

BAXTER CITY COUNCIL MINUTES
Work Session
April 5, 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, Todd Holman, and Mark Cross

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Gordon Heitke, Community Development Director Josh Doty, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, and Public Works Director Trevor Walter.

Golf Course Drive Improvement Project

Mike Rardin, Bolton & Menk, Inc., explained upon the conclusion of the March 3, 2016 council work session, the council requested: 1) a condition inspection and evaluation of the storm sewers beneath the Mill's Fleet Farm building; 2) a hydraulic capacity analysis of those same sewers and the associated storm drainage system; and 3) a recommendation regarding the frequency of future inspections of these sewers. Work on these requested has been completed.

In summary, the condition inspection shows the storm sewers to be in very good condition and the hydraulic analysis indicates the existing sewers are capable of handling a ten year storm event with the assumption remaining undeveloped areas are completely developed. There does not appear to be any reason, from a condition or capacity perspective, to reroute the storm sewers currently located beneath the Mill's Fleet Farm building. Liability concerns associated with leaving the storm sewers beneath the building should be considered by the City before making a final decision on leaving or relocating these storm sewers. Finally, should the City retain the existing storm sewers beneath the Mill's Fleet Farm building, Mr. Rardin recommends condition inspections of those storm sewers be conducted at least once every six years until deterioration is found at which time the storm sewers should be inspected more frequently or repaired or replaced.

City Administrator Heitke explained a the City has an easement with Mill's Fleet Farm in which Mill's Fleet Farm holds the City harmless for Mill's Fleet Farm constructing over existing storm sewer pipes. City Attorney Person has suggested talking to the new owner to see there is interest in relocating the storm sewer pipes at their expense and then discharge the agreement. City Attorney Person had indicated he does not find the City liable for the storm sewer pipe. Mr. Rardin explained the storm sewer pipe has a long life expectancy of over 100 years. The current age of the storm sewer pipe is 35 years. A sag in the line was found east of Mill's Fleet Farm. This sag is

more than likely cause by settlement during the original installation. From a condition or capacity, there is no reason to remove the storm sewer pipe.

The council consensus is to ask City Attorney Person explain the City's liability under his report during the regular meeting. The Council asked City Attorney Person to communicate with the new Mill's Fleet Farm owner regarding the easement and their options, as well as the City's intent to continue moving forward with the project.

Excelsior Road/Fairview Road/Edgewood Drive Feasibility Study Update

Aric Welch, WSN, explained WSN is under contract with the City for preliminary engineering services related to improvements to Excelsior Road, Fairview Road, and Edgewood Drive. At the March 15, 2016 council meeting, the Council requested changes to the scope of services.

Three tasks and their associated costs have been developed. Task 1) provide a detailed traffic analysis of the Fruith site to determine what minimum improvements are needed to provide acceptable access if a development request was received; Task 2) move the roundabout as far south and east as possible to minimize impacts to private improvements; and Task 3) a stormwater analysis of the development area related to the Bolton & Menk storm water capacity analysis to address stormwater questions related to the project. This scope would include the delineation of existing drainage ways and modifications needed for the project. The amendment would add \$7,500 to the contract, bringing the total contract to \$24,200. Approval of the contract amendment is on the regular agenda for Council consideration.

Review Mill and Overlay Feasibility Report

Mr. Welch summarized the feasibility report considered proposed improvements of mill and overlay to various residential areas, full depth reclamation to various commercial areas, and the construction of the Cypress Drive turn lane.

Due to the large number of property owners subject to special assessments, the city will need to conduct the improvement hearing at a different venue or divide the project into smaller separate hearings. The Council consensus is to conduct one improvement hearing at a location to be determined on Monday, April 18.

Mobile Vending Ordinance Amendments

Community Development Director Doty explained back in 2014, the City Council approved a mobile vending ordinance for the City of Baxter. The ordinance created opportunity for mobile vendors in Baxter, while providing regulations that addressed concerns that come with this relatively new type of business. Specifically, the ordinance allows up to four mobile vendors to be licensed annually. Each licensed vendor can receive approval of up to 10 sites. The mobile vendor can then locate their mobile vending unit (food truck/trailer) in the City throughout the year at the approved sites, provided they do not stay at any given site for longer than two days per week. The regulations include distance requirements from brick and mortar restaurants and residential property. There are also specific requirements related to the mobile vending operation such as: site location review, signage, seating, trash management, health licensing, insurance etc.

At the time the City was developing the ordinance, several mobile vendors wanted to become licensed vendors in Baxter. However, after the ordinance was approved, no mobile vendors moved forward to receive a license.

The City has recently received an informal request to allow a food trailer in Baxter. Although the food trailer meets the definition of mobile vending, staff cannot process a license request for the food trailer under the existing ordinance because the proposed use of the food trailer does not match the use of typical mobile vendor. Specifically, the request is from a Baxter convenience store owner who would like to park a food trailer outside their business seasonally (from Memorial Day to Labor Day) to offer cooked food products from their store. The convenience store offers food products but does not have motor fuel sales. The City's existing ordinance only allows parking for two days at a time. So although the food trailer is mobile in the sense that the trailer is on wheels, the request would be more accurately described as seasonal vending.

The business owner would use the food trailer at other events but those events would be outside of Baxter. The remainder of the time, the owner would have the trailer parked in front of their store.

Staff's recommendation is for the City Council to have further discussions as needed to decide if an ordinance amendment to allow seasonal vending is something to support in Baxter. To aid in the City Council's discussion, the City should also consider the following factors:

- One of the concerns the City Council had with the mobile vending ordinance was to limit the amount of mobile vending that could occur in the City. Although the City has not received any mobile vending licenses, the City could receive applications at any time. Therefore, amendments to allow seasonal vending would increase the potential amount of vending in the City.

The City could develop ordinance amendments that allow seasonal vending, while limiting it to convenience stores without fuel sales and grocery stores and only allow food products in the mobile vending unit that are regularly sold in the store. This type of ordinance amendment would allow the business owner to move forward and would limit the application in Baxter. However, the City must consider that other non-convenience/grocery store owners may want this type of use and would not be able to proceed.

- The business owner could offer these cooked food products inside the building. The food trailer use avoids permit fees to construct a kitchen. The City must also consider SAC and WAC fees would not be charged, as these fees are based on seating, which is not allowed in the mobile vending ordinance.
- The City must also consider that this is one form of seasonal sales. This type of ordinance amendment could increase the likelihood that the City receives requests in the future for other types of seasonal sales.

To consider an ordinance, the city must decide which aspects of mobile vending the city wishes to regulate. The City Council could consider not allowing seasonal vending in the city, allowing seasonal vending as an accessory use to a convenience store without motor fuel sales/grocery store

in the city, allowing seasonal vending for a larger list of Commercial uses Baxter, or allowing seasonal vending with limited or no regulations.

If the city allows any type seasonal vending, the ordinance should also consider the following other regulations:

- 1) Minimum and/or Maximum Duration (hours, days, weeks, months)
- 2) Hours of Operation
- 3) Products for Sale (food only?)
- 4) Number of Trucks/Trailers Per Location (congregation of vendors)
- 5) Seating (tents, chairs, canopies, umbrellas)
- 6) Use of bollards or other traffic or pedestrian flow devices
- 7) Use of amplified or unamplified sounds
- 8) Trash
- 9) Signage
- 10) Lighting
- 11) Drive-up or Drive –through allowed?
- 12) Maximum distances from usable restrooms

The Council discussed reasons for allowing the use and for not allowing the use, as well as the concerns associated with each. City Administrator Heitke explained the Council would continue discuss on this item during the regular meeting.

Adjournment

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 7:00 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator/Clerk