

BAXTER CITY COUNCIL MINUTES
December 19, 2017

1. Call Meeting to Order

Mayor Darrel Olson called the meeting to order at 7:03 p.m.

2. Roll Call

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

City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, Public Works Director Trevor Walter, 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

No additions or changes were brought forward.

5. Public Comments

None

6. Consent Agenda

- A. Approve City Council Minutes from December 4, 2017
- B. Approve City Council Minutes from December 5, 2017
- C. Approve City Council Work Session Minutes from December 5, 2017
- D. Approve the Payment of Bills and Finance Report
- E. Adopt Resolution 2017-124 Approving the 2018 Fee Schedule
- F. Adopt 2018 Mileage Reimbursement Rate of 54.5 Cents per Mile per IRS Regulations
- G. Approve the 2017 Audit Engagement Letter with Bergan KDV
- H. Approve Purchase of Tax Forfeited Parcel in the Northwest Corner of Evergreen Drive and Highland Scenic Road from Crow Wing County
- I. Adopt Resolution 2017- 125 Authorizing Eminent Domain to Acquire the Property Areas Needed for the 2018 Excelsior Road and Edgewood Drive Improvements Project
- J. Approve Final Settlement Costs in the amount of \$123,243.63 for the Purchase of Property located at 13531 and 13525 Cypress Drive for the 2018 Cypress Drive Improvements Project
- K. Accept the Project and Approve Final Payment for 2017 Super One Food & Fairview Road Improvements Project to Miner's Inc in the amount of \$137,631.46
- L. Adopt Resolution No. 2017-126 Approving Agency Delegated Contracting (DCP) Agreement between the City of Baxter and MnDOT for the 2018 Cypress Drive Improvements Project
- M. Approve Public Works Facility floor drain and floor repair in the amount of \$21,150.00 and reallocate the 2017 painting budget for the Public Works Facility towards the repair costs

- N. Approve Limited Use Agreements and Storm Sewer Easements for 14114, 14086 & 14138 Dellwood Drive
- O. Accept Planning Commission Minutes from December 12, 2017
- P. Accept EDA Board Minutes from November 7, 2017
- Q. Accept Utilities Commission Minutes from December 6, 2017
 - 1. Approve the KLM Contract Amendment in the amount of \$36,168.00 for the 2018 North Water Tower Rehabilitation Improvements Project
 - 2. Approve the Astech Corporation Final Pay Estimate No. 2 in the amount of \$43,283.94 for the 2017 Chip Seal Improvements Project
 - 3. Award the 2018 Lift Station No. 3 Re-route Improvements Project Bid to GM Contracting in the amount of \$616,571.20
 - 4. Accept the 2020 Fairview Road, Golf Course Drive, Excelsior Road and Trail Connection Improvements Feasibility Report with a change to Fairview Road to 28-foot wide, 10-foot trail and move the south curb line north 5-feet north
 - 5. Approve the Johnson Jet-Line Inc. Quote in the amount of \$15,437.50 for the televising and cleaning of the sanitary sewer lines on the 2020 Fairview Road, Golf Course Drive, Excelsior Road and Trail Connection Improvements Project and 2018 Baxter Drive Improvements Project
 - 6. Approve the Quality Flow Systems, Inc. quote in the amount of \$54,480.00 for the Stormwater Lift Station for the 2018 Excelsior Road and Edgewood Drive Commercial Improvements Project
 - 7. Adopt Resolution No. 2017-127 Awarding the 2018 Excelsior Road and Edgewood Drive Improvements Project Bid to Pratt's Affordable Excavating in the amount of \$1,694,767.45
 - 8. Approve the WSB 2017 Elder Drive Improvements Project Additional Engineering Fees in the amount of \$9,035.00
 - 9. Approve the DeChantal Excavating, LLC Final Pay Estimate No. 3 in the amount of \$11,443.06 for the 2017 Elder Drive Improvements Project
 - 10. Approve the R. L. Larson Excavating Inc. Final Pay Estimate No. 8 in the amount of \$46,160.93 for the 2015 Dellwood Drive, Novotny Road, Inglewood Drive and Independence Road Improvements Project
 - 11. Approve the Tri-City Paving Inc. Partial Pay Estimate No. 3 in the amount of \$210,123.48 for the 2017 Mill & Overlay and Full Depth Reclamation Improvements Project and 2017 Excelsior Road Residential Full Depth Reclamation Improvements Project
 - 12. Accept the Southeast Baxter Stormwater Outlet Project Feasibility Report
 - 13. Approve the final acceptance of the HJ Development and release the Baxter PS 2016, LLC Letter of Credit No. S120011073 contingent on closing out the 2017 Elder Drive Improvements Project

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve the Consent Agenda with the exception of Consent Agenda item 12. Accept the Southeast Baxter Stormwater Outlet Project Feasibility Report. Motion carried unanimously.

8. Pulled Agenda Items

Council Member Cross asked to pull Consent Agenda item 12. Accept the Southeast Baxter Stormwater Outlet Project Feasibility Report until a future meeting.

MOTION by Council Member Cross, seconded by Council Member Holman to table Consent Agenda item 12. Accept the Southeast Baxter Stormwater Outlet Project Feasibility Report until a future meeting. Motion carried unanimously.

9. Other Business

A. Approve the ADA Transition Plan and direct Staff to publish the completed plan on the City website

Aric Welch, consulting engineer with WSN, explained the City reviewed the draft ADA plan in September with four comments received. The City posted the plan on the City's website, issued a public service notice, and held a public informational meeting. Most of the comments received were for ADA improvements on private property. One comment received was to identify high priority areas; this was included in the plan. The proposed plan only considers the City's facilities. To complete all improvements, it is estimated to cost \$1.1 million. Mr. Welch is recommending approval of the plan and placement on the city's website.

Council Member Nystrom explained she is not comfortable with the proposed plan because it does not have specific timing and seems a little too vague. Mr. Welch explained the City can review the plan again next year when looking at the budget. Once the City adopts the plan, it can be adjusted in the future. The City can also wait to adopt the plan to allow more time for review. The plan needs to be adopted to receive federal funding for the Cypress Drive Improvement Project. Council Member Holman suggested the City review the ADA plan annually when reviewing the capital improvements plan and budget. Council Member Cross explained the City has reviewed ADA requirements when completing city projects.

MOTION by Council Member Holman, seconded by Council Member Cross to approve the ADA Transition Plan and direct staff to publish the completed plan on the City's website and direct staff to schedule review of the ADA plan during the next budget discussion. Motion carried with Mayor Olson and Council Members Holman and Cross voting yes, and Council Member Nystrom voting no.

B. Planning and Zoning Actions

1. Adopt Resolution 2017-128 approving shoreland grading, low floor elevation and accessory structure Conditional Use Permits and a setback Variance for property located at 13179 Homestead Drive

Community Development Doty explained this application is for a conditional use permit to allow an accessory structure to exceed 1,152 square feet, cumulative accessory building square footage to exceed 1,800 square feet, to allow grading within a shoreland district, to allow a 1-foot vertical separation between Low Floor Elevation and storm water elevation and a Variance to allow an accessory structure with a cumulative accessory square footage over

1,800 sf to be within 50 feet of a side lot line for property located on Perch Lake at 13179 Homestead Drive.

Community Development Director Doty explained the street would typically separate the property into two lots, but this property is one lot of record. The applicant is proposing to construct the garage on the opposite side of the street as the home is located. The applicant is constructing the garage as far to the north as possible to allow the property to be subdivided in the future. The property is zoned R1. The property was reviewed all as one lot. If the property were subdivided, the impervious of the lake lot would have to be reviewed. Would the garage maintain the normal orderly development of a residential area. FEMA missed identify the wetland located near the proposed garage; the wetland is connected by a culvert to an identified wetland. The garage would have to match the same siding as the home, not the storage shed. It would be a challenge under the terms of the conditional use permit to prevent the proposed garage from being habitable. There are conditions to treat the storm water on site.

MOTION by Council Member Nystrom, seconded by Council Member Olson to adopt Resolution 2017-128 approving shoreland grading, low floor elevation and accessory structure Conditional Use Permits and a setback Variance for property located at 13179 Homestead Drive. Motion carries with Mayor Olson and Council Members Nystrom and Cross voting yes and Council Member Holman voting no.

2. Adopt Resolution 2017-129 approving a Conditional Use Permit to expand a structure on a legally nonconforming lot for property located at 4146 Cedar Scenic Road

The applicant is proposing to construct a covered front porch, which would be attached to their home. The property is located in an RS zone which requires a minimum lot size of five acres. The subject property requires a conditional use permit because it is less than five acres. The Planning and Zoning Commission recommends approval.

3. MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt Resolution 2017-129 approving a Conditional Use Permit to expand a structure on a legally nonconforming lot for property located at 4146 Cedar Scenic Road. Motion carries unanimously.

8. Council Comments

Quinn Nystrom: Council Member Nystrom explained she will be absent from the January 16 Council Meeting.

Mark Cross: Council Member Cross wished everyone a merry Christmas.

Darrel Olson: Mayor Olson explained Thursday is a good day to make a Salvation Army donation as Mills will match donations. Mayor Olson thanked staff for their work and wished everyone a merry Christmas.

9. City Administrator’s Report

City Administrator Chapulis explained city hall will be closing at noon on December 22 and will be re-opening on December 26. The next council meeting will be January 2. City Administrator Chapulis asked council to inform staff if they would like to attend the League of Minnesota Cities experienced official training. The City’s ice rinks will open for the season on December 20.

10. City Attorney’s Report

None.

11. Adjourn

MOTION by Council Member Cross, seconded by Council Member Holman to adjourn at 7:45 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator