

BAXTER CITY COUNCIL MINUTES
February 2, 2016

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

COUNCIL MEMBERS PRESENT: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, and Mark Cross

COUNCIL MEMBERS ABSENT: Council Member Todd Holman

STAFF PRESENT: Community Development Director Josh Doty, Chief of Police Jim Exsted, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter

PUBLIC COMMENTS

Dave Schonrock, 6056 Fairview Road, explained people living on Fairview Road feel something has already been decided regarding the project and property owners will have to pay. Mr. Schonrock feels left out of the process and answers to questions have not been provided. Mr. Schonrock questioned the design of Inglewood Drive and explained it was poor engineering. Mr. Schonrock explained he completed an investigation that revealed the tanker truck delivering fuel to the gas station have caused the dip in the roadway. The dip can be easily filled to redirect the storm water. Mr. Schonrock explained people do not have decent driving skills and the city needs to teach people how to drive safe. Mr. Schonrock compared the bike lane and off road trail along Isle Drive to Fairview Road as the reason for storm water drainage issues. Mr. Schonrock suggested Fairview Road width should be ten feet with a two foot paved shoulder for pedestrians. The Fairview Road roadway is not in poor condition. If the roadway was sealed, it could be repaired for approximately \$500,000.

CONSENT AGENDA

- A. Approve City Council Minutes from January 19, 2016
- B. Approve City Council Work Session Minutes from January 19, 2016
- C. Approve the Payment of Bills and Finance Report
- D. Approve Parks and Trails Commission Minutes from January 25, 2016
- E. Approve Long Range Planning Commission Minutes from January 25, 2016
- F. Adopt Resolution 2016-006 Ordering Improvement and Preparation of Plans for the 2016 Fairview Road Improvement
- G. Adopt Resolution 2016-007 Ordering Preparation of Report on 2016 Golf Course Drive Improvement Project
- H. Adopt Resolution 2016-008 Ordering Preparation of Report on Excelsior Road, Fairview Road, and Edgewood Drive Improvement Project
- I. Adopt Resolution 2016-009 Crow Wing County Highway Department Plans and Specifications for 2016 Dellwood Drive Improvement Project

- J. Adopt Resolution 2016-010 Relating to Parking Restrictions on Dellwood Drive from Novotny Road to County State Aid Highway 49 (Wise Road) in the City of Baxter, Minnesota
- K. Adopt Resolution 2016-011 Relating to Bike Lanes on Inglewood Drive from Excelsior Road to Trunk Highway 210 in the City of Baxter, Minnesota
- L. Adopt Resolution 2016-012 Relating to Bike Lanes on Woida Road from Inglewood Drive to Lynwood Drive in the City of Baxter, Minnesota
- M. Adopt Resolution 2016-013 Relating to Bike Lanes on Dellwood Drive from Novotny Road to Whispering Woods Lane in the City of Baxter, Minnesota
- N. Adopt Resolution 2016-014 Relating to Bike Lanes on Novotny Road from Trunk Highway 371 to Dellwood Drive in the City of Baxter, Minnesota
- O. Approve Amended Baxter-Brainerd Annexation Agreement
- P. Approve Ordinance 2016-002 Summary Publication of Ordinance 2016-001 Amending the Text of Title 5, Chapter 6 Tobacco and Tobacco Related Devices
- Q. Approve Ordinance 2016-007 Amending Ordinance 2016-003 Regulating the Use of Electronic delivery Devices within the City of Baxter Minnesota and Approve Ordinance 2016-008 Summary Publication of Ordinance 2016-007
- R. Approve the WSN Excelsior Road, Fairview Road and Edgewood Drive Feasibility Study Contract Amendment
- S. Approve the WSN Proposal for Land Survey Services for the Baxter City Cemetery Monumentation Project in the amount of \$6,750.00
- T. Approve Plans and Specifications and Ordering Advertisement for Bids for Fixed Network
 - Water Meter Reading System Project Award the Professional Engineering and Related Engineering Services Contract for 2016
 - Golf Course Drive Improvements Project to Bolton & Menk in the not to exceed amount of \$133,180.00
 - Approve Plans and Specifications for the Oscar Kristofferson Park Pavilion and Kitchen and Authorize staff to advertise for bids.

Katie Gruber, Little Falls, asked the Council to pull agenda items P. and Q.

MOTION by Council Member Barrows, seconded by Council Member Cross to approve with Consent Agenda, excluding Consent Agenda items P. and Q. Motion carries unanimously.

PULLED AGENDA ITEMS

Katie Gruber, CentraCare, asked the Council to consider keeping the original ordinance language proposed on January 5, 2016, which did not allow minors to enter tobacco product shops at any time for any reason. The proposed amendments brought forth by the vaping industry places profits above the health of children. Ms. Gruber asked the Council to give children a choice to have a voice and honor their right to be safe in their community. Ms. Gruber urged the council to stand with other cities across Minnesota who have placed children first.

Mayor Olson explained a lot of research was completed prior to drafting the ordinances. After being petitioned at the last council meeting to reconsider allowing children to enter tobacco product shops, Mayor Olson explained he did not feel good about the decision and felt the Council should not have changed positions.

MOTION by Mayor Olson to approve the original ordinance that did not allow minors to enter a tobacco product shop.

Council Member Nystrom explained after listening to business owners and single parents, she is concerned the ordinance is telling parents how to parent their children.

Mayor Olson asked for a second to the motion, before conducting discussion on the item.

Seconded by Council Member Barrows.

Council Member Barrows questioned how far the Council should go when telling someone to leave their children in the vehicle. Council Member Barrows questioned how the ordinance protects children. Children are allowed to enter bars. Are we telling someone how to parent his or her children?

Council Member Cross explained he wants to protect children from that environment, but they could be exposed in a vehicle or at home. The ordinance would only protect for a short period of time. May be a compromise would be to allow children to enter tobacco product shops, but not allow sampling.

Ms. Gruber asked the council either to allow sampling and not minors or not to allow sampling. Baxter would be the first city to allow minors to enter a tobacco product shop.

Mayor Olson voted yes, Council Member Nystrom voted no. Council Member Barrows and Council Member Cross did not state yes or no.

Attorney Person explained each council member should affirmatively state yes or no because the Council has not adopted Robert's Rules of Order. Attorney Person recommended the Council conduct a new vote.

MOTION by Mayor Olson, seconded by Council Member Barrows to return to the ordinance language that was originally passed in Ordinance 2016-003, which excluded minors, and staff does not need to bring the ordinance back in front of the council. Mayor Olson and Council Members Cross and Barrows voted yes. Council Member Nystrom voted no. Motion carries.

MOTION by Mayor Olson, seconded by Council Member Barrows to approve Ordinance 2016-002 Summary Publication of Ordinance 2016-001 Amending the Text of Title 5, Chapter 6 Tobacco and Tobacco Related Devices. Motion carries unanimously.

MOTION by Council Member Cross, seconded by Mayor Olson to approve Ordinance 2016-004 Summary Publication of Ordinance 2016-003. Motion carries unanimously.

OTHER BUSINESS

Approve Ordinance 2016-005 Amending Text of Title 4, Chapter 3 Open Burning and Ordinance 2016-006 Summary Publication of Ordinance 2016-005

Assistant City Administrator Steele explained the City's existing ordinance regulating open burning did not allow open burning of leaves, unless the leaves were contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion were emitted into the open atmosphere without passing through a stack, duct, or chimney. The existing ordinance also prohibited open burning between April 1 and May 15, unless the ground was snow covered.

The proposed ordinance amendment contains four major changes.

1. The definition of open burning was improved to allow open burning without requiring any matter, including leaves, to be fully enclosed.
2. The restriction of no open burning during the period of April 1 through May 15 was removed. There is no statutory restriction for this period of time.
3. Applicants will be able to acquire a burning permit through the DNR's website or the Brainerd Fire Department.
4. The burning of leaves will only be allowed during the period of September 15 through December 1, as allowed in Minnesota Statute 116.082.

Chief Exsted and Fire Chief Holmes have reviewed the ordinance amendments.

MOTION by Council Member Cross, seconded by Council Member Barrows to approve Ordinance 2016-005 Amending Test of Title 4, Chapter 3 Open Burning. Motion carries unanimously.

MOTION by Council Member Cross, seconded by Council Member Nystrom to approve Ordinance 2016-006 Summary Publication of Ordinance 2016-005. Motion carries unanimously.

COUNCIL COMMENTS

Steve Barrows: Council Member Barrows explained he attended the Senior Center meeting and expressed the remarkable job they do seeking grant funding and involving seniors. The Senior Center board voted to make Baxter and Brainerd representatives' non-voting members.

Darrel Olson: Mayor Olson congratulated Chief of Police Exsted on receiving the 2015 Outstanding Leadership in Community Response to Sex Trafficking award and for his leadership.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn the meeting at 7:37 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk