



REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 6/2/2026
Agenda Section: Consent Agenda

Department Origination: Public Works

Agenda Item: Approve Releasing the Lofts at Novotny Development Agreement

Approval Required: Simple Majority Vote

BACKGROUND

On September 20, 2022, the City of Baxter entered into a Development Agreement with Baxter Multifamily, LLC and Miller Architects and Builders, LLC for the Lofts at Novotny Development. The Development Agreement included the construction of the privately installed improvements associated with the construction of a 64-unit apartment complex along with the public installed improvements associated with the extension of Novotny Road.

On September 17, 2024, City Council accepted the improvements which initiated the one-year warranty. The warranty has expired and all terms of the Development Agreement have been met with the exception of receiving a Certificate of Occupancy.

The property is currently operating under a Temporary Certificate of Occupancy due to waiting on final turf restoration adjacent to Edgewood Drive and Novotny Road next to the stormwater pond. The City has an escrow agreement and has been working with the property owner to resolve the issue. The property owner installed an irrigation system in the fall of 2025 and will be reseeding within the next couple of weeks to try and close out the escrow agreement and receive their certificate of Occupancy.

FINANCIAL IMPLICATIONS

There are no financial implications the City, the developer will pay all recording costs with the county.

STAFF RECOMMENDATIONS

The developer has completed the improvements and the warranty has expired; staff have no concerns about releasing the development agreement.

COUNCIL ACTION REQUESTED

MOTION to approve releasing the Lofts at Novotny Development Agreement.