

**BAXTER CITY COUNCIL MINUTES**  
**Work Session**  
**February 2, 2016**

Mayor Darrel Olson called the Work Session to order at 5:30 p.m.

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

COUNCIL MEMBERS ABSENT: Council Member Holman

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

**Joler Road R.O.W. Discussion**

Community Development Director Doty explained on November 30, 2015, City staff received a request from Jonathan and Heidi LeMieur, 5245 Joler Road, requesting that the City re-consider purchasing right-of-way for Joler Road in front of their property or to close the gravel road connection from Joler Road to Second Street. It was explained recent construction of homes in the area has created an increase in vehicles using Joler Road. In 2013, the City Council considered purchasing the right-of-way and decided not to move forward with the purchase. The City Council's past consideration was to purchase land resulting in an 80-foot right-of-way along the north side for the entire width of the LeMieur's easterly property. Staff does not typically bring back the same item to the City Council for reconsideration. However, in this instance, there are new elements for the City Council's consideration.

Joler Road is a gravel road section from Savannah Oak Drive to Second Street. There is currently no right-of-way formally established along the north portion of the easterly LeMieur property. At this time, staff would not recommend closing the road connection from Joler Road to Second Street. The Joler Road corridor was officially mapped in 2013 to connect Mountain Ash Drive to Briarwood Lane to provide an east/west roadway corridor in this area of Baxter. The gravel road has been constructed and maintained for a long enough time period that there is an assumed public right-of-way easement over the section of gravel road that connects to Second Street. Therefore, if the City Council re-considered purchasing the 80-foot right of way, the purchase would be for any land that has been maintained by the City.

Staff recognizes the unique situation that Joler Road was built to connect to Second Street without easements or right-of-way. Community Development Director Doty explained there are three options for the City Council to consider.

The City Council's past consideration was to purchase land resulting in an 80-foot right-of-way past Second Street to the LeMeur's Easterly property line. Option one would be to purchase right-of-way only adjacent to the portion of existing gravel road that is not already in a legally assumed right-of-way easement. The City Council could consider this option if there is interest in clarifying the right-of-way for the existing gravel road section, while allowing dedication of the right-of-way to the east with future development. The LeMeur's have stated they do not intend to develop the property. It is ultimately unknown when the property would develop in the future.

Option two is to purchase the entire width of right-of-way along the north side of the LeMeur's easterly property. This option is the same as what was proposed to the City Council in 2013, except that the purchase now would only be for the land outside of a legally assumed right-of-way easement.

The third options is to not purchase any right-of-way at this time.

Community Development Director Doty explained staff is not supportive of closing Joler Road but does recognize that there is a section of Joler Road that exists and is being maintained without right-of-way established to the City's 80-foot width standard. Options one and two would add right-of-way along the City's officially mapped corridor of Joler Road.

Staff is seeking direction from the City Council regarding the request by Jonathan and Heidi LeMeur to either close the Joler Road connection to Second Street, or to re-consider the purchase of right-of-way. If the City Council would like to pursue purchasing right-of-way with option one or two, then the City Council could direct staff to determine the amount of land that has been maintained by the City beyond the roadway and to determine a value of the unmaintained land to bring back to the City Council for consideration.

Mayor Olson explained the LeMeur's have expressed concerns with liability issues. The Council consensus was to direct staff to review how the city has previously determined property value and report back with results.

### **Tap House Ordinance Review**

Community Development Director Doty explained as part of the effort to encourage economic development within the City of Baxter, staff attempts to be able to provide as much information as possible to prospective and existing businesses regarding allowed business uses and their acceptable locations within the City. Staff is seeking Council input on brewer taprooms.

The establishment of microbreweries and taprooms is a relatively new, expanding and evolving business sector, allowed by the passage of the state taproom law in 2011. The City was approached immediately to allow for a brewery and taproom. Cities, including Baxter, had to develop or amend city ordinances to allow for these new uses to operate. At that time, there was only a short history of these uses in Minnesota, so the applicant and City had little existing market data upon which to anticipate business activity.

The City of Baxter amended its City Code to allow for on-sale brewer taproom and off-sale growler licenses in early 2012. In addition to amending the liquor regulations, the City amended its Zoning

Ordinance to allow for brewer taprooms as an accessory use in the “1” Industry Office District zoning district, subject to conditions.

The zoning regulations for taprooms in the “1” Industry Office District were drafted with the intent that taprooms were to be clearly a secondary use with the brewing portion of the business being the primary use, as the purpose of taprooms were to allow for the sampling of the malt liquor being brewed at the business. The seating limitations were intended to support that use and not the use of taprooms as a gathering place of large numbers for social drinking, similar to a bar. It was the desire of the City to limit the taproom portion of the microbrewery business as to not have a large amount of general public traffic and parking in the “1” Industry Office District.

The number and popularity of microbreweries and taprooms continues to increase as there are now more than 100 breweries located in more than 50 municipalities throughout the State. There are now three breweries in the Brainerd Lakes Area and more are in the planning stages. Taprooms have evolved since state law first allowed them and Baxter drafted its ordinances. They are now commonly of a much larger scale than allowed by our present taproom zoning limitations. It is common that they have a retail counter and/or bar with a combination of sit-down and stand-up tables. Some have indoor games (darts, shuffleboard, etc.) and some have live music and other forms of live entertainment. Food service is not the norm, however, some arrange for food trucks to be present at times. Some taprooms are available to be reserved for small events and private parties.

The above described trends raise the following policy questions:

The City of Baxter restricts the issuance of on-sale liquor licenses to hotels, clubs and restaurants. The City does not allow for alcohol-only (no food service) bars. On-sale brewer taprooms are the exception to this, as no food service is required for them. Brewer taprooms are limited, however, to selling only the malt liquor brewed on the premises (or adjacent to the taproom), so the number of these establishments can be expected to be few.

*Is the concept of a taproom of a size to accommodate a large number of patrons as a gathering place for social drinking, without being a restaurant, an acceptable use in the City of Baxter?*

*If large taprooms are found to be acceptable in the City, should they still be considered an appropriate use in the “1” Industry Office District?*

The Council discussed the existing ordinance regulating alcohol has worked well for the city. A taproom license will always require the brewery license. The Council expressed their support of the existing brewer and they would like to see him continue to succeed. Council asked staff to have the Planning and Zoning Commission consider zoning placement for a brewer.

### **Water Quality Project Funding**

Public Works Director Walter summarized the funding sources previously identified for the Whiskey Creek project. Staff is recommending the Council consider moving the project start from 2017 to 2018. Staffs also recommends beginning with land negotiations and then consider preparing grant applications. There are no timing concerns, such as the MS4 permit for

consideration. The Council consensus is to have staff present the work plan for adoption at the February 16, 2016 council meeting.

### **Fixed Network Water Meter Reading Project**

IT/GIS Director DeBoer explained as part of continuing efforts to provide improved service to citizens and increase City process efficiencies, the City is proposing to install a fixed network water meter reading system in 2016. This system will eliminate the need for residents to read and submit meter readings or the need for City staff to collect meter readings in the field, in addition to providing other customer service benefits.

A fixed network water meter reading system consists of data collectors installed in strategic locations around town, such as water towers, cell towers, lift station poles, etc. and a radio transmitter attached to each meter, which sends readings to the data collectors at fixed intervals.

Base bid and alternate bid proposals are being accepted to purchase and install the fixed network water meter reading system. Base bid proposals will include removing approximately 2,565 meters and installing new meters and transmitters. Approximately 335 meters will be reused with the registers changed out and transmitters installed. Alternate bid proposals, for vendors that are unable to reuse existing meters with their system, will include removing approximately 2,900 meters and installing new meters and transmitters. Each proposal will be bid as two packages, one for the purchase of equipment and one for installation of the equipment.

Each vendor will conduct a propagation study to determine the number and location of data collectors needed to provide a minimum of 98.5% of the meter readings on a daily basis. The system will be fully redundant, so if one collector goes down, the system will continue to perform satisfactorily, with either multiple collectors or a backup option for mobile drive-by collection. The meters will be required to conform to AWWA standards and have the ability to detect reverse flow and leaks. The radio transmitters will be installed in the floor joists or outside the property if necessary for the system to obtain a reading.

The project bids will be evaluated as a 25-year life cycle cost, to include the cost of one complete replacement battery change-out during the life of the system. The costs for additional meters and/or transmitters will be locked in for the first year, then adjusted annually based on the Producer Price Index (PPI) until the year 2040.

IT/GIS Director DeBoer explained staff is recommending the council approve the TKDA plans and specifications and order advertisements for bids during the regular council meeting.

### **Online Citizen Services Project Update**

IT/GIS Director DeBoer explained as part of continuing efforts to provide improved service to citizens, contractors and businesses, as well as increase City process efficiencies, the City is implementing a new permitting/licensing system and utility billing web portal this year. These systems will provide the public a 24-hour online self-service option for these traditional counter based services.

Due to the Accela acquisition of Springbrook (our current financial and permit/licensing system) in 2015, the exact implementation timeline for these systems is fluid. After multiple discussions with the vendor, both parties agree it is best to wait to implement until specific enhancements and integrations are complete. Initial work for implementation is expected to begin late first quarter with project completion expected by end of third quarter.

The utility billing web portal is a solution from Accela/Springbrook that integrates tightly with our existing utility billing system. It provides customers the ability to view their account, pay their bill electronically, view past statements and usage from any location, 24/7.

The Accela Land Management System is a suite of modules, two of which are permitting and licensing. This system includes a citizen access portal where citizens and business professionals can apply and pay for permits and licenses, check on application status and schedule inspections online at any time. In addition, the Building Official, equipped with a tablet, can enter inspection results, add photos, and view plans and inspection history in the field. The system also supports automated notifications to the applicant or permit holder when approval steps or inspections are completed. Along with the fixed network water meter reading system being installed this year, these projects will provide a new level of convenience, information and service for citizens, contractors and businesses.

IT/GIS Director DeBoer has been piloting surface tables for future council use. More information on the tables will be forthcoming. As part of the project, there will be a guest network available for use in the Council Chambers. The Council inquired if there will be an app for utility billing and if it will be mobile friendly.

### **Council Chamber Acoustic Improvements**

IT/GIS Director DeBoer explained as part of the general construction component of the Council Chamber improvement project, the local vendor, acting as project manager, purchased and installed sound panels to replace the curtain. After installation, it became evident these panels were not adequate. Staff contacted an independent acoustic specialist who indicated the square footage of panels installed was less than what they would recommend. Due to the cost of the panels, staff wanted to research other options before proceeding further with buying more of the same panels. Staff contacted a different local vendor who had performed work for other government agencies in the area, whose projects included acoustic panels. They invited an acoustic specialty vendor onsite to develop a recommendation to solve the problem using proper materials. The proposal includes ceiling panels, acoustical panels behind the council desk with images of the Baxter area, acoustical panels behind the conference desk, window tinting, and painting.

While the vendor contends the entire amount of panels proposed is needed to completely solve the issue, if the Council would choose to implement a phased approach, starting with the ceiling for instance, staff could inquire with the vendor if this would affect the quoted installed costs in any way.

Finance Director Vacinek indicates the projected \$22,570 expenditure could be funded with unspent proceeds from the 2015 building maintenance budget and other savings within the general fund should the council wish to move forward with the project.

After the acoustical panels are installed, staff will review if adjustments are required to the AV equipment. The Council consensus was to complete all proposed options.

**Oscar Kristofferson Park Pavilion Grand Opening/Music Event**

Community Development Director Doty explained staff has placed an item on the February 2, 2016 consent agenda to approve plans and specifications and to authorize bidding for the Oscar Kristofferson Park Pavilion. As part of the construction planning process, staff and WSN developed a substantial completion date of July 1, 2016 for the pavilion. The substantial completion date is an important to be able to plan for a Grand Opening/Music Festival event. Staff contacted Council Liaison Nystrom to check with her contact, Scott Lykins, for possible performance dates after July 1, 2016.

Staff provided Mr. Lykins dates to the Parks and Trails Commission at their January 25, 2016 meeting. The Commission stated that they did not want to recommend a date that was too close to the construction completion in case there are delays with construction and they were interested in July 18<sup>th</sup>, 20<sup>th</sup>, or 21<sup>st</sup>. The Parks and Trails Commission suggested the middle of the week, July 20, 2016 and requested that the staff contact the school to request if there could be no athletic events that evening. Staff is seeking direction if the City Council has a preferred date for Grand Opening/Music event.

The council indicated support for the proposed dates.

**Adjournment**

**MOTION** by Council Member Cross, seconded by Council Member Barrows to adjourn at 6:19 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

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Darrel Olson  
Mayor

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Kelly Steele  
Assistant City Administrator/Clerk