

BAXTER CITY COUNCIL MINUTES
June 3, 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 Todd Holman, Jim Klein, Rob Moser, and Mayor Darrel Olson.

MEMBERS ABSENT: Mark Cross

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

SPECIAL PRESENTATION SCOTT HANGEE OF CENTERPOINT ENERGY

Mr. Hangee presented the Council with a check for \$300.00 for a successful grant application. The council accepted the check at the conclusion of the presentation with the purpose of purchasing two medical supply bags.

CONSENT AGENDA

MOTION by Council Member Holman, seconded by Council Member Moser to approve the Consent Agenda with the exception of agenda item E. Approve the Payment of Bills and Finance Report and agenda item J. Park Commission Minutes from May 19, 2014. Motion carried unanimously.

- A. Approve City Council Minutes from May 20, 2014
- B. Approve City Council Work Session Minutes from May 20, 2014
- C. Approve City Council Special Meeting Minutes from May 27, 2014
- D. Approve City Council Work Session Minutes from May 28, 2014
- E. Approve the Payment of Bills and Finance Report
- F. Approve Liquor Licenses for the Period July 1, 2014 through June 30, 2015
- G. Adopt Revised Cemetery Regulations
- H. Appoint Seasonal Park Attendant
- I. Accept Planning Commission Minutes from May 13, 2014
- J. Accept Parks Commission Minutes from May 19, 2014
- K. Accept Long Range Planning Commission Minutes from May 19, 2014
- L. Approve Taxi, Theater, & Garbage Hauler Licenses for the Period July 1, 2014 through June 30, 2015
- M. Approve Resolution No. 2014-44 Receiving Feasibility Report and Calling Hearing on Improvement
- N. Approved Temporary Liquor License for Brainerd Jaycees June 20, 2014 Event at Mills Ford

PULLED AGENDA ITEMS

E. Approve the Payment of Bills and Finance Report

Council Member Klein pulled the agenda item to inquire if the payment to St. Croix Recreation Company is the full payment. Mr. Walter explained the payment is for the structures that were delivered last week. The contract required payment upon delivery. Council Member Klein inquired what the Suite Spaces bill included. Ms. Steele explained the bill is for chairs.

MOTION by Council Member Klein, seconded by Council Member Moser to approve the payment of bills and finance report. Motion carried unanimously.

J. Accept Parks Commission Minutes from May 19, 2014

Council Member Klein asked the minutes be corrected to state five trees were planted.

MOTION by Council Member Moser, seconded by Council Member Holman to accept Park Commission minutes from May 19, 2014. Motion carried unanimously.

OTHER BUSINESS

Certification of Delinquent Utility Bills and Nuisance Abatements.

Mr. Vacinek presented Council with list of the semi-annual certification of delinquent utility bills. The list does not contain abatements. The public hearing provides property owners the opportunity to speak about their outstanding bill for payable with the 2015 property taxes prior to certification.

Mayor Olson opened the public hearing at 7:05 p.m. Hearing no comments, Mayor Olson closed the public hearing at 7:05:15 p.m.

Adopt Resolution 2014-42, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges.

MOTION by Council Member Moser, seconded by Council Member Klein to adopt Resolution No. 2014-42, adopting assessments for unpaid delinquent utility bills, invoices, and abatement charges. Motion carried unanimously.

Approve Ordinance No. 2014-15 Regulating Mobile Vending and Ordinance No. 2014-16 Summary Publication Ordinance Regulating Mobile Vending and authorize an amendment to the city's adopted fee schedule to charge a non-refundable, non-prorated fee of \$300.00 for a mobile vending permit and a fee of \$35.00 for any permit amendments.

Since the last meeting, staff has made revisions to the ordinance to include the provision of a business is only eligible for one license, a power cord exception, low volume music near vending unit, roof sign exception, locations, define mobile catering, and an exemption for mobile catering. Four permits can be issued under the ordinance. Mr. Person explained if more than four applications are received, Council could revisit the ordinance.

MOTION by Council Member Klein, seconded by Council Member Holman to approve Ordinance No. 2014-15 Regulating Mobile Vending and Ordinance No. 2014-16 Summary Publication Ordinance Regulating Mobile Vending and authorize an amendment to the city's adopted fee

schedule to charge a non-refundable, non-prorated fee of \$300.00 for a mobile vending permit and a fee of \$35.00 for any permit amendments. Motion carries unanimously.

**PUBLIC HEARING to Discuss Vacating Property for Noah's Addition to Baxter.
Adopt Resolution No. 2014-39 Vacating drainage and utility easements for Lots 5 and 6,
Block 3, Noah's Addition to Baxter**

Mr. Doty explained the applicant requested the consolidation of two lots. Staff recommends future assessments are paid on two lots based upon the current assessment policy. Prior the meeting, the applicant has signed the agreement.

Approve Assessment Agreement between Jason K. Thiesse and Bobbi K. Thiesse and the City of Baxter

MOTION by Council Member Moser, seconded by Council Member Holman, to adopt Resolution No. 2014-39 vacating drainage and utility easements for lots 5 and 6, block 3, Noah's Addition to Baxter and approve the assessment agreement between Jason K. Thiesse and Bobbi K. Thiesse and the City of Baxter. Motion carried unanimously.

Adopt Resolution No. 2014-45, Resolution to Enter into a Cooperative Agreement for the Management and Administration of the Paul Bunyan State Trail's "Baxter Segment"

The Park and Trail Commission has recommended the City enter into a joint power agreement for the Baxter trail segment. The proposed resolution authorizes the Mayor and staff to enter into a cooperative agreement with the State. The Baxter trail segment will be signed to inform trail users they are on the Paul Bunyan Trail. Signs will be installed to inform snowmobile users the City does not allow motorized uses on the Baxter trail segment. The goal of the agreement is to work towards a permanent connection to the Paul Bunyan Trail. The State will pay for trail signs. The City will continue to maintain our portion of the trail. Wade Miller, Parks and Trails Supervisor for the DNR, said the agreement could be completed prior to the grand opening of the trail. Mr. Miller stated there are grant opportunities available for the City's portion of the trail.

MOTION by Council Member Holman, seconded by Council Member Klein to adopt Resolution No. 2014-45, to enter into a cooperative agreement for the management and administration of the Paul Bunyan State Trail's Baxter Segment. Motion carries unanimously.

Local Option Sales and Use Tax Extension

Mr. Vacinek explained the sales tax extension is contingent upon voter approval on November 4. After the Council approves tonight's resolution, the City will submit the ballot question to Crow Wing County by mid-August. The final step to implement will be to file with the Secretary of State. The City will have to work with the City of Brainerd to coordinate how we pay them for the airport. Now that the legislature has passed the law, the Council has to accept the law in the proposed resolution.

Adopt Resolution 2014-43, Approving Minnesota Laws, 2014 Chapter 308, Article 3, Sections 24, 25, and 26.

MOTION by Council Member Moser, seconded by Council Member Holman to adopt Resolution No. 2014-43, approving Minnesota Laws, 2014 Chapter 308, Article 3, Sections 24, 25, and 26. Motion carries unanimously.

COUNCIL COMMENTS

Jim Klein. Council Member Klein explained the cemetery is operating with a small crew and the Utilities Commission membership contains vacancies. Mr. Heitke and Mayor Olson are going to develop a process to fill the vacancies and determine if a cemetery board should continue of if the Council can complete the duties of the cemetery board.

Todd Holman. Council Member Holman explained the history of the build a lot save a lot policy and problems it can create with the City subsidizing water and sewer projects. Council Member Holman inquired if the streetlights on Isle Drive will be alternating.

CITY ADMINISTRATOR'S REPORT

Mr. Heitke explained Ms. Steele wrote the CenterPoint Energy grant. The City Hall air quality test results have indicted there are no issues with the air quality.

CITY ATTORNEY'S REPORT

Mr. Person explained the Council will be entering a closed session under Minnesota Statute 13D.05, Subd. 3(c) (3) to discuss an offer to purchase real property at 7096 Fairview Road.

MOTION by Council Member Klein, seconded by Council Member Moser to enter a closed session at 7:42 p.m. Motion carries unanimously.

Mayor Olson opened the regular meeting at 8:01 p.m.

MOTION by Council Member Klein, seconded by Council Member Moser to approve the agreement with 7096 Fairview Road. Motion carries unanimously.

MOTION by Council Member Moser, seconded by Council Member Holman to return to the work session. Motion carries unanimously.

ADJOURNMENT

MOTION by Council Member Moser, seconded by Council Member Holman to adjourn at 8:50 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk