

**BAXTER CITY COUNCIL MINUTES**  
**October 21, 2014**

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.

MEMBERS PRESENT: Mayor Darrel Olson and Council Members Mark Cross, Todd Holman, and Jim Klein.

MEMBERS ABSENT: Council Member Rob Moser

STAFF PRESENT: City Administrator Gordon Heitke, Assistant City Administrator Kelly Steele, Consulting City Engineer Aric Welch, Community Development Director Josh Doty, Public Works Director/City Engineer Trevor Walter, Police Chief Jim Exsted, and City Attorney Brad Person.

**CONSENT AGENDA**

- A. Approve City Council Minutes from October 7, 2014
- B. Approve City Council Work Session Minutes from October 7, 2014
- C. Approve the Payment of Bills and Finance Report
- D. Accept the Baxter Water Quality Project for the Whiskey Creek Tributary to The Mississippi River Feasibility Study
- E. Approve Policy for City of Baxter Public Access to Government Data and Rights of Subjects of Data Policy
- F. Accept Utilities Commission Minutes of October 8, 2014
  - 1. Approve the DeChantal Excavating Change Order No. 2 in the amount of \$1,705.25 for the Falcon Drive Improvements Project
  - 2. Approve the DeChantal Excavating Partial Pay Estimate No. 1 in the amount of \$146,822.85 for the Falcon Drive Improvements Project
  - 3. Approve the WSN Agreement for Professional Engineering and Land Surveying Services for Inglewood Drive from T.H. 210 to Excelsior Road in the not to exceed amount of \$11,000.00
  - 4. Approve the WSN Agreement for Professional Engineering and Land Surveying Services for Briarwood Drive in the not to exceed amount of \$4,250.00
- G. Accept Special Utilities Commission Minutes of October 13, 2014
  - 1. Approve the Pratt's Affordable Excavating and Borden Excavating Change Order No. 2 for the Woida Road, Wildflower Drive and Franklin Drive Street and Utility Improvements Project in the additional amount of \$41,154.00 and changing the substantial completion date from October 24, 2014 to November 12, 2014 and changing the final completion date from October 31, 2014 to November 21, 2014.
  - 2. Approve the Pratt's Affordable Excavating and Borden Excavating Partial Pay Estimate No. 3 in the amount of \$570,138.80 for the Woida Road, Wildflower Drive and Franklin Drive Project
- H. Approve Planning and Zoning Meeting Minutes from October 14, 2014

- I. Approve a mobile vending permit for Barefoot Burrito to operate a mobile vending unit at city-approved sites for the remainder of 2014
- J. Accept with Gratitude a \$1,000 Donation form the Brainerd Kiwanis Club for the City's efforts supporting the Kiwanis Kids Triathlon
- K. Approve hiring of Patrol Officer Jeremy Pape contingent upon him meeting the terms and conditions of employment
- L. Authorize Bill Ludenia Appraisals, Inc. to Conduct Appraisals on Parcels 13 & 15 for the Excelsior Road Improvement Project

**MOTION** by Council Member Cross, seconded by Council Member Holman to approve the Consent Agenda with the exception of agenda item G1. Approve the Pratt's Affordable Excavating and Borden Excavating Change Order No. 2 for the Woida Road, Wildflower Drive and Franklin Drive Street and Utility Improvements Project in the additional amount of \$41,154.00 and changing the substantial completion date from October 24, 2014 to November 12, 2014 and changing the final completion date from October 31, 2014 to November 21, 2014, and G2. Approve the Pratt's Affordable Excavating and Borden Excavating Partial Pay Estimate No. 3 in the amount of \$570,138.80 for the Woida Road, Wildflower Drive and Franklin Drive Project. Motion carried unanimously.

#### **PULLED AGENDA ITEMS**

**G1. Approve the Pratt's Affordable Excavating and Borden Excavating Change Order No. 2 for the Woida Road, Wildflower Drive and Franklin Drive Street and Utility Improvements Project in the additional amount of \$41,154.00 and changing the substantial completion date from October 24, 2014 to November 12, 2014 and changing the final completion date from October 31, 2014 to November 21, 2014.**

City Administrator Heitke requested the Council pull agenda item G1. City Administrator Heitke explained agenda items G1 and G2 were discussed during the work session and this item is for action so council needs to resume the discussion on both pay requests, which then also affects the amount of payment. City Administrator Heitke summarized that after removing \$14,904 from the payment request, and ending up with an amount for those remaining items related to services and hydrant removal attributable to utilities, is \$26,250, as recommended by the Utilities Commission. Consulting Engineer Welch is recommending \$3,100 less than this amount. The Public Work Director/City Engineer recommended Council accept Consulting Engineer Welch's recommendation due to the contractor not having supporting documents to substantiate a different amount. The contractor had originally requested an additional 33 connections at \$1,200 each, but agreed to reduce to 15 connections at \$850 each. Consulting Engineer Welch explained only the south side of Woida caused problems so numbers were reduced due to his recommendation.

**MOTION** by Council Member Klein, seconded by Council Member Holman to approve Pratt's Affordable Excavating and Borden Excavating Change Order No. 2 for the Woida Road, Wildflower Drive and Franklin Drive Street and Utility Improvements Project in the additional amount of \$23,150, as recommended by the consulting city engineer. Motion carried unanimously.

City Administrator Heitke explained the second pulled agenda item relates to extending the project substantial completion date and final completion date. Consulting Engineer Welch recommends extending the substantial completion date to November 7, 2014 and the final completion date to November 14, 2014. The Utilities Commission recommended extending the substantial completion date

to November 14, 2014 and the final completion date to November 21, 2014. Consulting Engineer Welch explained his recommendation is based on the additional time to work around the additional utilities and the city requested items. The Council can review additional project extension requests in the future, if needed. The cement shortage may cause the contractor to ask for additional time.

**MOTION** by Council Member Holman, seconded by Council Member Klein to accept the consulting engineer's recommendation of changing the substantial completion date from October 24, 2014 to November 7, 2014 and changing the final completion date from October 31, 2014 to November 14, 2014. Motion carried unanimously.

**G2. Approve the Pratt's Affordable Excavating and Borden Excavating Partial Pay Estimate No. 3 in the amount of \$570,138.80 for the Woida Road, Wildflower Drive and Franklin Drive Project.**

Public Works Director/City Engineer Walter requested the Council pull the agenda item. Based on the discussion to reduce change order number two, the amount for approval of pay estimate number three is \$533,100.22. Change order number two will be updated and brought back for council consideration based on tonight's discussion.

**MOTION** by Council Member Cross, seconded by Council Member Holman to approve the Pratt's Affordable Excavating and Borden Excavating Partial Pay Estimate No. 3 in the amount of \$533,100.21 for the Woida Road, Wildflower Drive and Franklin Drive Project. Motion carried unanimously.

**OTHER BUSINESS**

**Planning & Zoning Actions**

**Adopt Resolution No. 2014-82 Approving Findings of Fact and Ordinance No. 2014-22 and Summary Ordinance No. 2014-23 for a zoning ordinance text amendment to allow accessory buildings that are not compatible with the principal structure in the F, Commercial Forestry district and adopt Resolution No. 2014-83 approving an interim use permit to allow a private stable for property located at 4264 Mapleton road**

Community Development Director Doty explained the request involves two applications. The first application is a city request to amend the text of the zoning ordinance for accessory buildings and the second is by the Silvernails to allow a private stable for their property located at 4264 Mapleton Road. Zoning allows private stables with an interim use permit, provided the property is 300 feet from any property line. With this request, the applicant is requesting the permit for 15 years. Pastures are also required to meet setbacks. The Planning and Zoning Commission has review the application and recommends approval.

**MOTION** by Council Member Cross, seconded by Council Member Klein to adopt Resolution No. 2014-82 Approving Findings of Fact and Ordinance No. 2014-22 and Summary Ordinance No. 2014-23 for a zoning ordinance text amendment to allow accessory buildings that are not compatible with the principal structure in the F, Commercial Forestry district and adopt Resolution No. 2014-83 approving an interim use permit to allow a private stable for property located at 4264 Mapleton road. Motion carried unanimously.

**Adopt Resolution No. 2014-84 Denying a variance to allow a recreational vehicle port structure and variance to allow accessory structure square footage to exceed 1,800 square feet for property located at 6259 Clearwater Road**

Community Development Director Doty explained the applicant has requested approval to allow a recreational vehicle port structure and to allow the accessory structure square footage to exceed 1,800 square feet at 6259 Clearwater Road. Community Development Director Doty further explained there are no practical difficulties in complying with the Zoning Ordinance. Under the proposal, the applicant's accessory structures would exceed the maximum allowed by approximately 1,431 square feet. The applicant can park the recreational vehicle on the property without a roof. The City standard for detached garages limits the overhead door height to nine feet. The proposed structure would be open to the roof height of 14 feet. There is an inconvenience to the property owner that they cannot build a roof structure over their recreational vehicle, but the practical difficulty is created by the property owner. The variance would not be in harmony with the general purposes and intent of the ordinance because the combination of multiple accessory structures on the property would total 3,231 square feet, with a building not consistent with the home. The Comprehensive Plan and Zoning Ordinance do not allow recreational vehicle port structures because the lack of walls is not a consistent construction or design with the home. In addition, the zoning ordinance specifically prohibits overhead garage doors exceeding nine feet in height. The Planning and Zoning Commission recommended denial of both requests.

**MOTION** by Council Member Holman, seconded by Council Member Cross to Adopt Resolution No. 2014-84 Denying a variance to allow a recreational vehicle port structure and variance to allow accessory structure square footage to exceed 1,800 square feet for property located at 6259 Clearwater Road. Motion carried unanimously.

**Adopt Resolution No. 2014-85 Approving Findings of Fact, Ordinance No. 2014-24, and Summary Ordinance No. 2014-25 for zoning ordinance amendments to the administrative standards and building moving standards**

Community Development Director Doty explained the amendment request has been initiated by the City. The zoning ordinance amendments are recommended for the administrative sections and for moving buildings into the City. The amendment would consolidate the administrative process into one chapter and add variance standards based on practical difficulties. The standards would be updated for moving or relocating buildings in the City. The amendment would provide an administrative extension of development approvals for one year. The Planning and Zoning Commission has recommended approval on October 14, 2014, subject to the attached findings in the proposed resolution. Council Member Holman asked if a use has been approved and not acted upon within one year, prior to approving the second year, can the city review the prior approval in relation to changes to zoning code or the comprehensive plan. Community Development Director Doty explained we could add a statement.

**MOTION** by Council Member Holman, seconded by Council Member Klein to Adopt Resolution No. 2014-85 Approving Findings of Fact, Ordinance No. 2014-24, and Summary Ordinance No. 2014-25 for zoning ordinance amendments to the administrative standards and building moving standards. Motion carried unanimously.

**COUNCIL COMMENTS**

**Darrel Olson:** Last night staff hosted the first of two sales tax informational meetings. A second newsletter will be mailed to residents and property owners. City Administrator Heitke has explained the question been on the radio. The radio will also provide public service announcements regarding the sales tax ballot question. Mayor Olson urged everyone to vote.

**CITY ADMINISTRATOR**

City Administrator Heitke explained earlier in the work session, the council discussed the Isle Drive extension project. Staff will work on scheduling a second meeting date and will update the council.

**ADJOURNMENT**

**MOTION** by Council Member Cross, seconded by Council Member Holman to adjourn at 7:29 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/Clerk