



BAXTER CITY COUNCIL AGENDA

Tuesday, May 3, 2016

The regular meeting of the Baxter City Council will be held on Tuesday, May 3, 2016 at 7:00 p.m. at the Baxter City Hall, 13190 Memorywood Dr., Baxter, MN.

1. Call Meeting to Order

2. Roll Call

3. Pledge of Allegiance

4. Guest Presentation

a. Colonel Scott A. St. Sauver, U.S. Army Garrison Commander

5. Public Comments

Comments received from the public may be placed on a future meeting agenda for consideration.

6. Consent Agenda

The following items are considered non-controversial by staff and are recommended to be read and passed in one motion. Any council person, staff, citizen, or meeting attendee can request one or more items be pulled from the Consent Agenda and the item will be pulled and addressed immediately after the passage of the Consent Agenda; otherwise, the following items will be passed in one motion:

- A. Approve City Council Special Minutes from April 18, 2016
- B. Approve City Council Minutes from April 19, 2016 (pp. 4-9).
- C. Approve City Council Work Session Minutes from April 19, 2016 (pp. 10-13).
- D. Approve the Payment of Bills and Finance Report (Addendum A).
- E. Approve Parks and Trails Commission Minutes from April 25, 2016 (pp. 16-18).
- F. Accepting the Central MN EMS Equipment Grant Awarded to the Baxter Police Department in the amount of \$500 (pp. 19).
- G. Approve Special Event Permit for 2016 Lakes Country Triathlon at Whipple Beach on August 28th, 2016 (pp. 20).

- H. Approve Special Event Permit for 2016 Kiwanis Kids Triathlon at Whipple Beach on August 27th, 2016 (pp. 21).
- I. Approve Appointment for the Seasonal Position of Public Works Maintenance (pp. 22).
- J. Authorize Execution of a Special Assessment Agreement with Seeltay LLC (pp. 23-26)
- K. Approve Retail Fireworks Licenses for Big Lots, Costco, Cub Foods, Target, and Walmart (pp. 27).
- L. Approve Finance Specialist Pay Grade Change from Grade 5 to Grade 7 of the AFSCME Pay Grade Schedule (pp. 28).
- M. Accept Memorial Park Bench donation of \$1,500 for a new bench at Oscar Kristofferson Park (pp. 29-32).
- N. Adopt Ordinance No. 2016-015 and Summary Ordinance No. 2016-016 approving City Code Amendments to related to mobile vending and seasonal vending regulations (pp. 33-45).
- O. Approve Final Payment of \$13,427.17 to Brainerd for 2012 College Road/CSAH 48 Improvements (pg. 46)
- P. Authorize Staff to Sign Mueller Systems Master Agreement for the Fixed Network Water Meter Reading Project (pp. 47).

7. Pulled Agenda Items

8. Other Business

- A. Approve City Administrator Search Process and Profile (pp. 48-64).
- B. 2016 Classification to Non-Conservation and Future Sale of Tax Forfeited Parcels (pp. 65-72).

9. Council Comments

- A. Quinn Nystrom
- B. Steve Barrows
- C. Todd Holman
- D. Mark Cross
- E. Darrel Olson

10. City Administrator's Report

11. City Attorney's Report

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

12. Adjourn to the special council meeting on Thursday, May 5, 2016 at 6:00 p.m.

BAXTER CITY COUNCIL MINUTES
April 19, 2016

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

CONSENT AGENDA

- A. Approve City Council Minutes from April 5, 2016
- B. Approve City Council Work Session Minutes from April 5, 2016
- C. Approve the Payment of Bills and Finance Report
- D. Approve Planning & Zoning Commission Minutes from April 12, 2016
- E. Approve Appointment for the Seasonal Position of Park Attendant
- F. Approve Resolution 2016-027 Accepting updated feasibility report and ordering improvement hearing for 2016 Golf Course Drive Improvement Project
- G. Approve Special Event Application for Brainerd Lakes Susan G. Komen Race for the Cure on June 25, 2016
- H. Adopt Ordinance 2016-009 and Summary Ordinance 2016-010 Amending Text of Title 2, Chapter 6 of the Baxter City Code Cemetery Board of Trustees
- I. Schedule a Public Hearing for Certification of Delinquent Utility Bills, Invoices, and Abatements for Tuesday, May 17, 2016 at 7:00 p.m., or shortly thereafter
- J. Approve Resolution 2016-028 Ordering Improvement and Preparation of Plans for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project
- K. Accept Utilities Commission Minutes of April 6, 2016
 1. Approve the Agreement for SEH Professional Services for the 2016 Fairview Road Improvement for Bidding, Final Assessment Calculations/Hearing, Additional Design and Easement Support in the Not to Exceed amount of \$25,353.00
 2. Adopt Resolution No. 2016-029 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lake Improvement Project
 3. Approve the WSN Agreement for Professional Engineering Services for the Inglewood Drive Railway Crossing and Foley Road Improvements Feasibility Report Update in the Not to Exceed amount of \$9,750.00
 4. Award the 2016 Lift Station No. 8 Reconstruction Project to DeChantal Excavating in the amount of \$76,941.00
 5. Approve the Development Agreement for Riverwood Bank, Inc.

City Administrator Heitke asked the Council to pull agenda item F.

Council Member Holman asked to the Council to pull agenda items J, K2, and K3.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda, excluding agenda items F, J, K2, and K3. Motion carries unanimously.

PULLED AGENDA ITEMS

F. Approve Resolution 2016-027 Accepting updated feasibility report and ordering improvement hearing for 2016 Golf Course Drive Improvement Project

City Administrator Heitke explained staff requested the item be pulled from the consent agenda for discussion, as there was not enough time to discuss during the work session. Mike Rardin, Bolton & Menk, discussed updates to the feasibility report. The improvement hearing is tentatively scheduled for Thursday, May 5, 2016 at 6:00 p.m.

MOTION by Council Member Barrows, seconded by Council Member Cross to approve Resolution 2016-027 Accepting updated feasibility report and ordering improvement hearing for the 2016 Golf Course Drive Improvement Project. Motion carries unanimously.

J. Approve Resolution 2016-028 Ordering Improvement and Preparation of Plans for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project

Council Member Holman explained he would be abstaining from this agenda item because he is a property owner included in the project.

MOTION by Council Member Nystrom, seconded by Council Member Cross to approve Resolution 2016-028 Ordering the improvement and preparation of plans for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project. Motion carries with Mayor Olson and Council Members Nystrom, Barrows, and Cross voting yes. Council Member Holman abstained.

K2. Adopt Resolution No. 2016-029 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project

Council Member Holman explained he would be abstaining from this agenda item because he is a property owner included in the project.

MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt resolution 2016-029 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2016 Mill and Overlay, Full Depth Reclamation and Turn Lane Improvement Project. Motion carries with Mayor Olson and Council Members Nystrom, Barrows, and Cross voting yes. Council Member Holman abstained.

K3. Approve the WSN Agreement for Professional Engineering Services for the Inglewood Drive Railway Crossing and Foley Road Improvements Feasibility Report Update in the Not to Exceed amount of \$9,750.00

Council Member Holman asked the item be pulled from the consent agenda. Council Member Holman suggested it is advisable to wait to complete the feasibility report because the potential project is five years out and prices could change. The council discussed if other projects should be combined into one feasibility report. Finance Director Vacinek explained the project has been identified in capital improvement plan as a 2020 project.

MOTION by Council Member Holman, seconded by Council Member Barrows to table ordering the feasibility report until the Council conducts discussions regarding updates to the capital improvement plan or learn more about other processes that need to come together. Motion carries unanimously.

OTHER BUSINESS

Adopt Resolution 2016-030 Revisions to Resolution No. 2016-019 approving a Conditional Use Permit for Riverwood Bank for property located at 14540 Dellwood Drive

Community Development Director Doty explained on March 15, 2016 the Council approved a conditional use permit for Riverwood Bank with a condition the bank construct a sidewalk from the proposed north drive aisle to the northeast corner of the site to provide pedestrian connectivity to the street intersection near the front entrance of Target. The applicant has requested this condition be removed from the approval based on the finding in their letter. Staff has prepared a draft resolution amendment removing this condition for the Council's consideration.

MOTION by Council Member Barrows, seconded by Council Member Holman to adopt Resolution 2016-030 Revisions to Resolution No. 2016-019 approving a Conditional Use Permit for Riverwood Bank for property located at 14540 Dellwood Drive. Motion carries unanimously.

Adopt Resolution No. 2016-031 approving a Conditional Use Permit for grading and filling within a shoreland district to the Mississippi Rivera and to allow cumulative building square footage to exceed 1,800 square feet for a 704 square foot accessory structure for property locate at 6245 Paris Road

Community Development Director Doty explained the applicants request and the Planning and Zoning Commission is recommending approval.

MOTION by Council Member Holman, seconded by Council Member Nystrom to Adopt Resolution No. 2016-031 approving a Conditional Use Permit for grading and filling within a shoreland district to the Mississippi River and to allow cumulative building square footage to exceed 1,800 square feet for a 704 square foot accessory structure for property locate at 6245 Paris Road. Motion carries unanimously.

Adopt Resolution No. 2016-032 approving a Conditional Use Permit for grading related to the construction of an accessory structure and general filling of a low area within the shoreland district to Perch Lake for property located at 13230 Timberlane Drive

Community Development Director Doty explained the request is for grading in the Shoreland district. The Planning and Zoning Commission has reviewed the request and is recommending approval.

MOTION by Council Member Barrows, seconded by Council Member Cross to Adopt Resolution No. 2016-032 approving a Conditional Use Permit for grading related to the construction of an accessory structure and general filling of a low area within the shoreland district to Perch Lake for property located at 13230 Timberlane Drive. Motion carries unanimously.

Adopt Ordinance No. 2016-011, Summary Ordinance No. 2016-012 Findings of Fact Resolution No. 2016-033 to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the C-2 district and Resolution No. 2016-034 approving a Conditional Use Permit to allow a propane fill station at Von Hanson’s Meats located at 15811 Audubon Way

Community Development Director Doty explained the request and that the Planning and Zoning Commission is recommending approval.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to Adopt Ordinance No. 2016-011, Summary Ordinance No. 2016-012 Findings of Fact Resolution No. 2016-033 to allow convenience stores/meat markets (without motor fuel stations) with an accessory propane fill station as a conditional use in the C-2 district and Resolution No. 2016-034 approving a Conditional Use Permit to allow a propane fill station at Von Hanson’s Meats located at 15811 Audubon Way. Motion carries unanimously.

Adopt Ordinance No. 2016-013 and Summary Ordinance No. 2016-014 approving City Code Amendments to related to mobile vending and seasonal vending regulations

Community Development Director Doty summarized the ordinance amendment and explained the Planning and Zoning Commission recommended approval. The Council discussed if the number of allowed days of use should be adjusted, waste water disposal methods, size of the trailer, if the use could be spread to other venues, and outdoor seating.

MOTION by Council Member Nystrom, seconded by Council Member Cross to direct Community Development Director Doty to review the concerns identified by the Council and to incorporate them into the ordinance. Motion carries with Mayor Olson and Council Members Nystrom and Cross voting yes. Council Members Barrows and Holman voting no.

COUNCIL COMMENTS

Darrel Olson: Mayor Olson explained tonight is City Administrator Heitke's last council meeting. Mayor Olson thanked City Administrator Heitke for his years of service and for all that has been accomplished in the last seven years. Mayor Olson presented City Administrator Heitke with a plaque.

Quinn Nystrom: Council Member Nystrom explained she appreciates City Administrator Heitke's service and that he has been a good steward of the City. Council Member Nystrom thanked The Journey North Community Church for allowing the City to hold a council meeting at their facility.

Steve Barrows: Council Member Barrows expressed his appreciation of the leadership provided by City Administrator Heitke.

Mark Cross: Council Member Cross suggested City Administrator Heitke contact him for a motorcycle ride.

CITY ADMINISTRATOR'S REPORT

City Administrator Heitke expressed his appreciation of the kind words provided by the council and thanked council and staff for the support.

CITY ATTORNEY'S REPORT

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

Closed Session under Minnesota 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 entering into a closed session under the attorney client privilege and to develop an offer to purchase real property.

MOTION by Council Member Nystrom, seconded by Council Member Barrows to enter into a closed session at 8:53 p.m. Motion carries unanimously.

Mayor Olson opened the regular meeting at 9:24 p.m.

Attorney Person explained based on the council consensus during the closed session, the council agrees to the counter offer, as it will be a net savings to the city for not having to move the fence.

MOTION by Council Member Barrows, seconded by Council Member Cross to approve the counter offer for 6072 Fairview Road. Motion carries unanimously.

Attorney Person explained there is not final action to report on the pending litigation.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn the meeting at 9:25 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

BAXTER CITY COUNCIL MINUTES
Work Session
April 19, 2016

Mayor Darrel Olson called the Work Session to order at 6:15 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, Assistant City Administrator Kelly Steele, and Public Works Director Trevor Walter.

Proposed Seasonal Vending Ordinance

Community Development Director Doty explained, as requested during the April 5, 2016 council meeting, staff has prepared an ordinance for seasonal vending. The proposed ordinance allows seasonal vending from a mobile vending unit as an accessory use for grocery stores, whereby the grocery store operates the seasonal vending to provide prepared only non-alcoholic beverages and food items that are customarily sold from their store. Seasonal vending allows up to 100 days of consecutive sales during a summer period with two days allowed for set up and two days for take down at the beginning and end of the sale period. A maximum of one mobile vending unit may be authorized by permit for each grocery store. The ordinance language would allow one permit per grocery store, not per property. For example, both Morey's and Von Hanson would be able to have a seasonal vending.

Council asked if a convenience store qualifies as a grocery store. Community Development Director Doty explained a convenience store was not the intent of staff.

The mobile vending unit shall remain stationary on private property, in an approved location on the site for the duration of the permit. The owner may move the mobile vending unit to and from the approved mobile vending unit site during the 100-day period, provided the mobile vending unit is not used within the City.

The mobile vending unit shall be located at least two hundred feet from a residentially zoned or used property.

Collocating more than one separately licensed mobile vending unit on the same site may be allowed, provided the site is designed to accommodate multiple vending units and provided the mobile vending units are permitted through the requirements of the ordinance.

The mobile vending unit must be located on private property, on a paved surface, in a location that does not interfere with pedestrian or accessible routes, required parking, traffic circulation or emergency vehicle access on the site. Mobile vending units are prohibited within the public right of way.

Exterior materials and colors of the mobile vending unit shall be designed to be complementary to the principal building. The Community Development Director has the authority to require that the mobile vending unit be reviewed by the City Architectural Review Commission and City Council to ensure that the mobile vending unit is consistent with the purpose and intent of the City's Architectural Design Standards for commercial property.

The mobile vending unit may be open between the hours of 8:00 A.M. and 8:00 P.M. Additionally, the mobile vending unit may not be open unless the grocery store is open so that customers have access to restroom facilities inside the building.

Providing or selling of merchandise or other retail items related to a mobile vending operation is prohibited.

The mobile vending area shall be kept clean by the permittee. Trash receptacles including leak-proof, nonabsorbent containers shall be kept covered with tightfitting lids and provided in proximity to the mobile vending unit. The trash receptacles shall be maintained to avoid any littering in association with the use and properly disposed of. Each permittee is responsible for the disposal of trash left by customers.

A staff person, legally capable of moving the unit shall be on the premises at all times while the mobile vending unit is open for business.

The use of seating, tents, canopies or umbrellas related to the mobile vending operation is prohibited. The exception is that a canopy that is attached to the mobile vending unit may be used to provide shade for the sales location.

The use of temporary power cords or water lines or sewer lines related to the mobile vending unit is prohibited. If the owner chooses to hook the mobile vending unit up to electric, water, or sanitary sewer services, the connections shall be installed in a permanent manor and approved with separate electric and/or mechanical permits. The owner may also use power cords that run from generator placed in the vicinity of the mobile vending unit to the mobile vending unit.

The city may require the use of bollards or other traffic or pedestrian flow devices, as needed to maintain safety.

The use of sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, whistles related to the mobile vending unit is prohibited. Exceptions include low volume use of a vehicle radio or other music that can only be heard at the mobile vending unit and televisions or other screens used in association with a menu board for the vending unit.

Other than lighting required for a vehicle or trailer, no lighting shall be used to light the mobile vending unit or the area around the mobile vending unit. Lighting shall not be used to attract attention to the mobile vending unit.

A mobile vending permittee shall be allowed signage that is secured flat against the mobile vending unit, not projecting more than six inches (6") from the exterior of the unit and no more than three feet (3') above the roof deck of the unit. No signage shall be placed on top of a roof deck of any mobile vending unit. Any menu boards shall be directly attached or inside of the mobile vending unit. No external freestanding signage or banners are allowed for the mobile vending operation. No inflatables, lights, or other attention attracting devices are allowed for the mobile vending operation.

A mobile vending unit may not have a drive-through.

A mobile vending permittee shall obey any lawful order of a police officer, traffic control agent, or regulatory services inspector to move to a different authorized location to avoid congestion or obstruction of parking lots, pedestrian trails, or adjacent streets.

No mobile vending unit shall be kept, stored, or maintained on a residentially zoned property in the City of Baxter. No mobile vending unit shall be used as sleeping quarters in the city.

The mobile vending permit locations shall be compatible with the character of the surrounding neighborhood considering the possible creation of problems including noise, lighting, traffic, sanitation, congestion and other factors affecting the public health, safety and welfare of such areas in addition to compliance with all ordinances of this city and applicable statutes and regulations.

Lastly, staff also notes that the draft ordinance is designed so that seasonal vendors are subject to the other sections of the existing mobile vending regulations for items such as permit requirements, indemnification, insurance requirements, and compliance, revocation and enforcement standards.

The ordinance requires the applicant to submit application 30-days prior to of the start date of when they want to operate to allow time to review the application and place on a council agenda. There is also a requirement to have insurance for liability as part of the mobile vending ordinance. There is a criteria to deny a permit based on architectural standards. The permit fee is \$300 per season, or can amend for \$30 during the calendar year for administrative staff review. Staff did not add SAC or WAC fees to the ordinance. If using containers to dump sanitary sewer or add hook-up there will be increased use. There is a seasonal permit where WAC and SAC fees are for permanent uses. The City does charge a percentage for restaurants to have outdoor seating for WAC and SAC. Two letters have been received, one from Morey's and one from a resident in support of the request.

The council questioned fats, oil, and grease ("FOG") ordinance and asked if this ordinance applies to the FOG requirements. The proposed ordinance does not specify FOG ordinances as does for permanent restaurants. Staff could add language to the ordinance. Storm water component no open drainage opportunities. Ordinance proposals say water cannot drain to the storm sewer. How do we get gray water to the sanitary sewer so we do not have a campground drain pit.

The council questioned if outdoor seating provided as an opportunity. Outdoor seating may not work, but it could at least be listed as an option. Staff would suggest abilities to regulate outdoor seating if allowed. Questions with SAC and WAC and how the use would work with the site.

Steve Frank, the applicant, provided a written response to the proposed ordinance amendments. Mr. Frank explained the requirement of not exceeding 100 days seems arbitrary; the inability to have the unit on site for storage purposes is an undue burden; if the vehicle was placed in such manner as to enable power hook up to the building, it would seem vastly superior to running a generator for months creating

noise and exhaust; and the liability insurance requirement seem to be an extraordinary requirement and discriminatory for an existing Baxter business entity operating on its own site.

Mr. Frank explained Community Development Director Doty did a good job putting the ordinance together. Mr. Frank questioned if it would be a big different to allow the use from May through September if the weather cooperates. Mr. Frank explained they will be architectural standards and the unit would not be any more of an eyesore that other things along the highway. Mr. Frank explained the use does not have black water and very little gray water.

Adjournment

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 6:45 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk

PARKS & TRAILS COMMISSION MINUTES
April 25, 2016

The regular meeting of the Baxter Parks and Trails Commission was called to order at 4:00 p.m.

MEMBERS PRESENT: Commissioner Mari Holderness, Ken Hasskamp, Melissa Barrick

MEMBERS ABSENT: Chair Jim Kalkofen, Gail Brecht and Council Liaison Quinn Nystrom

STAFF PRESENT: Community Development (CD) Director Josh Doty and Planner Matthew Gindele

OTHERS PRESENT: Jim Boos

Acting Chair Hasskamp indicated that Mr. Jim Boos would like to speak to the Parks Commission. Acting Chair Hasskamp turned the floor over to Mr. Boos.

Mr. Boos 12611 Isle Court asked what the process is to turn City owned land into a park. He indicated that the City owns land (roughly 11 acres) along the trail on Isle Road. He was wondering if the City would make that land a lateral park instead of developing the area with new homes. CD Director Doty clarified the location for the Commission on the map. Acting Chair Hasskamp asked CD Director Doty for the process of creating a park and any additional thoughts regarding creating a new park. CD Director Doty stated that this parcel was purchased through the EDA and was not purchased for a park. The Council and EDA would have to comment on whether or not it could be turned into park land. Mr. Boos understood that the Parks Commission would not be able to fully approve a new park. He indicated that he has started a petition of those that use the trail to support having a park placed in that location.

Commissioner Barrick asked Mr. Boos what type of park he is looking for? Mr. Boos indicated that he would like to see it preserved and kept natural. He indicated that what spurred the topic is the update to the comprehensive plan. The plan calls for that land to be R-2, with that classification roughly 77 homes could be placed on that land. He would like to see the land kept more wooded and not change the character around the trail. He thanked the Commission for their time and indicated he would present the petition to staff at later date. CD Director Doty indicated that he would talk to staff as well to see if/how to approach the EDA and Council with the request.

Approval of the Minutes

MOTION by Commissioner Barrick, seconded by Commissioner Holderness to approve the regular meeting minutes of March 28, 2016 as presented. Motion carried unanimously.

Memorial Bench-OK Park

Planner Gindele reviewed the first application of 2016 and gave background to the Commission. He explained the preferred location was Forestview Middle School, however that is school property and not a park, therefore that option was not allowed. The second location was OK Park, technically the location is on the school portion of the park, however the school had no issues with the location and is being maintained by city staff. The Commission had no concern with the location of the memorial bench.

Motion by Commission Holderness, seconded by Commissioner Barrick to accept the donation of \$1,500.00 from Joy Zurich for a memorial bench to be located at OK Park as presented by staff. Motion carried unanimously.

Riverwood Park-Request for Fitness Equipment

CD Director Doty stated that he received this request from a Baxter resident that uses the park and has seen

other residents use it as well. CD Director Doty reviewed the request with the Commission. He informed Mr. Patrick of the process and the number of projects that are currently in the works and the length of time an approval can take. CD Director Doty indicated that there is not a need for a motion; he just wanted the Commission to be aware of the request. Commissioner Holderness indicated that she has been in favor of having a fitness trail and would be all for the installation if there were funding available. Commissioner Barrick stated that there is a big fitness trail going in at the Arboretum. CD Director Doty stated it would be interesting to see the use numbers from the Arboretum to see how popular the equipment is/being used.

Oakwood Trail Update

Planner Gindele stated that staff has met with the Camp Vanasek Board regarding the trail and they are opposed to a trail on Oakwood Drive. They proposed that if a trail *must* go along Oakwood Drive, it should go on the east side and not the west side. The camp would possibly negotiate having the trail on the west side and cross over to the east side north of the camp. Acting Chair Hasskamp asked why they are opposed to the trail. Planner Gindele indicated that a trail would greatly reduce the camp's privacy as it would be very near their recreational buildings where children often do activities. The camp has various groups that rent the grounds, such as the Boy Scouts and Girl Scouts and the trail would run close to the recreation area. The other concern was their septic system and protecting the system. The other concern was for the loss of trees and they tend to feel like they are a "woody" camp and would like to remain that way. Planner Gindele noted that there is a traffic study being conducted to determine the safety of the crossing location.

Commissioner Barrick asked about the lease that Camp Vanasek has with the County, if the County has more of a say than the camp. CD Director Doty stated that the County asked the City to have the conversation with the camp, therefore, they want to make sure their lessee is OK with the trail. He further stated that all three entities would need to be in agreement for the trail to move forward. CD Director Doty showed the Commission a few different options on the map for Cedar Scenic, Oakwood and possibly Browerville Rd.

Draft 5 Year CIP

CD Director Doty indicated that he placed this item on the agenda at Chair Kalkofen's request. Being the Commission is short a few members they may want to hold this item over until the next meeting. The Commission agreed.

OK Park-Construction Updates

Pavilion

CD Director Doty stated that Baratto Brothers, the general contractor of the pavilion provided a nice update for the Commission. The Commission reviewed the update and pictures provided. Commissioner Holderness asked if the rain has impacted the schedule. CD Director Doty at this point it has not impacted the schedule.

Safety Netting-Phase 2

CD Director Doty stated that the nets are up between the east and west fields, phase two nets are going up next week and will be ready for use.

Whipple Beach ADA Observation Deck

CD Director Doty stated that the stone work is being started this Wednesday (April 27th) and completed by Friday (April 29th). The weather did hold this project up briefly.

Other Business

Commissioner Barrick asked if staff documents when a person(s) comes forward to the Commission and requests a park that is not on the CIP map. CD Director Doty stated that in the three years he has been with the City there has been a few requests, he indicated that staff hasn't kept a running list, but could put a list together moving forward. Commissioner Holderness asked about the piece that was spoken of tonight. CD Director

Parks & Trails Meeting 4/25/16

Doty stated that the impervious calculations could hold back intense development of that land, even though it is zoned R-2. He further explained the EDA’s involvement with the parcel of land and the study being completed to see what the land is worth.

The Commission discussed the changes that they have seen since joining the Commission.

The next scheduled meeting is May 23, 2016 at 4:00 pm.

Adjournment

MOTION by Commissioner Brecht, seconded by Commissioner Barrick to adjourn the meeting at 4:45 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Acting Chair Ken Hasskamp

Shanna Newman, CD Administrative Assistant

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Police

Agenda Section: Consent

Agenda Item: Accepting Central MN EMS Equipment Grant Awarded to the Baxter Police Department in the Amount of \$500

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The Baxter Police Department applied for and received the 2016 Central MN EMS Equipment Grant in March of this year. The grant was open to agencies in Central MN. The departments could submit to the grant if they routinely responded to medicals in their community.

Baxter PD applied and received the grant for \$500. The dollars will be used to purchase new medical bags and supplies for our squads.

FINANCIAL IMPLICATIONS

No financial implications.

STAFF RECOMMENDATION

Staff is recommending approval and acceptance of this grant.

COUNCIL ACTION REQUESTED

Motion to accept the Central MN EMS grant awarded to the Baxter Police Department in the amount of \$500.

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Police

Agenda Section: Consent

Agenda Item: Approve Special Event Permit for 2016 Lakes Country Triathlon at Whipple Beach on August 28, 2016

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The Lakes Country Triathlon has submitted a special event application for their August 28th, 2016 triathlon event which is centered at Whipple Beach. They are estimating the number of participants at about 150 with an additional 100 observers and another 50 volunteers working the event.

This event has changed names over the years but has been a late August tradition at Whipple Beach for over 10 years. Two years ago the event sponsor, the Baxter Kiwanis Club, made a significant change to the route courses for both the run and bicycle portion. The changes shortened each of these legs which in turn requires less assistance from the police department.

The parks department is involved in the preparations for the event in the days leading up to the race. The streets department also spends some time prepping for the event. Then, the day of the event, the police department works in conjunction with the event volunteers on the course.

With the course changes in recent years the police department has been able to reduce the number of staff on for the event. The work that parks and streets departments contribute to the pre-event race set-up has remained about the same.

Due to the commitment of city staff time to this event and the commitment of resources we do suggest council review for this application.

FINANCIAL IMPLICATIONS

There will be on-duty commitment from several departments for this event. The police department no longer incurs overtime costs following the change in the race routes last year.

STAFF RECOMMENDATION

Staff is recommending approval for the special event application request.

COUNCIL ACTION REQUESTED

Motion to approve the special event application for the Lakes Country Triathlon at Whipple Beach on Sunday, August 28th 2016.

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Police

Agenda Section: Consent

Agenda Item: Approve Special Event Permit for 2016 Kiwanis Kids Triathlon at Whipple Beach on August 27, 2016

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

The Brainerd Kiwanis Club has submitted a special event application for their August 27th, 2016 kids triathlon event which is centered at Whipple Beach. They are estimating the number of participants at about 500 with approximately 85-100 volunteers working the event.

This will be the 9th annual event which has now surpassed the adult race in numbers. The Kiwanis Club has done an outstanding job of organizing and running this event each year. City staff from parks, streets and police assists the club in the set-up for the event and the actual event.

The course routes for both the bicycle and run events require partial road closures in the area. Due to that fact city staff recommends the special event permit.

The volunteers do a tremendous job in both working with city staff and ensuring the safety of the event participants. In the previous years there have been no significant incidents reported to the police department.

FINANCIAL IMPLICATIONS

There will be on-duty commitment from several departments for this event.

STAFF RECOMMENDATION

Staff is recommending approval for the special event application request.

COUNCIL ACTION REQUESTED

Motion to approve the special event application for the Kiwanis Kids Triathlon at Whipple Beach on Sunday, August 27th 2016.

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Administration **Agenda Section:** Consent

Agenda Item: Approve Appointment for the Seasonal Position of Public Works Maintenance

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

Interviews and background checks have been completed on the recommended appointments to fill the positions of public works maintenance. The seasonal public works maintenance employees are responsible for patching streets, maintain fire hydrants, assist with sanitary sewer jetting, and other various tasks.

FINANCIAL IMPLICATIONS

The seasonal public work maintenance positions are accounted for in the budget at \$10.00 per hour.

STAFF RECOMMENDATIONS

Staff recommends the appointment of Zach Vogt and Sam Selisker for the position of seasonal public works maintenance.

COUNCIL ACTION REQUESTED

Motion to approve the appointment of Zach Vogt and Sam Selisker for the position of seasonal public works maintenance at \$10.00 per hour.

REQUEST FOR COUNCIL ACTION

05/03/16

Department Approval: Finance Director Vacinek 

Agenda Section: Consent

Approval Required: Simple Majority Vote of the Council

Item Description: Authorize Execution of a Special Assessment Agreement with Seeltay LLC

BACKGROUND

The 2014 Woida, Wildflower, and Franklin Improvement project provided utility and street improvements to the subject parcel located on the 6900-block of Woida Road. The original assessment roll consisted of a deferred water, sewer, and street assessment for the undeveloped second lot because of its adjacency to another residential homesteaded lot with the same ownership. Under the city's assessment policy, the undeveloped lot was deferred until 2030, issuance of a building permit, or upon sale or transfer of the parcel, whichever occurred first.

The lot now is being sold and the future owner, Seeltay LLC, has requested to pay the special assessment annually with its property taxes. In lieu of paying the deferred assessment in full, the city's assessment policy allows for the certification of the outstanding deferred assessment balance for collection with the property taxes under the same terms the improvement project's original assessments were certified. The policy provides for an assessment repayment period of the remaining life of the bonds used to finance the improvements or five years, whichever is greater. Attached is a copy of the assessment agreement prepared to facilitate the collection of the assessment.

FINANCIAL IMPLICATIONS

The \$15,165.39 assessment, comprising of the deferred assessment and 2016 interest, will be assessed over the remaining 13 years of the original assessment term, matching the 2029 end date of previously certified special assessments. When collected, the new assessment principal and interest revenue will be deposited in the designated 2015 G.O. Improvement Bonds debt service account to finance the repayment of the bond principal and interest, similar to other assessments on the project pledged toward the retirement of the associated debt. Per the city's fee schedule, a \$150 assessment certification fee will be paid by the buyer upon signing the agreement to offset the administrative cost of preparing the assessment agreement.

STAFF RECOMMENDATION

Finance Director Vacinek recommends approval of the attached special assessment agreement with Seeltay LLC to collect the outstanding deferred special assessment with the county property taxes over the remaining assessment period of 13 years, commencing in 2017 at 3.7% annually, per the terms of the original assessment.

COUNCIL ACTION REQUESTED

Motion to authorize the execution of the attached assessment agreement with Seeltay LLC.

AGREEMENT

This Agreement, made and entered into this ___ day of _____, 2016, by and between the City of Baxter, party of the first part, hereinafter referred to as the “City”, and Seeltay LLC, a Minnesota Limited Liability Company, party of the second part, hereinafter referred to as “Owner”.

WITNESSETH,

WHEREAS, Seeltay LLC is purchasing the following described tract in Crow Wing County, Minnesota:

The East Half of the East Half of the East Half of the Southeast Quarter of the Southwest Quarter, Section 31, Township 134, Range 28, Crow Wing County, Minnesota

Parcel 030313400AA0009

hereinafter referred to as “Parcel”, and will become the owner of the Parcel.

WHEREAS, the City completed street and utility improvements in 2014 to the real estate described above as part of the 2014 Woida Road, Wildflower Drive and Franklin Drive Improvements;

WHEREAS, the City assessed said improvements and deferred the payment of the special assessments on the Parcel until the Parcel was sold or transferred, a building permit was issued, or 2030, whichever occurred first;

WHEREAS, the City’s special assessment policy requires payment of the deferred special assessment with accrued interest in full at the time the Parcel is sold or transferred or the property owner may request to have the assessment assessed against the property and collected with the annual property taxes over the remaining life of the bonds issued to finance the improvements at the original assessment interest rate;

WHEREAS, the Owner has requested the outstanding special assessment be collected with the annual property taxes for the Parcel;

WHEREAS, the Owner understands and agrees to pay a \$150 assessment certification fee upon signing this agreement to offset the administrative cost of preparing the agreement; and

WHEREAS, the outstanding deferred special assessment balance plus accrued interest is \$15,165.39, the City has the authority to assess the special assessment to real estate described above and the Owner hereby agrees to a voluntary assessment of \$15,165.39.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties hereto as follows:

- 1) Owner hereby agrees to pay, in addition to the actual monthly utility bill, an assessment of \$15,165.39, comprising of the \$14,800.27 original deferred assessment and capitalized interest of \$365.12, for Parcel 030313400AA0009. The assessment shall be paid over 13 years for collection with the 2017 through 2029 property taxes with interest accruing at 3.70% annually.
- 2) Owner agrees to pay a \$150.00 assessment certification fee upon signing of this agreement.
- 3) Owner further agrees the assessment set forth in paragraph 1 above does not include other utility fees which may be due when a building permit is submitted for approval, including water and sewer availability charges, commonly known as WAC and SAC charges.
- 4) The City is hereby authorized to certify the assessment to the County Auditor for collection against the real estate along with property taxes at the interest rate set forth in paragraph 1 above. This certification may be done by the City without further hearing or notice to Owner.
- 5) This Agreement is a covenant and agreement which shall run with the land and bind the heirs, successors and assigns of the parties hereto as fully as the parties themselves are bound.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first written.

OWNER

By _____
 Seeltay LLC, a Minnesota Limited Liability Company
 _____, Its _____

STATE OF MINNESOTA)
)ss.
 COUNTY OF CROW WING)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, _____ of Seeltay LLC.

 Notary Public

CITY OF BAXTER

By _____
Darrel L. Olson
Its Mayor

By _____
Kelly Steele
Its City Clerk/Assistant City Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF CROW WING)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Darrel Olson and Kelly Steele, the Mayor and City Clerk/Assistant City Administrator of the City of Baxter, a municipal corporation under the laws of Minnesota, on behalf of the corporation.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Jeremy Vacinek
CITY OF BAXTER
P.O. Box 2626
Baxter, MN 56425
218/454-5112

RETURN INSTRUMENT TO:
Jeremy Vacinek
CITY OF BAXTER
P.O. Box 2626
Baxter, MN 56425
218/454-5112

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Administration **Agenda Section:** Consent

Agenda Item: Approve Permits for Retail Sales of Fireworks for Big Lots, Costco, Cub Foods, Target, and Walmart.

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

TNT Fireworks has submitted a fireworks license applications and certificates of insurance on behalf of the below listed businesses. Staff has reviewed the applications and found they are eligible for a license.

FINANCIAL IMPLICATIONS

The application fee offsets the cost of administering the issuance of the firework licenses.

STAFF RECOMMENDATIONS

Staff recommends Council approve the issuance of fireworks licenses for retail sales to the following businesses and location of sale:

1. Big Lots, 14136 Baxter Drive
2. Costco, 13650 Elder Drive
3. Cub Foods, 14133 Edgewood Drive North
4. Target, 700 Dellwood Drive North
5. Walmart, 14275 Edgewood Drive

COUNCIL ACTION REQUESTED

Motion to approve fireworks licenses for retail sales for the following businesses and location of sale:

1. Big Lots, 14136 Baxter Drive
2. Costco, 13650 Elder Drive
3. Cub Foods, 14133 Edgewood Drive North
4. Target, 700 Dellwood Drive North
5. Walmart, 14275 Edgewood Drive

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Finance and Administration

Agenda Section: Consent

Agenda Item: Approve Finance Specialist Pay Grade Change from Grade 5 to Grade 7 of the AFSCME Pay Grade Schedule

Approval Required: Majority of Vote of the Council

BACKGROUND

The needs of the Finance Department were analyzed to consider improving efficiencies of the department. It was determined efficiencies can be gained by assigning more accounting responsibilities to the finance specialist position. By performing more accounting duties, other finance staff will be able to focus on more complex assignments, including financial planning.

The council approved the amended finance specialist job description on March 15, 2016. The job description was then submitted to the City's independent compensation consultant to review the position's scoring. Upon review, the consultant determined the revised job description added 27 additional points to the position. The point increase moved the position from a Grade 5 to a Grade 7 of the City's AFSCME Pay Grade Schedule. The consultant explained the key factor for the pay grade change was increasing the education requirement to a 4-year degree.

After council approval of the position's revised pay grade, staff will begin the process to fill the position.

FINANCIAL IMPLICATIONS

Staff does not anticipate any financial implications with the 2016 budget.

STAFF RECOMMENDATIONS

Motion to approve the Finance Specialist Pay Grade change from Grade 5 to Grade 7 of the AFSCME Pay Grade Schedule, as recommended by the City's compensation consultant.

COUNCIL ACTION REQUESTED

Motion to approve the Finance Specialist Pay Grade change from Grade 5 to Grade 7 of the AFSCME Pay Grade Schedule.

REQUEST FOR COUNCIL ACTION

May 3, 2016

Department Origination: Community Development**Agenda Section:** Consent

Agenda Item: Accept Memorial Park Bench donation of \$1,500 for a new bench at Oscar Kristofferson Park

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

Staff has received an application and donation for a memorial park bench from Joy Zurich to be dedicated to Richard Ruzich. The preferred location for the bench is between the softball fields at Forestview; however, this location is neither City property nor is it maintained as City property so the bench may not be placed in this location. The applicant's second preference is between the ballfields at Oscar Kristofferson Park (site location map attached) and would like the engraving inscription to read "In Honor of Richard Ruzich". Staff met with the applicant at OK Park on Wednesday April 20, 2016 to review the area for suitability for placement of a bench. During the site visit, it was established that the applicant's desired location for the bench at OK Park is on the school's property; however, the entire park is maintained and improved by the City. Staff contacted the school to inquire if there would be an issue with placing the bench in the desired location on school property; the school indicated that there would be no issue with it. Therefore, staff determined that the applicant's second preference location is suitable for the bench and will not require any site improvements beyond installation nor will it interfere with planned future improvements to the park. The applicant has requested the bench to be fully installed before Father's Day; staff has prepared a timeline for installation that should be able to meet this request.

FINANCIAL IMPLICATIONS

The \$1,500 donation would cover the cost of the materials and the engraving cost as well covering most of the labor costs to install the bench. Staff does not anticipate any additional cost for this project

PARKS AND TRAILS COMMISSION RECOMMENDATION

The Parks and Trails Commission recommends that the City Council accept the applicant's donation of \$1,500.00 and approve the proposed bench location and engraving inscription as described.

COUNCIL ACTION REQUESTED

Motion to accept the applicant's donation of \$1,500.00 and approve the proposed bench location and engraving inscription as described herein.

Attachment:

- 1) Completed Application
- 2) Site Location Map

Please
Tell Angela
which location +
when C.C.
approves (to
receipt) ✓



Date Paid 4-35-16 Rec'd.
Receipt# _____
DONPKBENCHMEM
(2201-04.36434)

Memorial Park Bench Donation

A memorial park bench is a great way to remember a loved one, or friend or as a way to donate to the City's park and trail system.

The bench cost (including personalized plaque engraving and concrete base) is approximately \$1,500.



Bench Donation Policy

- One style of bench has been chosen to maintain consistency within the City's park system.
- After an application and donation/fee is submitted, staff will review the specific location requested by the applicant. If City staff is concerned with the proposed location, staff will work with the applicant to try to find an acceptable alternative location. If a location cannot be agreed upon, the donation fee will be refunded to the applicant. The City of Baxter has final discretion regarding bench locations to make sure that the location does not impact future improvement planning within the City's parks.
- Once an acceptable location is recommended, staff shall present the application to the City's Park and Trails Commission for their recommendation and will forward the application to the City Council for final consideration and acceptance of the donation. After final approval is granted by the City Council, staff will order the bench and personalized plaque.
- The City's Park Maintenance staff will pour the concrete pad and install the bench (during warm weather conditions).
- The bench is made of metal and bolts to a concrete pad to allow for a long life expectancy. However, the City is not obligated to replace the bench if damaged or if it is beyond its useful life. If the bench is in need of replacement, the city will attempt to contact the applicant before removing the bench. If the bench is damaged such that there is an immediate threat to public safety, the City shall have the authority to remove the bench.

Application to Order a Bench

Applicant Name: Joy Ruzich
 Address: 14401 Shoreview Drive Baxter MN 56425
Street City State Zip
 Phone (W): _____ Phone (H): 718-829-7202 Email Address: Joy.ruzich@gmail.com
 Name of Person to be Honored: Richard Ruzich

Engraving Inscription

- | | | |
|--|---|---|
| <input type="checkbox"/> In Memory of | <input type="checkbox"/> In Honor of | <input type="checkbox"/> Dedicated to the Memory of |
| <input type="checkbox"/> In Loving Memory of | <input type="checkbox"/> In Honor and Memory of | <input type="checkbox"/> Given in Loving Memory of |
| <input checked="" type="checkbox"/> Dedicated to | <input type="checkbox"/> In Appreciation of | <input type="checkbox"/> Donated by |

Requested Bench Location including Park Name and Preferred Location: Choice #1 Between ^{Soft} ball fields at Forestview (Near entry) #2 between ball fields at Oscar K. park

By signing, I have read the above bench donation policy and agree to the terms listed.

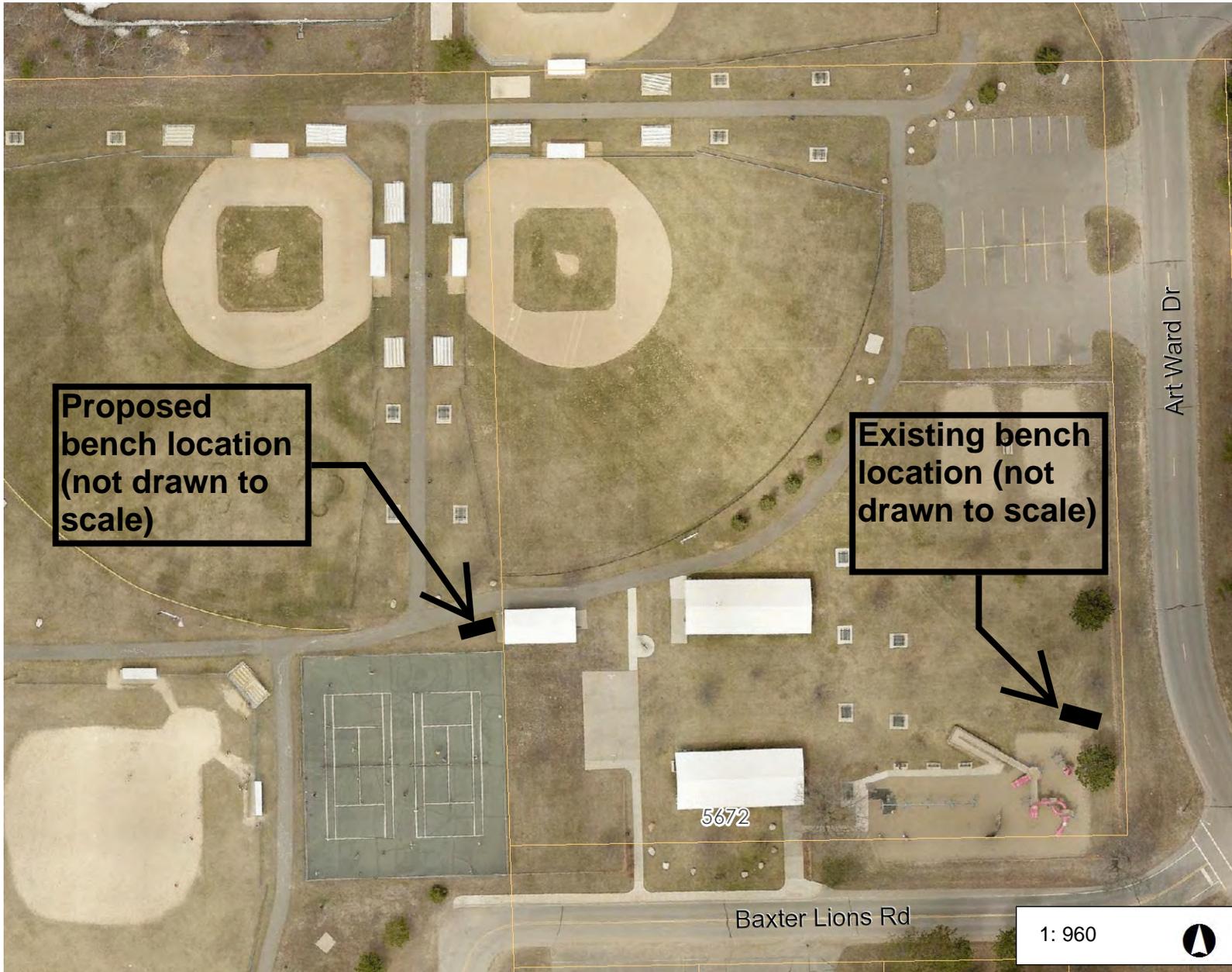
Applicant's Signature Joy A. Ruzich Date 4/4/16
 Applicant's Printed Name Joy A. Ruzich

Baxter City Hall, PO Box 2626, 13190 Memorywood Drive, Baxter, MN 56425

www.baxtermn.gov Email: cityhall@baxtermn.gov

Community Development (R) Parks/Memorial Park Bench Application Policy

→ Would like to know locating before installation.



Legend

- Streets
- Locations
 - Current
 - Pending
 - Vacant
 - Retired
 - Other
- Parcels
- Land Use Cases
- Encumbrances
- Historical Parcels
- 2013 Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

**Proposed
bench location
(not drawn to
scale)**

**Existing bench
location (not
drawn to scale)**

1: 960

160.0 0 80.00 160.0 Feet

NAD_1983_HARN_Adj_MN_Crow_Wing_Feet
City of Baxter

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

REQUEST FOR COUNCIL ACTION

April 29, 2016

Department Origination: Community Development

Agenda Section: Other Business

Agenda Item: Adopt Ordinance No. 2016-015 and Summary Ordinance No. 2016-016 approving City Code Amendments to related to mobile vending and seasonal vending regulations

Approval Required: 4/5 Vote of the Council for the Summary Ordinance

BACKGROUND

On April 5, 2016, the City Council requested that staff prepare an ordinance for seasonal vending. The City Council provided staff with feedback that the use should be regulated just shy of what is required for principal buildings. On April 19, 2016, staff drafted an ordinance for the City Council's consideration. The City Council tabled the matter to allow staff to make amendments to the ordinance. Staff has made amendments based on the comments received by the City Council on April 19, 2016. Specifically, staff has provided the following revisions/additions to the ordinance:

- **GROCERY STORE:** A retail store that primarily sells food but not including gas station stores.
- The mobile vending unit may be located on the site for a summer season not to exceed 150 consecutive days of sales.
- The size of the mobile vending unit shall be complementary to the site and location where it is parked. The mobile vending unit shall not exceed 26 feet in total length and shall not exceed 10 feet in total height from grade to the highest point of the mobile vending unit. The Community Development Director has the authority to require the size of the mobile vending unit be reviewed by the City Architectural Review Commission and City Council to ensure that the size of the mobile vending unit is complementary to the surrounding property.
- At the time of the mobile vending permit for seasonal vending, the owner shall submit a best management practices plan to be reviewed and approved by the City Council that identifies how they will appropriately dispose of waste water and FOG (fats, oils and grease).
- A mobile vending permittee shall be allowed signage up to 25 percent of any face of the mobile vending unit.
- For the dates beyond the approved sale period, the mobile vending unit shall be removed from the property, moved inside a building, or moved to a staff approved storage location in the back or side of the building, away from primary street frontages.

FINANCIAL IMPLICATIONS

Mobile Vending Permit Fees for Seasonal Vending

The City has an existing cost of a mobile vending permit set in the fee schedule of \$300.00 for the mobile vending permit and \$30.00 for any permit amendments. The draft ordinance requires this same permit fee for a mobile vending or seasonal vending. The mobile vending permit fee is designed to help offset the cost to administer the permit.

SAC and WAC Fees

SAC and WAC fees are not included in the attached seasonal vending ordinance.

STAFF RECOMMENDATIONS

Staff recommends that the City Council consider the attached ordinance revisions. If the City Council finds that seasonal vending should be approved in the City, then staff recommends the attached ordinance

COUNCIL ACTION REQUESTED

Adopt Ordinance No. 2016-015 and Summary Ordinance No. 2016-016 approving City Code Amendments to related to mobile vending and seasonal vending regulations.

Attachment:

1. Ordinance No. 2014-015 Regulating Mobile Vending
2. Ordinance No. 2014-016 Summary Publication Ordinance Regulating Mobile Vending

Votes Required:

1. Four-fifths vote of the council is required to approve the summary publication.

Every ordinance must be published once in the City's official newspaper. A statutory city council may publish a summary of a lengthy ordinance. Publishing the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. A summary must be written in a clear and coherent manner and avoid the use of technical or legal terms not generally familiar to the public. The summary publication must clearly indicate that the published material is only a summary, and must contain a notice that the full text is available for public inspection. *MN Statute 412.191.*

**ORDINANCE NO. 2016-015
CITY OF BAXTER, MINNESOTA**

ADOPTING AN ORDINANCE TO REGULATE SEASONAL VENDING

THE CITY OF BAXTER ORDAINS:

TITLE 3, BUSINESS AND LICENSE REGULATIONS, CHAPTER 20, MOBILE VENDING

3-20-1: PURPOSE AND FINDINGS:

It is the purpose of the city council to regulate the time, place and manner of mobile vending when the use impacts upon the health, sanitary, fire, police, transportation and utility services exceed those regularly provided to that property. This chapter is enacted in order to promote the health, safety and welfare of all residents and visitors of the city by ensuring that mobile vending does not create disturbances, become nuisances, menace or threaten life, health or property, disrupt traffic or threaten or damage private or public property. (Ord. 2014-15, 6-3-2014)

3-20-2: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, will have the following meanings:

GROCERY STORE: A retail store that primarily sells food but not including gas station stores.

MOBILE CATERING: A mobile vending operation that provides food and/or nonalcoholic beverage from a mobile vending unit to a private group or gathering of people where a bill is paid in advance and the mobile vending unit is not open for sales to the general public.

MOBILE VENDING: An operation that stores, prepares, packages, cooks, serves, vends or otherwise provides food and/or nonalcoholic beverage for human consumption from a mobile vending unit~~readily movable mobile truck, vehicle, recreational vehicle, trailer, kiosk (stand or booth), wagon, cart or other mobile temporary structure~~. Mobile vending is a temporary use that remains stationary on private property for the duration of a sale period, which lasts between one and twelve (12) hours in an approved location that is authorized with a mobile vending permit.

MOBILE VENDING UNIT: Not more than one readily movable mobile truck, vehicle, recreational vehicle, trailer, kiosk (stand or booth), wagon, cart or other mobile temporary structure used for mobile or seasonal vending. (Ord. 2014-15, 6-3-2014)

SEASONAL VENDING: An operation that stores, prepares, packages, cooks, serves, vends or otherwise provides food and/or nonalcoholic beverage for human consumption from a mobile vending unit. Seasonal vending is a temporary accessory use to Grocery Stores, whereby the owner of the grocery store operates a mobile vending unit to sell prepared food products that are customarily sold in their grocery store. Seasonal vending allows a mobile vending unit to remain stationary on private property for a summer season not to exceed 150 consecutive days of sales in an approved location that is authorized with a mobile vending permit for seasonal vending.

3-20-3: PERMIT:

A. Permit Required: No person, business, organization shall operate mobile vending in the city without first obtaining a mobile vending permit from the city, in addition to any other permits required by the county, state or other city ordinance. The mobile vending operation shall comply with all applicable requirements of this code or other food, fire prevention, health, safety, county, state and federal laws and regulations.

B. Exceptions: A permit is not required for:

1. A temporary fundraising event located directly adjacent to the front entrance of a grocery store or other retail store involving food from small scale grill or other temporary food distribution using a small temporary table, shall not be categorized as mobile vending.
2. Mobile vending operations accessory to a permitted special event permit that is approved by the city. A mobile vending operation on its own does not constitute a special event.
3. Peddlers, solicitors, and transient merchants as defined by [chapter 8](#) of this title shall be regulated based on the requirements of [chapter 8](#) of this title.
4. Mobile catering operations on private property. Locations for mobile catering operations shall be compatible with the character of the surrounding neighborhood considering the possible creation of problems including noise, lighting, traffic, sanitation, congestion and other factors affecting the public health, safety and welfare of such areas in addition to compliance with all ordinances of this city and applicable statutes and regulations. (Ord. 2014-15, 6-3-2014)

3-20-4: MOBILE VENDING REGULATIONS:

- A. A mobile vending permit will be issued on a first come, first serve basis. Not more than four (4) mobile vending permits will be authorized per calendar year. Notwithstanding the above provision, a person who had received a permit the previous year shall be entitled to receive a mobile vending permit before others so long as that person, business, or organization is continuously licensed with a mobile vending permit under this chapter and operates a mobile vending unit during the calendar year. One permit is allowed per business owner. Permit applications shall expire on January 1 of each year. The permit is valid for the permittee only and is not transferable in any manner. The permit shall be valid only when used for approved locations, as allowed under the permit in compliance with the requirements of this chapter.
- B. A mobile vending permit is valid for one mobile vending unit, which can be relocated to as many as ten (10) approved sites in the city. Each site shall be established with the mobile vending permit with permission in writing from property owners. A permit applicant may apply to amend their permit to revise locations provided that no more than ten (10) total locations are used during the calendar year. Revised permits shall be approved by city staff based on the requirements of this chapter.
- C. A mobile vending unit may locate in the city's business zoning districts, including the C1, C2, OS, or I district, provided that the mobile vending unit is located at least two hundred feet (200') from a residentially zoned or used property and at least three hundred feet (300') from a brick and

mortar restaurant. The three hundred foot (300') setback may be waived by the city if the permittee furnishes written consent from the proprietor of the brick and mortar restaurant.

- D. Collocating more than one separately licensed mobile vending unit on the same site may be allowed, provided the site is designed to accommodate multiple vending units.
- E. Any two (2) or more separate, licensed, mobile vendors that receive approval for the same property, shall develop a specific plan/schedule to avoid any disputes as one vendor's rights over another for locating mobile vending units on the site.
- F. A mobile vending unit may locate at school sites or the Northland Arboretum with the permission of the property owner.
- G. A mobile vending unit must locate on private property, on a paved surface, in a location that does not interfere with pedestrian or accessible routes, required parking, traffic circulation or emergency vehicle access on the site. Mobile vending units are prohibited within the public right of way.
- H. A mobile vending unit may not locate at a given site for more than two (2) days per week. The mobile vending unit may locate on a given site only between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
- I. Providing or selling of merchandise or other retail items related to a mobile vending operation is prohibited.
- J. The mobile vending area shall be kept clean by the permittee. Trash receptacles including leakproof, nonabsorbent containers shall be kept covered with tightfitting lids and provided in proximity to the mobile vending unit. The trash receptacles shall be maintained to avoid any littering in association with the use and properly disposed of. Each permittee is responsible for the disposal of trash left by customers.
- K. A staff person, legally capable of moving the unit shall stay with the mobile vending unit at all times.
- L. The use of seating, tents, canopies or umbrellas related to the mobile vending operation is prohibited. The exception is that a canopy that is attached to the mobile vending unit may be used to provide shade for the sales location.
- M. The use of power cords or water hoses related to the mobile vending unit is prohibited. An exception includes the use of power cords that run from generator placed in the vicinity of the mobile vending unit to the mobile vending unit.
- N. The city may require the use of bollards or other traffic or pedestrian flow devices, as needed to maintain safety.
- O. The use of sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, whistles related to the mobile vending unit is prohibited. Exceptions include low volume use of a vehicle radio or other music that can only be heard at the mobile vending unit and televisions or other screens used in association with a menu board for the vending unit.

- P. Other than lighting required for a vehicle or trailer, no lighting shall be used to light the mobile vending unit or the area around the mobile vending unit. Lighting shall not be used to attract attention to the mobile vending unit.
- Q. A mobile vending permittee shall be allowed signage that is secured flat against the mobile vending unit, not projecting more than six inches (6") from the exterior of the unit and no more than three feet (3') above the roof deck of the unit. No signage shall be placed on top of a roof deck of any mobile vending unit. Any menu boards shall be directly attached or inside of the mobile vending unit. No external freestanding signage or banners are allowed for the mobile vending operation. No inflatables, lights, or other attention attracting devices are allowed for the mobile vending operation.
- R. A mobile vending unit may not have a drive-through.
- S. A mobile vending permittee shall obey any lawful order of a police officer, traffic control agent, or regulatory services inspector to move to a different authorized location to avoid congestion or obstruction of parking lots, pedestrian trails, or adjacent streets.
- T. No mobile vending unit shall be kept, stored, or maintained on a residentially zoned property. No mobile vending unit shall be used as sleeping quarters in the city.
- U. The mobile vending permit locations shall be compatible with the character of the surrounding neighborhood considering the possible creation of problems including noise, lighting, traffic, sanitation, congestion and other factors affecting the public health, safety and welfare of such areas in addition to compliance with all ordinances of this city and applicable statutes and regulations. (Ord. 2014-15, 6-3-2014)

3-20-5: SEASONAL VENDING REGULATIONS:

- A. Seasonal vending is a temporary accessory use to Grocery Stores, whereby the owner of the grocery store operates a mobile vending unit on the same property as the grocery store to sell prepared food products that are customarily sold in their grocery store.
- B. A maximum of one mobile vending unit may be authorized by permit for each grocery store.
- C. The mobile vending unit may be located on the site for a summer season not to exceed 150 consecutive days of sales. The dates for the sale period shall be identified with the permit application. Two additional days are authorized at the beginning and two additional days are authorized at the end of the sale period for set up and removal of the mobile vending unit.
- D. The mobile vending unit shall remain stationary on private property, in an approved location on the site for the duration of the permit. The owner may move the mobile vending unit to and from the approved mobile vending unit site during the 150 day period, provided the mobile vending unit is not used within the City, unless otherwise authorized by this Chapter.
- E. The mobile vending unit shall be located at least two hundred feet (200') from a residentially zoned or used property.
- F. Collocating more than one separately licensed mobile vending unit on the same site may be allowed, provided the site is designed to accommodate multiple vending units and provided the mobile vending units are permitted through the requirements of this Chapter.

- G. A mobile vending unit must locate on private property, on a paved surface, in a location that does not interfere with pedestrian or accessible routes, required parking, traffic circulation or emergency vehicle access on the site. Mobile vending units are prohibited within the public right of way.
- H. Exterior materials and colors of the mobile vending unit shall be designed to be complementary to the principal building. The Community Development Director has the authority to require that the mobile vending unit be reviewed by the City Architectural Review Commission and City Council to ensure that the mobile vending unit is consistent with the purpose and intent of the City's Architectural Design Standards for commercial property.
- I. The size of the mobile vending unit shall be complementary to the site and location where it is parked. The mobile vending unit shall not exceed 26 feet in total length and shall not exceed 10 feet in total height from grade to the highest point of the mobile vending unit. The Community Development Director has the authority to require the size of the mobile vending unit be reviewed by the City Architectural Review Commission and City Council to ensure that the size of the mobile vending unit is complementary to the surrounding property.
- J. The mobile vending unit may be open between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. Additionally, the mobile vending unit may not be open unless the grocery store is open so that customers have access to restroom facilities inside the building.
- K. Providing or selling of merchandise or other retail items related to a mobile vending operation is prohibited.
- L. The mobile vending area shall be kept clean by the permittee. Trash receptacles including leakproof, nonabsorbent containers shall be kept covered with tightfitting lids and provided in proximity to the mobile vending unit. The trash receptacles shall be maintained to avoid any littering in association with the use and properly disposed of. Each permittee is responsible for the disposal of trash left by customers.
- M. At the time of the mobile vending permit for seasonal vending, the owner shall submit a best management practices plan to be reviewed and approved by the City Council that identifies how they will appropriately dispose of waste water and FOG (fats, oils and grease).
- N. A staff person, legally capable of moving the unit shall be on the premises at all times while the mobile vending unit is open for business.
- O. The use of seating, tents, canopies or umbrellas related to the mobile vending operation is prohibited. The exception is that a canopy that is attached to the mobile vending unit may be used to provide shade for the sales location.
- P. The use of temporary power cords or water lines or sewer lines related to the mobile vending unit is prohibited. If the owner chooses to hook the mobile vending unit up to electric, water, or sanitary sewer services, the connections shall be installed underground in a permanent manor to a hook-up post installed in close proximity to the mobile vending unit. The permanent utilities shall be approved with separate electric and/or mechanical permits. The owner may also use power cords that run from generator placed in the vicinity of the mobile vending unit to the mobile vending unit.
- Q. The city may require the use of bollards or other traffic or pedestrian flow devices, as needed to maintain safety.

- R. The use of sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, whistles related to the mobile vending unit is prohibited. Exceptions include low volume use of a vehicle radio or other music that can only be heard at the mobile vending unit and televisions or other screens used in association with a menu board for the vending unit.
- S. Other than lighting required for a vehicle or trailer, no lighting shall be used to light the mobile vending unit or the area around the mobile vending unit. Lighting shall not be used to attract attention to the mobile vending unit.
- T. A mobile vending permittee shall be allowed signage up to 25 percent of any face of the mobile vending unit. The signage shall be secured flat against the mobile vending unit, not projecting more than six inches (6") from the exterior of the unit and no more than three feet (3') above the roof deck of the unit. No signage shall be placed on top of a roof deck of any mobile vending unit. Any menu boards shall be directly attached or inside of the mobile vending unit. No external freestanding signage or banners are allowed for the mobile vending operation. No inflatables, lights, or other attention attracting devices are allowed for the mobile vending operation.
- U. A mobile vending unit may not have a drive-through.
- V. A mobile vending permittee shall obey any lawful order of a police officer, traffic control agent, or regulatory services inspector to move to a different authorized location to avoid congestion or obstruction of parking lots, pedestrian trails, or adjacent streets.
- W. For the dates beyond the approved sale period, the mobile vending unit shall be removed from the property, moved inside a building, or moved to a staff approved storage location in the back or side of the building, away from primary street frontages. No mobile vending unit shall be kept, stored, or maintained on a residentially zoned property in the City of Baxter. No mobile vending unit shall be used as sleeping quarters in the city.
- X. The mobile vending permit locations shall be compatible with the character of the surrounding neighborhood considering the possible creation of problems including noise, lighting, traffic, sanitation, congestion and other factors affecting the public health, safety and welfare of such areas in addition to compliance with all ordinances of this city and applicable statutes and regulations.

3-20-56: PERMIT APPLICATION AND PLAN SUBMISSION:

- A. Form: Application for a mobile vending permit must be made in writing and must contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and must be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group. The application must contain and disclose the following:
1. Applicant name, address, phone number and signature and mobile vending signature if different from the applicant;

2. A scaled site plan or aerial photo showing lot lines, buildings, parking areas, and the proposed mobile vending location (to scale) proposed for the site. A separate site plan or aerial photo with this information shall be submitted for each of the proposed sites under the permit. The plan shall include the dimensions of the mobile vending unit;
 3. Property owner consent for any mobile vending sites under the permit;
 4. A written description of the use, the products to be sold, and schedule for operation of the mobile vending unit, including a listing of locations and their addresses, the activities planned, and beginning and end times for the mobile vending to take place under the permit;
 5. Estimated number of persons to operate the mobile vending unit;
 6. Any public health plans for water, waste, and toilet facilities, as applicable;
 7. A statement signed by the applicant agreeing to meet all of the requirements of this section;
 8. Insurance as identified (below) in this chapter;
 9. Health department approval for the mobile vending operation;
 10. Any other information requested by the city, acting through its city administrator or chief of police deemed reasonably necessary in order to determine the nature of the mobile vending permit.
- B. Time For Filing: Mobile vending permit applications must be submitted no earlier than January 1 for that year's license. The city shall have at least thirty (30) days from January 1 to review the license applications. Mobile vending permit applications for Seasonal Vending must be submitted at least thirty (30) days in advance of the sale start date.
- C. Permit Fee: An applicant for a mobile vending permit must pay a nonrefundable permit fee in the amount established from time to time by the city's fee ordinance. The fee shall not be prorated. (Ord. 2014-15, 6-3-2014)

3-20-67: PERMIT REVIEW:

- A. Application And Review: Upon receipt of a mobile vending permit application, the community development director shall be responsible for promptly processing the application, including conferring with department heads and the applicant as necessary to implement the provisions of this chapter, and, when required by this chapter, forwarding the processed application to the city council with a recommendation to approve, approve with conditions or modifications, or deny the mobile vending permit application. A revised permit to modify approved locations in the city may be approved administratively by the community development director, provided that the revised locations comply with this chapter.
- B. Permit Denial: The city may deny an application for a mobile vending permit if it determines from a consideration of the application or other pertinent information, that:

1. The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
2. The applicant fails to supplement the application after having been notified by the city of additional information or documents needed;
3. The applicant fails to agree to abide or comply with all of the conditions and terms of the mobile vending permit and this chapter, including payment of all costs and expenses;
4. The mobile vending permit would substantially or unnecessarily interfere with traffic in the city, would interfere with access to the fire station or fire hydrants, or would interfere with access to businesses or residences in the immediate vicinity;
5. A location of the mobile vending unit will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right of way;
6. The mobile vending permit would likely endanger the public safety or health;
7. The mobile vending permit would substantially or unnecessarily interfere with police, fire, water, public works or other services to the city as a whole and there are not sufficient city resources to mitigate the disruption;
8. The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
9. The mobile vending permit would likely create or constitute a public nuisance;
10. The mobile vending permit would be likely to cause significant damage to public property or facilities;
11. The mobile vending permit would engage in or encourage participants to engage in illegal acts; or
12. The applicant, responsible party or the person on whose behalf the application is submitted has on prior occasions made material misrepresentations regarding the nature and extent of mobile vending permit or has violated the terms of a prior mobile vending permit. (Ord. 2014-15, 6-3-2014)

13. A mobile vending unit used for seasonal vending has an exterior design, materials, and colors that are not complementary to the principal building and is inconsistent with the purpose and intent of the City's Architectural Design Standards for commercial property.

3-20-78: INDEMNIFICATION:

A mobile vending permittee shall defend and hold the city, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the mobile vending permit, except any claims arising solely out of the negligent acts or omissions of the city, its officials, employees and agents. (Ord. 2014-15, 6-3-2014)

3-20-89: INSURANCE REQUIREMENTS:

- A. **Liability Insurance Required:** The applicant of the mobile vending permit must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the mobile vending operation. A certificate of insurance must be filed with the city prior to issuance of the mobile vending permit. The certificate of insurance must name the city, its officials, employees and agents as additional insured. Insurance coverage must be maintained for the duration of the mobile vending permit.
- B. **Minimum Limits:** Insurance coverage must be a commercial general liability policy. The minimum limits must be at least one million dollars (\$1,000,000.00). The city may require additional endorsements depending upon the type of mobile vending operation and the proposed activities.
- C. **Waiver Or Reduction Of Required Limits:** The city may waive or reduce insurance requirements of this section under the following circumstances:
 1. The applicant or officer of the sponsoring organization signs a verified statement that the insurance coverage required by this section is impossible to obtain; or
 2. The city determines that the insurance requirements are in excess of the reasonable risk presented by the proposed mobile vending permit. (Ord. 2014-15, 6-3-2014)

3-20-910: COMPLIANCE WITH PERMIT:

- A. **Unlawful To Exceed The Scope Of The Permit:** The mobile vending permit authorizes the permittee activities only as described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to ~~wilfully~~willfully violate the terms and conditions of the permit. (Ord. 2014-15, 6-3-2014)

3-20-1011: PERMIT REVOCATION:

A mobile vending permit may be revoked by the city at any time for failure to comply with the provisions of this chapter and conditions of the permit. The provisions of this chapter are not exclusive. Revocation may be based upon good cause as authorized by this chapter but shall not preclude the enforcement of any other provisions of this code or other food, fire prevention, health, safety, county, state and federal laws and regulations. (Ord. 2014-15, 6-3-2014)

3-20-1112: ENFORCEMENT:

- A. **Injunction:** The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.
- B. **Public Nuisance:** If a mobile vending permit is in violation of any provision or condition contained in this chapter, the permit will be deemed a public nuisance and may be abated as such. Issuance of a mobile vending permit by the city does not preclude the right of an individual to pursue a private nuisance action against the applicant. (Ord. 2014-15, 6-3-2014)

Effective.

Subdivision 1. This ordinance becomes effective from and after its passage and publication.

WHEREUPON, said Ordinance is hereby declared adopted on this 3rd day of May, 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

**CITY OF BAXTER, MINNESOTA
ORDINANCE No. 2016-016**

A SUMMARY OF ORDINANCE No. 2014-013 REGULATING MOBILE VENDING

At a regular session on May 3, 2016, the Baxter City Council adopted Ordinance No. 2016-015 Regulating Mobile Vending. A summary of Ordinance No. 2016-015 is outlined below. The complete ordinance may be inspected by any person from 8:00 A.M. to 4:30 P.M. Monday through Friday at the Baxter City Hall located at 13190 Memorywood Dr., Baxter, MN 56425. The following is only a summary of the ordinance.

Purpose and Findings.
Definitions.
Permit.
Mobile Vending Regulations.
Seasonal Vending Regulations.
Permit Application and Plan Submission.
Permit Review.
Indemnification.
Insurance Requirements.
Compliance with Permit.
Revocation.
Enforcement.
Effective.

The City Council has determined that publication of the title and summary of Ordinance No. 2016-014 as set forth in this summary will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and this summary be published.

Adopted by the City Council of the City of Baxter on this 3rd day of May, 2016.

This Ordinance shall take effect upon its summary publication in the City's official newspaper.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

REQUEST FOR COUNCIL ACTION

05/03/16

Department Approval: Finance Director Vacinek 

Agenda Section: Consent

Approval Required: Simple Majority Vote of the Council

Item Description: Approve Final Payment of \$13,427.17 to Brainerd for 2012 College Road/CSAH 48 Improvements

BACKGROUND

In 2012, as part of the City of Brainerd’s College Drive improvement project, the City of Baxter and Crow Wing County cooperated with the improvements at the intersection of College Road and CSAH 48 (Highland Scenic Road). Street lane realignment and turn lane improvements to College Road on the west side of CSAH 48 within the City of Baxter were necessary to accommodate the street improvements Brainerd was undertaking east of CSAH 48. In addition, minor water and sewer improvements on Baxter’s portion of College Road were needed as part of the project. Federal grant money paid a significant portion of the street-related portion of the project. After a two-year federal warranty period, the project was recent closed.

FINANCIAL IMPLICATIONS

Baxter’s share of the project was originally estimated at \$377,805. After deducting \$197,788 of federal funding, the city’s share in 2013 was estimated at \$180,017, as shown in the table below. Funding for Baxter’s share in 2013 was derived from the General fund for street related improvements and the Water and Sewer enterprise funds for their respective portions of the project. In 2013, the City paid 95% of the estimated construction costs and 90% of the estimated engineering costs to Brainerd and recorded a contract payable liability in the capital project fund for the estimated \$11,882 remaining.

The final cost was \$379,350, or \$1,545 higher than the 2013 estimated amount, due to final quantities in the street related portion of the improvements. After deducting the \$168,133.93 previously paid to Brainerd, the amount now due is \$13,427.17. The \$1,545 difference will be paid from the General fund streets maintenance budget.

	2013	2016	
	Estimated	Final	Difference
Project Cost	377,805	379,350	1,545
less Federal Funding	(197,788)	(197,788)	-
Net Project Cost	180,017	181,562	1,545
Previously Paid	(168,134)	(168,134)	-
Amount Due	11,883	13,428	1,545
Funding Sources			
General Fund	166,060	167,605	1,545
Water Fund	9,860	9,860	-
Sewer Fund	4,097	4,097	-
Total City Funding	180,017	181,562	1,545

STAFF RECOMMENDATION

Finance Director Vacinek recommends approval of the final payment of \$13,427.17 to the City of Brainerd for the College Road/CSAH 48 improvements.

COUNCIL ACTION REQUESTED

Motion to approve final payment of \$13,427.17 to Brainerd for College Road/CSAH 48 improvements.

REQUEST FOR COUNCIL ACTION

05.03.2016

Department Origination: IT; Public Works

Agenda Section: Consent

Agenda Item: Authorize Staff to sign Mueller Systems Master Agreement for the Fixed Network Water Meter Reading System Project

Approval Required: Simple Majority of Vote of the Council

BACKGROUND

Mueller Systems, who was recently awarded the bid for the Fixed Network Water Meter Project, requires a Master Agreement between them and the City, which defines some standard software licensing terms, warranty specifics, etc. City and TKDA staff have reviewed the agreement.

FINANCIAL IMPLICATIONS

No present implications. The agreement does define warranty replacement costs and future costs for hardware and software.

STAFF RECOMMENDATIONS

Staff recommends authorizing staff to sign the Mueller Systems Master Agreement for the Fixed Network Water Meter Reading System Project

COUNCIL ACTION REQUESTED

MOTION to Authorize Staff to sign Mueller Systems Master Agreement for the Fixed Network Water Meter Reading Project

Attached: Mueller Systems Master Agreement

April 26, 2016

Honorable Mayor and Council Members
City of Baxter
13190 Memorywood Drive
Baxter, MN 56425

Dear Mayor and Council Members,

We are nearing the point of posting the City Administrator position, so I will attend your meeting on May 3, 2016, to review the process and seek approval to move ahead with the search.

As you know, the information gathering process for developing the position profile has been taking place for several weeks. One of the results of that information gathering is the development of a position profile. Attached to this memo is the draft position profile that will be discussed and modified as needed at the Council meeting.

Please note that I am recommending a salary range of \$93,000 to \$126,464. The current administrator is paid \$126,464 so I recommend keeping this in place as the maximum for the position. The current minimum of \$82,078, is comparatively quite low which leads to the recommendation of a new minimum of \$93,000. This proposed range is more consistent with the market and with best practices for a salary range.

Other items of discussion include the job description, search timeline, and interview process. You will see the profile includes tentative dates for the final interviews, so I would like to finalize interview dates with you at the May 3rd meeting.

The interviews can be done in one day or two days depending on which components the Council wishes to include in the process. Some of the options for this part of the process include the following:

- City Tour
- Lunch with leadership staff and Council
- Individual interviews with each Council member
- Community meet and greet event
- Leadership staff interview
- Community panel interview
- Full Council-formal interview
- Other options

The number of components desired will determine whether the process will take place over one or two days. There is no right or wrong approach to this as each City has different preferences.

The only interview related decision needed on May 3rd pertains to the dates of the interviews. A decision on interview components will be made by the Council at a later date.

In summary, the items for discussion at the May 3rd meeting include the following:

1. Position Profile: Review and approve
2. Salary Range: Review and approve
3. Job Description: Discussion
4. Timeline: Determine date(s) of final interviews
5. Any questions from the Council

Thank you.

Sincerely,



Gary Weiers
Associate

Attachments

- Draft Profile
- Draft Timeline
- Job Description

CITY OF BAXTER, MINNESOTA

COMMUNITY INFORMATION

The City of Baxter is a progressive, growing community located in Crow Wing County. Sitting in the heart of the central lakes area of Minnesota, Baxter is approximately 120 miles northwest of the Minneapolis/St. Paul metropolitan area. Minnesota State Highways 210, 25, 18, and primarily 371 serve the transportation needs of the City, along with the Brainerd Lakes Regional Airport, which offers commercial flight service.

POSITION:

CITY ADMINISTRATOR

POPULATION:

8,002

SALARY:

\$93,000 TO \$126,464

Sharing a boundary with the City of Brainerd, Baxter encompasses 20 square miles, of which approximately one-third is undeveloped. With a population of 8,002 residents, Baxter is part of the Baxter/Brainerd Micropolitan Statistical Area that has a population of over 91,000.

Baxter has experienced rapid residential development as the population has more than doubled over the past two decades. During this period, there has also been substantial commercial development resulting in Baxter becoming a regional retail and service center. Both the residential and commercial sectors are projected to continue to grow at a significant rate.



ECONOMIC VITALITY

The City of Baxter is active in promoting economic development as a major partner in the Brainerd Lakes Area Economic Development Commission. While the greatest economic impact is derived from tourism and retail, the area is diversifying with the assistance of the City's economic development efforts. In 2001, Baxter completed a third expansion to its industrial park and is exploring plans for the next phase of development.

Baxter is one of the most prosperous communities in the area with median personal and household incomes higher than those of the State and well above the region.



There are diverse employment opportunities within the City of Baxter with major employers representing the healthcare, education, tourism, technology, manufacturing, retail, construction, and government sectors. The City of Baxter's commercial district is home to national and regional retailers and restaurants including Costco, Best Buy, Target, Walmart, Menard's, Mills Fleet Farm, Home Depot, JC Penny, Kohl's, Sears, Gander Mountain, Office Max, Applebee's, Buffalo Wild Wings, Grizzly's Grill 'N Saloon, Olive Garden, and dealerships for all major automobile manufacturers, as well as numerous regional and local retail and professional service businesses.

HEALTHCARE

Convenient, quality healthcare can be found right in the City of Baxter. Essentia Health St. Joseph's Baxter Clinic offers family medicine, pediatrics, women's health, urgent care, lab and radiology services, physical therapy, and a pharmacy.

The Cuyuna Regional Medical Center-Baxter Clinic shares a building with the Minneapolis Heart Institute and offers family medicine, sports medicine, OB/GYN, orthopedics, podiatry, and lab and radiology services. They also offer patients access to care through partnerships with the Virginia Piper Cancer Institute, Minneapolis Heart Institute, and Adult & Pediatric Urology.



EDUCATION

Public education in Baxter is provided by Brainerd Public Schools which enrolls over 6,000 students. There are 12 schools in the system, with Baxter being the home to two of the facilities: Baxter Elementary and Forestview Middle School. Baxter Elementary's population is just over 500 students and is located on the western most edge of the Baxter area. This school provides education to students from early childhood through 4th grade. Following a successful bond referendum in 2002, construction of the Forestview Middle School began on a 181-acre site. This school enrolls approximately 2,000 students in grades 5-8. A 60-acre portion of the land was designated as a School Forest. Through cooperation between the Minnesota DNR, the City of Baxter, the Brainerd Nordic Ski Club, and the Brainerd Public School District, the Dean Makey School Forest was developed. The forest is a designated MN School Forest and is one of the most used school forests in the state. It is used for science activities, trail-walking, and cross-country skiing.



Baxter is also home to a private school system. Lake Region Christian School provides pre-K through high school education. In the fall of 2015, the school was granted full accreditation by the American Association of Christian Schools.

Opportunities for higher education can also be found in the area. The American Institute of Nondestructive Testing is a private career school in Baxter that offers training for a career in nondestructive testing. In the neighboring City of Brainerd is Central Lakes College, a community college, as well as St. Scholastic-Brainerd Campus, which offers both undergraduate and graduate degrees.



RECREATIONAL ACTIVITIES

The City of Baxter offers an impressive amount of opportunities for recreation. Because of the ten lakes located in the City, residents and visitors are offered endless possibilities for fun on the water including fishing, swimming, and water sports.

There are also several Baxter City Parks for folks to enjoy – Oscar Kristofferson Park, Loren Thompson Park, Berrywood Park, Southdale Park, Mississippi River Overlook Park, Riverview Park and Whipple Beach Recreation Area. There are pavilions available for rent at Oscar Kristofferson Park, Loren Thompson Park, Whipple Beach and Berrywood Park. Baxter’s public beach area is located at Whipple Lake, where there is also a pavilion, picnic area, playground equipment, boat landing, and a fishing pier. The City also houses the 500-acre Northland Arboretum , a non-profit, outdoor nature conservatory that offers nature trails, cross country skiing, and educational opportunities through workshops and seminars.



The trail system in Baxter is one of the finest in the area, and offers bikers and pedestrians miles of beautiful scenery. The Paul Bunyan Trail is the longest Minnesota bike trail at 120-miles, and it connects the Heartland Trail, the Blue Ox Trail, and the Cuyuna State Trail. In the Baxter portion of this paved trail, there is a major trail access, parking lot, and rest area which provides folks with easy access.

Plenty of indoor fun can also be had right in the City of Baxter. The Holiday Inn Express Hotel & Suites-Baxter houses the area’s largest water and theme park and includes an adult and kid’s hot tub, lazy river, activity pool, and arcade. A number of other hotels in the City also house indoor water parks. Baxter is also home to the 3-2-1 Bounce! indoor family fun center.

Baxter offers outstanding big and small retail stores. Folks can take a stroll through the Westgate Mall or find a number of unique specialty shops throughout the City, including the Christmas Point Wild Rice Co., a mom and pop gift store turned popular shopping destination.

THE ORGANIZATION

The City operates under a Mayor-Council form of government. Policy making and legislative authority are vested in a City Council consisting of the Mayor and four other members. Council responsibilities include, among other things, passing ordinances, adopting the budget, appointing committees, and hiring a City Administrator. The City Administrator is responsible for carrying out Council policies and ordinances and overseeing day to day operations.



The Council is elected on a non-partisan basis in four-

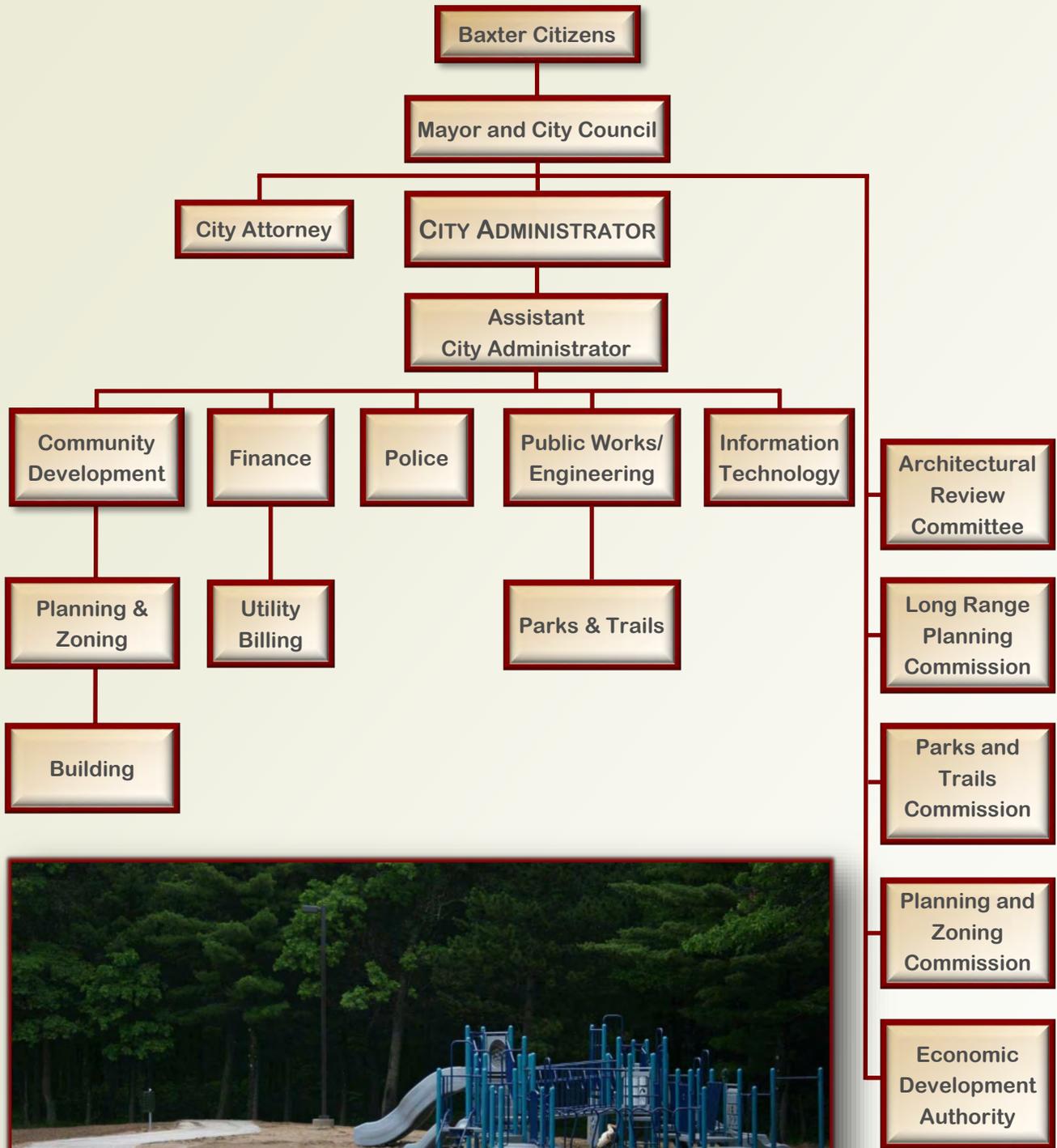
year staggered terms. The City provides a full range of municipal services including police, contracted fire, water, sewer, storm water, construction and maintenance of parks and streets, planning and economic development, recreation and cultural activities, and general administration.

The City of Baxter boasts a progressive City Council and excellent leadership team. The City has recently completed a comprehensive plan which will provide the framework for the development of the City.

BUDGET INFORMATION

EXPENDITURES	2015	2016
General Government	1,619,100	2,039,000
Public Safety	2,111,800	2,128,300
Highways and Streets	860,900	818,700
Sanitation	39,600	46,800
Culture and Recreation	696,000	682,800
Economic and Community Development	669,700	737,700
Water	1,530,800	1,553,700
Sewer	1,854,800	1,782,300
Storm Water	336,500	379,900
Capital Outlay	1,115,700	2,285,500
Debt Service	10,837,400	4,911,800
Transfers Out	4,329,000	2,952,700
TOTAL EXPENDITURES AND TRANSFERS OUT	26,001,300	20,319,200

ORGANIZATIONAL CHART



ADMINISTRATOR CORE DUTIES

- The City Administrator shall be the Chief Executive Officer for the City Council and shall coordinate the administration of all City departments; the City Administrator shall oversee the implementation of all City Council policies and initiatives.
- Directly responsible to the City Council for the enforcement of all ordinances, regulations, and law enforcement policies of the city, state, and federal government which may apply within the boundaries of the City.
- Advises the City Council on matters of governmental and public policy which are pertinent to municipal operations; makes presentations, participates in discussions, and implements City Council decisions.
- Responsible to the City Council for the effective management of City funds and assets to ensure effective investment of available funds to meet the goals of the City; coordinates and directs department heads in the development, presentation, and administration of the annual operating budget.
- Responsible to the City Council for the planning and carrying out of all capital improvement projects and service programs; serves as chief project and program director for the City.
- Oversees the administration of all departments and divisions; plans and coordinates activities, and ensures follow up designed to provide the effective provision of services to the public.
- Coordinates the alignment of work processes, budgets, appropriate staffing levels, and operating policies necessary to carry out the City's vision and mission.
- Facilitates communication between all municipal stakeholders to include City Council, staff, citizens, and representatives of other governmental entities.
- Empowers staff at all levels to ensure appropriate levels of decision making, responsibility, and accountability; encourages employee education and development.
- Coordinates with members of the management team to ensure effective utilization of employees; recommends salary adjustments, hiring, firing, promotion, and demotion of all employees; makes recommendations to the City Council regarding any changes to the organizational structure of the City.
- Along with the directors, negotiates contracts and cooperative agreements with unions, private individuals, and organizations surrounding municipalities and other governmental units.
- Serves as Executive Director of the Economic Development Authority.
- Attends all meetings, performs all reasonable tasks, and furnishes all verbal and written reports as assigned by the City Council.
- Responds to concerns, issues, complaints, and questions from the public or employees, or refers to department heads as appropriate.
- Coordinates and oversees the development of agreements, ordinances, resolutions, grants, etc.
- Oversees preparation of grant applications, administers grant money that is received, and prepares related reports.
- Works closely with the Personnel Commission and Council with collective bargaining and personnel compensation issues and assists in resolving grievances or arbitration issues pursuant to Personnel Policy and collective bargaining unit contracts.
- Develops and implements administrative policies and guidelines in cooperation with the City Council and various City boards and commissions; advises department heads and other employees as to policies and procedures; evaluates performance and results in accordance with City objectives and makes appropriate recommendations.

DESIRED ADMINISTRATOR ATTRIBUTES

- Be passionate about the City of Baxter.
- Possess strong leadership skills and have the ability to lead by example.
- Be respectful of City staff and the City Council.
- Have the ability to effectively communicate with citizens, Councilors, business representatives, and service partners.
- Be assertive, yet respectful, in dealing with issues confronting the organization.
- Have a working knowledge of challenges related to community growth and development.
- Effectively represent organizational needs to the Council.
- Be approachable and trustworthy.
- Have the ability to build and maintain effective teams.
- Be open to new and innovative ways to provide services and meet community needs and expectations.
- Have well developed delegation skills; know what should be delegated and when.
- Be an effective and appropriate decision maker.

ADMINISTRATOR GOALS

- Become immersed in the community by being actively involved in organizations that include community leaders.
- Develop and maintain strong relationships with the ever growing business community.
- With the Council, develop a road map for implementing a strategic vision for the organization.
- Provide leadership on collaborations with neighboring communities and the County on shared services and other partnerships.
- With department leaders and the City Council, evaluate the organizational structure and recommend where changes or enhancements are needed.
- Develop short term and long term employee succession planning strategies.
- Enhance the positive organizational culture.
- With appropriate department staff, help implement a multitude of growth related projects and initiatives.
- Develop strategies for enhancing communication with the community through social media and other venues.
- Help the organization improve the use of technology to increase efficiency and effectiveness.
- With department leaders, facilitate the development of work plans that address priorities and work direction.
- Help the organization and community continue the transition from being a small City to a growing regional center.

POSITION ANNOUNCEMENT

Position: City Administrator

Location: City of Baxter, Minnesota

Baxter is a thriving City located just north of the geographical center of Minnesota. The City is part of Crow Wing County and currently boasts a population of 8,002 residents who enjoy all that this growing City has to offer.



Required qualifications for this position include possession of a valid Minnesota driver's license, a bachelor's degree in Public Administration, Urban Studies, Business, Finance, or a related field, and seven years of public sector administrative experience, including two years of supervisory experience.

Desired qualifications include a master's degree in Public Administration, Business Administration, Economics, Political Science, Urban Studies, or a related field, demonstrated experience with strategic planning, demonstrated leadership, team building, and communication skills, experience with economic and community development, and experience with mediation, facilitation, conflict resolution, and change management.

The position profile is available at <http://www.daviddrown.com/#!cv/c1c80>.

To apply, go to <http://dda.catsonone.com/careers/>, and complete the process by June 5, 2016. Finalists will be selected by the Council on July 5, 2016. Finalist interviews are scheduled for July 27 and 28, 2016.

Please direct questions to Gary Weiers at gary@daviddrown.com or 612-920-3320 extension 109.

Faribault Office
1327 Merrywood Court
Faribault, MN 55021
Phone: (612)920-3320 x109
Fax: (612)605-2375
gary@daviddrown.com



CITY OF BAXTER ADMINISTRATOR SEARCH TIMELINE

Item	Task	Completion Date
Decision by City Council to proceed		March 31, 2016
Information gathering	<ul style="list-style-type: none"> • Meet individually with City Council members • Meet with Department Heads in a group session • Gather all pertinent background information • Gather salary information and review job description 	April 13, 2016
Professional profile	<ul style="list-style-type: none"> • Develop position profile and advertisement 	April 26, 2016
Approve position profile	<ul style="list-style-type: none"> • City Council approves profile, job description, salary range and hiring process 	May 3, 2016
Candidate recruitment	<ul style="list-style-type: none"> • Post position immediately upon approval of profile • Comprehensively advertise • Email and phone calls to prospective candidates 	May 4-June 2, 2016
Screening of applicants	DDA will review and rank applicants based on job related criteria and select semifinalists	June 3, 2016
Initial interview by DDA	DDA will conduct initial phone interviews of semifinalists. As an alternative, the Council could appointment a committee to conduct initial interviews	June 21, 2016
Selection of finalists	<ul style="list-style-type: none"> • City Council reviews semifinalists and selects finalists for interviews • If a committee is used to conduct initial interviews, they would select the finalists • DDA will notify candidates not selected as finalists 	July 5, 2016
Background check of all finalists selected for interviews	<ul style="list-style-type: none"> • Includes: <ul style="list-style-type: none"> ○ Criminal background: county, state, national ○ Sex offender registry ○ Social security number verification ○ Employment and education verification ○ Credit check 	July 19, 2016
Reference check on all finalists	DDA will conduct reference checks with current and former employers on all finalists	July 19, 2016
Personality index	DDA will administer a work related personality index to all finalists	July 19, 2016
Presentation of finalists	DDA will present the Council information including: <ul style="list-style-type: none"> • Summary of references • Results of background checks • Personality index reports • Resumes, etc. 	July 19, 2016
Interviews	<ul style="list-style-type: none"> • It is recommended that interviews be at a special meeting • DDA will prepare all interview materials and be present at all interviews and other functions 	July 27 & 28, 2016
Decision	City Council will select candidate for offer	July 28, 2016
Offer and agreement	DDA will negotiate agreement with selected person	July 29, 2016
Projected start date	New City Administrator begins	August 29, 2016
Follow up	DDA will follow up periodically with the new Administrator	September, 2017



POSITION DESCRIPTION

TITLE:	City Administrator
DEPARTMENT:	Administration
SUPERVISOR:	City Council
STATUS:	Full-time/Exempt/Non-Union

PRIMARY OBJECTIVE OF POSITION

This position is highly responsible for directing and coordinating the administration of municipal government in accordance with policies and procedures established by the City Council. The City of Baxter operates under a Council-Administrator form of government, and provides a mayor and a four-member council elected at large. Under the direct supervision of the City Administrator is the City Engineer/Public Works Director, Chief of Police, Community Development Director, Finance Director, Assistant City Administrator/Clerk, and GIS/IT Director.

ESSENTIAL JOB FUNCTIONS

The essential job functions listed below are intended to describe the various types of work that may be performed. The omission of other duties not listed does not exclude them if the work is similar, related or a logical assignment to the position.

1. The City Administrator shall be the Chief Executive Officer for the City Council and shall coordinate the administration of all city departments; the City Administrator shall oversee the implementation of all city council policies and initiatives.
2. Directly responsible to the city council for the enforcement of all ordinances, regulations and law enforcement policies of the city, state, and federal government which may apply within the boundaries of the City.
3. Advises the City Council on matters of governmental and public policy which are pertinent to municipal operations; makes presentations, participates in discussions and implements City Council decisions.
4. Responsible to the City Council for the effective management of city funds and assets to ensure effective investment of available funds to meet the goals of the City; coordinates and directs department heads in the development, presentation, and administration of the annual operating budget.

5. Responsible to the City Council for planning and carrying out of all capital improvement projects and service programs; serves as chief project and program director for the City.
6. Oversees the administration of all departments and divisions; plans and coordinates activities, and ensures follow-up designed to provide the effective provision of services to the public.
7. Coordinates the alignment of work processes, budgets, appropriate staffing levels and operating policies necessary to carry out the City's vision and mission.
8. Facilitates communication between all municipal stakeholders to include City Council, staff, citizens, and representatives of other governmental entities.
9. Empowers staff at all levels to ensure appropriate levels of decision-making, responsibility and accountability; encourages employee education and development.
10. Coordinates with members of the management team to ensure effective utilization of employees, recommends salary adjustments, hiring, firing, promotion and demotion of all employees; makes recommendations to the City Council regarding any changes to the organizational structure of the city.
11. Along with the directors, negotiates contracts and cooperative agreements with unions, private individuals and organizations, surrounding municipalities and other governmental units.
12. Serves as Executive Director of the Economic Development Authority.
13. Attends all meetings, performs all reasonable tasks and furnishes all verbal and written reports as assigned by the City Council.
14. Responds to concerns, issues, complaints and questions from the public and employees or refers to department heads as appropriate.
15. Coordinates and oversees the development of agreements, ordinances, resolutions, grants, etc.
16. Oversees preparation of grant applications, administers grant money that is received and prepares related reports.
17. Works closely with the Personnel Commission and City Council with collective bargaining and personnel compensation issues and assists in resolving grievances or arbitration issues pursuant to Personnel Policy and collective bargaining unit contracts.
18. Develops and implements administrative policies and guidelines in cooperation with the City Council and various City boards and commissions; advises department heads and

other employees as to administrative procedures and policies; evaluates performance and results in accordance with City objectives and makes appropriate recommendations.

Additional Duties

19. Performs other duties as assigned or apparent.

KNOWLEDGE, SKILLS & ABILITIES
--

1. Through knowledge of the principles and practices of public administration; through knowledge of the methods of administration as applied to the management of local municipal divisions and departments.
2. Knowledge of the principles of governmental accounting, budgeting, human resources, administration, public relations, and office management.
3. Ability to direct and perform general administrative work; ability to analyze, study and present technical information on a variety of subjects.
4. Knowledge of current leadership and organizational structure theories and management.
5. Ability to exercise sound judgment and discretion in developing and planning for the implementation of city programs.
6. Ability to develop and install administrative procedures for municipal operations and to evaluate their effectiveness.
7. Coaching skills necessary to motivate the City's management team to meet organization wide goals and the City's mission and vision.
8. Knowledge of community development related to commercial, residential and economic projects to include tax increment financing and similar regulations.
9. Ability to communicate effectively, professionally, and maintain positive working relationships with co-workers, elected officials, members of the public and other governmental units and municipalities.
10. Working knowledge of computer systems and applications.
11. Ability to communicate effectively and tactfully, both orally and in writing with the supervisor, city employees, and the city's customers.
12. Ability to manage multiple assignments and priorities to ensure the fulfillment of projects, tasks, and responsibilities.

13. Ability to work cooperatively with all city employees towards the common goal of providing high quality services.
14. Ability to demonstrate a commitment to provide and require excellent customer service through cooperative team and individual efforts.
15. Ability to provide suggestions, advice and support to supervisor, other city employees, and the city's customers.
16. Ability to exhibit excellent interpersonal and human relationship skills.
17. Ability to assist fellow employees with developing and implementing programs and objectives to improve departmental and city-wide efficiency.
18. Exhibits behavior consistent with the mission, vision and values of the City of Baxter.
19. Furthers the mission, vision and values of the city through excellent customer service, creative problem solving, decision-making, and stewardship of city resources.
20. The ability to work both independently and within a team.
- 21.

REQUIRED QUALIFICATIONS

1. Must possess a valid Minnesota driver's license.
2. Bachelor's degree in public administration, urban studies, business, finance or a related field.
3. Seven (7) years of public sector administrative experience, including two years of supervisory experience.

DESIRED QUALIFICATIONS

1. Master's degree in Public Administration, Business Administration, Economics, Political Science, Urban Studies, or related field.
2. Demonstrated experience with strategic planning.
3. Demonstrated leadership, team building and communication skills.

4. Experience with economic and community development.
5. Experience with mediation, facilitation, conflict resolution, and change management.

PHYSICAL REQUIREMENTS

These physical demands are representative of the physical requirements necessary for an employee to successfully perform the essential functions of the job. Reasonable accommodation can be made to enable people with disabilities to perform the described essential functions.

Work is performed primarily in a standard office environment that includes exposure to computer screens. Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information. Working ability to lift books and drawers weighing up to 20 pounds.

It is the policy of the City of Baxter to provide equal employment opportunities to all persons. All employment policies and practices shall be non-discriminatory in compliance with federal laws, state statute, and local ordinances.

Revised: March 15, 2016

REQUEST FOR COUNCIL ACTION

05/03/16

Department Approval: Finance Director Vacinek  **Agenda Section:** Other Business
Approval Required: Simple Majority Vote of the Council

Item Description: 2016 Classification to Non-Conservation and Future Sale of Tax Forfeited Parcels

BACKGROUND

As part of the annual tax forfeiture process, the city was notified by Crow Wing County of the intent to proceed with the future sale of five tax forfeited lots located in the City of Baxter. As required by State Statute 282.01, when parcels become tax forfeited, the county must determine whether to classify the parcels as conservation (often preserved as greenspace near shoreland) or non-conservation. If the county determines the parcel(s) to be non-conservation, it must also determine whether it intends to sell the parcel(s).

The city where the tract exists must approve the classification of the parcel(s) as non-conservation and approve or disapprove the sale within 60 days of the notice. If the city does not support the sale, the county will withhold the parcel from public sale for six months to give the affected city time to consider acquiring the parcel before it is sold. Cities and/or their HRAs and EDAs often purchase tax forfeited parcels for public purpose and/or redevelopment opportunities.

Attached for your reference are copies of the Crow Wing County provided sheets for the five subject parcels. Below is a summary of the parcels.

Tract 01-16 (southeast corner of Lynwood Drive) - This undeveloped parcel is zoned R-1 and was improved with city water and sewer as part of the 2006 Kirkwood Improvements. The parcel has outstanding special assessments due of approximately \$19,800 in 2016.

Tract 02-16 (west side of Hemlock Drive, north of Afton Road) - This undeveloped outlot from the Whitetail Addition development consists primarily of wetlands. The parcel does not have any special assessments.

Tract 03-16 (south side of Lynwood Drive, between vacated White Pine Drive and Birchwood Drive) - This undeveloped parcel is zoned R-1 and was improved with city water and sewer as part of the 2006 Kirkwood Improvements. A portion of the parcel's outstanding special assessments were deferred because the lot was adjacent to another developed lot with the same ownership. The parcel currently has a 2016 outstanding special assessment payoff balance with the deferred amount of approximately \$22,600.

Tract 04-16 (southwest corner of Hastings Road and Evergreen Drive) - Adjacent to the city's industrial park, this undeveloped parcel currently is zoned Office Service with a Business Gateway future land use. Street and city water and sewer improvements were constructed on the north side of the parcel as part of the 2012 Hastings Improvements. The parcel has outstanding special assessments of \$313,548 that are currently deferred. It is anticipated the parcel will have street and utility special assessments when Evergreen Drive is improved in the future.

Tract 05-16 (northwest corner of Highland Scenic Road (CSAH 48) and Evergreen Drive) - This undeveloped parcel is zoned Office Service with a Business Gateway future land use. A majority of the parcel consists of wetlands. The parcel currently does not have any special assessments.

Staff initially has determined there is no public need for Tracts 01-16, 02-16, 03-16, or 05-16 at this time. Therefore it is recommended to concur with the county's classification of non-conservation to proceed with the public sale.

Tract 04-16, the parcel at the southwest corner of Hastings Road and Evergreen Drive, may be a parcel the council and EDA wish to consider for industrial park development. Acquisition and development of the parcel provides for growth and diversification in the city's tax base and job composition. Managing development of the parcel protects the city's interests in ensuring the outstanding special assessments are paid back to the city and enables the city to plan for future needed street and utility improvements to Evergreen Drive.

By denying the non-conservation classification for this parcel, the city will be provided an avenue to discuss and review the public purpose for the parcel and its value with the county should the city wish to acquire it. The acquisition cost would be negotiated between the city and county. During the process if the city determines it does not wish to acquire the parcel, it notifies the county and the county can proceed with the sale.

FINANCIAL IMPLICATIONS

No direct financial implications exist for the city with approving the Crow Wing County classification to non-conservation and approve the future sale of tax forfeited parcels. Public sale of the parcels will return the parcels to a tax paying status. As part of the forfeiture process, the city will reaffirm the parcels' outstanding assessments, with the intent to collect the delinquent assessments upon the sale of the parcels in the future. Due to the lack of prior year special assessment payments on the parcels, Tract 01-16 currently has a special assessment payoff balance of approximately \$19,800 and Tract 03-16 currently has a special assessment payoff balance with the deferred amount of approximately \$22,600.

Finance will continue to monitor the debt service fund associated with the Kirkwood project's street and utility improvements to ensure adequate debt service reserves are maintained. Once received, future payment of the special assessments through forfeiture sales will replenish the debt service fund. The deferred special assessments totaling \$313,548 associated with the Hastings Road improvements were paid initially by the city. Payment of the outstanding special assessments in the future will replenish the city capital project fund.

Additional research and financial analysis is necessary if the council wished to pursue the acquisition of Tract 04-16. This would be completed during the denial of the non-conservation and sale process. The parcel's 2015 estimated market value, the last valuation from Crow Wing County, was \$37,900 for the 18.50 acres. An initial review indicates it would be feasible for the city to recover its cost when factoring the land cost, outstanding deferred special assessments, and potential improvement costs associated with Evergreen Drive in the future. Developing the parcel and marketing for industrial development meets the public purpose and city objectives of promoting job opportunities in the city and increasing the city's tax base.

STAFF RECOMMENDATION

Staff recommends reviewing the list of tax forfeited parcels the county intends to sell. If the council determines any of the parcels may have a public purpose to the city, the council should deny the non-conservation classification at this time to initiate the review process with the county of the city's public need for the parcel(s) and its value. After the review, the parcel may still be sold if the city determines it does not have a need for the parcel.

Upon initial review by city staff, there does not appear to be a need for Tracts 01-16, 02-16, 03-16, or 05-16. If the council concurs there is no need for these parcels at this time, Finance Director Vacinek recommends notifying Crow Wing County of the city's concurrence to classify the parcels as non-conservation and authorize the county to proceed with the sale of the lots. The city will notify the county of the outstanding assessments to reattach to the parcels before their sale.

Finance Director Vacinek recommends the council and EDA consider acquiring Tract 04-16, the parcel at the southwest corner of Hastings Road and Evergreen Drive, for the public purpose of industrial park development to facilitate job creation and tax base growth in the city. City development of the parcel ensures the outstanding special assessments are paid back to the city and facilitates the future street and utility improvements necessary on Evergreen Drive.

If the council would like the EDA and staff to explore the feasibility of the parcel further, it is recommended to deny the non-conservation classification of the parcel to initiate the review process with the county of the city's public need for the parcel and its value. After the review, the parcel may still be sold if the city determines it does not have a need for it.

COUNCIL ACTION REQUESTED

Review the 2016 Tax Forfeited Land Parcels and determine whether the city has a public purpose for any of the parcels proposed to be sold by Crow Wing County

- For the parcels the council concurs should be sold, approve the Crow Wing County classification to non-conservation and approve the future sale of tax forfeited parcels with the outstanding special assessments reaffirmed
- For the parcels council wishes to consider acquiring with further review, deny the Crow Wing County non-conservation classification to initiate a review of the city's public need for the parcel



Crow Wing County Land Services Department Tax Forfeit Land Sales

Land Services Building
322 Laurel Street, Suite 12
Brainerd, MN 56401
Website: www.crowwing.us

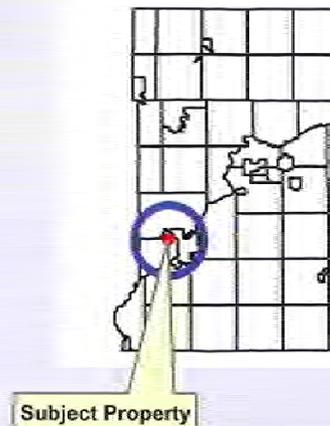
Phone: 218-824-1115
Fax: 218-824-1070

TRACT 01-16

City of Baxter
Section 6, Township 133, Range 28
Kirkwood
Lot 20, Block 1
RE Code: 031270010200009
(Approx. 0.67 Acre)



Commissioner District #4
Crow Wing County, Minnesota



Comments/Brief Description:



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose. This drawing is neither a legally recorded map nor a survey and is not intended to be used as such.





Crow Wing County Land Services Department Tax Forfeit Land Sales

Land Services Building
322 Laurel Street, Suite 12
Brainerd, MN 56401
Website: www.crowwing.us

Phone: 218-824-1115
Fax: 218-824-1070

TRACT 02-16

City of Baxter
Section 6, Township 133, Range 28
Whitetail Addition to Baxter
Outlot A
RE Code: 0327400090A0009
(Approx. 0.96 Acre)

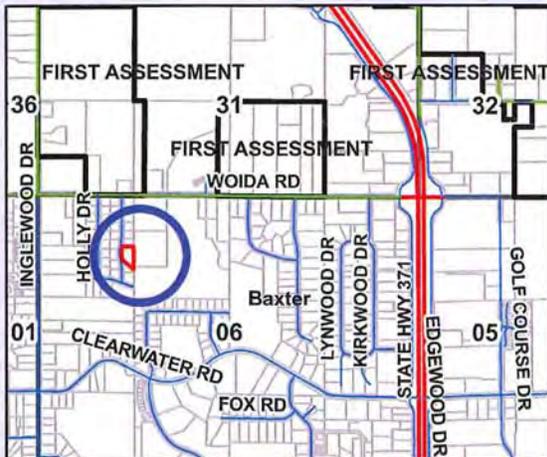


Commissioner District #4
Crow Wing County, Minnesota



Subject Property

Comments/Brief Description:



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Crow Wing County Land Services Department Tax Forfeit Land Sales

Land Services Building
322 Laurel Street, Suite 12
Brainerd, MN 56401
Website: www.crowwing.us

Phone: 218-824-1115
Fax: 218-824-1070

TRACT 03-16

City of Baxter
Section 6, Township 133, Range 28
First Addition to Kirkwood
Lot 5, Block 1
RE Code: 033470010050009
(Approx. 0.39 Acre)

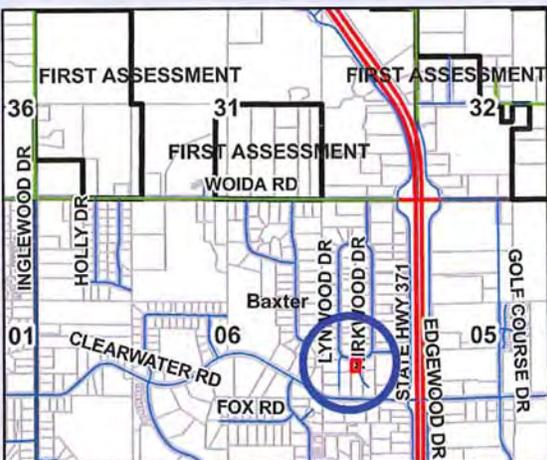


Commissioner District #4

Crow Wing County, Minnesota



Subject Property



Comments/Brief Description:

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Crow Wing County Land Services Department Tax Forfeit Land Sales

Land Services Building
322 Laurel Street, Suite 12
Brainerd, MN 56401
Website: www.crowwing.us

Phone: 218-824-1115
Fax: 218-824-1070

TRACT 04-16

City of Baxter

Section 18, Township 133, Range 28

North 307 feet of Northeast Quarter of Northeast Quarter & also East 518 feet of Northeast Quarter of Northeast Quarter except that part of Northeast Quarter of Northeast Quarter shown as Parcel 76 on MN Department of Transportation Right-of-Way Plat #18-41 as same is on file & of record in County Recorder Office.

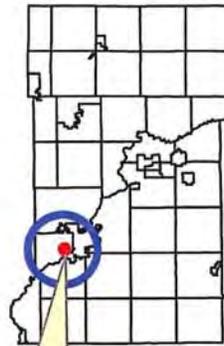
RE Code: 010181100AAA009

(Approx. 20.23 Acres)

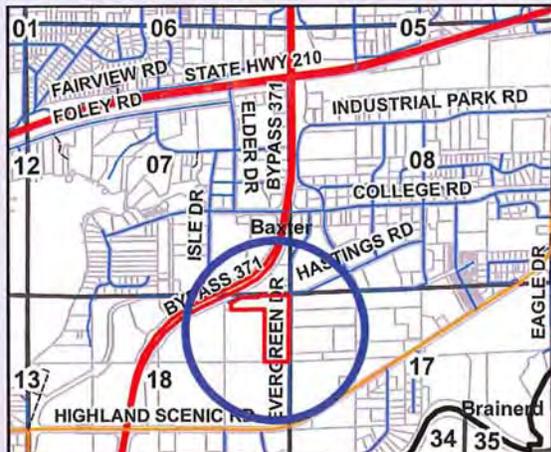


Commissioner District #3

Crow Wing County, Minnesota



Subject Property



Comments/Brief Description:



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Crow Wing County Land Services Department Tax Forfeit Land Sales

Land Services Building
322 Laurel Street, Suite 12
Brainerd, MN 56401
Website: www.crowwing.us

Phone: 218-824-1115
Fax: 218-824-1070

TRACT 05-16

City of Baxter
Section 18, Township 133, Range 28
Southeast Quarter of Northeast Quarter
RE Code: 01018140000009
(Approx. 40 Acres)

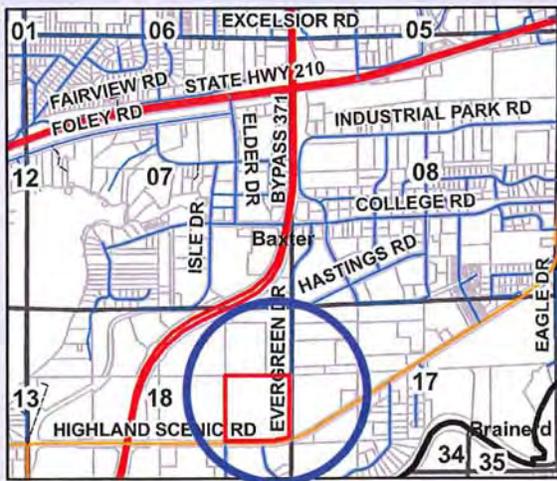


Commissioner District #3

Crow Wing County, Minnesota



Subject Property



Comments/Brief Description:
Approx. 25 acres is lowland



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AMERICAN LEGION AUXILIARY

CARL SYDNEY HANSON UNIT #255

708 Front Street

Brainerd, Minnesota 56401

April 10, 2016

Mayor Darrel Olson and
Baxter City Council
PO Box 2626
Baxter, MN 56425

Dear Mayor Olson and Council Members:

The American Legion Auxiliary Unit 255 of Brainerd will hold their annual "Poppy Day" on May 13, 2016. Poppy Day is a day of remembrance and a time to make the public aware of what our armed forces have done for our country. The Poppy symbolizes the ultimate sacrifice made by soldiers for causes greater than themselves.

We are requesting permission to have volunteers offer poppies for donation at various locations in the city of Baxter on "Poppy Day". Contributions received on "Poppy Day" are used for the sole purpose of the rehabilitation of our veterans and for the welfare of families of veterans.

Thank you for your consideration.

Sincerely,