

BAXTER CITY COUNCIL MINUTES
November 17, 2015

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: City Administrator Gordon Heitke, Community Development Director Josh Doty, Chief of Police Jim Exsted, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter

CONSENT AGENDA

- A. Approve City Council Minutes from November 3, 2015
- B. Approve City Council Work Session Minutes from November 3, 2015
- C. Approve the Payment of Bills and Finance Report
- D. Approve Resolution 2015-111 Ordering Preparation of Report on 2016 Fairview Road and Parallel Trail Improvement Project
- E. Authorize Contract Execution for Employee Participation with Colonial Life & Accident Insurance Company
- F. Accept Utilities Commission Minutes from November 4, 2015
 - 1. Approve the R. L. Larson Excavating Partial Pay Estimate No. 6 in the amount of \$262,319.00 for the 2015 Isle Drive Extension Improvements Project
 - 2. Approve the Anderson Brothers Partial Pay Estimate No. 5 in the amount of \$62,864.45 for the 2015 Excelsior Road Improvements Project
 - 3. Approve the Anderson Brothers Change Order No. 1 in the amount of \$218,800.00 for the 2015 Mill and Overlay Improvements Project and extend the completion date to May 27, 2016
 - 4. Approve the Anderson Brothers Partial Pay Estimate No. 3 in the amount of \$956,162.59 for the 2015 Mill and Overlay Improvements Project
 - 5. Approve the R. L. Larson Excavating Partial Pay Estimate No. 2 in the amount of \$527,625.99 for the 2015 Dellwood Drive, Novotny Road, Inglewood Drive and Independence Road Improvements Project
 - 6. Approve the Pratts Affordable Excavating Partial Pay Estimate No. 1 in the amount of \$95,986.00 for the 2015 Forest Drive Area Stormwater Improvements Project
 - 7. Approve the Anderson Brothers Construction Final Pay Estimate No. 1 in the amount of \$76,998.08 for the 2015 Lift Station No. 7 Reconstruction Project

8. Approve the WSN Agreement for Professional Engineering Services for the 2016 Dellwood Drive Area Improvements Project from Novotny Road to CSAH 49 in the not to exceed amount of \$3,500.00
 9. Approve the private Fiber Optic Limited Use Agreement for 7789 Hastings Road and 7790 Hastings Road
 10. Approve the 2015 Crow Wing County Striping Contract in the amount of \$20,782.52
 11. Approve the 2015 Crow Wing County Seal Coat Contract in the amount of \$191,100.51
 12. Approve the WSN Proposal for Region 5 2020 Grant Application for the Inglewood Drive Railroad Crossing Improvement Project in the not to exceed amount of \$5,100.00
- G. Accept Planning Commission Minutes from November 10, 2015
 - H. Adopt Resolution 2015-109, Calling for the Redemption of the General Obligation Improvement Bonds, Series 2007B
 - I. Adopt Resolution 2015-110, Providing for the Competitive Negotiated Sale of the \$8,775,000 General Obligation Improvement and Tax Increment Bonds, Series 2015
 - J. Approve the Appointment of Timothy Carroll as a Police Officer at the Entry Level Wage
 - K. Approve Letter Confirming BNSF Conditions of Cypress Railroad Crossing
 - L. Approve the R.L. Larson Excavating Change Order No. 2 Change in Contract Time for the 2015 Dellwood Drive, Novotny Road, Inglewood Drive, and Independence Road Improvement Project

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda with the exception of agenda items D and F9. Motion carries unanimously.

Council Member Holman asked to pull agenda item D for clarification of what the resolution is approving. City Administrator Heitke explained adopting the resolution would order consulting engineer Scott Hedlund to prepare the Fairview Road and parallel trail feasibility report. The resolution is not to adopt the report.

MOTION by Council Member Holman, seconded by Council Member Cross to Approve Resolution 2015-111 Ordering Preparation of Report on 2016 Fairview Road and Parallel Trail Improvement Project. Motion carries unanimously.

Council Member Cross asked to pull agenda item F9 to inquire how this affects a future franchise fee. City Administrator Heitke explained the franchise fee has been limited to gas and electric. Attorney Person explained this is a private service and the second one the city has approved. The service is for two buildings, not other users.

MOTION by Council member Cross, seconded by Council Member Barrows to approve the private Fiber Optic Limited Use Agreement for 7789 Hastings Road and 7790 Hastings Road. Motion carries unanimously.

OTHER BUSINESS

Certification of Delinquent Utility Bills, Invoices, and Abatements Public Hearing at 7:00 p.m. or shortly thereafter

Finance Director Vacinek explained historically the city has certified unpaid delinquent utility bills to the property owner's property taxes twice per year for collection the following year as authorized under state law. In addition, the city certifies unpaid services related to the rental inspection program and other outstanding nuisance abatement charges. As required, a notice of the public hearing when the certification will be considered is sent to the property owner. After holding the public hearing, the council considers adopting the proposed resolution to certify the outstanding delinquent balance with accrued interest and fees to the following year's property taxes.

Mayor Olson opened the public hearing at 7:08 p.m. Hearing no public comments, Mayor Olson closed the public hearing at 7:08:15 p.m.

Consider Adoption of Resolution 2015-108, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges

MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt Resolution 2015-108, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges. Motion carries unanimously.

Planning and Zoning Items

Adopt Resolution 2015-112 Approving Conditional Use Permits to allow a nonconforming structure on a riparian lot to be enlarged, to allow an accessory structure on a nonconforming lot, and to allow grading in a shoreland area and Variance to allow an accessory structure within the setback to White Sand Lake and to allow a non-conforming use to be enlarged for property located at 5220 Fairview Road

Community Development Director Doty explained the request is to allow the expansion of an existing home on White Sand Lake and to allow for the construction of a new garage. The Planning and Zoning Commission has recommended approval with the proposed conditions. Council Member Barrows explained a letter of support has been received from a neighbor to the proposed property.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2015-112 Approving Conditional Use Permits to allow a nonconforming structure on a riparian lot to be enlarged, to allow an accessory structure on a nonconforming lot, and to allow grading in a shoreland area and Variance to allow an accessory structure within the setback to

White Sand Lake and to allow a non-conforming use to be enlarged for property located at 5220 Fairview Road. Motion carries unanimously.

COUNCIL COMMENTS

Quinn Nystrom: Council Member Nystrom explained November is National Diabetes Month. Next Tuesday, November 24th from 6:00 p.m. to 7:30 p.m. she will be hosting a town hall meeting at The Journey North Community Church. Congressman Rick Nolan will be a guest speaker. Everyone is invited to attend.

Steve Barrows: Council Member Barrows explained he attended a GTS land use training session. Council Member Barrows thanked Community Development Director Doty for arranging his attendance and he encouraged others to attend the training.

Todd Holman: Council Member Holman complimented staff for completing numerous projects.

Darrel Olson: Mayor Olson thanked residents for their understanding while the city was completing many street projects. Mayor Olson explained the projects were needed and it was better to complete them in one year than to spread the inconvenience out over several years.

CITY ATTORNEY'S REPORT

Closed Session under MN Statute 13D.05, Subd. 3(c)(3) to develop an offer for the purchase of real property.

City Attorney Person explained the council would be going into a closed session under Minnesota Statute 13D.05, subd. 3 (c) (3) to develop an offer for the purchase of real property.

MOTION by Council Member Barrows, seconded by Council Member Cross to enter a closed session at 7:20 p.m. Motion carries unanimously.

Mayor Olson opened the regular meeting at 7:25 p.m.

Attorney Person explained he is looking for three motions based upon the consensus reached during the closed session.

MOTION by Council Member Holman, seconded by Council Member Barrows to approve the agreement with 15737 Audubon Way. Motion carries with Council Members Nystrom, Barrows, Holman and Mayor Olson voting yes and Council Member Cross abstaining.

MOTION by Council Member Barrows, seconded by Council Member Cross to approve the agreement with Steven G. Mau and Maureen D. Mau. Motion carries unanimously.

MOTION by Council Member Cross, seconded by Council Member Holman to approve the agreement with Positive Realty and Investments. Motion carries unanimously.

ADJOURNMENT

MOTION by Council Member Barrows, seconded by Council Member Nystrom to adjourn the meeting at 7:29 p.m. to the 2016 Budget and Levy Informational Meeting on Monday, November 30, 2015 at 6:00 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk