

REC'D. BY  
MMB APR 17 2000

RESOLUTION UNDER MINNESOTA  
STATUTES SECTION 414.031, SUBD. 1(a)

TO: THE EXECUTIVE DIRECTOR OF MINNESOTA PLANNING, STATE OF MINNESOTA, AND THE CROW WING COUNTY BOARD, C/O ROY LUKKONNEN, CROW WING COUNTY AUDITOR:

THE CITY OF BAXTER, MINNESOTA, HEREBY RESOLVES:

1. That for those reasons set forth in the attached Memorandum marked Exhibit "A", which is incorporated herein by reference, this resolution to annex is hereby initiated pursuant to Minnesota Statutes Section 414.031, Subd. 1(a).

2. That the boundaries proposed for annexation are set forth in the map attached hereto as Exhibit "B", which is incorporated herein by reference.

3. That the names of all parties entitled to notice under Minnesota Statutes Section 414.09 are the Executive Director of Minnesota Planning for the State of Minnesota and the Crow Wing County Board on behalf of its Unorganized Territory, due to the fact that no city or township abuts the affected territory other than said Unorganized Territory and the City of Baxter, and no planning agency has jurisdiction over the affected area other than that of Crow Wing County.

Dated: April 17, 2000.

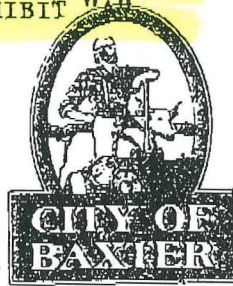
CITY OF BAXTER

By Larry Muchshansen  
Its Mayor

ATTEST:

Larry R. Kruse  
City Clerk

EXHIBIT "A"

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MMB

P.O. BOX 2626 • BAXTER, MINNESOTA 56425 • 218-829-7161

## Memo

Date: April 17, 2000

To: City Council

From: Larry R. Kruse JRK

Re: Annexation

Some people are wondering why Baxter is so concerned about insuring the Highway 371 corridor remains in Baxter. Baxter has several million dollars of infrastructure in place to serve the Highway 371 corridor. We have purposely planned for development of this area and installed larger infrastructure to handle future development. This includes a new water tower and oversizing of sewer and water mains. Brainerd has no investment in this area. Menards is the name mentioned, but it goes beyond Menards. Baxter has been working with Menards for almost a year now. It was almost a year ago when Baxter entered into an agreement with Menards to complete an engineering study on how to serve them with streets and utilities. So this is not new to us.

Regarding the commotion over a supposed ultimatum letter. In researching the matter after being asked about it last Thursday, the only thing I could find was a letter from our attorney to Menards stating Baxter's position in this which has not changed from the very beginning of our discussion. I'm sure if I was to ask the council today if they support protecting Baxter's significant investment along the corridor, they would affirm their position. It is not an ultimatum, but rather just the facts of the situation.

Dan Vogt called on Friday afternoon and expressed interest in working with us and Minnesota Planning to resolve boundary issues. Vogt stated Brainerd is still interested in a part of the Arboretum and wants Baxter to allow more time prior to filing with Minnesota Planning. It is my understanding the Baxter City Council agrees it would be good if Brainerd would annex some of the Arboretum and assist in funding the Arboretum. It is my understanding that the majority of this area is wetland and undevelopable and the City of Baxter's position is this environmentally sensitive area should remain in Unorganized Territory until such time it becomes urban in nature and requires municipal services.



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With the understanding Brainerd wants Minnesota Planning to intervene and assist both Brainerd and Baxter with boundary and annexation issues I suggest the council initiate the process to annex the area depicted in yellow by resolution. This will start a formal process whereby Minnesota Planning can intervene and logical boundaries can be identified in a cooperative manner with the City of Brainerd, Crow Wing County, Unorganized Territory, the neighborhood and Minnesota Planning. This action is recommended for the following reasons:

- 1) Based on Baxter's invitation to work with Minnesota Planning, Brainerd has verbally expressed interest they want Minnesota Planning to intervene and this will provide a formal mechanism for that to happen.
- 2) Baxter feels the majority of this environmentally sensitive area should remain Unorganized Territory until urban development triggers the need for municipal services.
- 3) It will be healthy to have guidance from an outside board consisting of three representatives of Minnesota Planning representatives and two county commissioners.
- 4) This procedure temporarily stops sixty acre annexations where there is no immediate plan to provide municipal services and should provide temporary relief from the current turmoil.
- 5) Based on an earlier joint County and City of Baxter meeting last fall the majority of residents in this area were opposed to being annexed by either Baxter or Brainerd and would prefer to remain in Unorganized Territory.
- 6) And lastly this process will bring both Baxter and Brainerd together to jointly plan the area.

Hopefully, Minnesota Planning can assist us in communicating with each other and identifying logical urban boundaries. They can provide valuable planning information and staff assistance. My goal in the end would be to identify an agreeable common boundary and have Orderly Annexation Agreements in place with Crow Wing County and Unorganized Territory which are triggered by urban development and the need for municipal services.

Regarding the commotion over a supposed ultimatum letter, in researching the matter further, the only thing I could find was a letter from our attorney to Menards stating Baxter's position. Baxter's position has not changed from the very beginning and remains steadfast. Baxter's position remains that Baxter must protect its significant investment in this area. If necessary, Baxter would pursue a contested case if necessary to protect our investment.

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Having said that, it is my recommendation for the City Council to move to adopt a resolution to annex the area described on the map in yellow and authorize staff to file the necessary paperwork with Minnesota Planning and Crow Wing County.



EXHIBIT "B"

Part of section 32, Twp. 134 N., Rge 28 W.,  
plus part of section 29. 197.76

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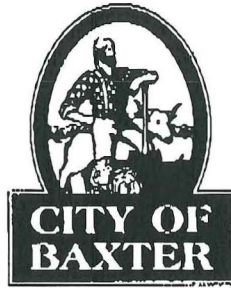
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Elizabeth  
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MC, ETC

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AS.





P.O. BOX 2626 • BAXTER, MINNESOTA 56425 • 218-829-7161

May 4, 2000

Star Holman  
Boundary Division  
MNPlanning  
658 Cedar Street  
St. Paul, MN 55155

Dear Star:

Enclosed is a map indicating the zoning classifications of both the .031 petition (MBA Docket No. A-6279) and the Subd. 5 petition. This information comes from the Official Zoning Map of Crow Wing County. That was the easy answer, but Crow Wing County has also adopted a Comprehensive Plan (1997) for the Unorganized Territory that does map and display different zoning classifications. No record exists that the County Board of Commissioners has adopted any of the proposed Comp. Plan classifications as the "Official Map" of the Unorganized Territory. This will have to be addressed at the first meeting for clarification.

The description of the land represented in the .031 petition is as follows:

- All of the lands described as the North ½ of Section 32 Township 134N and Range 28W.
- The East ½ of the Southeast quarter of Section 32, Township 134N and Range 28W
- The South ¼ of Section 29
- Total acreage of the petition is 560 acres, which includes the road CSAH 49 and that part of the Paul Bunyan Trail.

The width boundary for the Community Based Planning Corridor Plan is not defined. It is possible that a portion of this petition would or could fall within the corridor project boundary.

The County Land use classifications for this area are Agricultural and Greenspace. Also included are intermittent Ag/CUP tracts of lesser size. The classifications were developed in 1971 and have not been updated since. I can affirm that the areas zoned Agricultural are not agricultural in use. These areas are very low density residential, with much of the landmass classified as wetland or marginal. The City of Baxter is interested in providing services to areas on the fringe of the petition area. We would anticipate commercial development along the East and West sides of the Danielson Road. This road service area would also provide a necessary looping link for current and future water service. Areas along CSAH 49 could be looked at as future residential or light commercial type development.

I hope this information fills in the missing components. Please advise me if there are additional requirements.

Sincerely,



Todd Holman  
Baxter City Planner

REC'D. BY APR 17 2000  
MMR**BAXTER CITY COUNCIL MINUTES**

A special meeting of the Baxter City Council held April 17, 2000 was called to order at 7:40 p.m. by Mayor Gary Muehlhausen.

**MEMBERS PRESENT:** Council Members Mary Marana, Mark Cross, Barb Wells and Craig MacDonald.

**STAFF PRESENT:** City Administrator Larry Kruse, Assistant Administrator Beva Olson, City Attorney John Person and Public Works Director Trevor Walter.

**OTHERS PRESENT:** Jodie Tweed from the Brainerd Daily Dispatch.

The meeting was turned over to City Attorney John Person who explained to the Council that by statute, to call an emergency meeting there has to be a motion by the Council that this is a necessary meeting to take action to protect the City of Baxter's investment in infrastructure along the Highway 371 corridor by proceeding to annex the "Tank" property and proposing to annex by resolution a specific area as depicted on a map in yellow thus allowing time to involve Minnesota Planning.

**MOTION** by Council Member Marana, seconded by Council Member Wells to approve the emergency meeting of the Baxter City Council. Motion carried unanimously.

City Administrator Kruse presented a memo stating the reasons for starting a formal process whereby Minnesota Planning can intervene and logical boundaries can be identified in a cooperative manner with the City of Brainerd, Crow Wing County, Unorganized Territory, the neighborhood and Minnesota Planning as follows:

Some people are wondering why Baxter is so concerned about insuring the Highway 371 corridor remains in Baxter. Baxter has several million dollars of infrastructure in place to serve the Highway 371 corridor. We have purposely planned for development of this area and installed larger infrastructure to handle future development. This includes a new water tower and oversizing of sewer and water mains. Brainerd has no investment in this area. Menards is the name mentioned, but it goes beyond Menards. Baxter has been working with Menards for almost a year now. It was almost a year ago when Baxter entered into an agreement with Menards to complete an engineering study on how to serve them with streets and utilities. So this is not new to us.

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