

BAXTER CITY COUNCIL MINUTES
September 6, 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: Interim City Administrator Kelly Steele, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, Police Chief Jim Exsted, and Public Works Director Trevor Walter.

PUBLIC COMMENTS

No public comments were received.

CONSENT AGENDA

- A. Approve City Council Minutes from August 16, 2016
- B. Approve City Council Work Session Minutes from August 16, 2016
- C. Approve the Payment of Bills and Finance Report
- D. Accept Parks & Trails Commission Minutes from August 22, 2016
- E. Accept Long Range Planning Commission Minutes from August 22, 2016
- F. Adopt Crow Wing County Election Emergency Plan to Establish Procedures should an Emergency Affect Election Activities in Baxter
- G. Adopt Resolution 2016-075 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment for the 2016 Dellwood Drive North Improvement Project
- H. Adopt Resolution 2016-076 For Hearing on Proposed Assessment for the 2016 Dellwood Drive North Improvement Project
- I. Approve the \$500 Purchase of the Tactical Team Equipment with Proceeds from Drug Forfeiture Fund
- J. Approve City of Baxter requirements for Non-Compliant Individual Septic Treatment Systems.
- K. Approve Changes and Adopt City of Baxter Hunting Map.
- L. Approve the materials donation in the amount equal to \$3,000.00 from Crow Wing Power, Green Touch Program for the Loren Thompson Park Butterfly and Pollination Garden Improvement Project

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the Consent Agenda, with the exception of agenda item 5A. Motion carried unanimously.

PULLED AGENDA ITEMS

Council Member Cross asked to pull agenda item 5A to clarify the motion for agenda item Adopting ordinance No. 2016-040 amending the City's official zoning map from C-2 (Regional Commercial) to

PUD (Planned Unit Development) and Resolution 2016-072 approving a preliminary and final plat for “Third Addition to Baxter Wal-Mart Subdivision” and Resolution 2016-073 approving a PUD general plan for two new multi-tenant retail buildings located on the Gander Mountain site at 14275 Edgewood Drive should include the condition that the project maintain an average pacer level of our streets program. Council Member Cross asked to clarify the last sentence of his public comment to read Council Member Cross stated that he does not care if they get a few surprises here at the council level.

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve agenda item 5A with the recommended amendments. Motion carried unanimously.

OTHER BUSINESS

PUBLIC HEARING

Vacate properties along the west side of Dellwood Drive and between General Rental, Positive Realty, and T.H. 371

Aric Welch explained this is part of the right of way acquisition for the Dellwood Drive project, as discussed about one year ago. Mr. Welch explained how property would be divided against each of the parcels.

Mayor Olson opened the public hearing at 7:08 p.m. and closed the public hearing at 7:08:15 p.m. with no public comments received.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve the vacation of properties along the west side of Dellwood Drive and between General Rental, Positive Realty, and T.H. 371. Motion carried unanimously.

Adopt Resolution No. 2016-077 Approving Comprehensive Plan Amendment for the Dellwood Drive planning area.

Community Development Director Doty explained this item is to consider a Comprehensive Plan amendment to the Dellwood Drive planning area. The requested Comprehensive Plan amendment is to establish future land use planning for all of the planning area by establishing land use designations, revisions to functional classification of future transportation map, sewer map, and water map in the Comprehensive Plan document. The city annexed the subject land into Baxter in March. The city has one year to establish the future land use designations and zoning of the properties. Community Development Director Doty explained a series of public meetings have been held, with a recommendation in August from the Long Range Planning Commission, which is presented tonight to the council for consideration.

Community Development Doty explained the planning area consists of 138 acres, including 21 lots, 13 single family homes, a large section of vacant wooded land on the east side, and one publicly owned property. Crow Wing County established the existing zoning as rural residential, with the exception of the public land. The city of Brainerd’s plan, on their property directly adjacent to the planning area, is for public property and low density residential.

Community Development Director Doty explained the difference of the four different land use options.

Land Use Option One is a representation of landowner requests the Long Range Planning Commission heard at the June 26, 2016 neighborhood meeting and follow-up meetings with landowners. Specifically, low density residential was requested on the north and east sides of the planning area.

Land Use Option Two includes a representation of the 2008 land use study that was completed. The 2008 Land Use Study included a transition approach to land use, moving from Commercial to Office use, to Low Density Residential.

Land Use Option Three includes the same residential low-density layout as Option 1. However, Option Three includes Commercial land Use for the property north of Pearl Drive and proposes Office Use for the Property North of Mertens Drive.

Land Use Option Four includes the same land use pattern as Option Three, except that the Office area north of Mertens Drive is shown as Low Density Residential.

The Long Range Planning Commission recommended Option One, with the northerly parcel as commercial, and the map updates. They did not propose changes to the existing land use categories. They did propose the recommended changes to the map updates to the long-range transportation plan to reflect city boundary and future road locations and for the water and sewer maps.

One Long Range Planning Commission member made a motion to recommend Option Four, but the motion failed. The other members of the Long Range Planning Commission found Option Four to be too detailed. The city of Brainerd has discussed a park in the area and the City of Baxter has discussed the possibility of the future extension of Cypress Drive to CSAH 49. Community Development Director Doty explained the city of Brainerd's city administrator attended the public hearing but did not speak.

Judy Zahn, if you chose one of the other options where our property is split, if Pearl Drive is extended and meets with Novotny, it will cost us money and will not give us enough money for us to keep the land and will force us to lose our home. Ms. Zahn explained she hopes the council provides all commercial. The property has already been commercial; we were not aware the county rezoned us in 2011. Ms. Zahn explained husband has an automotive business on the property.

Community Development Director Doty explained all future commercial property would have to be serviced by Novotny or Pearl.

MOTION by Council Member Cross, seconded by Council Member Nystrom to adopt Resolution No. 2016-077 Approving Comprehensive Plan Amendment for the Dellwood Drive planning area. Motion carried with Council Member Cross, Nystrom, and Mayor Olson voting in favor and Council Members Holman and Barrows voting against.

Employee Work Out of Class

Council Member Barrows proposed to adjust Interim City Administrator Steele's salary by 5%, retroaction from May 1, until the city hires a new city administrator for out of class work.

MOTION by Council Member Barrows, seconded by Council Member Holman to adjust interim city administrator Steele's salary by 5% for out of class work. Motion carried unanimously.

COUNCIL COMMENTS

Steve Barrows: Council Member Barrows explained he received several good comments regarding the City's parks during the Labor Day picnic. Council Member Barrows complimented staff, council, parks and trails staff, and Baxter residents for support of the parks.

Darrel Olson: Mayor Olson explained he received many great comments during the triathlon. The Cemetery Commission held their first meeting. Public Works Administrative Assistant Mary Haugen has done a great job with the cemetery. Mayor Olson explained Public Works Maintenance Supervisor Curt Paulson recently retired after 34 years of service. Mr. Paulson requested no retirement party, so Mayor Olson wanted to acknowledge Mr. Paulson's time with the city and the great work he did. Jim Kalkofen also recently resigned from the Parks and Trails Commission and the Long Range Planning Commission. Mayor Olson thanked Mr. Kalkofen for his years of service to the City.

CITY ATTORNEY'S REPORT

City Attorney Person explained the comprehensive plan resolution requires a 4/5 vote of the council to pass; the resolution did not pass.

MOTION by Council Member Holman, seconded by Council Member Barrows to approve staff's recommendation of Option Four.

Mayor Olson explained the Long Range Planning Commission had a six to one vote on the agenda item. Council Member Cross summarized the discussion of the Long Range Planning Commission and explained he is in favor of the landowner's request. Council Member Holman explained Comprehensive Plan guiding, the city of Brainerd's plan for the adjacent property, that it is easier to up zone at the time a project is presented, and wetland filling. Council Member Barrows explained the future probability of Cypress extending to CSAH 49.

Council Member Cross called to question.

Council Members Barrows and Holman voted affirmative and Mayor Olson and Council Members Cross and Nystrom voted no. Motion failed.

MOTION by Council Member Barrows to table the agenda item, seconded by Holman

Council Member Cross explained the Long Range Planning Commission had an overwhelming vote to support Option One and questioned what is expected by returning the item to the Commission. Council Member Barrows explained the Long Range Planning Commission could hear some of the concerns expressed by the council.

Community Development Director Doty explained the council has until March 2017 to assign a zoning classification to the area.

Motion carried unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn the meeting at 7:48 p.m. Motion carried unanimously.

Approved by:

Darrel Olson
Mayor

Respectfully submitted,

Kelly Steele
Interim City Administrator