

BAXTER CITY COUNCIL MINUTES
Special Meeting
June 29, 2016

Mayor Darrel Olson called the Special City Council Meeting to order at 6:00 p.m.

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, Mark Cross and Todd Holman.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Interim City Administrator Kelly Steele, Community Development Director Josh Doty, Chief of Police Jim Exsted, and Public Works Director/City Engineer Trevor Walter.

REQUEST BY THE CITY OF BRAINERD TO ANNEX THE WASTEWATER TREATMENT PLANT PROPERTY

Mayor Olson gave an introduction on the request by the City of Brainerd to annex the Wastewater Treatment Plant Property and the discussions that have been held between both cities over the past year. The City of Baxter has a 1/3 share of ownership in the Wastewater Treatment Plant and fees have been paid for that ownership.

Community Development Director Doty summarized the conditional use permit conditions from the original construction. One of the conditions requires that future expansions to the facility will require an amendment to the existing Conditional Use Permit (CUP). However, if the property would be annexed into the City of Brainerd and unless a separate agreement is established that ability for the Baxter to maintain the Conditional Use Permit would be lost.

Council Member Cross stated many those conditions were placed on the 1995 project. Some of the conditions were not necessary new because they expanded the plant. Public Works Director/City Engineer Walter explained the new plant was built to last 20 years.

Tom Thurston - 12988 Eagle Drive: What are they doing with the racquet ball building? Mr. Doty stated the City has not met with Brainerd regarding this building. Mayor Olson stated the use would have to meet the zoning conditions as long as the property is in the City of Baxter.

Rosemary Schuster – 12996 Berrywood Drive: If Brainerd is successful with the annexation would their property be in Brainerd? Mr. Doty reviewed the boundary area and only the wastewater plant property and surrounding area would be annexed into the city.

Sherry Solstad – 12923 Eagle Ridge Drive: Inquired if the CUP requirements apply to the fitness property since the service trucks that are backing up have the loud beeping noise. Mr. Doty stated if the City of Brainerd start using the building as part of their facility, a strong argument could be made to require a CUP amendment and public hearing would be held to discuss the use and expansion. Council Member Cross stated the property is currently zoned C1 and Mr. Doty stated the parcel would need to be rezoned and a CUP.

Greg Kvale - 12786 Eagle Ridge Drive: Stated he owns the lot just south of the three lots the City of Brainerd owns and since the new addition and upgrade to the plant, they have been experiencing a severe amount of high frequency noise.

Mr. Kvale has attempted to talk to BPU Chairman, Assistant Chairman and has been over to their office three times and has asked for an appointment but has not received any response from the BPU office. Mr. & Mrs. Kvale have been tracking the sound, which although it is not constant it is severe.

Mr. Kvale reiterated that BPU has not been responsive to his inquiries and now Brainerd wants to annex property which will leave our neighborhood completely surrounded by the City of Brainerd. He felt that as a community there is some real concerns regarding the annexation and what the implications would be with regards to sanitary sewer, water, roadway and what type of representation the neighborhood would have. He inquired if conditions can be put on an annexation with the board of municipal boundaries and what measure the City Council is willing to take to ensure the local neighborhood interests are protected. Mr. Kvale stated BPU needs to address the sound issue and find out future use of fitness building. They have been using the property for police training exercise.

Mr. Kvale explained he formerly worked for the DNR and when the City of Brainerd decided they wanted to change the zoning to property in northeast area (which he showed on a map), which is a commercial operation; they arbitrarily changed the property to an R3 and wanted to turn it into community housing. The DNR objected to the decision and Mr. Kvale testified against the rezoning; however, it was rezoned. He stated that he did not have a lot of faith with the City of Brainerd on some of their activities.

Tom Thurston - 12988 Eagle Drive: Pump alarms could make the noise. Council Member Cross explained it is something that is running around 85-90 decibels then is just switches off. It is some function that is running but he is not sure what it is.

Rose Bankers – 12619 Camwood Trail: Requested a quick summary on the annexation and how much say does one city has over another? The boundaries are strange and will the City of Brainerd take in additional residential property.

Mayor Olson stated residents had in the past stated the City of Brainerd did not listen to complaints. The City of Brainerd has discussed they would sue the city over this matter. City Administration has been in contact with an attorney. The attorney feels their reasons are frivolous and they will need to make a better case; the City has the reasons and the conditions. The options are to let them sue, or work out something contractually; the problem is the plant is gone.

Greg Kvale - 12786 Eagle Ridge Drive: Inquired why and why now? What promulgated this? Is this a money deal or control issue? There must be some conversation. Council Member Cross stated the timing was right after they purchased the former Fitquest and want to use for storage and it doesn't fit within the City of Baxter's zoning map.

Greg Kvale - 12786 Eagle Ridge Drive: Inquired if there have been any fiscal considerations for annexing the property or their residential properties. Council Member Holman stated he would want to know taxes and who is the representation. The BPU entity is autonomous to the Brainerd council. There are two entities in play, and it was the City of Brainerd that has approached us regarding this matter. Council President Scheeler serves on the BPU board.

Mark Bankers – 12629 Camwood Trail: It makes sense to have lower operating costs. Council Member Cross there are no operating costs and they only pay for their building permit fee. If they don't comply they save on not having to pay for CUP conditions.

Sherry Solstad – 12923 Eagle Ridge Drive: Stated that some of the residents have the majority of savings in their home and when it is time to sell they are hoping to have revenue for the future. People want to live in Baxter and not decrease the property value by being annexed into Brainerd. They do not want to be in Brainerd and the representation is important to residents. She inquired why we can't merge this into a Brainerd/Baxter plant with management and work together. Mayor Olson stated this has already been asked.

Council Member Cross stated he wants to do everything we can to not be annexed into Brainerd. Council Member Cross explained the importance of a joint powers board with city officials and residents so that one city will not have leverage over another. Forest management needs to be considered and there should be plans to do continual planting of trees. Council Member Cross does not care if the plant is in Brainerd or Baxter; he is only concerned if they will respond. The noise matter has been ongoing since day one and City staff has not received an answer regarding the noise.

Council Member Barrows stated the annexation and the BPU operations are two different concerns. If the annexation goes forward then Mr. Kvale's neighborhood may be vulnerable to annexation in the future. Council Member Cross stated that as the zoning aspect goes as a neighborhood we feel we lose some protection if it goes to the City of Brainerd. They already said they won't annex residential; however, this was a verbal statement. He felt that going into this matter there should be some negotiation on an agreement with a joint powers board to protect the interest of the neighborhood.

Rose Bankers – 12619 Camwood Trail: Stated she feels the plant should not be annexed. The smell doesn't matter to either Brainerd or Baxter. The residents went to Brainerd and asked for help and they didn't get any and thankful for what the City of Baxter did.

Greg Kvale - 12786 Eagle Ridge Drive: Inquired once again as to what action is the City Council willing to take? What is Brainerd secondary agenda and are they willing to listen?

Bill Anderson – 12838 Eagle Drive: Inquired why does Brainerd want to annex the property at this time? Council Member Holman stated there are reasons which may include addressing, CUP controls and land use, the fees for building permits and they can chose to waive those fees for themselves. He does not feel this adds up to a really strong case. Council Member Holman stated he has not heard the sound complaint before.

Greg Kvale - 12786 Eagle Ridge Drive: Inquired what is preventing the Baxter council to ask for a list of reasons why this doesn't work.

Council Member Holman stated it has been beneficial to hear from you. One of the council's first discussions was to bring our people in and hear their thoughts. The city's residents are not in support of annexing either the plant or residential neighborhoods, now we can say our residents have spoken. Council Member Cross stated a nuisance complaint can be registered at city hall.

Brent Fassett – 12934 Eagle Drive: Stated the noise is an issue and he expressed concern of Brainerd's lack of response. He felt there should be negotiations and a written contract. He requested the council think of the use and our home values.

Mayor Olson informed the group that he received a call from Brainerd on Thursday and they gave him until Thursday to resolve. He had informed Brainerd representative that the council will need we need to talk to our residents.

Greg Kvale - 12786 Eagle Ridge Drive: Inquired if anything from the residents is needed and will this be meeting be transcribed? He was informed that the council would like to have some recommendation at the next council meeting and the council will then hold another meeting with the residents.

Sharon Atkins – 13013 Berrywood Drive. If they take complete control they can change it whenever they want.

Interim Administrator Steel read the following comments into the record:

Jerry & Marilyn King
12978 Berrywood Drive
Baxter, MN 56425

Ms. Steele,
In response to your letter dated June 20, 2016 concerning the annexation of the Brainerd Public Utilities facility.

Thank you for informing us of the requested annexation by the City of Brainerd. We live at 12978 Berrywood Drive which relatively close to the proposed property annexation. We, my wife and I, strongly oppose the annexation and ask the Baxter City Council to deny the request. Approval of this request would have a negative impact on area residents and their property values. We have no complaints as it is currently operated.

We appreciate the City of Baxter's' enforcement of the provisions of the conditional use permit.

James & Lorraine Schubloom
12960 Berrywood Drive
Baxter, MN 56425

We are opposed to the annexation by the City of Brainerd Public Utilities.

Millicent Engisch
12874 Eagle Ridge Drive
Baxter, MN 56425

Some clean-up of the dead wood to help beautify the neighborhood would be appreciated.

Derald Steinbrecher
12930 Berrywood Drive
Baxter, MN 56425

Wants to keep the property as is.

Kurt Muesing
12908 Eagle Drive
Baxter, MN 56425

I want to express that I am 100% opposed to being annexed by the City of Brainerd.

Council Member Holman requested the City keeps the residents' updated since they have been engaged and they will want to know what happens.

Mayor Olson thanked the residents for attending the meeting and for sharing their thoughts and concerns.

CITY COUNCIL RETREAT

Council Member Holman questioned the order of the retreat. He thanked staff for the material in the packet, but felt there was a lot of information to cover and felt that 8:30 should be the end time of the meeting and the council continue the discussion at a later date.

Community Development Director Doty stated the retreat objective was pretty simple but the larger discussion is much longer and complex. The objective was to look at the comprehensive plan and the transportation approach with projects, goals and policies relating to the Capital Improvements Plan.

One key impact is working with neighborhood communities, townships and counties to develop an efficient regional transportation system while creating a positive image on the corridors and gateways through building, site design and signage standards.

Council Member Holman complemented staff on noticing that the needs for bike lanes and trail connections are becoming an integral part of the transportation system. The goal is to provide safe and efficient connections to destinations and neighborhoods.

Mayor Olson and Council Member Holman felt the need to work with the neighboring communities was critical to the development of the city's transportation system where feasible.

Consideration needs to be given as to the design and identify a funding mechanism for the construction of a grade separated crossing of T.H. 371 that will provide connection to the Paul Bunyan Trail. Mr. Doty stated he would like to have feedback on this matter. Council Member Holman stated where the pedestrian bridge will be located is the most important piece and once this location has been determined then the city will know where the other trails should go. Mayor Olson concurred with this thought and the council felt a location study was warranted.

A truck routing path was discussed in conjunction with the functional classification map in an effort to keep truck traffic out of residential areas and to keep 18 wheelers off of residential streets.

MOTION by Council Member Barrows, seconded by Council Member Cross to adjourn at 8:30 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant