

BAXTER CITY COUNCIL MINUTES
November 15, 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, and Public Works Director Trevor Walter.

PUBLIC COMMENTS

No public comments were received.

CONSENT AGENDA

- A. Approve City Council Minutes from November 1, 2016.
- B. Approve City Council Work Session Minutes from November 1, 2016.
- C. Approve the Payment of Bills and Finance Report
- D. Accept the Utilities Commission Minutes from November 2, 2016.
 1. Approve the DeChantal Excavating Two Year Snow Removal Contract.
 2. Accept the Mattress Firm Development Project and release the InSite Development Bond No. 1137924 contingent on submittal of the as-built drawings.
 3. Approve the Northwoods Drive Development Traffic Study.
 4. Approve the Fruth Property Site Plan Traffic Review as an amendment to the Excelsior Road Transportation Supplemental Traffic Analysis No. 2.
 5. Approve the street light request on the 90° corner of Franklin Drive.
 6. Approve the Dakota Supply Group Partial Pay Estimate No. 3 in the amount of \$100,362.13 for the 2016 Fixed Network Water Meter Replacement Project.
 7. Approve the Anderson Brothers Partial Pay Estimate No. 5 in the amount of \$30,070.21 for the 2015 Fairview Road Improvements Project.
 8. Approve the Bolton & Menk Agreement for Professional Engineering Services Fee Amendment Request for the 2016 Golf Course Drive Improvements Project in the increased amount of \$23,564.00.
 9. Approve the Anderson Brothers Change Order No. 3 in the increased amount of \$9,728.60 for the 2016 Golf Course Drive Improvements Project.
 10. Approve the Anderson Brothers Partial Pay Estimate No. 3 in the amount of \$277,237.85 for the 2016 Golf Course Drive Improvements Project.
 11. Approve the Bolton & Menk Proposal for Engineering Services for the 2017 Sealcoat Project in the not to exceed amount of \$43,000.00.
 12. Approve the Tri-City Paving Change Order No. 3 in the increased amount of \$5,417.50 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project.

13. Approve the Tri-City Paving Final Pay Estimate No. 4 in the amount of \$48,935.79 for the 2016 Mill & Overlay, Full Depth Reclamation and Right Turn Lane Construction Project contingent on the roller marks on Cedardale Lane have been repaired.
14. Approve the R.L. Larson Excavating Change Order No. 4 in the increased amount of \$18,524.10 for the 2015 Dellwood Drive and Novotny Road, Inglewood Drive and Independence Road Improvements Project.
15. Approve the R.L. Larson Excavating Partial Pay Estimate No. 7 in the amount of \$59,112.12 for the 2015 Dellwood Drive & Novotny Road, Inglewood Drive and Independence Road Improvements Project.
16. Approve the WSN Proposal for Electrical Engineering Services for ARC Flash Evaluation for the City of Baxter Water and Sanitary Sewer Utilities in the Lump Sum of \$14,450.00.
17. Approve the WSN Agreement for Professional Services for the 2021 Inglewood Drive Railway Crossing STP Funding Assistance in the lump sum amount of \$2,450.00.
18. Approve the WSN Proposal for the 2017 Excelsior Road Feasibility Report from Inglewood Drive to Forest Drive in the Not to Exceed amount of \$9,880.00.
19. Approve the WSN Agreement for Professional Services for the 2016 Excelsior Road Roundabout Preliminary Survey in the Not to Exceed amount of \$14,750.00.
- E. Adopt Resolution 2016-087, Reauthorizing Membership in the 4M Fund.
- F. Accept Market Study Completed by Springsted.
- G. Authorize Execution of Special Assessment Agreement for Lots 1 thru 4 & 25 thru 27 Block 2 Johnson's Addition to Baxter.
- H. Elect Not to Waive the Monetary Limits on Municipal Tort Liability Established by State Statutes with the 2017 LMCIT Insurance Renewal.
- I. Accept Planning & Zoning Commission Minutes from November 9, 2016.

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

OTHER BUSINESS

CITY ADMINISTRATOR SEARCH PROCESS

Gary Weiers reviewed the posting of the City Administrator position and the next step in the process. The position profile had been updated, the timeline and process was reviewed. Mr. Weiers stated that no action needed to be taken on the interview process at tonight's meeting.

The posting of the City Administrator position will be in the middle of December and will run until the middle of January 2017. Mr. Weiers inquired on the enhancement of the department head input, formal interview and to provide some feedback.

PLANNING AND ZONING ACTIONS

Adopt Resolution 2016-091 approving a Preliminary and Final Plat of Mills Addition to Baxter and Resolution 2016-092 and Resolution 2016- 093 approving Conditional Use Permits for two principal uses on a single lot and joint access/parking/lighting, and Variances for: 1) drive isle and parking setbacks; 2) structure setbacks; and 3) impervious surface coverage for properties located at 14138, 14086 and 14114 Dellwood Drive

Community Development Director Doty reviewed the items associated with the preliminary and final plat for Mills Addition to Baxter. Mr. Doty explained this is a "paper plat" only, as no physical alterations to the property are proposed with this application. The plat will combine four lots into two

lots, creating one legal lot on which Mills GM will be located and one on which Mills Fleet Farm and Mills Gas Mart will be located.

Mill's Family Attorney Gary Edison gave a brief history as to why the subdivision is occurring with the sale of the Fleet Farm Store. Mr. Edison stated that the one condition on approval of the plat is problematic, which is the 2 hour fire rating on the outside storage racking system and he is currently working on with staff to resolve. WSN Architect Mike Anglin, representing with Mills Fleet Farm, stated that the company is looking forward to working with staff on these issues.

MOTION by Council Member Cross, seconded by Council Member Barrows to adopt Resolution 2016-091 approving a Preliminary and Final Plat of Mills Addition to Baxter and Resolution 2016-092 and Resolution 2016-093 approving Conditional Use Permits for two principal uses on a single lot and joint access/parking/lighting, and Variances for: 1) drive isle and parking setbacks; 2) structure setbacks; and 3) impervious surface coverage for properties located at 14138, 14086 and 14114 Dellwood Drive. Motion carries unanimously.

Adopt Resolution 2016-094 approving Conditional Use Permits for two drive-through businesses and for joint access/parking to allow the development of two, multi-tenant retail buildings named Northwoods Crossing located at 15146 Dellwood Drive and the adjacent vacant lot to the south

Community Development Director Doty reviewed the project location which is the former Wells Fargo site. The project area will have two drive-thru businesses and joint parking for two 6,000 square feet, multi-tenant retail buildings. The buildings are planned for a mix of service retail and restaurants. One building would be developed on the Wells Fargo building site and the second one will be constructed on the undeveloped lot next to Country Inn and Suites.

Mr. Doty stated that adding a new northerly access will need to be approved by Menards since the road, which the driveways access is actually a Menards' private driveway. Menards needs to be part of the conditional use permit for joint access.

WSB did a traffic study for the project area which looked at crash data and traffic volumes at the area and the main access point of Woida Road and Highway 371. The traffic analysis found the weekday morning and afternoon peak hours expected in 2018 will not exceed available turn lane storage or block driveways. Recommendations included restriping Dellwood Drive to add a center left-turn lane from Woida north to the Menards' access.

Culvers Representative David Liedl expressed concern for the access, which lines up with Culver's drive aisle leading to its parking lot and drive-thru and increased traffic congestion. Mr. Liedl explained the morning traffic at the restaurant and with the existing traffic on any given day entails seeing a number of vehicles with trailers headed to or from the Menards' garden center and access to building materials.

Council Member Cross reviewed the Utilities Commission concerns and recommendations from the November 2, 2016 meeting. WSN Representative Chad Conner stated the Utilities Commission had an extensive conversation with regards to the traffic flow within the development and this layout seemed to be the best fit for traffic movement in the development area.

Council Member Barrows stated that this area will be congested since it is a very busy street. The design layout is probably the best that can be achieved in that particular area and certainly we want to have economic development but that will become a very congested spot in the city. Council Member Barrows said those leaving the new development using the north access by Culver's who want to turn left may also see a problem.

Mr. Doty stated that if the council was interested in right of way for a future right turn it may want to add that language. Mayor Olson stated that having six businesses going in there is great to have the economic development but when the traffic movement fails it will be back on the city.

Mayor Olson wanted to make sure that everything has been thought through. He certainly wants to see the development but expressed the concerns of the neighboring businesses. Council Member Barrows said one thought was to see if Menards would be interested in making the street a one-way but that wasn't part of the discussion to this point.

Bradford Northwoods Development owner Bill Bradford stated that he hoped the council would take into consideration the economic impact to the community and to the county as well. Everyone has worked very hard in coming up with a site plan that makes sense and that makes best use of both of the lots. Mr. Bradford stated that from the renditions and the drawings, this development is going to be a great addition.

Council Member Holman stated this is an infill project in the city and meets the zoning codes on all fronts and was adapted with conditions. He felt the City had done its due diligence and the findings support approval of the project.

MOTION by Council Member Holman, seconded by Council Member Barrows to adopt Resolution 2016-094 approving Conditional Use Permits for two drive-through businesses and for joint access/parking to allow the development of two, multi-tenant retail buildings named Northwoods Crossing located at 15146 Dellwood Drive and the adjacent vacant lot to the south. Motion carried unanimously.

Discussion: Council Member Cross asked if the easement for the right turn lane was enough or if there should be a note that if the right turn lane was needed the developer would pay for it. Council Member Holman stated the resolution he is approving includes the right-turn lane; however, Council Member Cross said his concern was when the lane needed to be constructed, who would pay for it.

Approve architectural plans for Northwoods Crossing located at 15146 Dellwood Drive

Community Development Director Doty gave a brief review of the architectural plans for the proposed development. Mr. Doty had no concerns and recommended approval of the plans.

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve architectural plans for Northwoods Crossing located at 15146 Dellwood Drive. Motion carried unanimously.

Approve revised architectural plans for HJ Development located at 13499 Elmwood Drive, South of Costco

Community Development Director Doty gave a brief review of the revised architectural plans for the HJ Development on Elmwood Drive. Mr. Doty had no concerns and recommended approval of the plans.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to approve revised architectural plans for HJ Development located at 13499 Elmwood Drive, South of Costco. Motion carried unanimously.

ACCEPT THE ABSTRACT OF VOTES CAST IN THE PRECINCTS OF BAXTER FOR THE ELECTION HELD NOVEMBER 8, 2016 AND DECLARE THE RESULTS OF THE ELECTION

Interim Administrator Steele presented the abstract of votes for the precincts of Baxter from the November 8, 2016 election.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to accept the Abstract of Votes Cast in the Precincts of Baxter for the election held November 8, 2016 and declare the results of the election. Motion carried unanimously.

CERTIFICATION OF DELINQUENT UTILITY BILLS, INVOICES AND NUISANCE ABATEMENTS

Finance Director Vacinek explained the Council has before them a list of delinquent utility bills, invoices, and abatement charges that are 90 days past due. Typically, the city certifies the delinquent charges twice per year. The Council is required to hold a public hearing before adopting the assessments.

Mayor Olson opened the public hearing at 7:08 p.m. There was no one present to speak to the matter and the public hearing was closed at 7:08:15 p.m.

MOTION by Council Member Holman, seconded by Council Member Nystrom to adopt Resolution 2016-088, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges. Motion carried unanimously.

SALE OF \$2,225,000 G.O. IMPROVEMENT BONDS, SERIES 2016

Finance Director Vacinek reviewed the sale of the Series 2016 Improvement Bond in order to finance the costs incurred to construct the projects in 2016. Moody's Investors Service has reaffirmed the Aa3 rating to the 2016 bonds and on the City's existing outstanding debt.

There were five (5) bidders on the bond sale and the United Bankers Bank of Bloomington was the low bidder. The finance department will be sending out revised record of assessments to show savings on interest.

MOTION by Council Member Cross, seconded by Council Member Holman to adopt Resolution 2016-089, Providing for the Issuance and Sale of \$2,225,000 General Obligation Improvement Bonds, Series 2016. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Holman to adopt Resolution 2016-090, Setting Special Assessment Terms and Interest Rate on 2016 Improvement Projects. Motion carried unanimously.

COUNCIL COMMENTS

Quinn Nystrom - Update on community health board. Extended her congratulations to the three gentlemen on their re-election and to the continuation of serving the residents of Baxter. Cuyuna Medical Center is doing a free event at the Northland Arboretum with regards to diabetes.

Steve Barrows – Congratulations to the re-elected council members. Thanked Officer Huntley for her assistance with a recent incident.

Todd Holman – It has been an honor and privilege to serve the residents and thank you for allowing me to continue to serve.

Mark Cross – Thanked everyone who voted. Big things to going to happen and he is very glad to be a part of it.

Darrel Olson – Thanked everyone who voted and the council tries very hard to do it right. Mayor Olson read a Proclamation for the Salvation Army for the 2016 Brainerd Lakes Salvation Army Bell Ringer Season.

MOTION by Council Member Nystrom, seconded by Council Member Barrows to proclaim November 18 through December 24, 2016, as Brainerd Lakes Salvation Army Bell Ringer Season. Motion carried unanimously.

CITY ATTORNEY REPORT

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

City Attorney Person asked council to go into a closed session to discuss labor negotiations.

MOTION by Council Member Cross, seconded by Council Member Nystrom to enter into a closed session at 8:10 p.m.

Mayor Olson opened the regular meeting at 8:37 p.m.

City Attorney stated it was the consensus of the City Council to continue with the ongoing labor negotiations, no conclusions.

ADJOURNMENT

MOTION by Council Member Holman, seconded by Council Member Barrows to adjourn at 8:38 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant