

BAXTER CITY COUNCIL MINUTES
November 20, 2018

1. Call Meeting to Order

Vice Mayor Todd Holman called the meeting to order at 7:00 p.m.

2. Roll Call

Vice Mayor Todd Holman and Council Members Quinn Nystrom, Steve Barrows, and Mark Cross were present. Mayor Darrel Olson was absent.

Administrator Brad Chapulis, Finance Director Jeremy Vacinek, Assistant City Administrator Kelly Steele, Public Works Director Trevor Walter, Police Chief Jim Exsted, IT/GIS Director Todd DeBoer, and Community Development Director Josh Doty were present.

3. Pledge of Allegiance

All joined Vice Mayor Holman in the Pledge of Allegiance

4. Additions or Changes to the Agenda

City Administrator Chapulis explained there are none.

5. Public Comments

None.

6. Consent Agenda

- A. Approve City Council Minutes from November 7, 2018
- B. Approve City Council Work Session Minutes from November 7, 2018
- C. Approve City Council Special Minutes from November 14, 2018
- D. Approve the Payment of Bills and Finance Report
- E. Accept Planning Commission Minutes for November 13, 2018
- F. Authorize Staff to Execute Service Agreement with Vision by Granicus for Website Hosting, Design and Development
- G. Accept Utilities Commission Minutes for November 8, 2018
 1. Approve the KLM Engineering, Inc. Partial Pay Estimate No. 2 in the amount of \$285,000.00 for the 2018 North Water Tower Rehabilitation Improvements Project.
 2. Approve the Bolton & Menk Proposal for Fee Amendment No. 3 for Construction Engineering Services in the amount of \$24,691.00 for the 2018 Lift Station No. 3 Re-route Improvements Project.
 3. Approve the GM Contracting, Inc. Change Order No. 1 in the increased amount of \$776.00 for the 2018 Lift Station No. 3 Re-route Improvements Project.
 4. Approve the GM Contracting, Inc. Change Order No. 2 for a two-week time extension for the 2018 Lift Station No. 3 Re-route Improvements Project.
 5. Approve the GM Contracting, Inc. Change Order No. 3 in the increased amount of \$4,800.00 for the 2018 Lift Station No. 3 Re-route Improvements Project.
 6. Approve the GM Contracting, Inc. Change Order No. 4 in the increased amount of \$800.00 for the 2018 Lift Station No. 3 Re-route Improvements Project.
 7. Approve the Landwehr Construction Inc. Partial Pay Estimate No. 4 in the amount of \$1,242,221.51 for the 2018 Cypress Drive Improvements Project.

8. Approve the Pratt's Affordable Excavating, Inc. Change Order No. 6 in the increased amount of \$50,831.23 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.
9. Approve Pratt's Affordable Excavating, Inc. Partial Pay Estimate No. 8 in the amount of \$507,427.23 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.
10. Approve the WSB Proposal for Additional Engineering Services in the amount of \$19,770.00 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
11. Approve Anderson Brothers Construction Partial Pay Estimate No. 4 in the amount of \$613,889.94 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
12. Approve the WSB Whiskey Creek Grant Writing Proposal in the amount of \$10,100.00 for the 2019 – 2020 Baxter Water Quality Project for the Whiskey Creek Tributary.
13. Approve the WSN Agreement for Professional Engineering Services in the lump sum amount of \$13,600.00 for the Water Treatment Plant Filter 2 and 4 Media Replacement.
14. Approve the Holden Electric Partial Pay Estimate No. 1 on the amount of \$3,890.00 for the Water Treatment Plant Generator Improvements Project.
- H. Elect Not to Waive the Monetary Limits on Municipal Tort Liability Established by State Statutes with the 2019 LMCIT Insurance Renewal
- I. Approve Hildi Inc. Contract to Provide a Required OPEB Actuarial Valuation Study in Conjunction with GASB 74 and 75
- J. Adopt Resolution 2018-102 Receiving Amended Feasibility Report and Calling Hearing on Improvement for the 2019 Memorywood Drive Improvement Project
- K. Adopt Resolution 2018-103 Ordering Preparation of Report on 2019 Mill and Overlay and Full Depth Reclamation Improvement Project
- L. Adopt Resolution 2018-104 Receiving Feasibility Report and Calling Hearing on Improvement for the 2019 Mill and Overlay and Full Depth Reclamation Improvement Project
- M. Adopt Resolution 2018-105 Receiving Amended Feasibility Report and Calling Hearing on Improvement for the 2019 South Interceptor and North Forestview Area Improvement Project
- N. Approve Prosecution Services Agreement

Council Member Cross asked to pull Consent Agenda Item M.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to approve the Consent Agenda, excluding Consent Agenda Item M. Motion carried unanimously.

7. Pulled Agenda Items

MOTION by Council Member Cross, seconded by Council Member Barrows to approve Consent Agenda Item M, to complete an appraisal study for the properties outlined on the feasibility report, and to hold the improvement hearing on Thursday, December 20 at 6:00 p.m.

8. Other Business

A. Certification of Delinquent Utility Bills, Invoices, and Abatements

Finance Director Vacinek explained semiannually the city certifies unpaid delinquent utility bills, invoices, and abatements to Crow Wing County for payment with the following year's property taxes. As required, a notice of the public hearing when the certification will be considered was sent to the property owners. After holding the public hearing, the council considers adopting the resolution to certify the outstanding delinquent balance with accrued interest and fees to the following year's property taxes. A listing of outstanding, delinquent accounts and invoices has been provided to the council.

1. Public Hearing at 7:00 p.m. or shortly thereafter

Vice Mayor Holman opened the public hearing at 7:10 p.m. Hearing no comments from the public, Vice Mayor Holman closed the public hearing at 7:11 p.m.

2. Consider Adoption of Resolution 2018-101, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2018-101 Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges. Motion carried unanimously.

B. Planning and Zoning Actions

1. Adopt Resolution 2018-106 approving a Conditional Use Permit to allow for a 1,280 square foot accessory pole structure and a Variance to allow for an oversized accessory structure to be located within the required 50-foot setback to the rear property for property located at 4998 Mapleton Road.

Community Development Director Doty explained the applicant has applied for a conditional use permit for a 1,280 square foot accessory pole structure and a variance for an oversized accessory structure to be located within the required 50-foot setback to the rear of the property located at 4998 Mapleton Road. The property location is rural in character. The Planning and Zoning Commission has recommended approval, subject to the findings.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Resolution 2018-106 approving a Conditional Use Permit to allow for a 1,280 square foot accessory pole structure and a Variance to allow for an oversized accessory structure to be located within the required 50-foot setback to the rear property for property located at 4998 Mapleton Road, subject to the facts and findings. Motion carried unanimously.

2. Adopt Ordinance 2018-022, Summary Ordinance 2018-023 and Findings of Fact Resolution 2018-107 to allow pet daycare and overnight boarding as a conditional use in the I, Industrial Office district and Resolution 2018-108 approving conditional use permits to allow for an 8-foot tall fence and for a pet daycare and overnight boarding use to be located at 8301 Industrial Park Road.

Community Development Director Doty explained the request is a series of applications to allow the specific business to locate to the industrial park and an ordinance which would be a city-wide zoning change. The ordinance amendment is

to allow overnight pet boarding and daycare within the industrial zoning district, subject to identified conditions. Fences do not have a side yard setback requirement. The Planning and Zoning Commission has recommended approval. The Utilities Commission has recommended a 100-year storm water plan for the site and a facilities agreement. A condition of approval would require the owner to move the dogs indoors if there are barking complaints or the city would have the ability to revoke the conditional use permit if there are continued issues. The owner would also have to keep odor under control.

Vice Mayor Holman explained the prohibition of stacking animal waste outside is not listed as a condition.

Tom Hice, 3670 Sleepy Hollow Road, explained as the applicant, he plans to have a first-class facility that will adequately address animal waste.

The council consensus was to have staff add a condition to the ordinance which would prohibit exterior storage of animal waste.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Ordinance 2018-022, Summary Ordinance 2018-023 and Findings of Fact Resolution 2018-107 to allow pet daycare and overnight boarding as a conditional use in the I, Industrial Office district and Resolution 2018-108 approving conditional use permits to allow for an 8-foot tall fence and for a pet daycare and overnight boarding use to be located at 8301 Industrial Park Road, with the addition of a condition in the ordinance to prohibit exterior storage of animal waste. Motion carried unanimously.

9. Council Comments

Todd Holman: Vice Mayor Holman reported he had the opportunity to celebrate the kick off of the Salvation Army bell ringing and attend the Habitat for Humanity celebration.

10. City Administrator's Report

City Administrator Chapulis reported the Habitat for Humanity project was very successful; wished everyone a Happy Thanksgiving; and explained city hall will be closed Thursday and Friday.

11. City Attorney's Report

A. Closed Session Under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property, PID 033840010010009 and 010064400HE0009

B. Closed Session Under Minnesota Statute 13D.05, subd. 3 (b), Attorney-Client Privilege

City Attorney Person asked the council to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property and Minnesota Statute 13D.05, subd. 3 (b), Attorney-Client Privilege.

MOTION by Council Member Barrows, seconded by Council Member Cross to enter a closed session at 7:33 p.m. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to return to an open session at 7:38 p.m. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to accept the final counter offer on the Baxter Drive parcel. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to accept the final settlement agreement regarding the Brenny parcel. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to accept the settlement agreement with Altronics and correct the math error on the finalized costs. Motion carried unanimously.

12. Adjourn

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 7:41 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Todd Holman
Vice Mayor

Kelly Steele
Assistant City Administrator