

BAXTER CITY COUNCIL MINUTES
November 5, 2014

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.

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

MEMBERS ABSENT: None

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

Mayor Olson congratulated the two newly elected council members and thanked those that offered their services to the city.

CONSENT AGENDA

- A. Approve City Council Minutes from October 21, 2014
- B. Approve City Council Work Session Minutes from October 21, 2014
- C. Approve Long Range Planning Commission Minutes from October 27, 2014
- D. Approve Parks and Trails Commission Minutes from October 27, 2014
- E. Accept Eagle Ridge Feasibility Report
- F. Approve the Payment of Bills and Finance Report
- G. Approve the Pratt's Affordable Excavating and Borden Excavating Partial Pay Estimate No. 4 in the amount of \$20,835.00 for the Woida Road, Wildflower Drive and Franklin Drive Project
- H. Approve the Engagement Letter with Clifton Larson Allen for the City's 2014 Audit
- I. Approve Isle Drive Resolution No. 2014-86 Receiving Feasibility Report and Calling Hearing on Improvement for the 2015 Isle Drive Extension Project

MOTION by Council Member Cross, seconded by Council Member Holman to approve the Consent Agenda with the exception of agenda item I. Approve Isle Drive Resolution No. 2014-86 Receiving Feasibility Report and Calling Hearing on Improvement for the 2015 Isle Drive Extension Project. Motion carries unanimously.

PULLED AGENDA ITEMS

I. Approve Isle Drive Resolution No. 2014-86 Receiving Feasibility Report and Calling Hearing on Improvement for the 2015 Isle Drive Extension Project.

Mayor Olson pulled the agenda item from the Consent Agenda. The council inquired how the removal of the north residential properties from the project would affect the overall project. Chuck Rickart of WSB explained the council could remove the north residential properties tonight or remove them during the improvement hearing, as there is no effect to the project. If the thoughts of the council are to remove the north residential properties from the project, to avoid confusion, the area should be removed tonight. Jim Roelofs of 12809 Perch Lake Drive explained three of the four property owners agree they would like to

be removed from the Isle Drive project. Mr. Roelofs further explained he does not know the position of the fourth property owner, but does know the fourth property owner has previously entered into an agreement with the city to extend water and sanitary sewer service.

MOTION by Council Member Holman, seconded by Council Member Moser to approve Resolution No. 2014-86 receiving feasibility report and calling hearing on improvement for the 2015 Isle Drive Extension project and removing the north residential properties from the project on the petition from the property owner present representing three of the four property owners. Finance Director Vacinek explained the new project cost is \$6,812,000. Holman accepted the amended motion to update the project cost and set the date for the improvement hearing for November 24, 2014 at 7:30 p.m. Motion carries unanimously.

OTHER BUSINESS

Approve Resolution No. 2014-87 Supporting an Application for Local Road Improvement Program Funding for Inglewood Drive and Dellwood Drive Improvements

City Administrator Heitke explained the council was presented with a Request for Council action that explained the conversations held with Crow Wing County. The city is looking for a higher design standard than the county request for just a mill and overlay. County Engineer Tim Bray is proposing to take the lead on applying for funding through the Local Road Improvement Program. If approved for funding, the city costs for the improvements of the higher design standards will be significantly less than without the grant funds. In addition, if approved, the county would support the higher design standards. The city will be notified in the spring if the grant is approved. If approved, our design concerns are resolved. Staff recommends council approve the request to submit an application for grant funding.

MOTION by Council Member Moser, seconded by Council Member Klein to approve resolution no. 2014-87 supporting an application for Local Road Improvement Program funding for Inglewood Drive and Dellwood Drive improvements. Motion carries unanimously.

COUNCIL COMMENTS

Darrel Olson: Mayor Olson thanked the Baxter residents for supporting the sales tax extension request during the General Election. Mayor Olson explained the contractors have worked very hard to complete the Wolda Road project, especially Crow Wing Power working on the weekend to move their utilities. Council Member Holman expressed concerns with uses in the industrial park. The council has historically erred on the side of caution in the industrial district. The council discussed how the middle transition period of a business handled. The 200-foot setback is uniform across the city. The council also discussed the Comprehensive Plan does not indicate the city should look at all of College Drive as a commercial district. Council discussed parking and flow issues associated with allowing the brewery to have a food truck. The consensus of the council was to keep the ordinance as written.

CITY ADMINISTRATOR

City Administrator Heitke explained the council has previously scheduled a canvassing meeting for Wednesday, November 12 at 5:30 p.m. City Administrator Heitke asked if the council would consider meeting in a special meeting immediately following the special canvassing meeting to discuss the Excelsior Road project.

MOTION by Council Member Klein, seconded by Council Member Holman to schedule a special council meeting to immediately follow the November 12, 2014 special canvassing meeting. Motion carries unanimously.

CITY ATTORNEY'S REPORT

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

Closed Session: Minnesota Statute 13D.05, subd. 3(b) Attorney Client Privilege

City Attorney Person asked the council to enter into a closed session under Minnesota Statute 13D.05, subd. 3 (c) for the purchase of real property and (b) Attorney Client Privilege.

MOTION by Council Member Moser, seconded by Council Member Holman to enter into a closed session at 7:32 p.m.

Mayor Olson opened the Council Meeting at 8:39 p.m.

City Attorney Person explained several items were discussed during the closed session that will not require council action. Two of the items discussed relate to claims for private reimbursement. City Attorney Person explained the city does not have the legal authority to issue payment of public dollars to private claims in which the city was found not responsible.

MOTION by Council Member Cross, seconded by Council Member Klein to deny payment of damages because the city does not have legal authority to make the payment. Motion carries unanimously.

City Attorney Person explained there are seven remaining non-users that have not connected by the deadline.

MOTION by Council Member Klein, seconded by Council Member Cross to proceed with court action on the remaining non-users. Motion carries unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Moser to adjourn at 8:00 p.m. to the Council Budget Work Session at 5:30 p.m. on Thursday, November 6, 2014. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk