension request for the final completion date change from November 30, 2016 to December 31, 2016 for the 2016 Fixed Network Water Meter Replacement Project.
  - 5. Approve the Dakota Supply Group Partial Pay Estimate No. 2 in the amount of \$93,269.56 for the 2016 Fixed Network Water Meter Replacement Project.
  - 6. Approve the Anderson Brothers Change Order No. 2 in the increased amount of \$5,281.00 for the 2016 Golf Course Drive Improvements Project.
  - 7. Approve the Anderson Brothers Partial Pay Estimate No. 2 in the amount of \$410,194.36 for the 2016 Golf Course Drive Improvements Project.
  - 8. Approve the Anderson Brothers Final Pay Estimate No. 6 in the amount of \$33,463.68 for the 2015 Mill and Overlay Improvements Project.
  - 9. Approve the Anderson Brothers Partial Pay Estimate No. 4 in the amount of \$93,513.37 for the 2016 Fairview Road Improvements Project.
  - 10. Approve the SEH/Braun Intertec contract for soil borings in the not to exceed amount of \$12,870.00 for the 2018 Cypress Drive Improvements Project.
  - 11. Approve the Tri-City Paving Partial Pay Estimate No. 3 in the amount of \$61,757.17 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.
  - 12. Approve the WSN Agreement for Professional Engineering Services – Fee Amendment Request for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project in the increased amount of \$7,905.80 for a total not to exceed contract of \$172,314.80.
  - 13. Approve the WSN Proposal for Engineering Services for the Storm Water Pollution Prevention Plan Review in the lump sum amount of \$9,320.00.
- J. Adopt Resolution 2016-085, Providing for the Competitive Negotiated Sale of the \$2,310,000 General Obligation Improvement Bonds, Series 2016.

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

**PLANNING AND ZONING ACTIONS**

**Adopt Resolution No. 2016-086 approving conditional use permits for grading within a Shoreland Overlay District and to allow the construction of garage space greater than 1800 square feet for property located at 4587 Joler Road.**

Community Development Director Doty explained this is a request for a conditional use permit to construct a 1,152 square foot detached garage in addition to a proposed 882 square foot attached

garage and is requesting a conditional use permit to allow cumulative accessory building square footage to exceed 1,800 square feet. The applicant is also requesting a CUP to allow grading related to the construction of the accessory structure and the new home within the shoreland zoning district of an unnamed lake.

Mr. Doty reviewed the aerial map, site plan and grading plan, indicating that all setbacks are being met by Baxter code and the DNR regulations. He further explained the location of the detached garage and how it meets the code. There is plenty of screening between this lot and the neighbors, thus another reason for the detached garage location.

Vice Mayor Holman for clarification stated it was two issues, grading and the size of the garage but one resolution? Mr. Doty confirmed the resolution addressed both matters.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to adopt Resolution No. 2016-086 approving conditional use permits for grading within a Shoreland Overlay District and to allow the construction of garage space greater than 1800 square feet for property located at 4587 Joler Road. Motion carried unanimously.

### **COUNCIL COMMENTS**

No council comments were received.

### **CITY ADMINISTRATOR'S REPORT**

Interim City Administrator Steele reminded everyone of the Thursday, October 27<sup>th</sup> budget work session at 6:00 p.m.

### **CITY ATTORNEY'S REPORT**

#### **Closed Session under Minnesota Statutes 13D.05, Subd 3 (c) Attorney Client Privilege**

City Attorney Person asked council to go into a closed session to discuss negotiation of acquisition of property located at the intersection of County Road 77 and Inglewood Drive.

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to enter into a closed session at 7:27 p.m.

Vice Mayor Holman opened the regular meeting at 7:50 p.m.

City Attorney Person stated it was the consensus of the City Council to direct staff to relay back to the landowners that the City of Baxter is no longer interested in property acquisition or a land swap but will have staff pursue consideration of the utilities expansion as part of the Capital Improvements Plan in the area.

**MOTION** by Council Member Barrows, seconded by Council Member Cross to direct staff to relay back to the landowners that at this time the City of Baxter is no longer interested in property acquisition or a land swap but will have staff pursue consideration of the utilities expansion as part of the Capital Improvements Plan in the area. Motion carried unanimously.

**ADJOURNMENT**

**MOTION** by Council Member Cross, seconded by Council Member Nystrom to adjourn the Thursday, October 27<sup>th</sup> budget work session 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