

BAXTER CITY COUNCIL MINUTES
December 18, 2018

1. Call Meeting to Order

Mayor Darrel Olson called the meeting to order at 7:00 p.m.

2. Roll Call

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

Administrator Brad Chapulis, Finance Director Jeremy Vacinek, Assistant City Administrator Kelly Steele, Police Chief Jim Exsted, and Community Development Director Josh Doty were present.

3. Pledge of Allegiance

All joined Mayor Olson in the Pledge of Allegiance.

4. Additions or Changes to the Agenda

City Administrator Chapulis requested the addition of Consent Agenda item R. to accept \$145 donation to the police department from Glen Bauer of Cobb, California and Other Business 9B. 2019 Memorywood Drive Improvements. City Administrator Chapulis asked to pull City Attorney Closed Session item 12B.

5. Public Comments

None.

6. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Presentation

Mayor Olson explained the city has received a Certificate of Achievement for Excellence in financial reporting by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report.

7. Consent Agenda

- A. Approve City Council Special Minutes from December 3, 2018
- B. Approve City Council Minutes from December 4, 2018
- C. Approve City Council Work Session Minutes from December 4, 2018
- D. Approve City Council Special Minutes from December 13, 2018
- E. Approve City Council Special Minutes from December 13, 2018
- F. Approve the Payment of Bills and Finance Report
- G. Approve 2019 Council and Commission Meeting Calendar
- H. Adopt Resolution 2018-114 Establishing Polling Locations
- I. Approve Non-Union Employee Wage Adjustment for 2019 and 2020 and Implementation of the New Wage Scale
- J. Approve Amendment to Section 36 of the Personnel Policy
- K. Approve Appointments for the Seasonal Position of Warming House Attendant for the 2018- 2019 Season
- L. Adopt Resolution 2018-113 Approving the 2019 Fee Schedule

- M. Add Moreton Capital Markets/US Bank as an Institutional Investment Firm for the City of Baxter
- N. Approve Submitting Correspondence to Crow Wing County Highway Department Requesting the Addition of County Road 170 Realignment to the Crow Wing County Highway Department 5-Year Capital Improvements Plan for 2023
- O. Accept Planning Commission Minutes of December 11, 2018
- P. Accept Utilities Commission Minutes of December 5, 2018
 - 1. Approve the Crow Wing County Highway Department invoice for the 2018 City Wide Striping in the amount of \$30,493.74.
 - 2. Approve the Anderson Brothers Construction Invoice No. 6703 for the 2018 North Water Tower Rehabilitation Improvements Project for widening the driveway in the amount of \$3,636.00.
 - 3. Approve the Landwehr Construction Inc. Change Order No. 2 in the increased amount of \$15,924.77 for the 2018 Cypress Drive Improvements Project.
 - 4. Approve the Landwehr Construction Inc. Partial Pay Estimate No. 5 in the amount of \$322,032.85 for the 2018 Cypress Drive Improvements Project contingent on delivery of the extra 4-inch materials before the check is released.
 - 5. Approve the Pratt's Affordable Excavating, Inc. Change Order No. 7 in the increased amount of \$16,157.76 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.
 - 6. Approve Pratt's Affordable Excavating, Inc. Partial Pay Estimate No. 9 in the amount of \$59,404.61 for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project.
 - 7. Approve the Anderson Brothers Construction Change Order No. 4 to pave the wear course on Cedar Scenic Road in the spring of 2019 on or before the project deadline of Friday, June 14, 2019 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
 - 8. Approve Anderson Brothers Construction Partial Pay Estimate No. 5 in the amount of \$99,380.20 for the 2018 Mill & Overlay and Full Depth Reclamation Improvements Project.
 - 9. Approve the Tri-City Paving, Inc. Final Pay Estimate No. 6 in the amount of \$32,230.83 for the 2017 Mill & Overlay and Full Depth Reclamation Improvements Project and 2017 Excelsior Road Residential Full Depth Reclamation Improvements Project.
 - 10. Approve the Crow Wing County Partial Pay Request No. 2 in the amount of \$115,260.51 for the 2017 County State Aid Highway 48 Railroad Crossing and Trail Improvements Project.
 - 11. Approve the Holden Electric Partial Pay Estimate No. 2 on the amount of \$22,500.00 for the Water Treatment Plant Generator Improvements Project.
 - 12. Accept the 1,250,000 Gallon Capacity East Water Tower Inspection Report and budget for the repairs in the 2022 budget cycle
 - 13. Approve the AE2S Professional Services Agreement for the Cypress Drive Storm Sewer Station No. 2 SCADA Monitoring Programming in the amount of \$8,650.00.
- Q. Adopt 2019 Mileage Reimbursement Rate of 58 Cents per Mile per IRS Regulation
- R. Accept \$145 Donation to the Police Department from Glen Bauer of Cobb, California

8. Pulled Agenda Items

City Administrator Chapulis asked to pull Consent Agenda item G. for further discussion. Minnesota Statute 412.02, subd. 2 does not allow the new council members to be sworn in until the first Monday in January. Because the first Tuesday occurs before the first Monday, staff is recommending moving the meeting to Tuesday, January 8 so the departing council members would not have to attend another meeting. The Planning and Zoning meeting would be moved to Wednesday, January 9.

MOTION by Council Member Holman, second Council Member Barrows to approve the amendment to Consent Agenda item G. Motion carried unanimously.

MOTION by Council Member Holman, seconded by Council Member Nystrom to accept the consent agenda. Motion carried unanimously.

9. Other Business

A. Planning and Zoning Actions

1. Adopt Resolution 2018-115 approving a Variance for minimum parking for Menards located at 15236 Dellwood Drive.

Community Development Director Doty explained the request is a variance for minimum parking at Menards. About one year ago the city reviewed an expansion to Menards which would eliminate approximately 30 parking spaces. Based upon a parking study, a variance was approved for 100 fewer parking spaces. Several building permits were issued this year, including an expansion to a mezzanine that staff was not originally aware of. When reviewing the ordinance, additional parking spaces are required for the mezzanine. There is now a 113 parking stall shortage. The Planning and Zoning Commission did not have any concerns with the additional 13 parking stall shortage and recommended approval.

MOTION by Council Member Nystrom, seconded by Council Member Barrows to adopt Resolution 2018-115 approving a variance for minimum parking for Menards located at 15236 Dellwood Drive. Motion carried unanimously,

2. Adopt Ordinance 2018-024, Summary Ordinance 2018-025, and Resolution 2018-116 approving a Planned Unit Development Final Plan Amendment to allow a flag pole exceeding 50 feet in height for the Planned Unit Development including properties located at 14275, 14203, and 14199 Edgewood Drive.

Community Development Director Doty explained the request is a PUD amendment to allow a flag pole at the Gander Outdoor site. Any flag pole height in excess of 50' requires a conditional use permit. However, since the site is zoned PUD, an amendment is required. The request is for a 100' tall flag pole and 30' by 60' flag. The applicant originally requested a 130' tall flag pole and 40' by 80' flag. The tallest flag poles in the city are 70' tall. Staff expressed concerns of the requested flag pole height to the applicant. Subsequently the applicant requested 100' tall flag pole. The Planning and Zoning Commission recommended approval for a 70' tall flag pole. After the Planning and Zoning

Commission meeting, the applicant submitted a letter indicating they are not interested in the city acting on anything other than the 100' tall flag pole.

MOTION by Council Member Holman, seconded by Council Member Nystrom to deny Adopt Ordinance 2018-024, Summary Ordinance 2018-025, and Resolution 2018-116 approving a Planned Unit Development Final Plan Amendment to allow a flag pole exceeding 50 feet in height for the Planned Unit Development including properties located at 14275, 14203, and 14199 Edgewood Drive. Motion carried unanimously.

B. 2019 Memorywood Drive Improvements

City Administrator Chapulis explained last Thursday an improvement hearing was held and that staff was asked to contact MNDOT to discuss the variables between the two options. Aric Welch, WSN, explained there are two options for the council to consider, Option A or Option G. Option A is keeping the roadway the same width, two 6' bike lanes, and no on-street parking. Option G is 4' bike lane, 11' drive lane, 15' shared lane for traffic and bikes, and 8' parking. After review with the district state aid engineer, the only way to stripe the bike lanes is to make the bike lanes 5' wide. This could be accomplished by widening the roadway one foot. Staff is looking for council direction to prepare for the January 8 council meeting.

MOTION by Council Member Holman, seconded by Council Member Barrows to recommend Option A. City Administrator Chapulis explained a motion is not needed at this time. Council Member Holman withdrew his motion.

Council Member Nystrom explained she supports Option G based upon the comments received from the public.

The council consensus is to direct staff to prepare for the January 8 council meeting with Option A.

10. Council Comments

Quinn Nystrom: Council Member Nystrom expressed how much she enjoyed serving on the council and thanked staff and council for the past four years.

Steve Barrows: Council Member Barrows expressed his appreciation for city staff.

Todd Holman: Council Member Holman wished Council Members Nystrom and Barrows well in their future endeavors.

Darrel Olson: Mayor Olson wished Council Member Nystrom and Barrows well in their future endeavors.

11. City Administrator's Report

City Administrator Chapulis thanked Council Members Nystrom and Barrows for the support they provided to city staff and reminded the council of the Forestview Drive Area Improvement Hearing scheduled for Thursday night at 6 p.m.

12. City Attorney's Report

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

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

City Attorney Person explained the council should develop findings for denial of the flag pole.

MOTION by Council Member Holman, seconded by Council Member Barrows to amend the previous motion to deny the flag pole request because there are no conditions that would make a 100' high flagpole consistent with the adjacent land uses; the 100' flagpole would not be consistent with the development pattern; the request is not consistent with established ordinance or past practice; and there is no ability to mitigate the impact of a 100' high flagpole. Motion carried unanimously.

City Attorney Person asked the council to enter into a closed session under Minnesota Statute 13D.03, Labor Negotiations

MOTION by Council Member Holman, seconded by Council Member Nystrom to enter a closed session at 7:45 p.m. Motion carried unanimously.

MOTION by Council Member Barrows, seconded by Council Member Holman to return to an open session at 8:01 p.m. Motion carried unanimously.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to approve the 2019-2020 collective bargaining agreement with LELS Local No. 414, subject to an affirmative vote by the membership. Motion carried unanimously.

13. Adjourn

MOTION by Council Member barrows, seconded by Council Member Nystrom to adjourn at 8:04p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator