

BAXTER CITY COUNCIL MINUTES
February 10, 2014

The regular meeting of the Baxter City Council was called to order at 7:00 p.m. by Mayor Olson who led in the pledge to the flag.

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

MEMBERS ABSENT:

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 John Person.

PUBLIC COMMENTS

None

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 January 21, 2014
- B. Approve City Council Work Session Minutes from January 21, 2014
- C. Approve the Payment of Bills and Finance Report
- D. Accept with Gratitude a \$500 Donation from the Baxter Lions Club for the 2014 Children's Triathlon
- E. Accept Parks & Trails Commission Minutes from January 27, 2014
- F. Accept Long Range Planning Commission Minutes from January 27, 2014
- G. Acknowledge Receipt of the Woida Road, Franklin Drive, & Wildflower Drive Petition Received January 28, 2014
- H. Approve Resolution No. 2014-09 Relating to Parking Restrictions on Woida Road

OTHER BUSINESS

Approve Resolution No. 2014-08 Approving County Project Within Municipal Corporate Limits.

Steve Stroschein, Crow Wing County Highway Department, explained County Road 48 has deteriorated faster than anticipated. Mr. Stroschein is calling for the Council to approve a resolution of consent. The City will not be asked to participate in the cost of the mill and resurfacing of County Road 48. The project will be contained to an area from approximately Consolidated Telephone to 4th Street in Brainerd.

MOTION by Council Member Cross, seconded by Council Member Moser to approve Resolution No. 2014-08 Approving County Project Within Municipal Corporate Limits. Motion carried unanimously.

Fire Protection Contract

Mr. Heitke explained representatives from the fire service area have been meeting to review the current Fire Protection Contract and recommend changes, if needed. The review did not consider funding formulas. The existing contract language is over 20 years old. The new contract was drafted based upon a model contract prepared by the League of Minnesota Cities and Minnesota Association of Townships. Once the governing bodies of the fire service areas approve the new contract, the contract will be forwarded to the Brainerd City Council for their approval. The new contract will establish a Fire Advisory Board which will allow members to have a voice in capital equipment purchases, contract revisions, and the operating budget. Members will receive an audit of annual Fire Department expenditures. The Fire Advisory Board will meet quarterly and will make recommendations to the Brainerd City Council. The City of Baxter will be responsible for fire code inspections and enforcements, unless the City elects to have the Fire Department carry out these services. The City's annual service fee will be known in advance of the City's budget cycle.

MOTION by Council Member Cross, seconded by Council Member Klein to approve the Fire Protection Contract. Motion carried unanimously.

CITY COUNCIL COMMENTS

Klein: Council Member Klein suggested setting a time for the annual staff review.

Olson: Mayor Olson explained two invitations have been received for tomorrow night. The first is to meet the new Northland Arboretum director and the second is the Cuyuna Regional Medical Center meet and greet.

CITY ADMINISTRATOR'S REPORT

No report

CITY ATTORNEY'S REPORT

Imgrund Motors

Mr. Person explained multiple notices regarding the past due November and December excise tax have been mailed to Imgrund Motors by City Attorney Brad Person and Mr. Vacinek. Options available to the City are to consider an administrative fine, CUP revocation, or misdemeanor charges. Mr. Person recommends the Planning and Zoning Commission review if Imgrund Motors is in compliance with the conditions of their CUP given the delinquency of the tax. Mr. Vacinek reviewed the terms of Ordinance 2006-20 and the terms of the local option sales tax. Imgrund Motors is collecting tax on behalf of the City from its customers, just like stores collect sales tax and remit it to the state. The collection process of this tax is not unique to Imgrund Motors. Mr. Vacinek explained the process to assess a penalty.

MOTION by Council Member Cross, seconded by Council Member Klein if we are going to have the Planning and Zoning review the CUP for possible action it might be a good time to

make sure all provisions of the CUP have been met to this date. Council Member Holman added a Friendly Amendment that legal counsel be present during the Planning Commission meeting. Cross, Olson, and Klein accepted the friendly amendment. Motion carried with Cross, Olson, Klein, and Holman voting aye and Moser voting nay.

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

Mr. Person stated one of the exceptions to the open meeting law concerns the purchase or sale of property when determining offers or appraisal data. Mr. Person recommends pursuant to the exception stated in the statute, the Council makes a motion to enter into a closed session to discuss the purchase price and appraisal data relating to the Woida Project. The motion needs to reflect the purchase and sale of property and determine the subject of the matter.

MOTION by Council Member Holman, seconded by Council Member Klein to go into a closed session under Minnesota Statute 13D.05, subd. 3(C)(3) to discuss a purchase price or appraisal data for the purchase or sale of real property at 7118 Clearwater Road, 14681 Wildflower Drive, 7149 Woida Road, 7111 Woida Road, 6999 Woida Road, 6549 Woida Road, and 6971 Woida Road. Motion carried unanimously.

The Council entered a closed session at 7:28 p.m.

Mayor Olson opened the regular meeting at 7:50 p.m.

MOTION by Council Member Cross, seconded by Council Member Klein to direct staff to execute agreements with 7118 Clearwater Road and 14681 Wildflower Drive for the purchase or trade of real property. Motion carried unanimously.

MOTION by Council Member Cross, seconded by Council Member Klein direct staff to obtain appraisals for 7149 Woida Road, 7111 Woida Road, 6999 Woida Road, 6549 Woida Road, and 6971 Woida Road. Motion carried unanimously.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Moser to adjourn the regular Council Meeting at 7:52 p.m. to the informational meeting on February 13 at 5:30 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk