



CITY COUNCIL MEETING AGENDA

Tuesday, June 07, 2022 at 7:00 PM

Baxter City Hall, 13190 Memorywood Drive, Baxter, MN

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

ADDITIONS OR CHANGES TO THE AGENDA

PUBLIC COMMENTS - *Comments received from the public may be placed on a future meeting agenda for consideration.*

CONSENT AGENDA - *The following items are considered non-controversial by staff and are recommended to be read and passed in one motion. Any council person, staff, citizen, or meeting attendee can request one or more items be pulled from the Consent Agenda and the item will be pulled and addressed immediately after the passage of the Consent Agenda; otherwise, the following items will be passed in one motion:*

- [1.](#) Approve City Council Work Session Minutes from May 17, 2022
- [2.](#) Approve City Council Minutes from May 17, 2022
- [3.](#) Approve City Council Special Minutes from May 26, 2022
- [4.](#) Approve the Payment of Bills and Finance Report (Addendum A)
- [5.](#) Approve the Issuance of Liquor Licenses for the Licensing Period of July 1, 2022 through June 30, 2023
- [6.](#) Approve Permit for Retail Sales of Fireworks for TNT Fireworks to Conduct Sales at Westside Liquor
- [7.](#) Special Event Application for First Baptist Church
- [8.](#) Approve Special Event Application for Walk a Mile in Her Shoes
- [9.](#) Approve Special Event Permit for 2022 Alzheimer's Association Walk
- [10.](#) Adopt Ordinance 2022-004, Liquor Control
- [11.](#) Approve Amendment to Jack Pine's Liquor License to Allow for Off-Sale of up to 128 Ounces Per Customer Per Day through the June 30, 2022, License Period
- [12.](#) Accept a \$400 Donation from the Baxter Lions Club for the 2022 Children's Triathlon
- [13.](#) Accept a \$2,300 Safety Grant from CenterPoint Energy

- [14.](#) Appoint Mr. Chuck Anderson to Streets and Storm Water Lead Position and Authorize Staff to Commence the Process to Fill the Public Works Maintenance II Position
- [15.](#) Approve Purchase of Drainage and Utility Easement for 2022 Foley Road, Isle Drive, and Forthun Road Improvement Project for Parcel 40120812, Parcel 40070813, Parcel 40120811, Parcel 40120815, and Parcel 40070814
- [16.](#) Adopt Resolution 2022-046 Amending Resolution 2022-044 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2022 TH 210/Inglewood Drive Improvement Project
- [17.](#) Adopt Resolution 2022-047 Ordering Improvement for the 2023 Cypress Drive and Douglas Fir Drive Improvements Project, Municipal Project No. 4087
- [18.](#) Adopt Resolution 2022-048 to Approve the Public Interest Finding (PIF) Letter for the 2022 TH 210/Inglewood Drive Improvement Project

PULLED AGENDA ITEMS

OTHER BUSINESS

- [19.](#) Vacating Property and Closing of the Railroad Crossing Located on Knollwood Drive
 - 1) Hold Public Hear at 7:00 p.m. or shortly thereafter
 - 2) Adopt Resolution 2022-040 Vacating Property and Closing of the Railroad Crossing Located on Knollwood Drive, Railroad Milepost 122.209
- [20.](#) Public Hearing – Annual Progress Report – Stormwater (MS4)

COUNCIL COMMENTS

- 21. Connie Lyscio
- 22. Zach Tabatt
- 23. John Ward
- 24. Mark Cross
- 25. Darrel Olson

CITY ADMINISTRATOR'S REPORT

CITY ATTORNEY'S REPORT

ADJOURN



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Approve City Council Work Session Minutes from May 17, 2022

Approval Required: Simple Majority Vote

BACKGROUND

The meeting minutes from the May 17, 2022 city council work session have been prepared.

FINANCIAL IMPLICATIONS

STAFF RECOMMENDATIONS

Staff recommends the city council approve the meeting minutes.

COUNCIL ACTION REQUESTED

Motion to approve the city council work session minutes from May 17, 2022.

BAXTER CITY COUNCIL WORK SESSION MINUTES

May 17, 2022

6:00 PM

1. Call to Order

Mayor Olson called the work session to order at 6:00 p.m.

2. Roll Call

Mayor Darrel Olson and Council Members Connie Lyscio, Zach Tabatt, and John Ward were present. Council Member Mark Cross was absent.

City Administrator Brad Chapulis, Assistant City Administrator Kelly Steele, Police Chief Jim Exsted, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter were present.

3. Special Event Ordinance Discussion

Council Member Ward introduced the discussion to review the City's special event ordinance.

An expansion to Jack Pine's patio area would require restroom improvements and accessibility issues would need to be addressed.

The council discuss having the ordinance being easy to understand and define what number of events is allowed.

Patrick Sundberg, Jack Pine Brewery, explained the special event ordinance doesn't define a number of special events that are allowed and the term special is not defined.

Staff will review the ordinance and will present the council with changes at a future meeting.

4. Adjourn

MOTION by John Ward, seconded by Connie Lyscio to Adjourn at 6:48 p.m. Motion unanimously approved.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Approve City Council Minutes from May 17, 2022

Approval Required: Simple Majority Vote

BACKGROUND

The meeting minutes from the May 17, 2022 City Council meeting have been prepared.

FINANCIAL IMPLICATIONS

STAFF RECOMMENDATIONS

Staff recommends the city council approve the meeting minutes.

COUNCIL ACTION REQUESTED

Motion to approve the City Council Minutes from May 17, 2022.

BAXTER CITY COUNCIL MINUTES
May 17, 2022

1. Call Meeting to Order

Mayor Olson called the meeting to order at 7:00 p.m.

2. Roll Call

Mayor Darrel Olson and Council Members Connie Lyscio, Zach Tabatt, and John Ward were present. Council Member Mark Cross was absent.

City Administrator Brad Chapulis, Assistant City Administrator Kelly Steele, Police Chief Jim Exsted, Community Development Director Josh Doty, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter were present.

3. Pledge of Allegiance

All joined Mayor Olson in reciting the Pledge of Allegiance.

4. Additions or Changes to the Agenda

City Administrator Chapulis explained Resolution 2022-045, in Consent Agenda item T, has been amended to correct the advance to the amount of \$1,026,850.

5. Public Comments

None.

6. Consent Agenda

MOTION by Zach Tabatt, seconded by Connie Lyscio to Approve Consent Agenda as Amended. Motion unanimously approved.

- A. Approve City Council Work Session Minutes from May 3, 2022**
- B. Approve City Council Minutes from May 3, 2022**
- C. Approve the Payment of Bills and Finance Report (Addendum A)**
- D. Schedule the Annual Storm Water Public Informational Meeting for Tuesday, June 7, 2022 at 7:00 p.m. or shortly thereafter.**
- E. Accept Utilities Commission Minutes of May 4, 2022**
- F. Approve Zip's Car Wash Development Agreement.**
- G. Approve Zip's Car Wash Stormwater Facilities Maintenance Agreement.**
- H. Approve the Northern Plains Contracting Inc. Partial Pay Estimate No. 8 in the amount of \$78,362.78 for the Water Treatment Plant Improvements Project.**

- I. Approve SEH Agreement for Preparation of Water System Capital Improvement Plan Document in the Not to Exceed Amount of \$15,000.00.**
- J. Approve the WiDSETH Agreement for Geotechnical Evaluation Report Services for the Cypress Drive and Douglas Fir Extension Project, in the Not to Exceed Amount of \$7,825.**
- K. Approve the WiDSETH Agreement for Assistance with the Part II Wellhead Protection Plan Preparation in the Not to Exceed Amount of \$10,000.00.**
- L. Approve Limited Use Agreement for R.L. Larson to use Tax Forfeited Property for Storage and Staging during Construction of the 2022 Foley Road, Isle Drive, and Forthun Road Improvements Project.**
- M. Adopt Resolution No. 2022-044 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2022 Trunk Highway 210 & Inglewood Drive Railway Crossing Improvements, Municipal Improvement No. 4121.**
- N. Approve the Bolton & Menk Plans and Specifications and Authorize Advertisements for Bids for the 2022 Micro Surfacing Project.**
- O. Approve Purchase of Drainage Easement for Section 6 Area A-1 Stormwater Outlet Project or Parcel 40060948 in the Amount of \$4,140.00.**
- P. Approve the Proposed Job Descriptions and Recommended Pay Grades and Authorize Staff to Commence the Process to Fill the Positions of Public Works Maintenance I and Streets and Storm Water Lead Maintenance**
- Q. Approve 2021 Year-End General Fund Transfer of \$200,000 to the Capital Equipment Fund for Future Equipment Replacements**
- R. Approve Appointment to the Seasonal Position of Park Attendant**
- S. Adopt Resolution 2022-043 Approving the MnDOT Cooperative Agreement for the 2022 T.H. 210/Inglewood Drive Road Improvement Project.**
- T. Adopt Resolution No 2022-045 Authorizing Advancement of Municipal State Aid Funds for the 2022 Fairview Road, Golf Course Drive, Excelsior Road & Trail connection Improvements Project and the 2022 TH 210/Inglewood Drive Road Improvement Project**
- U. Approve Temporary Liquor License for the Brainerd Jaycees Special Event at Mills Auto Enterprise**
- V. Approve the Purchase of the Drainage and Utility Easement for Parcels 40120898 and Parcel 40070506 for the 2022 Foley Road, Isle Drive, and**

Forthun Road Improvement Project.

- W. Accept Planning Commission Meeting Minutes from May 10, 2022**
- X. Adopt Resolution 2022-041 approving a variance to allow 40% impervious surface in a shoreland district**
- Y. Adopt Resolution 2022-042 approving a Conditional Use Permit for grading and filling in a shoreland district**
- Z. Approve Special Event Application for 2022 Kiwanis Kids Triathlon**

7. Pulled Agenda Items

8. Other Business

- A. Reschedule the Public Hearing for the Vacation of Property and Closing Knollwood Drive Railroad Crossing**

City Administrator Chapulis explained a public hearing was scheduled for tonight to consider the closing of the Knollwood Drive railroad crossing. Due to missing a publication deadline, staff is asking the council to consider rescheduling the public hearing to June 7, 2022.

MOTION by Zach Tabatt, seconded by John Ward to Motion. Motion unanimously approved.

9. Council Comments

- A. Connie Lyscio**

Council Member Lyscio attended the Baxter Elementary school ribbon cutting ceremony and explained it was nice to see everyone come together for the project.

- B. Zach Tabatt**

No comment.

- C. John Ward**

Council Member Ward thanked our veterans and reminded everyone to remember the veterans that have passed.

- D. Mark Cross**

Absent.

- E. Darrel Olson**

Mayor Olson explained the children did great during the elementary school dedication ceremony and it is great to see the soccer fields filled with children. Mayor Olson expressed appreciation to park staff for their work in maintaining the parks.

10. City Administrator's Report

City Administrator Chapulis reminded the council of the Warrior Early Learning Center ribbon cutting ceremony scheduled for Friday morning.

11. City Attorney's Report

City Attorney Person asked the council to enter into a closed session as indicated on the council agenda.

MOTION by Connie Lyscio, seconded by Zach Tabatt to Enter a Closed Session at 7:12 p.m. Motion unanimously approved.

MOTION by John Ward, seconded by Zach Tabatt to Return to Open Session at 8:04 p.m. Motion unanimously approved.

MOTION by Zach Tabatt, seconded by Connie Lyscio to Direct Staff to Present Initial Offer to Parcel 40070660. Motion unanimously approved.

City Attorney Person explained the council consensus during the closed session was for staff to continue negotiations with the other four parcels.

- A. Closed Session Under Minnesota Statute 13D.05, subd. 3 (c), Purchase of Property: PID 40070814, 40070813, 40070815, 40120811, and 40070660
 - 1. Closed Session
 - 2. Closed Session
 - 3. Closed Session

12. Adjourn

MOTION by Zach Tabatt, seconded by Connie Lyscio to Adjourn at 8:05 p.m. Motion unanimously approved.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Approve City Council Special Minutes from May 26, 2022

Approval Required: Simple Majority Vote

BACKGROUND

The meeting minutes from the May 26, 2022 special City Council meeting have been prepared.

FINANCIAL IMPLICATIONS

STAFF RECOMMENDATIONS

Staff recommends the city council approve the meeting minutes.

COUNCIL ACTION REQUESTED

Motion to approve the special City Council Minutes from May 26, 2022.

**BAXTER SPECIAL CITY COUNCIL MINUTES
May 26, 2022**

1. Call Meeting to Order

Mayor Olson called the special meeting to order at 6:03 p.m.

2. Roll Call

Mayor Darrel Olson and Council Members Connie Lyscio, Zach Tabatt, and John Ward were present. Council Member Mark Cross was absent.

City Administrator Brad Chapulis, Assistant City Administrator Kelly Steele, Assistant City Engineer Trevor Thompson, and Public Works Director Trevor Walter were present.

3. Presentation

- A. Improvement Hearing for 2023 Cypress Drive and Douglas Fir Drive Improvements Project Presentation

Aric Welch, Widseth, explained he assisted the city with completing the feasibility report along with Scott Hedlund of SEH.

The first step of the project is to complete the feasibility report and then hold the improvement hearing which is being held tonight. The project is broken down into five different areas for assessment purposes.

The proposed improvements include:

- Cypress Drive (Hinckley Road to 350' south of College Road) full depth reclamation, curb and gutter replacement, new trail construction, and existing parking lot modifications.**
- Cypress Drive (Highland Scenic Road to Hinckley Road) roadway, trail, storm sewer, sanitary sewer, and water distribution system construction.**
- Douglas Fir Drive (340' south of Hinckley Road to Hinckley Road) roadway, trail, storm sewer, water distribution system construction.**
- Existing 4-plex apartment units sanitary sewer construction.**
- Berrywood Drive trail extension.**
- CSAH 48/Cypress Drive intersection (620' west of Cypress Drive to 430' east of Cypress Drive) roadway, roundabout intersection, storm sewer and trail construction.**

The total estimated project cost is \$4,212,290. The estimated assessable project costs to benefitting property's is \$2,186,735 or 51.9%. The estimated city cost is \$1,370,555 or 32.5%. The Crow Wing County roundabout cost is \$655,000 or 15.6%.

The council will consider adopting a resolution to order the improvement in June 2022. The project would be bid in the fall with a winter assessment hearing and construction starting the spring of 2023.

4. Questions of City Council Members

Council Member Lyscio questioned the length of the assessment repayment period.

It was explained the assessment term for a full depth reclamation is 12 years based on the city's assessment policy.

5. Open Public Hearing

Mayor Olson opened the public hearing at 6:27 p.m.

Susan Beck, 12960 Berrywood Drive, question why she is being assessed and if the assessment project is consistent with past practice.

Mr. Welch explained the city is consist with determining properties to be assessed.

Mary Klainoski, 12941 Berrywood Drive, inquired if the assessments are per owner or per unit as she has a twin home.

Mr. Welch explained the assessment is per house.

Ms. Klainoski inquired if property owners will receive a bill and if the assessment will impact property valuation in the future.

Mr. Welch explained property owners will receive a notice with their exact assessment prior ot the city holding the assessment hearing this winter.

Ms. Bech inquired if property owners are being assessed for the interest because the city is bearing the county's cost until the county pays.

Mr. Welch said this is correct.

An unidentified person in the audience inquired if the big hole will fill up with water.

Mr. Welch said it will not fill up with water.

Mr. Water explained he received a phone call from someone inquiring if the city is going to clear-cut the trees.

Mr. Welch explained the city will look at leaving a buffer during design.

Lauren Leaf, 13089 Berrywood Drive, inquired which side of the road the trail will be constructed on.

Mr. Welch explained the trail will be constructed on the east side.

Jerry King, 12978 Berrywood Drive, explained semi trucks will have problems navigating the roundabout and that the roundabout is not needed.

Mr. Walter explained the project history of the roundabout and that it will have a grass center.

Dennis Zaske, 13012 Berrywood Drive, inquired if Berrywood will be under construction.

Mr. Welch explained Berrywood Drive will not be under construction.

6. Close Public Hearing

Mayor Olson closed the public hearing at 6:53 p.m.

7. Next Steps

8. Adjourn

MOTION by John Ward, seconded by Zach Tabatt to Adjourn at 6:56 p.m. Motion unanimously approved.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Finance

Agenda Item: Approve the Payment of Bills and Finance Report (Addendum A)

Approval Required: Simple Majority Vote

BACKGROUND

Attached is the June 7, 2022 Addendum A to approve checks 225071 through 225160 and May/June 2022 ACH transactions for the City of Baxter.

FINANCIAL IMPLICATIONS

Claims totaling \$886,503.73 will be paid.

STAFF RECOMMENDATIONS

Finance Director Vacinek recommends approval of Addendum A to pay outstanding claims presented for payment for the City of Baxter.

COUNCIL ACTION REQUESTED

Approve the payment of bills and finance report (Addendum A)

Accounts Payable

Blanket Voucher Approval Document

User: mkolas
 Printed: 06/02/2022 - 12:24PM
 Warrant Request Date: 06/07/2022
 DAC Fund:



2022 Addendum A

Line	Claimant	Voucher No.	Amount
1	ABM Equipment & Supply LLC	000225071	61,083.00
2	Abramo, Konrad	000225072	1,800.00
3	Ace Hardware	000225073	25.11
4	Advanced Auto Repair of Brainerd	000225074	409.36
5	Advanced Engineering & Environmental Service	000225075	27,407.77
6	AFSCME Council 65	000225076	1,114.54
7	American Door Works	000225077	1,016.40
8	American Legal Publishing Corporation	000225078	940.95
9	AW Research Labs Inc	000225079	337.50
10	Baycom, Inc.	000225080	42.00
11	Beacon Athletics LLC	000225081	711.60
12	Bill Ludenia Appraisals Inc	000225082	4,500.00
13	Bolton & Menk Inc	000225083	6,222.50
14	Brainerd General Rental	000225084	301.75
15	Breen & Person LTD	000225085	9,234.00
16	C&H Precision Weapons LLC	000225086	903.82
17	Christensen, Carl	000225087	4,734.44
18	Cintas	000225088	102.44
19	Climate Makers Inc	000225089	6,222.98
20	Colonial Life	000225090	1,132.36
21	Consolidated Telephone Co - CTC	000225091	723.57
22	Crawford, Edwin	000225092	56.80
23	CWC Sanitary Landfill	000225093	86.00
24	DeChantal Excavating, LLC	000225094	45.00
25	Delta Dental of MN	000225095	2,429.34
26	Diamond Industrial Cleaning Equipment	000225096	731.90
27	Digital Ink Design & Graphics Inc	000225097	170.00
28	Doty, Joshua	000225098	1,489.81
29	EBSO	000000000	81,090.55
30	Exsted, Jim	000225099	44.71
31	Fastenal Company	000225100	56.93
32	Federal Withholding	000000000	50,008.43
33	Fee, Nicholas	000225101	6,500.00
34	Ferguson Enterprises LLC #1657	000225102	11.97
35	Forum Communications/Brainerd Dispatch	000225103	1,676.68
36	Francotyp-Postalia Inc	000225104	128.15
37	Fyle's Satellites Inc	000225105	986.00
38	Galls LLC	000225106	299.58
39	Gary's Painting Inc	000225107	1,943.96
40	Geike, Fritz	000225108	500.00
41	Groenwold, Rebecca	000225109	3,300.00
42	Hawkins Inc	000225110	3,493.87
43	Heartland Animal Rescue Team	000225111	822.33
44	Holden Electric Company Inc	000225112	917.85
45	ICMA Retirement Corporation	000225113	400.00
46	Innovative Office Solutions LLC	000225114	191.53
47	James, Kristie Chapman & Ryan	000225115	25.44

48	Kennedy & Graven Chartered	000225116	1,068.00
49	KLM Engineering Inc	000225117	3,800.00
50	Law Enforcement Labor Services	000225118	780.00
51	MacQueen Equipment Inc	000225119	420.00
52	Metro Sales Inc	000225120	394.75
53	Mid-American Research Chemical Corp	000225121	2,112.17
54	Midwest Machinery Company	000225122	2,275.80
55	Mike's Tree Company LLC	000225123	1,890.00
56	MN Association of Cemeteries	000225124	75.00
57	MN City/County Management Association	000225125	161.00
58	MN Deferred Comp	000000000	12,307.68
59	MN Dept of Transportation	000225126	585.15
60	MN Withholding	000000000	10,217.11
61	NAPA Auto Parts - Baxter	000225127	217.95
62	NCPERS Minnesota-330601	000225128	128.00
63	Northland Fire Protection	000225129	271.00
64	Office Shop	000225130	1,157.98
65	One Way Cleaning Inc	000225131	580.00
66	Pavement Resources	000225132	8,000.00
67	PERA Retirement	000000000	50,139.43
68	Peterson, Bernard C	000225133	1,381.25
69	Postmaster	000225134	2,000.00
70	Potter, David	000225135	2,400.00
71	Pratt's Affordable Excavating Inc	000225136	4,040.00
72	Quality Flow Systems Inc	000225137	5,150.00
73	Radco Truck Accessory Ctr #10383	000225138	1,028.36
74	Reikofski, Craig	000225139	4,727.30
75	Royal Tire Inc	000225140	5,390.22
76	Rudolph, Justin	000225141	47,445.00
77	S&K Outdoor Services	000225142	1,710.00
78	Short Elliot Hendrickson Inc	000225143	28,521.57
79	St Croix Recreation Fun Playgrounds Inc	000225144	1,187.08
80	Stericycle Inc	000225145	36.17
81	Tennant Sales and Service Company	000225146	692.08
82	Tim Thompson Plbg LLC	000225147	379.00
83	Towmaster	000225148	115,832.00
84	Utility Logic LLC	000225149	5,202.00
85	Valvoline Instant Oil Change	000225150	176.00
86	Vessco Inc	000225151	267.54
87	Visit Brainerd	000225152	31,004.95
88	Waldemarsen, Ruth	000225153	4,140.00
89	WEX Bank	000225154	959.71
90	Williams, Mike	000225155	1,666.80
91	WSN	000225156	47,537.00
92	WW Goetsch Associates Inc	000225157	362.00
93	Wynn, Shirley & Douglas	000225158	86.30
94	Xcel Energy	000225159	2,527.55
95	Ziegler Inc	000225160	6,218.58

A/P Total: \$705,022.40

96	ACH		
96	Payroll 10 Direct Deposit	000000000	84,480.37
97	MN Department of Revenue	000000000	5,265.00
98	Payroll 11 Direct Deposit	000000000	91,735.96

ACH Total: \$181,481.33

Grand Total: \$886,503.73



REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Approve the Issuance of Liquor Licenses for the Licensing Period of July 1, 2022 through June 30, 2023

Approval Required: Simple Majority Vote

BACKGROUND

In accordance with state statues and the Baxter City Code, establishments engaging in the sale of liquor must be licensed. The establishments listed on the attached Appendix A have applied for a liquor license for the licensing period of July 1, 2022 through June 30, 2023. The applicants have remitted applicable license fees, provided evidence of liquor liability insurance, submitted a certificate of compliance with Minnesota Workers' Compensation Law, and have passed a background check conducted by the Baxter Police Department.

FINANCIAL IMPLICATIONS

The expense of administering liquor licensing is offset by the application fees.

STAFF RECOMMENDATIONS

Administration recommends the issuance of the liquor licenses as noted on Appendix A.

COUNCIL ACTION REQUESTED

Motion to approve the issuance of liquor licenses for the establishments listed on the attached Appendix A for the period of July 1, 2022 through June 30, 2023.

Appendix A
 City of Baxter Liquor License Approval
 Licensing Period of July 1, 2022 through June 30, 2023

Trade Name	License Type
Apple Minnesota - Applebee's Neighborhood Grill & Bar	On sale intoxicating liquor/On-sale Sunday liquor
USH Brainerd Ventures – Arrowwood Lodge	On sale intoxicating liquor/On-sale Sunday liquor
Black Bear Lodge & Saloon	On sale intoxicating liquor/On-sale Sunday liquor
Blazin Wild Wings - Buffalo Wing Wings	On sale intoxicating liquor/On-sale Sunday liquor
Pie Eyed – Dough Bros	On sale intoxicating liquor/On-sale Sunday liquor
Adobe Restaurants - Boulder Tap House	On sale intoxicating liquor/On-sale Sunday liquor
China Garden	On sale 3.2 beer
Corborn's Inc. - Cash Wise Liquor	Off sale intoxicating liquor
Central Lakes Lodging - Three Bear Lodge	On sale intoxicating liquor/On-sale Sunday liquor
Costco Wholesale #1122	Off sale intoxicating liquor
S&R Quisberg - Baxter Cub Foods	Off sale 3.2 beer
El Tequila	On sale intoxicating liquor/On-sale Sunday liquor
Adobe Restaurants - Grizzly's Wood Fired Grill	On sale intoxicating liquor/On-sale Sunday liquor
Jack Pine Brewery	On-sale brewer's taproom/off-sale Growler/off-sale 128 ounces
Fiesta Restaurants - Poncho & Lefty's	On sale intoxicating liquor/On-sale Sunday liquor
3 Cheers Hospitality – Baia Della	Combo On sale/off sale intoxicating liquor/On-sale Sunday liquor
Rafferty's Pizza	On sale 3.2 beer/On sale Wine
Miner's Inc. - Super One Foods	Off sale 3.2 beer
Super One Liquor	Off sale intoxicating liquor
Northern Tier Retail - Speedway #4544	Off sale 3.2 beer
Wal-Mart	Off sale 3.2 beer and Off sale intoxicating liquor
Sarah Hollenkamp - Westside Liquors	Off sale intoxicating liquor
Orton's Baxter Holiday	Off sale 3.2 beer
Chipotle Mexican Grill #3427	On sale intoxicating liquor/On-sale Sunday liquor
Blazing Fired Foods – Blaze Pizza	On sale 3.2 beer/On sale Wine



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Approve Permit for Retail Sales of Fireworks for TNT Fireworks to Conduct Sales at Westside Liquor

Approval Required: Simple Majority Vote

BACKGROUND

No person or retail establishment shall sell or offer to sell any fireworks without first having obtained a license from the city to do so. TNT Fireworks has submitted an application, certificate of insurance, and license fee for retail sale of fireworks. Staff has reviewed the application materials and found the applicant to be eligible for a permit of retail sales of fireworks. TNT Fireworks will be conducting sales from a tent installed on the Westside Liquor parking lot.

FINANCIAL IMPLICATIONS

The application fee offsets the cost of administering the issuance of the permit for retail sales of fireworks.

STAFF RECOMMENDATIONS

Staff recommends the council approve the issuance of a permit for retail sales of fireworks for TNT Fireworks to conduct sales at Westside Liquor.

COUNCIL ACTION REQUESTED

Motion to approve permit for retail sales of fireworks for TNT Fireworks to conduct sales at Westside Liquor.



STATEMENT OF PURPOSE

American Promotional Events dba TNT Fireworks is submitting for approval for the attached application.

Location address: 15807 Audubon Way, Baxter, MN 56425

The purpose is to sell Minnesota State approved fireworks in a temporary tent from, approximately, June 20th 2022 - July 5th 2022. The tent will be erected about three days prior to the sale and removed within two to five days of completion of the sale. The hours of operation will be from 8am-10pm, or as dictated by local location ordinances.

There will be two fire extinguishers readily accessible. "No Smoking," age limit signs, as well as "No Discharging Fireworks within 300ft" signs will be posted and enforced. There will be a minimum of two people onsite at all times and the product will be secured 24/7 to ensure safety.

If you have any questions, please do not hesitate to call me at 256-740-6158.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Hightower".

Virginia Hightower

Permitting Coordinator

hightowerv@tntfireworks.com



CITY OF BAXTER LAND USE APPLICATION FORM

For Internal Use Only
Project # _____
Fees Paid: \$ _____
Escrow Paid \$ _____
Receipt # _____
Escrow Code _____

Type of Application (check all that apply)

- Architectural Review
- Conditional Use Permit
- Interim Use Permit
- Variance
- Sketch Plan Review
- Administrative Subdivision
- Preliminary Plat
- Final Plat
- Vacation (Street/Easements)
- Comprehensive Plan Amendment
- Zoning/Subdivision Ordinance Amendment
- Shore Land Alteration Permit
- Other

Project Name or Description: TNT FIREWORKS TEMPORARY SALE OF MN LEGAL FIREWORKS FOR A TWO WEEK PERIOD (06.19 - 07.06). INTERIM USE PERMIT FOR FIREWORKS SALES IN PARKING LOT.

Property Information

Address: 15807 AUDUBON WAY, BAXTER, MN 56425 PID Number: _____
Legal Description (attach if necessary): _____

Applicant Information

Name: TNT FIREWORKS
Address: 4003 HELTON DRIVE, FLORENCE, AL 35630
Street City State Zip
Phone (W): 256.764.6131 Phone (H): _____ Fax: _____
Print or Type Name: JACOB QUAM Email Address: QUAMJ@TNTFIREWORKS.COM
Contact Person Name (If other than applicant): JACOB QUAM
Phone: 612.263.4666 Address: _____

Owner Information

Name: WESTSIDE LIQUOR - SARAH HOLLENKAMP
Address: 2151 MORNINGSIDED DRIVE NE, SAINT CLOUD, MN 56304
Street City State Zip
Phone (W): 320.761.5737 Phone (H): _____ Fax: _____
Print or Type Name: SARAH HOLLENKAMP Email Address: SHOOLENKAMP@WESTSIDELIQUOR.COM

If this permit is granted, I hereby certify that all work will be done as stated herein and in accordance with all applicable laws and ordinances of the State of Minnesota and the City of Baxter.

DocuSigned by:  Date 4/28/2022
Applicant's Signature _____

Applicant's Printed Name JACOB QUAM

DocuSigned by:  Date 5/3/2022
Owner's Signature _____

Owner's Printed Name SARAH HOLLENKAMP



For Internal Use
Permit Fee: \$ _____
Receipt # _____

TEMPORARY STRUCTURE PERMIT APPLICATION

Property Information

Address 15807 AUDOBON WAY, BAXTER, MN 56425 PID Number _____

Legal Description (required if no address have been assigned) _____

Applicant is (check one): Owner Tenant

Contractor; MN Registration #/Contractor # _____ Other _____

Owner Information

Name: WEST SIDE LIQUOR

Address: 15807 AUDOBON WAY, BAXTER, MN, 56425
Street City State Zip

Phone (W) 612.263.4666 Phone (H) _____ Fax _____

Applicant Information

Name: TNT FIREWORKS

Address: 515 MCKNIGHT ROAD S, SAINT PAUL, MN 55119
Street City State Zip

Phone (W) _____ Phone (H) _____ Fax _____

Project Description

RETAIL SALE OF MN APPROVED FIREWORKS

Is a special use permit required? Yes No

Proposed Dates of use: 06.20 - 07.05 Proposed Size of Structure (dimensions) _____

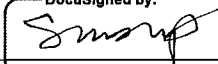
Is a tent or membrane structure over 200 sq. ft. proposed? Yes No If Yes, what size? _____ X _____ sq. ft.

Is a canopy over 400 sq. ft. proposed? Yes No If Yes, what size? _____ X _____ sq. ft.

Tents, membrane structures and canopies are subject to Chapter 24 of the International Fire Code, including providing a flame propagation performance treatment certificate to the Building Official with this application and ensuring that the label identifying the size and fabric or material is affixed to the tent, canopy or structure.

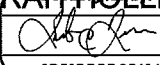
Applicant must submit site plan and aerial photo with proposed location.

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

DocuSigned by: 

Owner's Signature _____ Date 5/3/2022

Owners' Printed Name SARAH ELLENKAMP

Applicant's Signature 

Applicant's Printed Name JACOB QUAM

Inspections must be called for at least 24 hours in advance (218) 454-5113.

OWNER AFFIDAVIT

(owner must complete and return to the City of Baxter Building Department)

Address _____ PID Number _____

Legal Description (required if no address have been assigned)

We, the undersigned, being first duly sworn, on oath depose and state based on personal knowledge as follows, to-wit:

1. That we are all of the fee owners of the said real estate, or if all of the owners have not personally signed this affidavit below, then a valid power of attorney, conservator or person acting with proper authority as demonstrated by an attached court order for each said person has signed below on their behalf.
2. That we authorize the building permit application submitted on _____ (date) to the City of Baxter for changes, alterations, new building and/or additions to the above listed property.
3. That we have knowledge of the permit application design and/or changes to the said property and approve such work being done on the property.
4. That all information contained in the attached building permit application submitted herewith is true and correct.

OWNER(S)

(All owners or those with proper authority as described above)

Please sign on the left side and print your name on the right. All signatures must be notarized. (**If this paper is not signed, your application will be considered incomplete.)

SIGNATURE

PRINTED NAME

[Handwritten Signature]

Sarah Hollenkamp

STATE OF MINNESOTA)

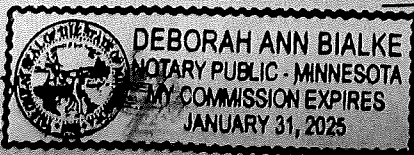
):ss

COUNTY OF CROW WING)

On this 11 day of May, 2022, before me, a Notary Public within and for said County, personally appeared Sarah Hollenkamp executed the foregoing instrument as their free act and deed.

[Handwritten Signature]

Notary Seal



Notary Public



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/YY) **11/1/2022** **1/17/** **Item 6.**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

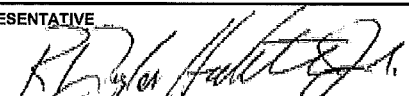
PRODUCER Lockton Companies 3280 Peachtree Road NE, Suite #250 Atlanta GA 30305 (404) 460-3600	CONTACT NAME: PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____	
	INSURER(S) AFFORDING COVERAGE	
INSURED 1359629 American Promotional Events, Inc. DBA TNT Fireworks, Inc. P.O. Box 1318 4511 Helton Drive Florence AL 35630	INSURER A: Everest Indemnity Insurance Company NAIC # 10851	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 12145772 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER: _____	Y	N	SI8GL00242-211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED _____ RETENTION \$ _____			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	NOT APPLICABLE			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.
 Additional Insured: Property located at FMN1722 at Westside Liquor parking lot - 15807 Audubon Way in Baxter, MN 56425. Certificate holder is an additional insured on the General Liability as required by written contract subject to policy terms, conditions, and exclusions.

CERTIFICATE HOLDER 12145772 Westside Liquor Baxter 15807 Audubon Way Baxter MN 56425	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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FMN1722
WEST SIDE LIQUOR
15807 AUDUBON WAY
BAXTER, MN 56425



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Police

Agenda Item: Special Event Application for First Baptist Church

Approval Required: Simple Majority Vote

BACKGROUND

The First Baptist Church on Fairview Rd is looking to host a 5K Run/Walk fundraiser event this summer. The event will be held July 30th, 2022 with the race starting at 9 a.m. and concluding by 10 a.m.

This will be the first time the church has hosted such an event and they are hoping to have the racecourse start and end at the church. The church presented an original course that was changed after consultation with the Chief of Police. It was altered slightly to accommodate less time on Excelsior Rd.

There will be no road closures for the race. Volunteers will work with on-duty law enforcement staff to place signs and cones to mark the route. The route will cross through the intersection on Inglewood Dr. and Excelsior Rd. An officer will post at this location. The route will also make a left turn movement onto Excelsior Rd. from Firewood Dr. This too will require officer presence. All other intersections will be staffed by volunteers. Conflicts at all other intersections will be minimal.

FINANCIAL IMPLICATIONS

Possible 2 hours OT for police department

STAFF RECOMMENDATIONS

Staff is recommending approval of the special event application for First Baptist Church.

COUNCIL ACTION REQUESTED

Motion to Approve Special Event Application for First Baptist Church Event July 30th, 2022.



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Police

Agenda Item: Approve Special Event Application for Walk a Mile in Her Shoes

Approval Required: Simple Majority Vote

BACKGROUND

For several years the Mills Ford stores have been the host the Walk a Mile in Her Shoes event. The event, now put on by the local Sexual Assault Services, helps raise awareness and funding to support those who have been victims of domestic violence.

This years event will be on August 27, 2022 from 10:00 am until 2:00 pm on site at Mills Ford. As a part of the event there will be a walk on Edgewood Drive.

The walk generally takes 30-40 minutes to complete and does require the closure of Edgewood Drive for that short period of time. On site volunteers coordinate the placing of the barricades with on-duty officers just prior to the start of the walk.

They are anticipating a couple hundred people to attend the event.

FINANCIAL IMPLICATIONS

No financial implications.

STAFF RECOMMENDATIONS

Staff is recommending approval of the special event permit for this event.

COUNCIL ACTION REQUESTED

Motion to Approve Special Event Application for the Walk a Mile In Her Shoes on August 27th, 2022



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Police

Agenda Item: Approve Special Event Permit for 2022 Alzheimer’s Association Walk

Approval Required: Simple Majority Vote

BACKGROUND

For several years now the Alzheimer’s Association has been hosting a walk event at the Forestview Middle School site. The event has grown to a point that it is necessary to put road closures in place to safely accommodate the amount of people participating in the walk.

The estimate is that there will be 500 attendees. This number would prompt city staff to close portions of Knollwood Drive and Mountain Ash Drive for about an hour in the afternoon of September 24, 2022.

Notifications will be mailed to residents living along the route and on-duty police staffing will monitor the event.

FINANCIAL IMPLICATIONS

No Financial Implications

STAFF RECOMMENDATIONS

Staff is recommending the approval of the Alzheimer’s Association special event application.

COUNCIL ACTION REQUESTED

Motion to Approve the Special Event Application for the Brainerd Lakes Area Walk to End Alzheimer’s Event September 24th, 2022..



REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Adopt Ordinance 2022-004, Liquor Control

Approval Required: Simple Majority Vote

BACKGROUND

The 2022 Legislature passed a new law that makes changes to liquor licenses and rules. It was signed into law by Governor Walz and went into effect on May 23, 2022.

Minnesota Statute, section 340A.29 now allows a brewer license under Minnesota Statutes, section 340A.301 that produces 7,500 barrels or less of malt liquor annually to be issued a licensed by a city for off-sale of up to 128 ounces per customer per day in any packaging conforming to state and federal regulation.

FINANCIAL IMPLICATIONS

At this time the MN Department of Public Safety, Alcohol Enforcement Division, has not issued guidance on an off-sale license fee for Minnesota Statute 340A.29. As a result, staff is not proposing an additional fee for brewer off-sale under the new statute. Should in the future the state establishes a separate license fee, staff will present the council with an amendment to the fee schedule.

STAFF RECOMMENDATIONS

Staff recommends the council adopt the proposed ordinance amendment.

COUNCIL ACTION REQUESTED

Motion to Adopt Ordinance 2022-004, Liquor Control.

CITY OF BAXTER, MINNESOTA

ORDINANCE 2022-004

AN ORDINANCE AMENDING THE TEXT OF TITLE 3, CHAPTER 3 OF THE BAXTER CITY CODE

THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Title 3, Chapter 3 (Liquor Control) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

SECTION 2. 3-3-2: License Required:

B. Classifications:

7. A. Off-Sale Growler Licenses: An off-sale growler license authorizes off-sale of malt liquor produced by a brewer and packaged in sixty four (64) ounce or seven hundred fifty milliliter (750 ml) containers that are designed, sealed and labeled pursuant to Minnesota statutes section 340A.285, as it may be amended from time to time. Only brewers licensed under Minnesota statutes section 340A.301, subdivision 6(d), (i) or (j) are eligible for an off-sale growler license, subject to the limitations set forth in section 340A.285 of that statute. The off-sale of growlers may be conducted on Sundays with a Sunday growler off-sale license. All Sunday sales may be made between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

7. B. Brewer Off-Sale Malt Liquor Licenses: Brewer off-sale malt liquor licenses may also be issued, with approval of the commissioner, to a holder of a brewer’s license under Minn. Stat. § 340A.301, subd. 6(c), (i) or (j) and meeting the criteria established by Minn. Stat. § 340A.29 as may be amended from time to time. The amount of malt liquor sold at off-sale under this license may not exceed 128 ounces per customer per day. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. Packaging of malt liquor for off-sale under this license must comply with the provisions of Minnesota Rules, parts 7515.1080 to 7515.1120.

SECTION 3. Effective Date. This amendment shall take effect upon its passage and publication.

Whereupon, said Ordinance is hereby declared adopted on this 7th day of June, 2022.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal



**REQUEST FOR ACTION
CITY COUNCIL**

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Approve Amendment to Jack Pine’s Liquor License to Allow for Off-Sale of up to 128 Ounces Per Customer Per Day through the June 30, 2022, License Period

Approval Required: Simple Majority Vote

BACKGROUND

The 2022 Legislature passed a new law that allows licensed brewers, that produce 7,500 barrels or less annually, to sell up to 128 ounces of malt liquor per customer per day in any packaging conforming to state and federal regulation. The City Council has recently passed an ordinance to amend the city code to allow for this sale.

Jack Pine has applied for the new brewer off-sale license. Upon city council approval, the application must be forwarded to the Alcohol and Gambling Enforcement Division for their approval prior to the applicant being able to sell under the new license.

FINANCIAL IMPLICATIONS

The current off-sale license fee previously paid by Jack Pine includes the license fee for the off-sale of up to 128 ounces.

STAFF RECOMMENDATIONS

Staff recommends the council approve the amendment to Jack Pine’s liquor license.

COUNCIL ACTION REQUESTED

Motion to Approve Amendment to Jack Pine’s Liquor License to Allow for Off-Sale of up to 128 Ounces Per Customer Per Day through the June 30, 2022, License Period.

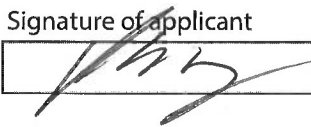


Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
(651) 201-7504 TDD (651) 282-6555
FAX (651) 297-5259

Item 11.

**APPLICATION FOR SMALL BREWER
OFF SALE - 128 ounces per day**

Must be a licensed brewer in order to apply for this license

Minnesota Tax ID	Federal Tax ID	Number of Annual Barrels Produced
2765361	45-5278059	1600
Licensee Name (Business, partnership, LLC, corporation)	E-mail Address	
Jack Pine Brewery LLC	patrick@jackpinebrewery.com	
DBA or Trade Name	Phone Number	
Jack Pine Brewery	218-270-8072	
Business Address		
15593 Edgewood Dr		
City	State	Zip Code
Baxter	MN	56425
City or County Issuing License	License Period: From	To
Baxter		
Print name of applicant and title	Signature of applicant	Date
Patrick Sundberg, President		5/31/22
Issuing Authority Name	Signature of Issuing Authority	Date



**REQUEST FOR ACTION
CITY COUNCIL**

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Accept a \$400 Donation from the Baxter Lions Club for the 2022 Children's Triathlon

Approval Required: 4/5 Vote

BACKGROUND

The Children's Triathlon will be hosted on August 27, 2022, using Whipple Beach Recreational Facility as the focal point for the event. The City has received a \$400 check from the Baxter Lions to offset a portion of the cost of the 2022 event.

The following is the City of Baxter's policy regarding the acceptance of donations:

- Minnesota Statute requires all donations to be officially accepted by the City Council.
- Donors will be informed that no conditions or promises of future favorable city action on their behalf may be attached to the gift.

FINANCIAL IMPLICATIONS

The \$400 donation will be deposited in the General Fund to offset a portion of the City's cost to host the triathlon.

STAFF RECOMMENDATIONS

Staff recommends acceptance of the \$400 donation toward the cost of the Triathlon with the city's appreciation.

COUNCIL ACTION REQUESTED

Motion to accept the \$400 donation from the Baxter Lions Club to offset a portion of the costs for the 2022 Children's Triathlon.



**REQUEST FOR ACTION
 CITY COUNCIL**

Agenda Date: 6/7/2022
 Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Accept a \$2,300 Safety Grant from CenterPoint Energy

Approval Required: Simple Majority Vote

BACKGROUND

CenterPoint Energy recently announced that it has awarded the City of Baxter \$2,300 through its 2022 Safety Grant Program. The grant money would be utilized to help purchase a utility line locator (\$5,202 purchase price) that is scheduled to be purchased this year for the Public Works Department.

FINANCIAL IMPLICATIONS

The grant money will be deposited in the General Fund and will be put towards the purchase of the utility line locator.

STAFF RECOMMENDATIONS

Staff recommends acceptance of the \$2,300 Safety Grant from CenterPoint Energy.

COUNCIL ACTION REQUESTED

Motion to accept the \$2,300 Safety Grant from CenterPoint Energy.



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Administration

Agenda Item: Appoint Mr. Chuck Anderson to Streets and Storm Water Lead Position and Authorize Staff to Commence the Process to Fill the Public Works Maintenance II Position

Approval Required: Simple Majority Vote

BACKGROUND

Due to a reorganization of the public works division, a new position of streets and storm water lead was created. This AFSCME position opening was posted internally, per the requirements of the AFSCME labor agreement. Administration and Public Works reviewed the applications received and based upon the labor agreement it is recommended to appoint Mr. Chuck Anderson, currently in a public works maintenance II position, to the streets and storm water lead position. Mr. Anderson meets the job description qualifications of the streets and storm water lead position.

With Mr. Anderson’s appointment to the streets and storm water lead position, the public works maintenance II position will become vacant. After council approval of this appointment, staff will begin the process to fill the public works maintenance II position as provided by the AFSCME labor agreement.

FINANCIAL IMPLICATIONS

There are no additional financial implications with the streets and storm water lead appointment. The position was included previously in the 2022 budget with a start date of May 1 or after.

STAFF RECOMMENDATIONS

Administration and public works recommend the appointment of Mr. Chuck Anderson to the streets and storm water lead position at step 8, grade 6 of the AFSCME pay schedule. If it further recommended to authorize staff to commence the process to fill the now vacant public works maintenance II position.

COUNCIL ACTION REQUESTED

Motion to appoint Mr. Chuck Anderson to the streets and storm water lead position and authorize staff to commence the process to fill the public works maintenance II position.



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Public Works

Agenda Item: Approve Purchase of Drainage and Utility Easement for 2022 Foley Road, Isle Drive, and Forthun Road Improvement Project for Parcel 40120812, Parcel 40070813, Parcel 40120811, Parcel 40120815, and Parcel 40070814

Approval Required: Simple Majority Vote

BACKGROUND

At the April 5, 2022 City Council meeting in closed session, City Council gave the approval to present 10 property owners with offers to obtain drainage and utility easements needed for the 2022 Foley Road, Isle Drive, and Forthun Road Improvement Project. The property owners of the properties described below have agreed to the City’s counteroffer dated May 17th, 2022.

Parcel 40120812 - \$6,500

Parcel 40070813 - \$2,000

Parcel 40070814 - \$3,300

Parcel 40120811 - \$4,600

Parcel 40120815 - \$1,600

FINANCIAL IMPLICATIONS

Based on the appraisals completed and present negotiations the estimated cost of land acquisition is \$40,400. Easement acquisition costs have been estimated at \$32,500.

STAFF RECOMMENDATIONS

Staff recommends approving the purchase of the drainage and utility easement for Parcel 40120812, Parcel 40070813, Parcel 40120811, Parcel 40120815, and Parcel 40070814 for the 2022 Foley Road, Isle Drive, and Forthun Road Improvement Project.

COUNCIL ACTION REQUESTED

Approve the purchase of the drainage and utility easement for Parcel 40120812, Parcel 40070813, Parcel 40120811, Parcel 40120815, and Parcel 40070814 for the 2022 Foley Road, Isle Drive, and Forthun Road Improvement Project.

(Top 3 inches reserved for recording data)

EASEMENT DEED
Individual to Entity

eCRV number: **Exempt**

DEED TAX DUE: **\$Exempt**

DATE: May 19, 2022

FOR VALUABLE CONSIDERATION, **Nicholas Ryan Fee, a single person** ("Grantor"), hereby conveys and quitclaims to **City of Baxter** ("Grantee"), real property in **Crow Wing** County, Minnesota, legally described as follows:

See Exhibit A

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Grantor



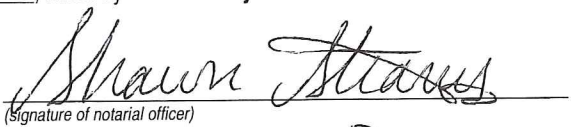
Nicholas Ryan Fee

State of Minnesota, County of Crow Wing

This instrument was acknowledged before me on May 19, 2022 by **Nicholas Ryan Fee**.

(Stamp)




(Signature of notarial officer)

Title (and Rank): Notary Public

My commission expires: January 31, 2026
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Brad Person
Box 472
Brainerd, MN 56401
218-828-1248

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

No change

Exhibit A

EASEMENT AREA

A permanent utility easement over, under and across a 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of the Southeast Quarter of the Northeast Quarter, Section 12, Township 133 North, Range 29 West, Crow Wing County, Minnesota, that lies southwesterly of, parallel with and adjoining the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence southwesterly a distance of 92.91 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 0 degrees 28 minutes 22 seconds, and the chord of said curve is 92.91 feet in length and bears South 69 degrees 42 minutes 19 seconds West, to MNDOT Monument B30, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29; thence South 69 degrees 28 minutes 08 seconds West, tangent to said curve, along said southerly right of way line, a distance of 407.25 feet to MNDOT Monument B31, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29 and said line there terminating.

TOGETHER WITH the East 10.00 feet of said Southeast Quarter of the Northeast Quarter, lying southerly of the above described line.

TOGETHER WITH the East 10.00 feet of said Government Lot 4, of the hereinbefore described Premises. Contains 6,239 square feet of land.

Item 15.

EXHIBIT A SHEET 1 OF 3

TRUNK
HIGHWAY
NO. 210

SE 1/4-NE 1/4
MINNESOTA DEPARTMENT OF
TRANSPORTATION RIGHT OF WAY
PLAT NO. 18-29

FOLEY ROAD

SOUTHERLY R/W LINE
FOLEY ROAD S 69°28'08" W 407.25
162.6

GOVERNMENT
LOT 4

B30
CH=92.91
CB=S 69°42'19" W
L=92.91
R=11259.16
Δ=0°28'22"

EASEMENT AREA
6,239 SQ. FT +/-

33FT INGRESS/EGRESS
EASEMENT PER
DOCUMENT NO. 919452

NORTH LINE
GOV'T LOT 4

SE CORNER
SE 1/4-NE 1/4
SECTION 12-133-29
POINT OF COMMENCING

12FT INGRESS/EGRESS
EASEMENT PER DOCUMENT
NO. 962198

NICHOLAS RYAN FEE
PARCEL NO. 40120812

S 87°50'54" W
50.00

PREMISES

PERCH LAKE



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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 4 AND PART OF THE SE 1/4-NE 1/4
SECTION 12, T133N, R29W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
NICHOLAS RYAN FEE

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T12-T133-R29-10

EXHIBIT A SHEET 2 OF 3

PREMISES

The East 511.50 feet of Government Lot 4 and Southeast 1/4 of the Northeast 1/4, Section 12, Township 133, Range 29, Except the West 200 feet thereof; and Also Except that part of the West 140 feet of the East 311.50 feet of Government Lot 4, which lies Southerly of the Southerly line as described in Book 204 of Deeds, page 27, being more particularly described as follows: Commencing at the East Quarter corner of said Section 12, thence on a bearing of South 146.90 feet along the East line of said Government Lot 4; thence South 75 degrees 17 minutes 4 seconds West 322.10 feet to the Southwest corner of the tract deeded to Darrell and Marion Miller by the deed recorded in Book 184 of Deeds, page 551; then on a bearing of South 2.10 feet along the West line of the East 311.50 feet of said Government Lot 4 to the point of beginning of the line to be described; then North 76 degrees, 48 minutes East 239.80 feet and said line there terminating; and Also Except that part of Lot 4, Section 12, Township 133, Range 29, described as follows: Commencing at the Northeast corner of Government Lot 4; thence South along the East line of said Lot 4, Section 12, Township 133, Range 29, 295.83 feet to the point of beginning of the tract to be described; thence South 89 degrees 20 minutes 32 seconds West 50 feet; thence South parallel to the East line of said Lot 4, 150 feet more or less to the shore of the lake; thence East along said shoreline to the East line of Government Lot 4; thence North along said East line of Lot 4, 150 feet more or less to the point of beginning. And Except that part of the Southeast Quarter of the Northeast Quarter and Government Lot 4, Section 12, Township 133, Range 29, Crow Wing County, Minnesota, described as follows: Commencing at the quarter corner at the Northeast corner of said Lot 4 and considering the East line of said Lot 4 as a Meridian run North 167.1 feet to the southerly right of way line of the Railroad; thence South 71 degrees 01 minutes West 168.9 feet along said right of way line to the place of beginning: thence South 71 degrees 01 minutes West 162.6 feet along said right of way line to the westerly line of the East 311.5 feet of the said Southeast Quarter of the Northeast Quarter and Government Lot 4; thence South 288.7 feet along said westerly line; thence North 75 degrees 17 minutes East 230.7 feet; thence North 15 degrees 26 minutes West 291.1 feet to the place of beginning; And Except that part of Government Lot 4, Section 12, Township 133, Range 29, Crow Wing County, Minnesota, described as follows: Commencing at the quarter corner at the Northeast corner of said Lot 4; thence South 146.9 feet along the East line of said Lot 4; thence South 75 degrees 17 minutes West 322.1 feet to the Southwest corner of the tract deeded to Darrell V. and Marion R. Miller by the deed recorded in Book 184 of Deeds, page 551; thence South 2.1 feet along the West line of the East 311.5 feet of said Lot 4, thence North 76 degrees 58 minutes East 239.8 feet; thence North 15 degrees 26 minutes West 8.65 feet to the South line of said Miller tract; thence South 75 degrees 17 minutes West 230.7 feet along said South line to the place of beginning: And Except that part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 133 North, Range 29 West, described as follows: Commencing at the cast iron monument at the East quarter corner of said Section 12; thence North, assumed bearing, 167.36 feet along the East line of said Southeast 1/4 of the Northeast 1/4 to a 4 inch iron pipe; thence South 70 degrees 22 minutes 20 seconds West 60.32 feet to a 4 inch pipe on the southerly line of the Burlington Northern Railroad right of way, the point of beginning; thence South 70 degrees 22 minutes 20 seconds West 50.00 feet along said right of way line to a 4 inch iron pipe; thence South 19 degrees 37 minutes 40 seconds East 50.00 feet to a 4 inch iron pipe; thence North 70 degrees 22 minutes 20 seconds East 50.00 feet to a 4 inch iron pipe; thence North 19 degrees 37 minutes 40 seconds West 50.00 feet to the point of beginning.

Crow Wing County, Minnesota.

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 4 AND PART OF THE SE1/4-NE1/4
SECTION 12, T133N, R29W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
NICHOLAS RYAN FEE

JOB NUMBER: T42.120675

FIELD BOOK: SEE FILE

DRAWN BY: ZLZ

S12-T133-R29-10

EXHIBIT A SHEET 3 OF 3

EASEMENT AREA

A 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of the Southeast Quarter of the Northeast Quarter, Section 12, Township 133 North, Range 29 West, Crow Wing County, Minnesota, that lies southwesterly of, parallel with and adjoining the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence southwesterly a distance of 92.91 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 0 degrees 28 minutes 22 seconds, and the chord of said curve is 92.91 feet in length and bears South 69 degrees 42 minutes 19 seconds West, to MNDOT Monument B30, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29; thence South 69 degrees 28 minutes 08 seconds West, tangent to said curve, along said southerly right of way line, a distance of 407.25 feet to MNDOT Monument B31, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29 and said line there terminating.


TOGETHER WITH the East 10.00 feet of said Southeast Quarter of the Northeast Quarter, lying southerly of the above described line.

TOGETHER WITH the East 10.00 feet of said Government Lot 4, of the hereinbefore described Premises.

Contains 6,239 square feet of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

 02/04/2022
Zachary Zetah Date
License Number 52694

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 4 AND PART OF THE SE1/4-NE1/4
SECTION 12, T133N, R29W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
NICHOLAS RYAN FEE

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(Top 3 inches reserved for recording data)

EASEMENT DEED
Individual to Entity

eCRV number: **Exempt**

DEED TAX DUE: **\$Exempt**

DATE: May 26, 2022

FOR VALUABLE CONSIDERATION, **Christopher E. Groenwold and Rebecca R. Groenwald, married to each other ("Grantor")**, hereby conveys and quitclaims to **City of Baxter ("Grantee")**, real property in **Crow Wing** County, Minnesota, legally described as follows:

See Exhibit A

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Grantor

CEG
 Christopher E. Groenwold

Rebecca
 Rebecca R. Groenwold

State of Minnesota, County of Crow Wing

This instrument was acknowledged before me on May 26, 2022, 2022 by Christopher E. Groenwold and Rebecca R. Groenwold, married to each other.

(Stamp)



Shawn Stearns
 (signature of notarial officer)

Title (and Rank): _____

My commission expires: 1-31-2026
 (month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Brad Person
Box 472
Brainerd, MN 56401
218-828-1248

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
INSTRUMENT SHOULD BE SENT TO:
No change

Exhibit A

A permanent utility easement over, under and across a 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, that lies southeasterly of, parallel with and adjoining the following described line:

Commencing at the west quarter corner of said Section 7; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the west line of said Government Lot 2, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence northeasterly a distance of 1126.40 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 05 degrees 43 minutes 55 seconds, and the chord of said curve is 1125.93 feet in length and bears North 72 degrees 48 minutes 28 seconds East, to MNDOT Monument B20, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 said line there terminating.

Contains 3,136 square feet of land.

Item 15.

EXHIBIT A SHEET 1 OF 2

MINNESOTA DEPARTMENT OF
TRANSPORTATION RIGHT OF WAY
PLAT NO. 18-30
SOUTHERLY R/W LINE
FOLEY ROAD
CH=1125.93 CB=N 72°48'28" E
L=1126.40 R=11259.16 Δ=5°43'55"

FOLEY ROAD

EASEMENT AREA
3,136 SQ. FT +/-

GOVERNMENT
LOT 2

N 00°54'29" W
167.12
WEST LINE
GOV'T LOT 2

WEST QUARTER
CORNER
SECTION 7-133-28
POINT OF COMMENCING

520.0'

200.0'

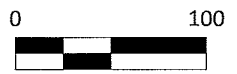
PREMISES

SECTION 7

T133N

CHRISTOPHER E. AND
REBECCA R. GROENWOLD
PARCEL NO. 40070814

R28W



SCALE IN FEET

PERCH LAKE

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 2
SECTION 7, T133N, R28W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
CHRISTOPHER E. AND REBECCA R. GROENWOLD

JOB NUMBER: T42.120675

FIELD BOOK: SEE FILE

DRAWN BY: ZLZ

7-T133-R28-30

EXHIBIT A SHEET 2 OF 2

PREMISES

The East 200 feet of the West 520 feet of Government Lot 2 in Section 7, Township 133, Range 28, Crow Wing County, Minnesota, lying South of the right-of-way of Northern Pacific Railway right-of-way.

EASEMENT AREA

A 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, that lies southeasterly of, parallel with and adjoining the following described line:

Commencing at the west quarter corner of said Section 7; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the west line of said Government Lot 2, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence northeasterly a distance of 1126.40 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 05 degrees 43 minutes 55 seconds, and the chord of said curve is 1125.93 feet in length and bears North 72 degrees 48 minutes 28 seconds East, to MNDOT Monument B20, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 said line there terminating.

Contains 3,136 square feet of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Zachary Zetah
Zachary Zetah 02/04/2022
License Number 52694 Date

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 2
SECTION 7, T133N, R28W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
CHRISTOPHER E. AND REBECCA R. GROENWOLD

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17-T133-R28-30

(Top 3 inches reserved for recording data)

EASEMENT DEED

Individual to Entity

eCRV number: **Exempt**

DEED TAX DUE: **\$Exempt**

DATE: 6/1/22, 2022

FOR VALUABLE CONSIDERATION, **Helmer Halverson and Susan Halverson, married to each other, and MeReilyn Bray, a single person ("Grantor")**, hereby conveys and quitclaims to **City of Baxter ("Grantee")**, real property in **Crow Wing** County, Minnesota, legally described as follows:

See Exhibit A

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Grantor *Helmer Halverson*
 Helmer Halverson

Susan Halverson
 Susan Halverson

MeReyn Bray
 MeReyn Bray

State of Minnesota, County of Crow Wing

This instrument was acknowledged before me on June 1, 2022 by **Helmer Halverson and Susan Halverson, married to each other, and MeReyn Bray, a single person**

(Stamp)



Shawn Stearns
(signature of notarial officer)

Title (and Rank): Notary Public

My commission expires: January 31, 2026
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Brad Person
Box 472
Brainerd, MN 56401
218-828-1248

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

No change

Exhibit A

EASEMENT AREA

A permanent utility easement over, under and across a 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, that lies southeasterly of, parallel with and adjoining the following described line:

Commencing at the west quarter corner of said Section 7; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the west line of said Government Lot 2, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence northeasterly a distance of 1126.40 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 05 degrees 43 minutes 55 seconds, and the chord of said curve is 1125.93 feet in length and bears North 72 degrees 48 minutes 28 seconds East, to MNDOT Monument B20, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 said line there terminating.

Contains 1,890 square feet of land.

EXHIBIT A SHEET 1 OF 2

MINNESOTA DEPARTMENT OF
TRANSPORTATION RIGHT OF WAY
PLAT NO. 18-30
SOUTHERLY R/W LINE
FOLEY ROAD

FOLEY ROAD

B20

CH=1125.93 CB=N 72°48'28" E
L=1126.40 R=11259.16 Δ=5°43'55"

120.0'

B2920
POINT OF
BEGINNING

15.0'
EASEMENT AREA
1,890 SQ. FT +/-

N 00°54'29" W
167.12
WEST LINE
GOV'T LOT 2

320.0'

GOVERNMENT
LOT 2

120.0'

WEST QUARTER
CORNER
SECTION 7-133-28
POINT OF COMMENCING

MERELYN BRAY AND
HELMER & SUSAN HALVERSON
PARCEL NO. 40070813

SECTION 7

T133N

R28W



SCALE IN FEET

PERCH LAKE

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 2
SECTION 7, T133N, R28W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
MERELYN BRAY & HELMER AND SUSAN HALVERSON

S7-T133-R28-30

JOB NUMBER: T42.120675

FIELD BOOK: SEE FILE

DRAWN BY: ZLZ

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EXHIBIT A

SHEET 2 OF 2

PREMISES

East 120 feet of the West 320 feet of that part of Government Lot 2, Section 7, Township 133, Range 28, lying South of the Northern Pacific Railway Company's right-of-way, Crow Wing County, Minnesota

EASEMENT AREA


A 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, that lies southeasterly of, parallel with and adjoining the following described line:

Commencing at the west quarter corner of said Section 7; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the west line of said Government Lot 2, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence northeasterly a distance of 1126.40 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 05 degrees 43 minutes 55 seconds, and the chord of said curve is 1125.93 feet in length and bears North 72 degrees 48 minutes 28 seconds East, to MNDOT Monument B20, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 said line there terminating.

Contains 1,890 square feet of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

 02/04/2022
Zachary Zetah Date
License Number 52694

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CERTIFICATE OF EASEMENT

BAXTER, MINNESOTA



PART OF GOV'T LOT 2
SECTION 7, T133N, R28W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
MERELYN BRAY & HELMER AND SUSAN HALVERSON

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S7-T133-R28-30



**BOLTON
& MENK**

Real People. Real Solutions.

7656 Design Item 15.
Suite 200
Baxter, MN 56425-8676

Ph: (218) 825-0684
Fax: (218) 825-0685
Bolton-Menk.com

ACQUISITION SUMMARY

Project Description: 2022 Foley Road, Isle Drive & Forthun Road Improvements
Municipal Improvement No. 4114

PID of
Affected Property: 40120811

Property Address: 6441 Foley Road, Baxter, MN 56425

Property Owner
of Record: Matthew Dunlap and Nicolette Sibbert

Size and Type of
Acquisition: 4,757 square feet of permanent easement

SUMMARY OF COMPENSATION	
Permanent Drainage and Utility Easement	
• 4,757 square feet x \$0.96 per square foot (Rounded)	\$4,600
Total	\$4,600

Before Acquisition Value Conclusion of Subject Site By Sales Approach:

After considering the adjusted comparable sales, with Comparable Sale 1 receiving the most consideration, I have concluded that the market value of the subject property is \$1.60 per square foot or \$209,088.

Indicated Value of Subject Site Before Acquisition: \$209,100(rd.)

AFTER ACQUISITION VALUE AND METHODOLOGY

After the acquisition of the previously described perpetual easement, the site area will remain 3.0+/- acres (130,680+/- square feet) but approximately 4,757 square feet will be subject to a perpetual easement.

The shape of the site, its utility, access, site improvements and availability of utilities will be similar. The highest and best use of the subject property after acquisition will remain residential usage.

Dual Usage

It is this Appraiser's opinion that the placement of the perpetual easement will not change the highest and best use of the subject property, create a negative influence on its utility, nor limit the current allowable usages or any future development of the site.

After the placement of the perpetual easement, that area of the subject property will have a dual usage, the owner's current usage (50%) and the city of Baxter's usage via the easement (50%). Based on this dual usage, the damages as a result of the placement of the perpetual easement are considered to be 50% of the indicated value of that area of the site where the proposed perpetual easement will be located.

After Acquisition Value Conclusion of Subject Site By Sales Approach:

After considering the adjusted comparable sales, with Comparable Sale 1 receiving the most consideration, I have concluded that the after acquisition market value of the subject property is \$1.60 per square foot of the unencumbered remainder and \$.80 per square foot of the encumbered remainder.

Value Calculation:	125,923 x \$1.60 =	\$201,476.80
	4,757 x \$.80 =	<u>3,805.60</u>
		\$205,282.40

Indicated Value of Subject Site After Acquisition: \$205,300(rd.)

Indicated Value of Damages to Subject Site:

Before Acquisition Value of Subject Site:	\$209,100
After Acquisition Value of Subject Site:	<u>- 205,300</u>
Indicated Damages:	\$ 3,800

Severance Damages

Severance damages relate to the loss of value to that portion of a property left after a taking, above and beyond the value of the land and any structures taken by a government entity. The difference in value before the taking and after the taking falls under the general definition of severance damages.

It is this Appraiser's opinion that the subject property will not experience any severance damages.

(Top 3 inches reserved for recording data)

EASEMENT DEED
Individual to Entity

eCRV number: **Exempt**

DEED TAX DUE: **\$Exempt**

DATE: 4/3/ _____, 2022

FOR VALUABLE CONSIDERATION, **Mathew E. Dunlap and Nicholette L. Sibbert, both single persons**, ("Grantor"), hereby conveys and quitclaims to **City of Baxter** ("Grantee"), real property in **Crow Wing** County, Minnesota, legally described as follows:

See Exhibit A

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Exhibit A

EASEMENT AREA

A permanent utility easement over, under and across a 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 4 and the Southeast Quarter of the Northeast Quarter, Section 12, Township 133 North, Range 29 West, Crow Wing County, Minnesota, that lies southwesterly of, parallel with and adjoining the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence southwesterly a distance of 92.91 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 0 degrees 28 minutes 22 seconds, and the chord of said curve is 92.91 feet in length and bears South 69 degrees 42 minutes 19 seconds West, to MNDOT Monument B30, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29; thence South 69 degrees 28 minutes 08 seconds West, tangent to said curve, along said southerly right of way line, a distance of 407.25 feet to MNDOT Monument B31, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29; thence continuing South 69 degrees 28 minutes 08 seconds West along said southerly right of way line, a distance of 60.00 feet and said line there terminating.

TOGETHER WITH the North 273.00 feet of the West 5.00 feet of the East 316.50 feet of said Government Lot 4.

TOGETHER WITH the West 5.00 feet of the East 316.50 feet of said Southeast Quarter of the Northeast Quarter lying southerly of the above described line.

Contains 4,757 square feet of land.

Grantor

Mathew Dunlap

Mathew E. Dunlap

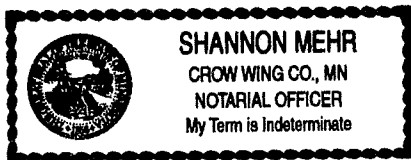
Nichollette Sibbert

Nichollette L. Sibbert

State of Minnesota, County of Crow Wing

This instrument was acknowledged before me on June 3, 2022 by **Mathew E. Dunlap and Nichollette L. Sibbert, both single persons.**

(Stamp)



Shannon Mehr

(signature of notarial officer)

Title (and Rank): Notarial Officer

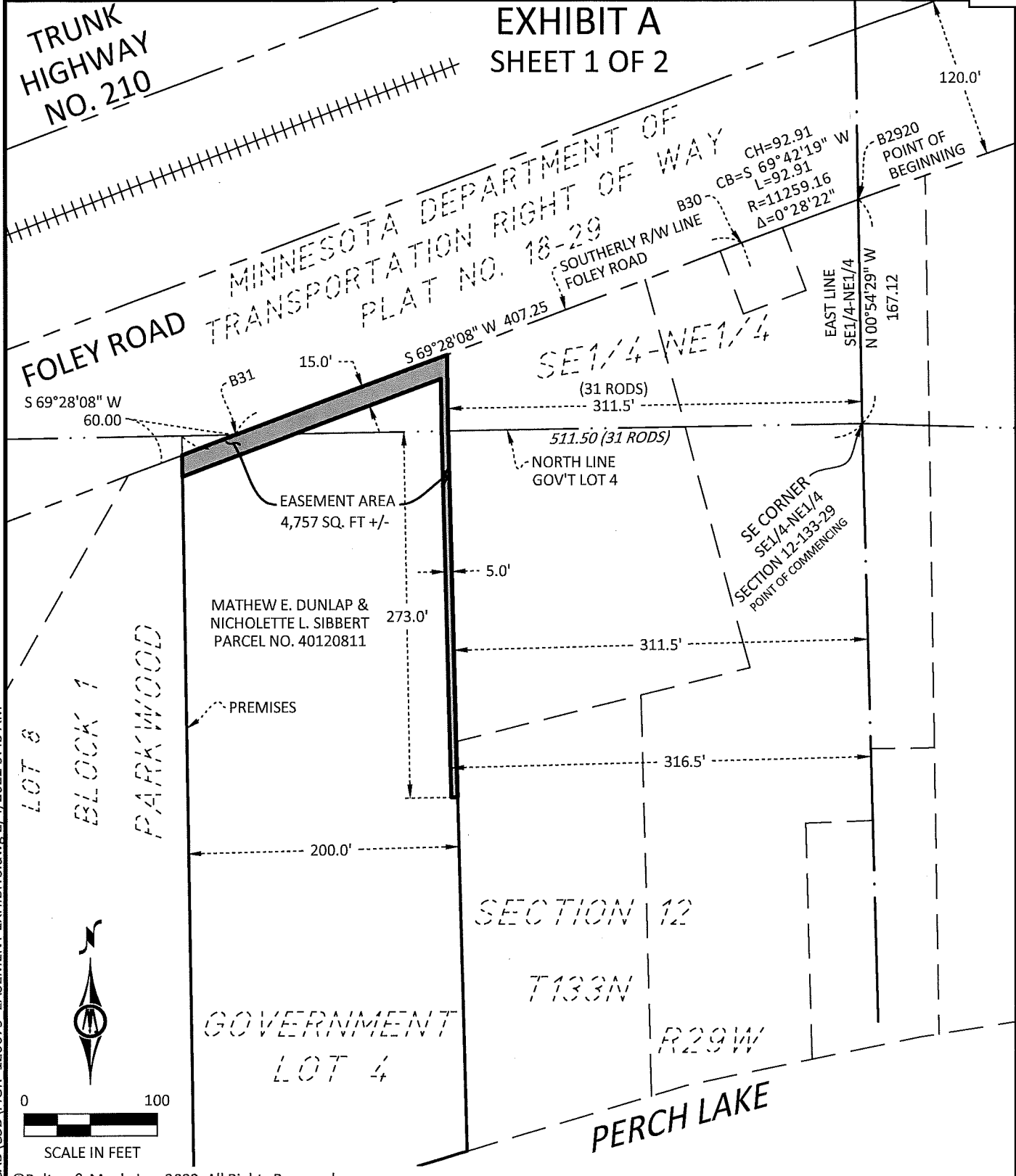
My commission expires: Indeterminate

(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Brad Person
Box 472
Brainerd, MN 56401
218-828-1248

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
No change

EXHIBIT A SHEET 1 OF 2



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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 4 AND PART OF THE SE 1/4-NE 1/4
SECTION 12, T133N, R29W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
MATHEW E. DUNLAP AND NICHOLETTE L. SIBBERT

S12-T133-R29-10

EXHIBIT A SHEET 2 OF 2

PREMISES

The West 200 feet of that part of Government Lot Four (4), Section Twelve (12), Township One Hundred Thirty-three (133), Range Twenty-nine (29) described as follows: Beginning at the margin of the lake (Perch) shore (at water's edge) on the East line of Lot 4; thence North on section line to the Northeast corner of said Lot 4, 26 rods; thence West 31 rods on North line of said lot; thence South parallel to East line said Lot 4 to lower margin of lakeshore; thence along water's edge easterly to the point of beginning.

AND

That part of the Southeast Quarter of the Northeast Quarter (SE1/4 NE 1/4), Section Twelve (12), Township One Hundred Thirty-three (133), Range Twenty-nine (29), lying South of the Northern Pacific Railroad Right-of-Way, EXCEPT the part deeded to Lauritz A. Schee and Pearl Schee as described in Book 138 of Deeds, page 446 which is described as follows: The east 31 rods of that portion of the SE1/4 of the of Section 12, Township 133, Range 29, lying south of the Northern Pacific Railway right-of-way.

EASEMENT AREA

A 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 4 and the Southeast Quarter of the Northeast Quarter, Section 12, Township 133 North, Range 29 West, Crow Wing County, Minnesota, that lies southwesterly of, parallel with and adjoining the following described line:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence southwesterly a distance of 92.91 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 0 degrees 28 minutes 22 seconds, and the chord of said curve is 92.91 feet in length and bears South 69 degrees 42 minutes 19 seconds West, to MNDOT Monument B30, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29; thence South 69 degrees 28 minutes 08 seconds West, tangent to said curve, along said southerly right of way line, a distance of 407.25 feet to MNDOT Monument B31, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-29; thence continuing South 69 degrees 28 minutes 08 seconds West along said southerly right of way line, a distance of 60.00 feet and said line there terminating.

TOGETHER WITH the North 273.00 feet of the West 5.00 feet of the East 316.50 feet of said Government Lot 4.

TOGETHER WITH the the West 5.00 feet of the East 316.50 feet of said Southeast Quarter of the Northeast Quarter lying southerly of the above described line.

Contains 4,757 square feet of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Zachary Zetah 02/04/2022
Zachary Zetah Date
License Number 52694

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 4 AND PART OF THE SE1/4-NE1/4
SECTION 12, T133N, R29W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
MATHEW E. DUNLAP AND NICHOLETTE L. SIBBERT

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**BOLTON
& MENK**

Real People. Real Solutions.

7656 Design Item 15.
Suite 200
Baxter, MN 56425-8676

Ph: (218) 825-0684
Fax: (218) 825-0685
Bolton-Menk.com

ACQUISITION SUMMARY

Project Description: 2022 Foley Road, Isle Drive & Forthun Road Improvements
Municipal Improvement No. 4114

PID of
Affected Property: 40120815

Property Address: 13511 Cardinal Drive, Baxter, MN 56425

Property Owner
of Record: Patrice Erickson, Jan Nelson, and Ellyssa Nelson

Size and Type of
Acquisition: 1,561 square feet of permanent easement

SUMMARY OF COMPENSATION	
Permanent Drainage and Utility Easement	
• 1,561 square feet x \$1.04 per square foot (Rounded)	\$1,600
Total	\$1,600

(Top 3 inches reserved for recording data)

EASEMENT DEED
Individual to Entity

eCRV number: **Exempt**

DEED TAX DUE: **\$Exempt**

DATE: 6-2-2022, 2022

FOR VALUABLE CONSIDERATION, **Patrice Erickson, a married person, and Jan Nelson and Ellyssa Nelson, single persons** ("**Grantor**"), hereby conveys and quitclaims to **City of Baxter** ("**Grantee**"), real property in **Crow Wing** County, Minnesota, legally described as follows:

See Exhibit A

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Grantor

Jan Nelson

Jan Nelson

Patrice Erickson

Patrice Erickson

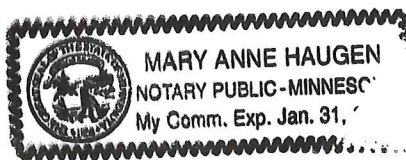
Ellyssa Nelson

Ellyssa Nelson

State of Minnesota, County of Crow Wing

This instrument was acknowledged before me on June 2, 2022 by **Patrice Erickson, a married person, and Jan Nelson and Ellyssa Nelson, single persons**

(Stamp)



Mary Anne Haugen

(signature of notarial officer)

Title (and Rank): Notary

My commission expires: Jan. 31, 2027
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Brad Person
Box 472
Brainerd, MN 56401
218-828-1248

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

No change

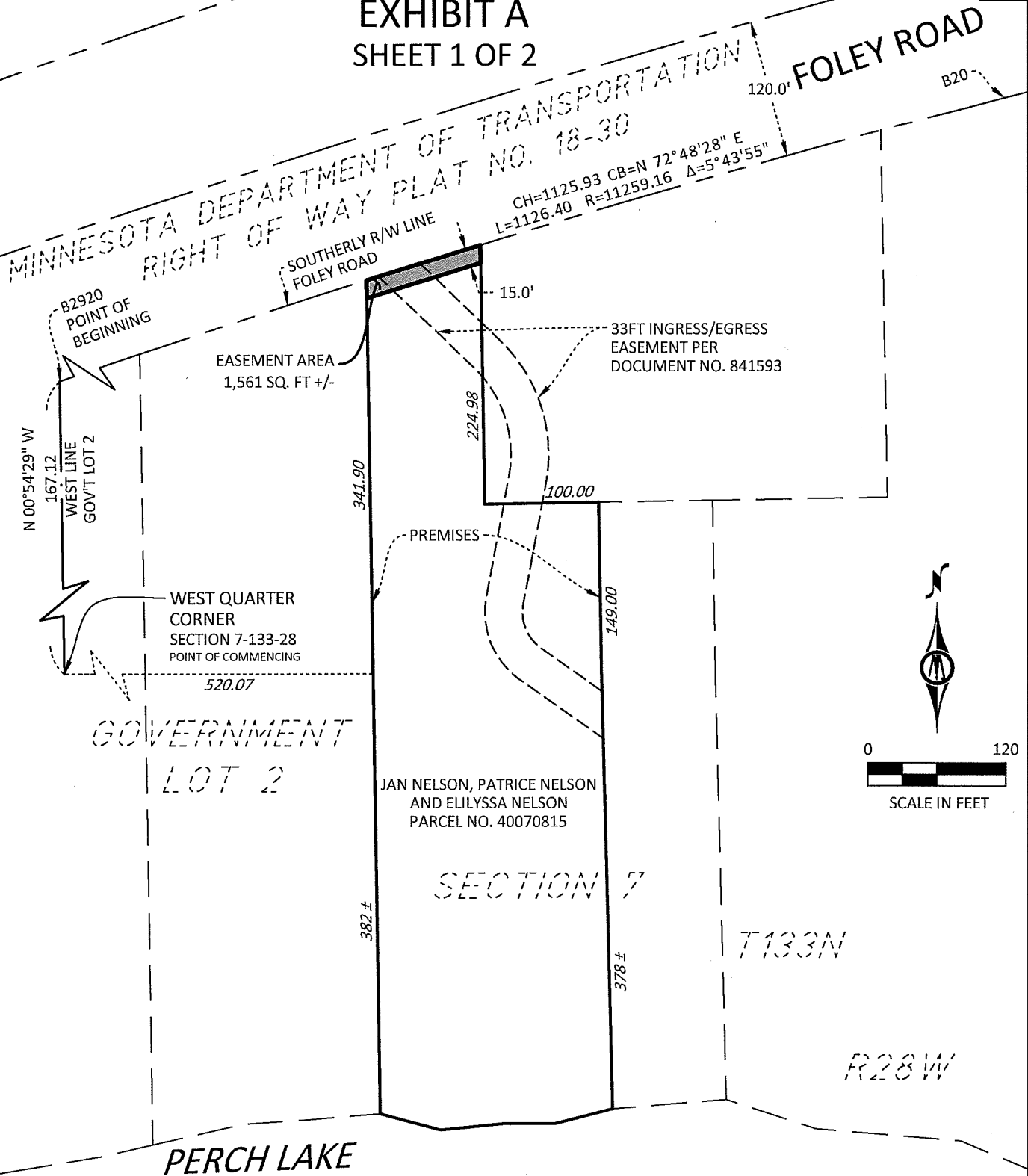
Exhibit A

A permanent utility easement over, under and across a 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, that lies southeasterly of, parallel with and adjoining the following described line:

Commencing at the west quarter corner of said Section 7; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the west line of said Government Lot 2, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence northeasterly a distance of 1126.40 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 05 degrees 43 minutes 55 seconds, and the chord of said curve is 1125.93 feet in length and bears North 72 degrees 48 minutes 28 seconds East, to MNDOT Monument B20, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 said line there terminating.

Contains 1,561 square feet of land.

EXHIBIT A SHEET 1 OF 2



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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

PART OF GOV'T LOT 2
SECTION 7, T133N, R28W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
JAN, PATRICE AND ELIYSSA NELSON

S7-T133-R28-30

JOB NUMBER: T42.120675

FIELD BOOK: SEE FILE

DRAWN BY: ZLZ

EXHIBIT A SHEET 2 OF 2

PREMISES

That part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 7; thence North 90 degrees 00 minutes 00 seconds East, bearings are based on the west line of the Northwest Quarter of said Section 7 bearing North 00 degrees 54 minutes 29 seconds West, a distance of 520.07 feet to the intersection with a line which lies 520.00 feet east of and parallel with said west line of said Northwest Quarter, said point being the point of beginning; thence North 00 degrees 54 minutes 29 seconds West, parallel to said west line of said Northwest Quarter, a distance of 341.93 feet to the intersection with the southerly right of way line of Foley Road shown as parcel 200 on Minnesota Department of Transportation Right of Way Plat No. 18-30; thence northeasterly 104.09 feet along a non-tangential curve concave to the southeast, being said southerly right of way line, to the intersection with a line which lies 620.00 feet east of and parallel with said west line of said Northwest Quarter, said curve having a central angle of 00 degrees 31 minutes 47 seconds, a radius of 11259.16 feet and a chord bearing North 72 degrees 59 minutes 08 seconds East; thence South 00 degrees 54 minutes 29 seconds East, parallel to said west line of said Northwest Quarter, a distance of 224.89 feet; thence North 89 degrees 05 minutes 31 seconds East, a distance of 100.00 feet to the intersection with a line which lies 720.00 feet east of and parallel with said west line of said Northwest Quarter; thence South 00 degrees 54 minutes 29 seconds East, parallel to said west line of said Northwest Quarter, a distance of 149.00 feet to the intersection with a line which bears North 90 degrees 00 minutes 00 seconds East from the point of beginning; thence South 01 degrees 29 minutes 38 seconds East, parallel to that portion of the west line of said Government Lot 2 which lies southerly of the West Quarter corner of said Section 7, a distance of 378 feet, more or less, to the northerly shoreline of Perch Lake, said line hereinafter referred to as "Line A"; thence westerly along said shoreline to the intersection with a line which bears South 01 degrees 29 minutes 38 seconds East from the point of beginning; thence North 01 degrees 29 minutes 38 seconds West, parallel to that portion of the west line of said Government Lot 2 which lies southerly of the West Quarter corner of said Section 7, a distance of 382 feet, more or less, to the point of beginning.

EASEMENT AREA

A 15.00 foot wide strip of land being that part of the hereinbefore described PREMISES and being part of Government Lot 2, Section 7, Township 133 North, Range 28 West, Crow Wing County, Minnesota, that lies southeasterly of, parallel with and adjoining the following described line:

Commencing at the west quarter corner of said Section 7; thence North 00 degrees 54 minutes 29 seconds West (Minnesota County Coordinate System, Crow Wing County, 2011 adjustment) along the west line of said Government Lot 2, a distance of 167.12 feet to MNDOT Monument B2920, as delineated on Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30, according to the recorded plat thereof, Crow Wing County, Minnesota, and the point of beginning of the line to be described; thence northeasterly a distance of 1126.40 feet along the southerly right of way line of Foley Road as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 and a non-tangential curve concave to the southeast having a radius of 11259.16 feet, a central angle of 05 degrees 43 minutes 55 seconds, and the chord of said curve is 1125.93 feet in length and bears North 72 degrees 48 minutes 28 seconds East, to MNDOT Monument B20, as delineated on said Minnesota Department of Transportation RIGHT OF WAY PLAT NO. 18-30 said line there terminating.

Contains 1,561 square feet of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Zachary Zetah 02/04/2022
Zachary Zetah Date
License Number 52694

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CERTIFICATE OF EASEMENT BAXTER, MINNESOTA

PART OF GOV'T LOT 2
SECTION 7, T133N, R28W
CROW WING COUNTY
MINNESOTA
FOR: CITY OF BAXTER
JAN, PATRICE AND ELILYSSA NELSON



7656 DESIGN ROAD, SUITE 200
BAXTER, MINNESOTA 56425
(218) 825-0684

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S7-T133-R28-30



REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Public Works

Agenda Item:

Adopt Resolution 2022-046 Amending Resolution 2022-044 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2022 TH 210/Inglewood Drive Improvement Project

Approval Required: Simple Majority Vote

BACKGROUND

There has been a setback in the project schedule due to a delay in receiving the BNSF easements needed to finalize the right-of-way (R/W) Certification. The City of Baxter has signed the easement documents and paid the easement acquisition fee to BNSF, the project team is waiting on BNSF's review and signature. It was Bolton & Menk's understanding that a signed Construction & Maintenance (C&M) agreement with BNSF would suffice for MnDOT's R/W Certification, but MnDOT will not sign off on the R/W Certification until the easement documents are executed.

The project was set to open bids on June 16, 2022, according to Resolution No. 2022-044 but without the approvals from MnDOT the City was unable to advertise for bids. Bolton & Menk has been working with MnDOT to receive approvals contingent on obtaining BNSF's signatures, MnDOT will allow the City to advertise for bids but will not allow the bids to be opened until the City has executed easement documents from BSNF. The process MnDOT has proposed is called Public Interest Finding (PIF) which is on the City Council Agenda for approval as well. Bolton & Menk has corresponded with BNSF to ensure they will have executed documents in time to open bids on July 7, 2022, and they have ensured Bolton & Menk they will, if not an addendum will be issued to extend the bid opening.

A major reason to open bids in June was to ensure that the State and Federal Funding would be finalized prior to the end of MnDOT's fiscal year which ends on June 30th. MnDOT has confirmed the city is not in jeopardy of losing any State or Federal funding with the proposed schedule which is attached.

The attached resolution is needed in accordance with the Chapter 429 Special Assessment process. Resolution 2022-046 amends the bid opening date from Resolution 2022-044. Pursuant of Resolution 2022-046, advertisement for bids will start June 12, 2022.

FINANCIAL IMPLICATIONS

None

STAFF RECOMMENDATIONS

Staff recommends adopting Resolution No. 2022-046 to allow the project to start advertising on June 12th, 2022 and open bids on July 7, 2022. With the numerous entities involved due to the funding requirements and the railroad crossing the project schedule continues to change and the project team reacts to keep the project moving forward.

COUNCIL ACTION REQUESTED

Motion to Adopt Resolution No. 2022-046 Amending Resolution 2022-044 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2022 TH 210/Inglewood Drive Improvement Project.

**CITY OF BAXTER MINNESOTA
RESOLUTION 2022-046**

**RESOLUTION AMENDING RESOLUTION 2022-044 APPROVING PLANS AND
SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2022
TH 210/INGLEWOOD DRIVE IMPROVEMENT PROJECT**

WHEREAS, on May 17, 2022, the Baxter City Council adopted Resolution 2022-044 Approving Plans and Specifications and Ordering Advertisement for Bids for the 2022 TH 210/Inglewood Drive Improvement Project for Improvement No. 4121 described as follows:

1. Remove south leg of TH 210 and Knollwood Drive intersection, including the railroad crossing and connection to Foley Rd.
2. Remove traffic signal at TH 210 and Knollwood Drive intersection and construct a Reduced Conflict Intersection (RCI) with street lighting system.
3. Traffic signal and turn lane improvements on TH 210 at the intersection of Inglewood Drive.
4. Storm sewer improvements on TH 210 at the intersections of Knollwood Drive and Inglewood Drive.
5. Roadway, trail, and railway crossing improvements on Inglewood Drive from TH 210 to Foley Road.

and has presented such plans and specifications to the council for approval;

WHEREAS, the resolution is being amended to update the bid opening date from Thursday, June 16, 2022 to Thursday, July 7, 2022.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAXTER, MINNESOTA:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The city clerk shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published once a week for three successive weeks with the last publication to be made at least ten days before the time fixed for receiving bids and letting the contract, shall specify the work to be done, shall state that bids will be received by the clerk until 11:00 a.m. on Thursday, July 7, 2022, at which time they will be publicly opened in the council chambers of the city hall by the city clerk and consulting city engineer, will then be tabulated, and will be considered by the council at 7:00 p.m. on Tuesday, September 6, 2022, in the council chambers of city hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City of Baxter for 5% of the amount of such bid.

Whereupon, said Resolution is hereby declared adopted on this 7th day of June 2022.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

PROJECT SCHEDULE UPDATE & STATUS
2022 INGLEWOOD DRIVE RAILWAY CROSSING AND ASSOCIATED ROADWAY IMPROVEMENTS PROJECT
BAXTER, MN
 Thursday, May 26, 2022

MAJOR TASKS AND MILESTONES	DATES	REMARKS	NOTES
Proposals Due	Friday, January 24, 2020		
Award of Consultant Contract	Tuesday, February 18, 2020	City Council Meeting	
Project Construction delayed to 2022	Tuesday, June 2, 2020	Delay to coordinate improvements with TH 210 Study Recommendations	
Receive Preliminary TH 210 Recommendations	Thursday, February 18, 2021		
Staff Review of Updated Project Layout	Tuesday, March 2, 2021		
Review Update Project Layout	Tuesday, April 6, 2021	City Council Workshop	
Project Update	Wednesday, June 2, 2021	Utilities Commission Meeting	
Railroad Diagnostic Meeting	Tuesday, June 29, 2021	Scheduled in coordination with BNSF and Benesch	
ICE Report - TH 210 and Inglewood Drive	Thursday, July 1, 2021		
Project Update	Wednesday, July 7, 2021	Utilities Commission Meeting	
Public Engagement Meeting	Thursday, July 8, 2021		
Receive Public Input (See Public Engagement Plan)	Friday, July 9, 2021	Project Website and InputID	
Project Update	Monday, August 9, 2021	Utilities Commission Meeting	
ICE Report - Isle Drive and Glory Road	Friday, September 3, 2021		
Review Updated Feasibility Study	Wednesday, September 8, 2021	Utilities Commission Meeting	
Review Updated Feasibility Study	Tuesday, September 21, 2021	City Council Meeting	
Accept Feasibility Report and Order Improvement Hearing	Tuesday, September 21, 2021	City Council Meeting	
First Published Notice for Improvement Hearing	Sunday, September 26, 2021	Twice in local newspaper, one week apart, last notice must be at least three days prior to hearing.	
City Mailed Notice for Improvement Hearing	Monday, September 27, 2021	One notice at least 10 days prior to hearing.	
Second Published Notice for Improvement Hearing	Sunday, October 3, 2021	Must be at least three days prior to hearing.	
Improvement Hearing Conducted	Thursday, October 7, 2021	Special City Council Meeting	
Resolution Ordering Improvement and Preparation of Plans and Specifications	Tuesday, October 19, 2021	City Council Meeting	
First Submittal Project Memorandum	Friday, October 29, 2021	Required for Federal Aid Process	
Signed/Approved Project Memorandum	Wednesday, March 9, 2022	Required for Federal Aid Process	Delayed due to funding splits between agencies and Independent Utility
Draft Agreement - BNSF - Construction & Maintenance	Friday, March 11, 2022	Accelerates approval to have City review	
State Aid Mileage and Revision Request & Pre-Approval	Monday, March 14, 2022	Step one of revising State Aid Route	Needed City Council Resolution
Agreement - BNSF - Obtain Easements	Tuesday, March 15, 2022	3 Areas, 4 Easements (1 P/E, 3 T/E), \$57,065	Check Request for March 15 City Council, Not into affect until C&M is signed
Estimate - BNSF - Signal Estimate	Tuesday, March 22, 2022	Signal estimate for RR Crossing	
BNSF Maintenance Negotiation Meeting	Tuesday, March 29, 2022		
BNSF/City Maintenance Negotiation Period	3/23/22 thru 4/25/22	City to accept or counteroffer	
Obtain State Aid Number (SP) for Plan Set	Monday, April 11, 2022	Need number to be able to insert into plan set	For advancement and use of SA funds
Construction Private Utility Meeting	Monday, April 18, 2022	Meeting to finalize utility relocations and timelines	
Resolution to Approved Lump Sum Payment of BNSF Maintenance	Tuesday, April 19, 2022	7:00 p.m. at Baxter City Hall	\$645,910 was the agreed amount
Construction & Maintenance Agreement - BNSF - Roadway Crossing	Tuesday, May 3, 2022		City Approval of the Agreement
State Aid Advancement of Funding Approval	Tuesday, May 3, 2022	City Council Meeting	
Agreement - BNSF - License for Electrical Supply Line	Tuesday, May 17, 2022		Not into affect until C&M is signed
Agreement - BNSF - License for Sidewalk	Tuesday, May 17, 2022		Not into affect until C&M is signed
Agreement - BNSF - Grade Crossing Construction and Maintenance Agreement	Tuesday, May 17, 2022	City Requesting Lump Sum Payment	
Construction Amendment-CMT, CA, FP, etc.	Tuesday, June 21, 2022	Need for Fees to Complete Construction Administration	Presented at June 8, 2022 Utilities Commission Meeting first
BNSF to Order Railroad Xing Signal	Thursday, July 7, 2022	Need to order to guarantee product by Spring 2023	Lead times are up to 180 days
MnDOT Commissioner's Orders on Railroad Crossing	Thursday, September 1, 2022		(Need to confirm with MnDOT Hall)
Final Plans, Specifications, and Estimate	Wednesday, December 1, 2021	Internal Design Deadline	
Approve Plans and Specifications and Authorize Advertisement for Bid	Wednesday, December 8, 2021	Utilities Commission Meeting	
Approve Plans and Specifications and Authorize Advertisement for Bid	Tuesday, December 21, 2021	City Council Meeting	
Bidding Publication	Wednesday, December 22, 2021	Publication must be made at least three weeks before last day to submit bids, at least once in official newspaper and once in trade paper or First Class city newspaper.	
Project Update	Wednesday, January 5, 2022	Utilities Commission Meeting	
Bid Opening	Thursday, January 20, 2022	By default bid remains subject to acceptance for 60 days after the Bid opening.	RL Larson was the Low Bidder
Resolution Ordering Preparing Assessments and Setting Hearing	Wednesday, February 2, 2022	City Council Meeting	
Bid review with Utilities Commission	Thursday, February 3, 2022	Utilities Commission Meeting	
Mailed Notice for Assessment Hearing	Tuesday, February 8, 2022	One notice at least two weeks prior to hearing	
Published Notice for Assessment Hearing	Wednesday, February 9, 2022	Once in local newspaper at least two weeks prior to hearing.	
Assessment Hearing	Thursday, February 24, 2022	Special City Council Meeting	
Resolution Adopting Assessment Rolls	Tuesday, March 1, 2022	City Council Meeting	
Appraisals Completed	Tuesday, March 29, 2022	All private and commercial properties	Bill Ludunia Completing
Offer Letters, W-9, Summary Cover Sheet, RCA	Tuesday, March 29, 2022	For Council Packet	Due at Noon, Bolton & Menk and Brad Person
End of Assessment Appeal Period	Thursday, March 31, 2022	Appeals to district court must be made within 30 days after adoption of the assessment roll.	
Resolution Awarding Construction Contract	Tuesday, April 5, 2022	City Council Meeting	Original Schedule date
Approve Offers to Property Owners	Tuesday, April 5, 2022	City Council Meeting	Property Owners have 60 days to accept
Notice of Award	Wednesday, April 6, 2022	Contractor has 15 days to deliver signed agreement, bonds, and insurance certificates.	
Certified Mail Offer Letters to Property Owners	Wednesday, April 6, 2022	Tracking Record of Offer	
Pre-Construction Meeting	Thursday, May 19, 2022	10:00 am at Baxter City Hall	
Public Construction Informational Meeting	Thursday, June 2, 2022		RL Larson to be present and discuss construction schedule
Begin Construction	Monday, June 6, 2022	22 Weeks of Full Time Construction	
Offers Expire - File for Condemnation (if needed)	Tuesday, June 7, 2022	If no condemnation, full property acquisition.	If full acquisition obtained, 7 days off specifications in contract.
Title and Possession per Condemnation (if needed)	Tuesday, September 6, 2022	Full property acquisition	This would be 97 days off specifications in contract if scenario
Construction Complete	Monday, November 14, 2022	Construction Substantially Complete	
MnDOT Layout Approval	Wednesday, September 22, 2021		
100% Final Plans, Specifications, and Estimate	Monday, January 10, 2022	Internal Design Deadline	Accelerated 3 months from previous due to Cooperative Agreement Timeline
MnDOT D3 District Approval/CO Submittal/Funding Splits Determined	Monday, March 14, 2022	Additional State Documents required and submitted: QMP, Utility Certificate, Resolution	
Approve Plans and Specifications through MnDOT CO	Friday, April 29, 2022	Need to maintain Federal Aid and Coop processes	
Resolution to Hold Hearing on Knollwood Closure	Tuesday, May 3, 2022	City Council Meeting	Required per BNSF C&M
Resolution to Enter into Federal Aid Agreements	Tuesday, May 3, 2022	City Council Meeting	Required per Federal Aid Process
Resolution for No Parking on Foley/Inglewood	Tuesday, May 3, 2022	City Council Meeting	Required per Federal Aid Process
Approve Plans and Specifications and Authorize Advertisement for Bid	Wednesday, May 4, 2022	Utilities Commission Meeting	
Approve Plans and Specifications and Authorize Advertisement for Bid	Tuesday, May 17, 2022	City Council Meeting	
State Funds Encumbered	Wednesday, May 25, 2022		Final Deadline is June 30, 2022
Public Hearing and Resolution for Knollwood Closure	Tuesday, June 7, 2022	City Council Meeting	Required per BNSF C&M Exhibit B
Federal Funds Encumbered	Wednesday, June 8, 2022		Final Deadline is July 1, 2022
MnDOT CO and Federal Aid Authorization, Cooperative Agreement Signed and Completed	Wednesday, June 8, 2022	Additional Federal Documents required: R/W Certificate, Force Account, PIF, DCP Forms	Key Date
Obtain DBE Goal for the Project at FA	Friday, June 10, 2022	Required for Federal Aid Process	Tentative per Federal Aid Approval
Bidding Publication	Sunday, June 12, 2022	Publication must be made at least three weeks before last day to submit bids, at least once in official newspaper and once in trade paper or First Class city newspaper.	
Bid Opening	Thursday, July 7, 2022	By default bid remains subject to acceptance for 90 days after the Bid opening.	
Resolution Ordering/Preparing Assessments and Setting Hearing	Tuesday, July 12, 2022		
Mailed Notice for Assessment Hearing	Thursday, July 14, 2022		
Published Notice for Assessment Hearing	Friday, July 15, 2022		
Assessment Hearing	Thursday, July 21, 2022	Special City Council Meeting	
Resolution Adopting Assessment Rolls	Tuesday, July 26, 2022	Special City Council Meeting	
Bid review with Utilities Commission	Wednesday, August 3, 2022	Special Utilities Commission Meeting	
MnDOT Bid Review and Approval	Friday, August 19, 2022	Assume 5 weeks for MnDOT bid review and authorization	
End of Assessment Appeal Period	Friday, August 26, 2022	Appeals to district court must be made within 30 days after adoption of the assessment roll.	
Resolution Awarding Construction Contract	Tuesday, September 6, 2022	City Council Meeting	
Notice of Award	Tuesday, September 6, 2022	Contractor has 15 days to deliver signed agreement, bonds, and insurance certificates.	
Pre-Construction Meeting	Thursday, September 15, 2022	10:00 am at Baxter City Hall	
Begin Construction	Monday, September 26, 2022	Contractor can wait in 2022	Some work expected this year but most in 2023
Submit Pay Request for 2022	Tuesday, November 1, 2022	Billing to meet Federal Requirements	Pay contractor for Materials at least
Substantial Completion	Wednesday, August 16, 2023	Substantial Completion	
Construction Complete	Wednesday, August 30, 2023	Final Completion	

TOTAL PROJECT

Project 1: Foley Road Improvements

Project 2: TH 210 Improvements (State/Federal/State Aid Funded)

NOTES

- 1 City Council Meetings held on 1st and 3rd Tuesdays @ 7:00 p.m.
- 2 Utilities Commission Meetings held on 1st Wednesday @ 5:30 p.m.
- 3 All dates are subject to change, this is a living document. Dates may change based on coordination with other 2021 & 2022 projects and external agencies and their timelines.



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Public Works

Agenda Item: Adopt Resolution 2022-047 Ordering Improvement for the 2023 Cypress Drive and Douglas Fir Drive Improvements Project, Municipal Project No. 4087

Approval Required: 4/5 Vote

BACKGROUND

On May 26, 2022, The City Council held a hearing on the improvement of the Cypress Drive and Douglas Fir Drive Improvements Project, Municipal Project No. 4087. The project includes the following roadways and improvements:

1. Roadway, trail, storm sewer, sanitary sewer, and water construction on Cypress Drive from Highland Scenic Road (CSAH 48) to Hinckley Road.
2. Roadway reconstruction, trail construction, and site improvements on Cypress Drive from Hinckley Road to 350' south of College Road.
3. Roadway, storm sewer, and water construction on Douglas Fir Drive from 340' south of Hinckley Road to Hinckley Road.
4. Roadway reconstruction and intersection control improvements on Highland Scenic Road from 620' west of Cypress Drive to 430' east of Cypress Drive.
5. Sanitary sewer construction, 225' northwest of Highland Scenic Drive from 540' west of Cypress Drive to Cypress Drive.
6. Trail construction from the Cypress Drive and Hinckley Road intersection to Berrywood Park.

In accordance with the Minn. Stat. 429.031, a resolution ordering the improvement may be adopted any time within six months after the date of the improvement hearing.

FINANCIAL IMPLICATIONS

After ordering the improvement, the City will enter into an agreement for Engineering Design and Construction Services with SEH and Widseth and the City will begin incurring costs associated with design of the project. The total estimated cost of the project is \$4,212,290. A summary of the project costs by funding category is as follows:

- Benefitting Property Assessments: \$2,186,735 51.9%
- City Cost: \$1,370,555 32.5%
- Crow Wing County Cost: \$655,000 15.6%

STAFF RECOMMENDATIONS

Staff recommends approval of the resolution ordering the improvement.

COUNCIL ACTION REQUESTED

Adopt Resolution 2022-047 Ordering Improvement for the 2023 Cypress Drive and Douglas Fir Drive Improvements Project, Municipal Project No. 4087.

**CITY OF BAXTER MINNESOTA
RESOLUTION 2022-047**

**RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR
THE 2023 CYPRESS DRIVE AND DOUGLAS FIR DRIVE IMPROVEMENT PROJECT,
MUNICIPAL PROJECT NO. 4087**

WHEREAS, pursuant to a resolution the council adopted April 5, 2022, a fixed date for a council hearing on Improvement No. 4087, the proposed improvement of:

1. Roadway, trail, storm sewer, sanitary sewer, and water construction on Cypress Drive from Highland Scenic Road (CSAH 48) to Hinckley Road.
2. Roadway reconstruction, trail construction, and site improvements on Cypress Drive from Hinckley Road to 350' south of College Road.
3. Roadway, storm sewer, and water construction on Douglas Fir Drive from 340' south of Hinckley Road to Hinckley Road.
4. Roadway reconstruction and intersection control improvements on Highland Scenic Road from 620' west of Cypress Drive to 430' east of Cypress Drive.
5. Sanitary sewer construction, 225' northwest of Highland Scenic Drive from 540' west of Cypress Drive to Cypress Drive.
6. Trail construction from the Cypress Drive and Hinckley Road intersection to Berrywood Park.

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon May 26, 2022, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAXTER, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 3rd day of May, 2022.
3. Such improvement has no relationship to the comprehensive municipal plan.
4. SEH and Widseth are hereby designated as the engineers for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
5. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax-exempt bonds.

Whereupon, said Resolution is hereby declared adopted on this 7th day of June, 2022.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal



REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Consent Agenda

Department Origination: Public Works

Agenda Item:

Adopt Resolution 2022-048 to Approve the Public Interest Finding (PIF) Letter for the 2022 TH 210/Inglewood Drive Improvement Project

Approval Required: Simple Majority Vote

BACKGROUND

Due to not obtaining authorization by the State or Federal Aid Departments for this TH 210/Inglewood Drive project because of the R/W certificate, the bid opening has been delayed. The project was scheduled/approved to start advertisement for bids by May 18, 2022 per Resolution #2022-044.

It is unlawful to advertise a project that is receiving state and federal funds prior to authorization and consent. MnDOT District 3 staff has stated they will not sign the right-of-way (R/W) certificate needed to obtain authorization from the agencies because the BNSF easements needed for the project have not been fully processed and signed by BNSF Railway. A signed Construction & Maintenance (C&M) agreement with BNSF does not meet the requirements of successfully obtaining R/W consent to MnDOT.

MnDOT District 3 R/W staff coordinated with MnDOT Central Office and they both recommend that the City submit a Public Interest Finding (PIF) letter. With this letter, it will allow for MnDOT to sign the R/W certificate which progresses the authorization process from the State and Federal Aid departments which then will allow the advertisement of this project and not further delay the project schedule. The city will not be able to open bids until MnDOT has obtained the signed easement documents from BNSF. BNSF and their R/W subconsultant, Jones, Lang, & Lasalle (JLL) have indicated that the expected timeline to obtain those signed easement documents from the BNSF Main Office in Texas is approximately four weeks from May 25, 2022. This falls within the expected advertisement timeline and isn't expected to further delay the opening of the bids.

The duration to complete and process this PIF letter and then obtain authorization from the State and Federal Aid agencies is expected to push the start of advertisement to June 12, 2022. Following the federal aid requirements of advertising for a minimum of 25 days with 3 advertisement periods, the bid opening is scheduled to be July 7, 2022.

FINANCIAL IMPLICATIONS

None

STAFF RECOMMENDATIONS

Staff recommends the City of Baxter approve the Public Interest Finding (PIF) letter.

COUNCIL ACTION REQUESTED

Motion to Adopt Resolution 2022-048 to approve the Public Interest Findings (PIF) Letter for the 2022 TH 210/Inglewood Drive Improvement Project.



Memo

DATE: June 7, 2022

TO: Joseph D. Pignato
Director, Office of Land Management

FROM: Trevor Walter, City of Baxter Engineer
Darrel Olsen, City of Baxter Mayor

SUBJECT: Right of Way Public Interest Finding (PIF) Request
S.P. 1805-84 (TH 210) Crow Wing County, City of Baxter
Specific Project Description: T.H. 210 between CSAH 48 and Elder Drive,
Inglewood Drive between Fairview Rd and Foley Rd

This City of Baxter project (S.P. 1805-84, S.P. 230-107-003, S.P. 230-121-001) involves moving the TH 210 Signal and crossing at Knollwood Drive to Inglewood Drive along with implementing a Restricted Crossing Intersection (RCI) at the intersection of TH 210/Knollwood Drive, railroad crossing closure on Knollwood Drive, trail improvements, and reconstruction of the Knollwood Drive/Foley Road intersection.

The City of Baxter is requesting approval from the Office of Land Management (OLM) and Federal Highway Administration (FHWA) to proceed with a **July 07, 2022** letting date. The City will not have obtained all of the necessary right of way prior to advertising.

Project Background

The City of Baxter is unique as it contains two of the major interregional corridors within the State of Minnesota. Trunk Highway 371 is a superhighway that runs north and south while Trunk Highway 210 runs east and west making a connection between Fargo and Duluth. Maintaining and sustaining these major arterials through the heart of the City of Baxter is critical for the longevity of the city. The corridor’s constant thru traffic provides exposure to businesses and yields accessibility and transportation convenience for all city residents. With these Trunk Highway corridors continuing to trend towards increased Average Daily Traffic (ADT) volumes, it becomes crucial that local traffic have alternative routes on the local system. With increased traffic volumes comes increased travel times which leads to MnDOT seeking for solutions to improve their roadway system.

The solution to adapt to any possible changes of the Trunk Highway system is to provide parallel routes on each side of these principal arterials of TH 210 and TH 371. This will provide local traffic the ability to move in a majority of directions without needing to utilize the Trunk Highway to get to their destinations. Having roadway connections for the minor direction of traffic to develop circulation is another key aspect. In the City of Baxter, having that ability to circulate around the commercial business district is a major focus.

The City has designated the east of TH 371 reliever route as Cypress Drive. Recent improvements and two planned future projects will connect CSAH 48 (Highland Scenic Road) with Woida Road via Cypress Drive that will allow that roadway to function as an eastside reliever in response to situations that may happen on TH 371. The west of TH 371 reliever route is a little less conventional with Perch Lake being a natural barrier to work around. Per past studies, the west reliever roadway was defined as Inglewood Drive and Isle Drive, which essentially developed into this project.

As stated, the goals of this project are for improved local traffic circulation and movements that compliment the main roadway arterials of TH 210 and TH 371 along with maintaining and providing a safe pedestrian crossing of TH 210 and the BNSF railway. Relocation of the signalized intersection to Inglewood Drive improves the signal spacing on TH 210, shortens the westbound exit traffic distance to 0.8 miles on Foley Road, and improves regional traffic and pedestrian movements such that Inglewood Drive runs further north and intersects with Pine Beach Rd/CSAH 77. This relocation has been recommended in previously conducted long-range transportation studies, including MnDOT's District 3 recent TH 210 Corridor study in 2021, and has been in the planning/scoping stages for over 20 years.

This \$1.6 million dollar project was originally slated for a 2021 construction. However, with the pandemic limiting public input and the City wanting to align with the goals of MnDOT District 3, it was delayed in 2020. The delay allowed for the opportunity of making sure the recommendations from the 2021 MnDOT District 3 TH 210 Corridor study matched the scope and design of this project. Additional construction of replacing the current TH 210/Knollwood intersection with an RCI was recommended and implemented into this project.

This project structure is very complex from the agencies involved to the funding sources to the constructability of this project. MnDOT District 3, BNSF Railway, and MnDOT Rail are the agencies involved. The funding sources are coming from all forms such as federal aid, state aid, LPP funds, and local funds per special assessments. The constructability and coordination of this job is difficult as an existing City frontage road job adjacent to TH 210 is in progress and MnDOT signs WB TH 210 traffic onto it today. BNSF and the roadway contractor will need to fully complete the new crossing of Inglewood Drive before any

components of the RCI at TH 210/Knollwood Drive can be constructed. The existing railway crossing on Knollwood Drive cannot be removed prior to the new connection of Inglewood Drive being established.

With a letting date of **July 07, 2022**, and the city's 429 special assessment process following, the anticipated award date is **September 6, 2022** with an anticipated construction start date of **September 19, 2022**.

Other expected dates for the project are as follows:

Desired Authorization Date w/DBE Goal Established:	6/10/2022
Desired Advertisement Date:	6/12/2022
Desired Project Completion Date:	8/25/2023

Public Interest

Delaying project authorization will significantly increase the risk of delivering this project and is not in the public's interest. By allowing the City to proceed with authorization, the City will be able to advertise for bids while BNSF processes the easements internally. This will not delay the project schedule which will already be susceptible to long material lead times of the traffic signal, railway signal, light poles and system, and storm sewer. Maximizing the lead times for materials will help us guarantee a project completion prior to the start of the Baxter school year in August of 2023 which tends to increase the traffic volumes in this area due to the surrounding school locations. Construction in 2022 and the spring of 2023 will be minimal and off existing roadways not requiring lane closures or detours. In the summer of 2023, lane closures and a detour will be needed.

This public interest finding (PIF) will also minimize the amount of time the general public observes construction and experiences inconveniences as nearby construction is happening now on Foley Road which is expected to end October 2022. This project has already endured delays, caused by the pandemic, adjacent studies, and railroad coordination, during the planning and final design processes and adding anymore would be irritating to the general public. Lastly, further delaying this project has the potential to jeopardize the federal funding as authorization deadline dates are approaching.

The City and FHWA follow statutory and regulatory requirements that have been developed to best serve the public interest. In certain situations such as this project, it may be determined to be in the public interest to deviate from such requirements. Since the general requirements address the proper acquisition process, deviating from this process should be well documented and be shown as a benefit to the public. [per 23 CFR 635.309 (c)(2)&(3)]

Construction Staging

All right of way will be acquired prior to the start of construction.

Utilities

The City of Baxter has coordinated with the utility companies regarding relocations that are required including two past meetings; notice and orders will be issued for this work on 05-31-2022. The relocation work will be done by the utility companies as the project contract work commences.

Type	Party	Signed by Utility
Utility - Notice & Orders	Crow Wing Power	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Centurylink/Lumen	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Centerpoint Energy	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Consolidated Tel.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	TDS Metrocom	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Xcel Energy Gas	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Utility - Notice & Orders	Consolidated Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

Railroads

A railroad agreement between the City of Baxter and BNSF Railway has been executed for this project.

Type	Party	Signed by Railroad
Railroad	BNSF Rail	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Agreements

There are seven agreements for this project. The following table lists agreements and their status.

Type	Party	Fully Executed
Const. & Maintenance	BNSF Railway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cooperative Agreement	MnDOT CO	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Permit	MPCA - NPDES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Advance Construction	MnDOT Federal Aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
State Aid Route Designation	MnDOT State Aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Force Account	MnDOT Federal Aid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Operations/Maintenance	MnDOT District 3	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

All of the agreements will be signed by the other party prior to letting and will be executed by award.

Relocations

There are no relocations on this project.

Right of Way Summary

All R/W needs with this project are through the existing BNSF Railway parcel. The Knollwood Drive crossing will be closed and vacated and a new permanent easement for the proposed crossing of Inglewood Drive will be established. The City has completed the negotiation process with BNSF Railway and their subconsultant Jones, Lang, and LaSelle (JLL) per the signed Construction & Maintenance (C&M) Agreement.

A full payment of \$57,065 has been submitted to BNSF from the City. Below is a breakout summary of the fee:

Proposed Inglewood crossing- Temporary (TE) & Permanent (PE)

-PE valuation for the 20,054 sq feet, which includes the foot print for the pedestrian sidewalks was **\$46,565** based on a PSF value of **\$2.32 (\$2.58 x .90)**.

-TE was calculated for the area consisting 7,899 sq feet, and was calculated using the FMV x .10 x the years needed; the TE for Inglewood Drive will only be needed for one year which came out to be \$2,037.92; rounded up to **\$2,038**.

TE needed for outside the existing easement at Knollwood Drive

-TE was calculated at \$2.58 PSF x .10 x Square Footage which came to **\$5,187** for a one-year duration.

TE for T.H. 210 Loon Head

-TE determined to be **\$774** for a one year duration.

There was an additional **\$2,500** processing fee for the Easement conveyance by BNSF.

SUMMARY/TOTAL: \$46,565 + \$2,038 + \$5,187 + \$774+ \$2,500 = \$57,065

Per BNSF's policy, they will not process the established easements through their main office in Texas until the C&M agreement is signed. The project is currently waiting to obtain these signed easements.

City Staff will not open bids for this project SP 1804-84 and will accept all risk in doing so until the BNSF easement is fully executed and in hand.

City staff will continue to monitor the acquisition and will follow through the commitments identified in this Public Interest Finding.

Parcel Description

#	Parcel No.	Owner's Name	Total or Partial	Title & Possession	Date Needed for Construction
1	200	BNSF	Partial	7/7/2022	9/19/2022

Regards,

Darrel Olsen
City of Baxter

Public Interest Finding

I concur with the need for this Public Interest Finding; it is in the public's best interest to proceed with the scheduled letting.

Recommend approval:

Andjela Tomovic
District State Aid Engineer, District 3

Recommend approval:

Kevin Schmidt (date)
District RW Engineer, District 3

Recommend approval:

Kristen Elwood, P.E. (date)
Assistant Commissioner, State Aid

Approved:

Joseph D. Pignato (date)
Director, Office of Land Management



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Other Business

Department Origination: Public Works

Agenda Item: Vacating Property and Closing of the Railroad Crossing Located on Knollwood Drive

Approval Required: 4/5 Vote

BACKGROUND

According to Minnesota State Statute 412.851 Vacation of Streets, the City is required to hold a hearing when vacating a public street. With the relocation of the railroad crossing from Knollwood Drive to Inglewood Drive, the City is required to vacate the Knollwood Drive segment between TH 210 and Foley Road including the railroad crossing.

FINANCIAL IMPLICATIONS

The financial cost to remove the railroad crossing is incorporated into the 2022 TH 210/Inglewood Drive Improvement Project. If Resolution 2022-040 does not get approved, then the expenses to date on the 2022 TH 210/Inglewood Drive Improvement Project would be 100% City responsibility and the project would not move forward with construction. The city would lose the state and federal funding for the project as well.

STAFF RECOMMENDATIONS

Staff recommends adopting Resolution 2022-040 vacating the railroad crossing so the railroad crossing can be relocated to the proposed Inglewood Drive segment.

COUNCIL ACTION REQUESTED

Motion to Adopt Resolution 2022-040 Vacating Property and Closing of the Railroad Crossing Located on Knollwood Drive, Railroad Milepost 122.209.

**CITY OF BAXTER MINNESOTA
RESOLUTION 2022-040**

**RESOLUTION VACATING PROPERTY AND CLOSING OF THE
RAILROAD CROSSING LOCATED ON KNOLLWOOD DRIVE,
RAILROAD MILEPOST 122.209**

WHEREAS, due and proper published and posted and mailed notice of public hearing has been given by the City as required by law; and

WHEREAS, after a public hearing held on this date, the City Council finds that it is in the public interest to vacate the property as hereinafter described.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Baxter, Minnesota, as follows:

That certain property described as follows is hereby vacated:

That part of Knollwood Drive lying between Highway 210 and Foley Road (including railroad crossing U.S. DOT No. 076263A within said road section).

Dated at Baxter, Minnesota, this __ day of _____, 2022.

CITY OF BAXTER, MINNESOTA

By _____
Its Mayor

ATTEST:

City Clerk



REQUEST FOR ACTION
CITY COUNCIL

Agenda Date: 6/7/2022
Agenda Section: Other Business

Department Origination: Public Works

Agenda Item: Public Hearing – Annual Progress Report – Stormwater (MS4)

Approval Required: No Action Required

BACKGROUND

Each year the City is required to conduct the annual storm water public meeting as defined within the MS4 permit, Section 17.3. There will be a short presentation and a chance for the public to provide feedback on the Municipal Separate Storm Sewer System (MS4) permit and the Storm Water Pollution Prevention Program (SWPPP). The goal of the meeting is to receive feedback from the public on the importance of stormwater management. The City will use the information gathered and will make revisions to the SWPPP as appropriate.

FINANCIAL IMPLICATIONS

STAFF RECOMMENDATIONS

COUNCIL ACTION REQUESTED

Annual Progress Report on the 2021 Stormwater Permit Activities

June 7, 2022

City of Baxter

Status of Compliance with the MS₄ permit conditions.

Appropriateness of the Best Management Practices (BMPs).

Progress toward achieving Measurable Goals (MGs).

Educate the public on the importance of stormwater management.

Opportunity for public to comment on the SWPPP or implementation procedures.

Annual Report Requirements

Who Does this Work?

- City Staff
 - Public Works Employees
 - Park & Trails Employees
 - GIS/IS Department
 - Brainerd Fire Department
 - Police Department
 - City Planner
 - Building Official
- Partner Organizations
 - Crow Wing County
 - Crow Wing Power Green Touch Program
 - CWC Soil & Water
 - Mississippi Headwaters Board
 - Northland Arboretum
 - Individual Volunteers

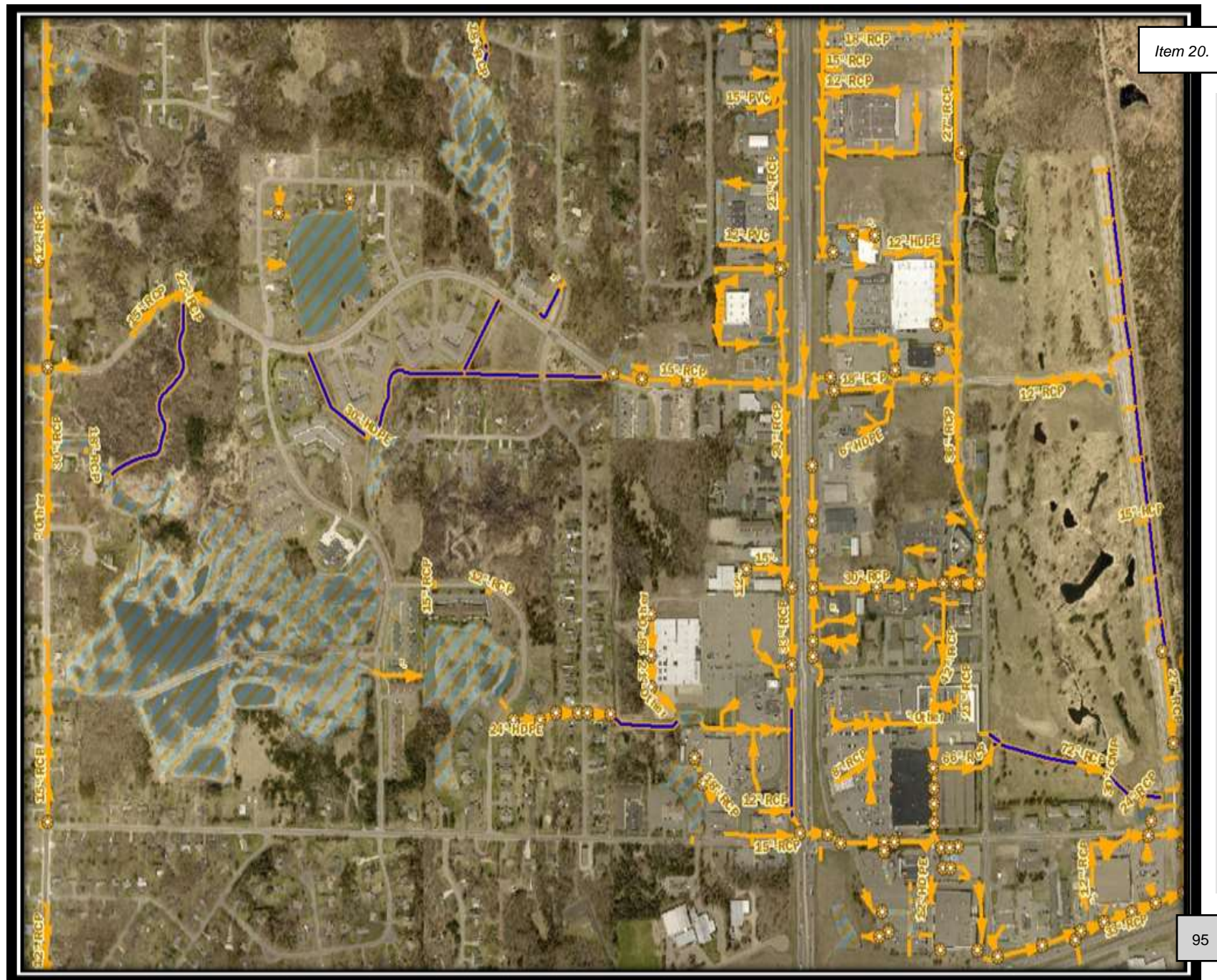
Stormwater Inventory

5 Lakes
256 Storm Ponds
22 Wetlands



Stormwater Mapping

86.1 miles of road
1824 storm drains
158 culverts





MCM No. 1 Public Education and Outreach

Informational handout at City Hall.

Educational articles on the City's website.

MCM No. 2
– Public
Participation
and
Involvement

Public meeting on the 2021 annual progress report. Public input encouraged.

Continuation of leaf drop off site in the spring and fall.

Used oil and antifreeze recycling site.

MCM No. 3 – Illicit Discharge Detection and Elimination

- An illicit discharge is any discharge to a municipal separate storm sewer system with the exception of:
 - ✓ Water from any roof.
 - ✓ Surface water runoff from natural precipitation or water obtained from the municipal water supply.
 - ✓ Water from a ground water sump pump.
 - ✓ Water from a footing around the foundation of a structure.



Improper perimeter control allowing for sediment to discharge offsite

MCM No. 4 – Construction Site Stormwater Runoff Control

10 Steps to Stormwater Pollution Prevention on Small Residential Construction Sites

Stormwater management on small residential construction sites need not be complicated.

1 Protect Any Areas Reserved for Vegetation or Infiltration and Preserve Existing Trees

If you will be installing infiltration-based features such as rain gardens or bioswales, make sure these areas are designated as off limits to avoid compaction.

Save time and money by preserving existing mature trees during construction. Preserving mature trees minimizes the amount of soil that needs to be stabilized once construction is complete, and minimizes the amount of runoff during and after construction activity.

2 Stockpile Your Soil

EPA's CGP requires operators to preserve native topsoil on site unless infeasible and protect all soil storage piles from run-on and runoff. For smaller stockpiles, covering the entire pile with a tarp may be sufficient.

3 Protect Construction Materials from Run-On and Runoff

At the end of every workday and during precipitation events, provide cover for materials that could leach pollutants.

4 Designate Waste Disposal Areas

Clearly identify separate waste disposal areas on site for hazardous waste, construction waste, and domestic waste by designating with signage, and protect from run-on and runoff.

5 Install Perimeter Controls on Downhill Lot Line

Install perimeter controls such as sediment filter logs or silt fences around the downhill boundaries of your site.

6 Install Inlet Controls

Sediment control logs, gravel barriers, and sand or rock bags are options for effective inlet controls. Make sure to remove accumulated sediment whenever it has reached halfway up the control.

7 Install a Concrete/Stucco Washout Basin

Designate a leak-proof basin lined with plastic for washing out used concrete and stucco containers. Never wash excess stucco or concrete residue down a storm drain or into a stream!

8 Maintain a Stabilized Exit Pad

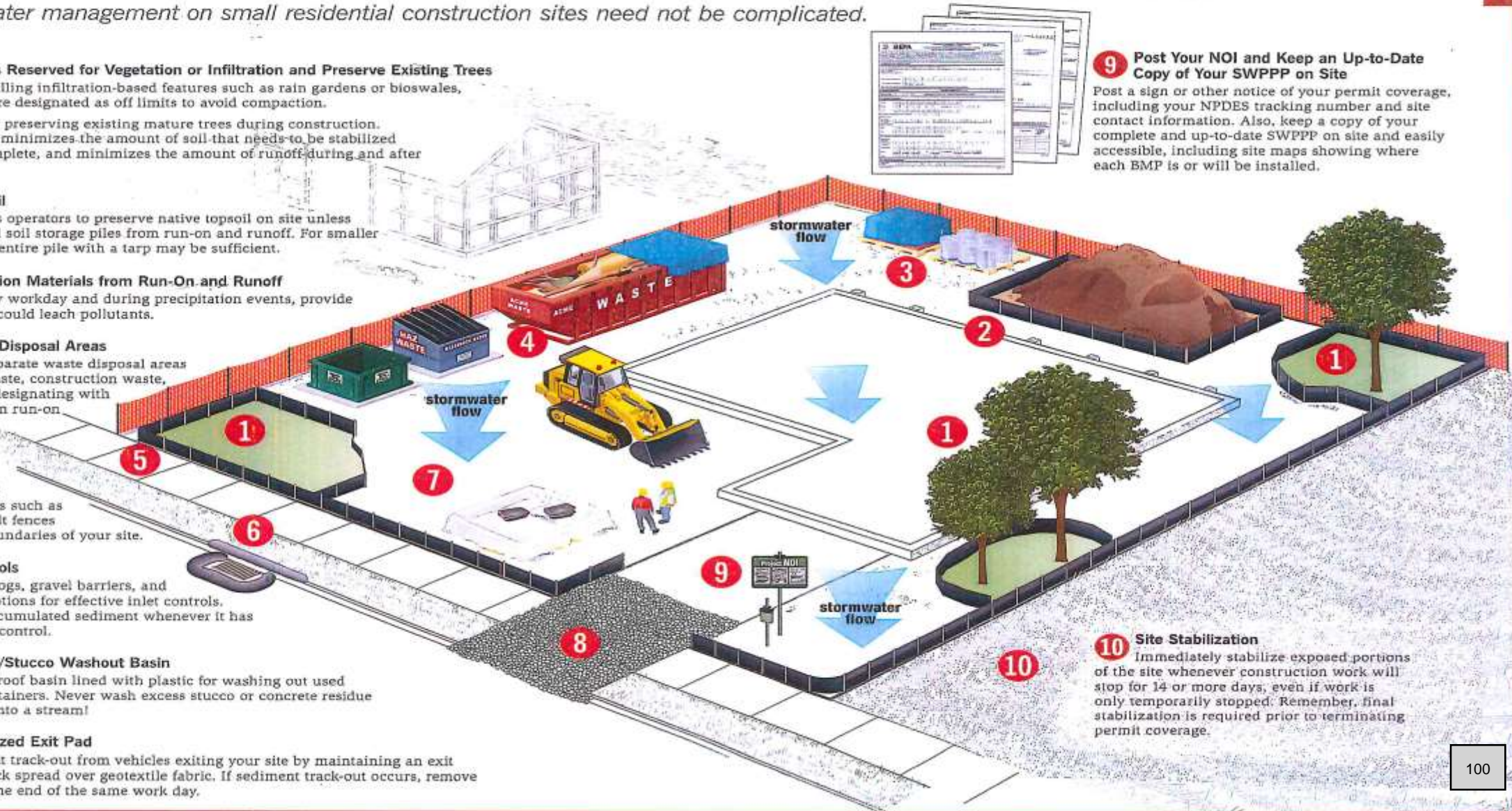
Minimize sediment track-out from vehicles exiting your site by maintaining an exit pad made of crushed rock spread over geotextile fabric. If sediment track-out occurs, remove deposited sediment by the end of the same work day.

9 Post Your NOI and Keep an Up-to-Date Copy of Your SWPPP on Site

Post a sign or other notice of your permit coverage, including your NPDES tracking number and site contact information. Also, keep a copy of your complete and up-to-date SWPPP on site and easily accessible, including site maps showing where each BMP is or will be installed.

10 Site Stabilization

Immediately stabilize exposed portions of the site whenever construction work will stop for 14 or more days, even if work is only temporarily stopped. Remember, final stabilization is required prior to terminating permit coverage.





MCM No. 5 – Post Construction Stormwater Management

Site plans required for post construction stormwater management BMPs.

Legal mechanism for permanent BMP maintenance.

MCM No. 6 – Pollution Prevention/Good Housekeeping for Municipal Operations

- Swept 86 miles of bituminous roadway.
- Work orders issued and completed for:
 - ✓ Storm sewers
 - ✓ Manholes
 - ✓ Ditches and drainage ways
 - ✓ Ponds
 - ✓ Brush, tree, and weed clearing

MCM 6
Good
Housekeeping



Stormwater Pond Protection During
Construction

Stormwater Pond No. 086 Cleaning



MS4 Permit

Existing permit was effective March 2013

The new updated 5-year permit will be issued in 2021.

More inspections and documentation required than 2008/2013 MS4 Permit

Educate the public on the importance of stormwater management.

How Can You Get Involved?

Pass on information about the storm water program to other community residents.

Report any storm water issues to:
City of Baxter
Public Works Department
(218) 454-5115
E-mail: publicworks@baxtermn.gov

