

BAXTER CITY COUNCIL MINUTES
April 3, 2018

1. Call Meeting to Order

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

2. Roll Call

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

City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, Public Works Director Trevor Walter, Police Chief Jim Exsted, Finance Director Jeremy Vacinek, and Community Development Director Josh Doty were present.

3. Pledge of Allegiance

All joined Mayor Darrel Olson the Pledge of Allegiance

4. Additions or Changes to the Agenda

City Administrator Chapulis asked the Council to add Resolution Allowing City Prosecutor Access to MN Governmental Agencies within the MN Judicial Branch to the Consent Agenda.

MOTION by Council Member Cross, seconded by Council Member Holman to add Resolution Allowing City Prosecutor Access to MN Governmental Agencies within the MN Judicial Branch to the Consent Agenda. Motion carried unanimously.

5. Public Comments

Dick Dean, Dean's Auto, explained approximately 50 years ago he prayerfully asked for wisdom in dealing with Evergreen Drive, which is directly adjacent to his salvage yard. Mr. Dean explained there are three humps in the Evergreen Drive roadway. One hump is approximately six feet too high and this has created a protentional hazard that has presented itself in several accidents at the entrance of his business. To overcome the hazard, Mr. Dean opened the drive access to his business at the most northern entrance on Evergreen Drive. In the meantime, there have been two fatal accidents. Mr. Dean explained the City of Baxter was found to be responsible due to negligence. In the three options presented by the City, Mr. Dean questioned why there is not a fourth option to remove the camel hump. Mr. Dean explained additional fill is not required to eliminate the humps, as an earthmover could level out and then lay a new bituminous surface over the top. To remove the humps and transpose the grade would not require any fill and then the line of sight would not be a hazard. Mr. Dean stated it is only good logic to complete the work at this time.

Council Member Cross explained the work Mr. Dean is proposing would be considered a reconstruction of the roadway and would be assessed. Council Member Cross inquired if Mr. Dean would be willing to participate with an assessment. Mr. Dean explained any improvement would be an improvement to his land value and in that logic an assessment would be acceptable. Mayor Olson explained the City's plan is to improve Evergreen Drive in four years, along with installing sanitary sewer and water. Mayor Olson further explained the City is reviewing the three options now is to expedite the improvement. Mr. Dean

explained not having the access has costed many thousands of dollars to his business and questioned how many more people will be killed over the next four years. Council Member Cross explained this is the first time he has heard about the issue of the hill height and the accident Mr. Dean is referring to was not caused due to the height of the hill, it was caused by the shoulder.

6. Consent Agenda

- A. Approve City Council Minutes from March 20, 2018
- B. Approve City Council Work Session Minutes from March 20, 2018
- C. Approve the Payment of Bills and Finance Report
- D. Schedule the 10th Annual Storm Water Public Informational Meeting for Tuesday, May 1, 2018 at 7:00 p.m. or shortly thereafter
- E. Schedule a Public Hearing for Certification of Delinquent Utility Bills, Invoices, and Abatements for Tuesday, June 5, 2018 at 7:00 p.m., or shortly thereafter
- F. Approve the 2017 Public Transit Service Payment to the City of Brainerd for Baxter's Service and Adjust the Baxter Fare to \$2.25 per Trip, effective July 1, 2018
- G. Adopt Resolution 2018-020 Ordering Improvement and Preparation of Plans for the 2018 Mill and Overlay and Full Depth Reclamation Improvement Project
- H. Adopt Resolution 2018-021 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2018 Mill and overlay and Full Depth Reclamation Improvement Project
- I. Approve Appointment for the Seasonal Positions of Public Works Maintenance for the 2018 Summer
- J. Accept EDA Minutes from February 20, 2018
- K. Adopt Resolution 2018-022 Local Decision-Making Authority
- L. Adopt Resolution 2018-023 accepting MnDOT's Limited Use Permit to allow the City of Baxter to construct and maintain the proposed trails associated with the 2018 Cypress Drive Improvements Project that will utilize MnDOT TH 210 property.
- M. Accept Long Range Planning Commission Minutes form March 26, 2018
- N. Accept Special Utilities Commission Minutes from March 21, 2018
 - a. Approve spray patching on Cedar Scenic Road for 2018
- O. Adopt Resolution Allowing City Prosecutor Access to MN Governmental Agencies within the MN Judicial Branch

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda except pulled Items G and H. Motion carried unanimously.

7. Pulled Agenda Items

Mike Hammer, 4907 Circle Pines, asked the Council to pull Consent Agenda Items G and H.

Mr. Hammer asked the Council to consider removing Circle Pines Road from the 2018 Mill and Overlay Improvement Project and to complete a sealing to the roadway. Mr. Hammer explained the Circle Pines property owners would be willing to pay for said project, at no cost to the City, through the funds could come out of the new tax. Mr. Hammer explained both Consent Agenda Items G and H are tied together and that his request includes both.

Bethany Kidrowski, 3276 Cedar Scenic Road, explained she will be assessed for approximately \$14,400, or maybe something less due to the outcome of the Minnesota Power easement for the mill and overlay of Cedar Scenic Road. Ms. Kidrowski asked the Council to consider postponing the project. Ms. Kidrowski spoke to someone associated with Sylvan Township and learned the township is not considering bike lanes through this segment at this time. Ms. Kidrowski explained that she understands she is not being assessed for the pedestrian trails, but it doesn't make sense to spend money on a trail that we know will not be extended past our road and that it may make financial sense to postpone work on the road to complete in the future with the trail, and in partnership with Sylvan Township. Ms. Kidrowski explained Public Works Director Walter mentioned, when he previously worked for a county, the county would elevate the roadway by five feet but under this proposed project Cedar Scenic Road would only be raised two feet. It may make more sense to elevate the roadway by five feet and eliminate the bike lanes to save land as it doesn't make sense to extend the roadway width to 40' if there are concerns with wetland impacts.

MOTION by Council Member Holman, seconded by Council Member Nystrom to approve Consent Agenda Items G. Adopt Resolution 2018-020 Ordering Improvement and Preparation of Plans for the 2018 Mill and Overlay and Full Depth Reclamation Improvement Project and H. Adopt Resolution 2018-021 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2018 Mill and overlay and Full Depth Reclamation Improvement Project.

Council Member Cross inquired if an entire neighborhood can petition to add a street into an improvement project, a neighborhood should be able to petition to remove a street from an improvement project. Mayor Olson explained it is the job of the Council to look out for all Baxter property owners and to make decisions that may or may not be popular. Council Member Cross said the property owners need to understand a project delay may cause the project costs to be higher.

Council Member Barrows explained the Pavement Management Program was established to address the maintenance of our streets and the City is taking an approach that is the best for the City as a whole. If the City chips away at the Pavement Management Program, Council Member Barrows explained the City does not have an effective program and sometimes an improvement project will be controversial, but it is the Council's job to do what is best for the City as a whole.

Mayor Olson asked for a vote on the motion. Council Members Nystrom, Barrows, and Holman and Mayor Olson voted yes. Council Member Cross voted no. Motion carried.

Mayor Olson explained the actual project cost will not be known until the project is bid. If bids are high, the City has the option of not moving forward with the project.

8. Other Business

A. Adopt Ordinance No. 2018-004 and Summary Ordinance No. 2018-005 Amending the Mobile Vending Ordinance.

Community Development Director Doty explained the Council heard this request by Jack Pine Brewery during the work session. The business owner's request is to amend the hours of operation for mobile vending. The request was specifically to remove the hours of operation from the mobile vending ordinance. Staff has proposed a modified amendment and staff has spoken to the business owner and the business owner is comfortable with the amendment that allows for hours of 8:00 a.m. to midnight or close of the associated principal use or which ever is earlier. Jack Pine is currently open until 11:00 p.m., but statute allows brewery to be open until 12:00 a.m.

MOTION by Council Member Cross, seconded by Council Member Barrows to Adopt Ordinance No. 2018-004 and Summary Ordinance No. 2018-005 Amending the Mobile Vending Ordinance. Motion carried unanimously.

B. Adopt Resolution 2018-024 approving a Comprehensive Plan Amendment to amend the Future Land Use Plan from Parks/Greenway to Low Density Residential for property located at east of the Birch Drive cul-de-sac and north of College Road.

Community Development Director Doty explained the request is a Comprehensive Plan amendment, specifically it is an amendment to the City's future land use plan. The request is to re-guide property located on Birch Drive, the westerly 277' of Outlot A Fourth Addition to Baxter Greenwood Acres. The request is to allow the future moving of two single family homes regarding the Cypress Drive Improvement to the subject site. The City has entered into a partnership with Habitat for Humanity for the moving of the homes. The current property is guided Public Benefit. The Comprehensive Plan says the property is guided as Park Greenway. The proposal is to amend a section of the site into Low Density Residential and to allow to the future moving of two homes onto two lots of the site. Assuming the Comprehensive Plan amendment is approved, the next steps would be to consider a rezoning of a plat, a conditional use permit for the specific project, and the subdivision of Outlot A. The land use amendment would relate to the residential area to the north and would become part of a block of low density use. The finding is this would not be a spot zoning as it would be absorbed into the larger land use to the north while still allowing for Park Greenway to the south and west for the majority of the outlot. The home sites would be able to be served from the Birch Drive cul-de-sac. There are existing service stubs at the Birch Drive cul-de-sac for the homes to connect into. Regarding transportation, the local existing transportation system would also support the amendment. The Long Range Planning Commission has recommended approval subject to the terms and conditions contained in the resolution.

MOTION by Council Member Cross, seconded by Council Member Holman to Adopt Resolution 2018-024 approving a Comprehensive Plan Amendment to amend the Future Land Use Plan from Parks/Greenway to Low Density Residential for property located at east of the Birch Drive cul-de-sac and north of College Road. Motion carried unanimously.

9. Council Comments

- A. Quinn Nystrom.** Council Member Nystrom read a prepared statement indicating she will not be seeking re-election this fall for her council seat.

B. Steve Barrows. Council Member Barrows explained his mother in-law recently passed away. Council Member Barrows thanked the Baxter and Brainerd police departments for providing an escort from the funeral home to Evergreen.

C. Todd Holman: No comment.

D. Mark Cross: No comment.

E. Darrel Olson

a. Healthcare Decisions Day Proclamation

Mayor Olson read a proclamation proclaiming April 16, 2018 as Healthcare Decisions Day in Baxter.

F. City Administrator's Report

City Administrator Chapulis explained Crow Wing County Historical Society's annual event will be held April 24. Council Members wanting to attend should notify Assistant City Administrator Steele or himself. City Administrator Chapulis explained MS4 training was completed this past Thursday.

G. City Attorney's Report

A. Closed Session, Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property

B. Closed Session, Minnesota Statute 13D.03, subd. 1 (b), Labor Negotiations

Attorney Person asked the Council to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c), to discuss the purchase of property and Minnesota Statute 13D.03, subd. 1 (b), to discuss Labor Negotiations.

MOTION by Council Member Cross, seconded by Council Member Barrows to enter into a closed session at 7:49p.m. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Nystrom to return to the open session at 8:20 p.m. Motion carried unanimously.

City Administrator Chapulis explained the Council reached consensus during the closed session to accept the PSA and EA agreements with BNSF and determined a date for a special council meeting to consider approval of the BNSF construction agreement.

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve the PSA and EA agreements with BNSF and authorize the Mayor and Clerk to execute. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Barrows to schedule a special council meeting on April 9, 2018 at 5:00 p.m. to consider approving the BNSF construction agreement. Motion carried unanimously.

City Administrator Chapulis explained Council provided staff direction to continue labor negotiations.

H. Adjourn

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn at 8:24 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator