

**BAXTER CITY COUNCIL MINUTES**  
**April 15, 2014**

Mayor 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.

MEMBERS PRESENT: Council Members Mark Cross, Todd Holman, Jim Klein, Rob Moser, and Mayor Darrel Olson.

MEMBERS ABSENT: None.

STAFF PRESENT: Community Development Director Josh Doty, Public Works Director/City Engineer Trevor Walter, City Administrator Gordon Heitke, Assistant City Administrator/Clerk Kelly Steele, Finance Director Jeremy Vacinek, and City Attorney Brad Person.

**PUBLIC COMMENTS**

Nancy Cross, the Director of Community Action, thanked the Council for their continued support of the Fourth of July celebration. Due to the high school football field being under construction this year, the location of the celebration will have to be adjusted. On July 27<sup>th</sup>, the community will celebrate the completion of 112 miles of Paul Bunyan Trail at the Crow Wing County State Park.

Dave Shronrock of 6056 Fairview Road expressed concerns of school buses contributing to the deterioration of Fairview Road. Mr. Shronrock would like the school buses to utilize State Highway 210 because it is constructed to handle the weight of the school buses. Council Member Moser will discuss Mr. Shronrock's concerns at a Utilities Commission meeting.

**CONSENT AGENDA**

**MOTION** by Council Member Cross, seconded by Council Member Moser to approve the Consent Agenda. Motion carried unanimously.

- A. Approve City Council Minutes from April 1, 2014
- B. Approve City Council Work Session Minutes from April 1, 2014
- C. Approve City Council Special Minutes from April 10, 2014
- D. Approve the Payment of Bills and Finance Report
- E. Accept the Utilities Commission Minutes of April 2, 2014
  - 1. Approve the WSN Engineering Amendment for the Falcon Drive Project in the Not to Exceed amount of \$850.00.
- F. Approve Temporary Gambling License for Ruffed Grouse Society
- G. Approve Temporary On-Sale Liquor License for the American Legion Post #255 for a Private Event at the Northland Arboretum
- H. Approve Special Event Permit for Brainerd Lakes Susan G. Komen Race for the Cure on June 28, 2014
- I. Approve Acquisition of Properties for Future Street and Park Improvements
- J. Appoint Seasonal Public Works Maintenance Employees
- K. Approve the Parks & Trails Department Truck Purchase

- L. Approve the Oscar Kristofferson Park Trail Extension
- M. Approve the Loren Thompson Park Trail Extension
- N. Approve the Riverview Park Trail Extension
- O. Schedule a Public Hearing for the Certification of Delinquent Utility Bills, Invoices, and Abatements for Tuesday, June 3, 2014 at 7:00 p.m., or shortly thereafter.
- P. Approve Extension for Autumn Glen 2<sup>nd</sup> Addition Plat
- Q. Accept Planning Commission Minutes from April 15, 2014

### **PULLED ITEMS**

#### **J. Appoint Seasonal Public Works Maintenance Employees**

Council Member Klein asked this item be pulled from the agenda to inquire the number of seasonal employees the City will be hiring. Ms. Steele explained the City will be hiring two maintenance employees and one roadside mower employee.

**MOTION** by Council Member Moser, seconded by Council Member Cross to appoint seasonal public works maintenance employees. Motion carried unanimously.

#### **K. Approve the Parks & Trails Department Truck Purchase**

Mr. Heitke explained staff requested this agenda item be removed from the agenda due to the staff report indicating the purchase requires an amendment to the budget. Mr. Vacinek explained various options to cover the additional \$12,000. The consensus was to allocate the 2013 fund balance to the purchase.

**MOTION** by Council Member Holman, seconded by Council Member Klein to approve allocating \$12,000 from the 2013 fund balance based upon Finance Director Vacinek's recommendation. Motion carried unanimously.

**MOTION** by Council Member Cross, seconded by Council Member Holman to approve the purchase of the Parks & Trails Division truck purchase. Motion carried unanimously.

### **OTHER BUSINESS**

#### **Adopt Resolution 2014-23 Calling for a Public Hearing on the Proposed Adoption of a Modification to the Development Program for Development District Number One, the Proposed Modification of the Tax Increment Financing Plan for the Isle Drive Tax Increment Financing District, the Proposed Establishment of a Redevelopment Tax Increment Financing District, and the Adoption of the Tax Increment Financing Plan.**

Mr. Vacinek explained this agenda item is part of the discussion conducted during the work session to fund part of the Isle Drive Project. Staff is proposing a redevelopment district for the parcel at the north west corner of Isle Drive and future Falcon Drive intersection. The proposed resolution will set the public hearing for June 17<sup>th</sup>. The increment generated from the redeveloped site can be used to finance a portion of the Isle Drive infrastructure costs.

**MOTION** by Council Member Cross, seconded by Council Member Holman to adopt Resolution No. 2014-23. Motion carried unanimously.

**Adopt Resolution No. 2014-22 Approving a Conditional Use Permit for Planned Unit Development Amendment to allow two, six-unit rental buildings located at 13104 Cypress Drive**

Council Member Cross announced he would abstain from discussions.

Mr. Doty explained the request is for a conditional use permit for a planned unit development amendment to allow two, six-unit rental buildings. Mr. Doty reviewed the layout of the proposed site plan illustrating each unit would have a garage and a private driveway. The application meets most standards, but would need to increase the setback on the north and south end by ten feet. Mr. Doty explained the Utilities Commission and Planning and Zoning Commission have reviewed and recommended approval.

**MOTION** by Council Member Holman, seconded by Council Member Moser to approve Resolution No. 2014-16 Approving a Conditional Use Permit for Planned Unit Development Amendment to allow two, six-unit rental buildings located at 13104 Cypress Drive. Motion carried with Mayor Olson and Council Members Holman, Moser, and Klein voting yes and Council Member Cross abstaining.

**CITY COUNCIL COMMENTS**

**Olson:** The American Legion is once again asking for permission to conduct their annual poppy sale. Mayor Olson explained the City does not regulate the poppy sale. Mayor Olson thanked the American Legion for the work they do.

**MOTION** by Council Member Cross, seconded by Council Member Klein to acknowledge the American Legion's 2014 annual poppy sale. Motion carried unanimously.

Mayor Olson explained the Chamber is asking for a letter of support for Lakes Area BMX national bid.

**MOTION** by Council Member Klein, seconded by Council Member Moser to authorize the Mayor to submit a letter of support for the Lakes Area BMX national bid on behalf of the City. Motion carried unanimously.

**Holman:** Council Member Holman provided a map being reviewed by the Long Range Planning Commission. The map highlights the large amount of undeveloped property located in the core of the City. Mr. Doty explained the Long Range Planning Commission will review the first draft of the Comprehensive Plan during their next meeting.

**Klein:** Council Member Klein inquired when the concerns of the Arboretum will be discussed. Mayor Olson explained the items will be discussed at a future meeting. The City has provided the Arboretum with a letter of support for the construction of an exercise trail. Council Member Klein inquired about the status of the disc golf course. Mr. Heitke explained during the budgeting process the Council did not support disc golf as a 2014 project.

## **CITY ATTORNEY'S REPORT**

### **Consider Park Dedication Credit Transfer and Park Dedication Credit for Trail Construction for Kuepers Inc.**

Mr. Person explained this is a policy decision to be established by the Council. Mr. Person added that there are two requests. The first request is if the developer can transfer un-used park credits from the Cypress project to their apartment project on Clearwater Road. A second request is if the un-used credits can be used to credit the developer's construction of a city trail through their Cypress project to Berrywood Park. Mr. Person further explained that if the 38 credits are not allowed to be transferred, there would be 70 units of park dedication due with the developer's proposed Pine Grove Estates apartment project on Clearwater Road. The consensus of the Council is to not transfer park credits to another parcel and to not allow park dedication credits to be used to construct a trail. The current agreement expires in 2017.

**MOTION** by Council Member Holman, seconded by Council Member Moser to move that the consideration of the transfer of 38 park credits on Cypress will not be transferred to Clearwater. Mayor Olson, Council Members Holman, Moser, and Klein voted yes. Council Member Cross abstained. Motion carried.

**MOTION** by Council Member Holman, seconded by Council Member Moser to not accept the proposal to construct a trail in lieu of park dedication fees. Mayor Olson, Council Members Holman, Moser, and Klein voted yes. Council Member Cross abstained. Motion carried.

## **CITY ADMINISTRATOR'S REPORT**

Mr. Heitke explained a work session agenda item was to set a date for a special council meeting to discuss the Capital Improvement Plan. The Council reached a consensus to meet on April 23, 2014 at 5:30 p.m. to discuss the Capital Improvement Plan. The Council will meet at 6:00 p.m. on April 29, 2014 to review the Woida project bids.

Mr. Heitke explained he was invited to attend the ten-year anniversary of the Brainerd Lakes Fiber Optics Project. CTC presented the City with a plaque to commemorate the ten-year anniversary.

**Closed Meeting under MN Statute 13D.05, Subd. 3(c)(3) to develop an offer for the purchase of real property.**

**Closed Meeting under Minnesota Statute 13D.05, Subd. 3(b) Attorney Client Privilege**  
Attorney Person explained a document listing the properties to be discussed during the closed session will be provided to the press and a copy is on the back table for public inspection.

**MOTION** by Council Member Cross, seconded by Council Member Moser to enter into a closed session. Motion carried unanimously.

Mayor Olson opened the meeting at 8:21p.m.

**MOTION** by Council Member Holman, seconded by Council Member Moser to approve the right-of-way acquisitions for 7229 Woida Road, 7149 Woida Road, and 7133 Woida Road. Motion carried unanimously.

**MOTION** by Council Member Holman, seconded by Council Member Klein to have considered the counter offers by the landowner and to reconfirm, with a written notice, the City's offer is the appraised value. Motion carried unanimously.

Mr. Person stated there are twelve outstanding non-users; no action is to be taken at this time.

**ADJOURNMENT**

**MOTION** by Council Member Cross, seconded by Council Member Klein to adjourn at 8:05 p.m. to Wednesday, April 16, 2014 for the City Administrator's annual review. Motion carried unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Kelly Steele  
Assistant City Administrator/Clerk