

BAXTER CITY COUNCIL MINUTES
Work Session
April 17, 2018

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: Todd Holman

Staff Present: City Administrator Bradley Chapulis, Public Works Director Trevor Walter, Community Development Director Josh Doty, Chief Jim Exsted, Finance Director Jeremy Vacinek, and Assistant City Administrator Kelly Steele

1. 2018 Excelsior Road and Edgewood Improvements Change Order No. 1

Chuck Rickart, WSB consulting engineer, summarized the items requested in the change order for the 2018 Excelsior Road and Edgewood Drive Improvement Project. Mr. Rickart explained the first items are related to excavation. Due to the settling issues on the western portion of Excelsior Road, Mr. Rickart wanted to ensure there are not similar issues with the new segment. It is recommended a one-foot subcut be completed to prevent the possibility of settling rather than cutting out a trench for the storm sewer and paving over the top. This change comprises approximately \$120,000 of the change order. Another change order item is to excavate for Crow Wing Power to provide new power to the Brenny property. The City will save by having Pratt complete the excavation while working with the wetland.

Mr. Rickart explained the next several items are related to moving the location of the lift station due to not being able to reach an agreement to acquire right-of-way from Mr. Degan. It is recommended to move the lift station across the street. To do so, the lift station has to be dug deeper and some manholes and storm sewer has to be redesigned.

The change order also includes the addition of a street light at the Forest Drive intersection. It was originally thought the street light was included in last year's project, but it was not.

Another item is for the construction of a temporary fence on the Brenny property to block of the area next to where he brings his clients into the building.

The original plans use epoxy paint however, staff preferred using paint. The change order contains a deduct for epoxy and an addition for paint.

Finally, due to having the roadway surface being gravel for the period of construction, and the removal of MnDOT's video loop detection, MnDOT is requesting a camera so that they can continue to perform detection during construction.

Mr. Rickart explained the project has a 15% contingency, which equals about \$250,000, and the project is still within this contingency. Even with the additional new quantities, Pratt would have still been the low bidder on the project.

Mayor Olson inquired if additional change orders are anticipated. Mr. Rickart explained none are expected and that the additional work coming forward for the contaminated soils and water will be covered by Holiday through the petro fund.

2. 2021 Inglewood Drive Railway Crossing and Foley Road Improvements Project Feasibility Report - WSN Consulting Engineer Aric Welch

Aric Welch presented the 2021 Inglewood Drive Railway Crossing and Foley Road Improvement Project Feasibility Report. The project area is Foley Road from CSAH 48 to Forthun Road and includes some work at the Inglewood Drive and Knollwood Drive intersections, and the realignment at Forthun Road and Isle Drive.

The project starts at the west end at the intersection of CSAH 48 and Foley Road. There is existing sewer and water extended to Rush Lake Court and Preserve Circle and then the infrastructure ends. The zoning varies along Foley Road from low density residential, neighborhood commercial, and regional commercial. Isle Drive zoning is comprised of office service and public benefit. Properties along Forthun Road are zoned regional commercial. The right-of-way varies along the project boundary from none to 120'. Foley Road was constructed in 1998 with MnDOT improvements on TH 210. The roadway is 30' wide with curb and gutter on the south side of the road the north side of the road is rural. There is a 10' wide trail that directly abuts the curb and gutter on the south side of the roadway. There is already sewer installed on Knollwood Drive to serve the residential properties to the south. There is sewer and water subbed out at Inglewood Drive and ready to extend to the south side of Foley Road. The zoning of the project changes from residential to commercial at the Animal Care Center property. Assessing the project is difficult because the different types of uses are assessed differently. There is a trail on the east side of Knollwood Drive which was built in 2007 and crosses TH 210 connecting to Fairview Road. Forthun Road and Isle Drive have no problems with sewer or storm sewer, Mr. Welch explained he is only recommending the realignment of the intersection.

Mr. Welch explained he is proposing to complete a full depth reclamation on Forthun Road and would like to achieve a ten-ton roadway, but it may be difficult due to light roadway conditions. There is a possibility that a full depth reconstruction will not work, and a reconstruction would be required. This will have to be reviewed further during the design stage. Mr. Welch is proposing to completely redo the trail due to poor conditions and because each driveway crossing is not ADA compliant.

The existing Knollwood Drive intersection is proposed to be removed, as well as the stoplights, street lights, and trail. This section of Foley Road will be realigned. Heading east, half way between Knollwood Drive and Inglewood Drive, is where a complete reconstruction will be completed. Foley Road will be widened in this area for the crossing. Water and sewer will be extended along Foley Road, with the remaining properties connected to municipal water and sewer. The trail section between Fairview Road and Foley Road will remain. The new railroad crossing at Inglewood Drive will be constructed as a silent crossing. A new 500' turn lane turning south on Inglewood Drive will

be constructed; will be five lanes of traffic with a 10' wide concrete raised median; a 12' wide trail which will extend across the west side of the road; and a new signal system. The new longer turn lanes will provide for stacking when there is a train.

Forthun Road and Isle Drive will be realigned to a T intersection. There will be a trail on the north side of Forthun Road and the south and west side of Isle Drive. This intersection would be a potential location for a future roundabout.

The total estimated project cost is \$5,542,270. All costs for the Inglewood Drive and Knollwood Drive improvements are assumed to be unassessable since they are related to the signal relocation on TH 210 and the extension of Inglewood Drive across the railway tracks. MnDOT has allocated up to \$1,000,000 for the intersection and TH 210 improvements. State Transportation Improvement Program funding has been allocated for the railway crossing. The remaining City costs for this segment are \$381,920. All costs are assumed to be unassessable for the Foley Road realignment since they related to the extension of Inglewood Drive and the new railway crossing. The total estimated City cost for this segment is \$892,320. The total estimated City project cost for the Foley Road water system improvements is \$470,150. Isle Drive and Forthun Road Improvements are assumed to be assessed as a commercial full depth reclamation assessment, the same rate as Foley Road. City costs would be \$494,320. Mr. Welch explained assessment methodology and explained similar assessments on past projects.

City Administrator Chapulis explained staff is working on the five-year capital improvements plan to provide property owners with advanced notice of pending improvement projects and assessments. Council Member Nystrom suggested staff make the public hearings and neighborhood meetings a Facebook event. Council Member Barrows explained the importance of providing advanced notice of improvement projects.

Public Works Director Walter explained the feasibility report is on the consent agenda for approval.

3. Red Sand Lake Outlet Project Proposal from the Minnesota Department of Natural Resources

Public Works Director Walter explained the DNR is considering the removal of the structure that was put in 1959 and replacing it with a permanent flood control overflow structure. The existing structure was only used in 1960 for fish spawning. The DNR was trying to regulate the water level of White Sand Lake and Red Sand Lake with the structure. In 1996, the DNR installed a steel cap so the structure cannot be altered.

The DNR has provided the City with a copy of their flood calculations for the new proposal. The proposal is now out on public notice. The DNR is looking for acknowledgement the City has seen the project. The DNR is proposing to complete the project in May. They will remove the structure on Red Sand Lake and install a culvert with a weir on Red Stand Lake set at 1197.2 and would over flow into the culvert and then there are two weirs set on the outlet to slow the water down to White Sand Lake. Public Works Director Walter did not see any errors in their calculations. Last year ditch ten was cleaned out to provide for a staged system. Council Member Barrows inquired if the County will keep the ditch clear. Public Works Director Walter will discuss with the county engineer. Council Member Barrows explained it is the County's responsibility to maintain ensure

the best possible levels are maintained on the two lakes. Public Works Director Walter will provide notice to the DNR about the need for the County to keep ditch ten clear.

4. Administrative Subdivision Review – Lot Consolidations – Community Development Director Josh Doty

Community Development Director Doty explained in 2013-2015 the City updated ordinances. The major sections revised were the City Subdivision regulations. The primary purpose of the changes were to: 1) bring the ordinance into compliance with State Statute; 2) address a number of legal issues; 3) eliminate the current Minor Subdivision process section but continue to allow concurrent review of preliminary and final plat; 4) establish a true administrative subdivision process and 5) provide some general organization and clean-up of technical issues. These changes were intended to make the ordinance more user-friendly by making it easier to understand and implement. Regarding administrative subdivisions, staff spoke with property owners who were frustrated with the time and expense required to complete a platting process for minor lot line adjustments, consolidations and subdivisions.

Shortly after the new ordinance was approved, a concern was raised about allowing the consolidation of lots. Specifically, by allowing lot consolidations, the city is reducing density which increases the costs to providing a municipal system of public streets, utilities, etc. Staff has been monitoring the number of administrative subdivisions and noticed an increase in the trend of lot consolidations in 2017 with indications that the trend will continue in 2018.

Based on the data, staff had its largest number of administrative subdivision applications in 2017. Furthermore, one consolidation application has been requested in 2018 and staff has received a second informal inquiry.

Staff notes that regardless of the approval process (platting or administrative subdivision) the City does not have a maximum lot area requirement to deny such requests. Staff adds that maximum lot regulations are also not customary, as in many cases larger lots are necessary for excess land in wetlands ponds or other areas that is unbuildable. If maximum lot area requirements were imposed, developers would be forced to plat these areas into outlots, which would likely become tax forfeit properties.

The purpose of this discussion is to inform the Council of the increasing trend of lot consolidations and to seek direction if the Council would like to keep the current regulations or if the Council would like staff to pursue amended subdivision regulations.

Mayor Olson explained the consolidation requests still have a process to follow. Community Development Director Doty explained that often the request is to build a large home or to build an accessory building on the former secondary lot. The Council consensus was that the consolidations are not a significant problem at this time and that staff should continue to monitor.

5. Combination On-sale and Off-sale Liquor License

Assistant City Administrator Steele explained this discussion is a follow up from the April 3, 2018 Council Work Session discussion regarding an amendment to the City Code to allow for the issuance of a combination on-sale/off-sale liquor license, as allowed under MN Statute 340A.406. Staff has researched which cities issue this type of liquor license.

The Alcohol Enforcement Unit for the Minnesota Department of Public Safety was unable to provide a listing of cities that issue a combination on-sale/off-sale liquor license due to limitations of their computer software. The League of Minnesota Cities does not maintain a data base of cities which issue liquor licenses. A Google search found some cities with a smaller population that issue this type of license.

The cities identified as issuing a combination on-sale/off-sale liquor licenses tend to have similar code language authorizing the issuance of the license. The code language reads, "Combination on-sale/off-sale intoxicating liquor license if the city has a population less than 10,000".

A City Code amendment to allow the issuance of a combination on-sale/off-sale liquor license would allow all on-sale liquor license holders the ability to apply for the new license type.

Council Member Barrows explained he does not see a reason to change our position at this time. Council Member Cross explained he preferred to leave the ordinance as is. Council Member Nystrom explained the cities that issue such license tend to be smaller in population and any change would create competition to the liquor stores. Mayor Olson fine with the way the ordinance is currently drafted and explained the applicant is very innovative and a great member of our community and this is not reflective on them.

Council Member Barrows asked Mayor Olson if Mr. Welch could provide an update on the Excelsior Road Improvement Project completed last fall by Tri-City. Mr. Welch explained the project is still in winter suspension and is waiting for the frost to come of the ground. A meeting will be scheduled to determine how the contractor will correct the issues.

6. Regionally Significant partnership to enhance multi-purpose recreation relating to the Mississippi River corridor– Community Development Director Josh Doty

Community Development Director Doty explained the City has entered into a partnership with the surrounding communities to look at regional connectivity and recreation related to the Mississippi River. The discussion started with trying to improve kayak access points to the river. One vision is to connect communities from Cuyuna to Crow Wing State Park. Staff is inquiring if the Council is interested in having staff continue to participate. The partnership could allow for ability to apply for grants.

Council Member Cross thought the partnership is a great idea and staff should continue to participate. Mayor Olson inquired how much staff time the partnership takes. Community Development Director Doty explained the time has not been significant. Council Member Nystrom agreed to continue participating and the importance of the partnership to apply for grants.

ADJOURN:

MOTION by Council Member Cross, seconded by Council Member Nystrom to adjourn the council work session at 6:42 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator