

BAXTER CITY COUNCIL MINUTES
Work Session
May 3, 2016

Mayor Darrel Olson called the Work Session to order at 6:00 p.m.

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Assistant City Administrator Kelly Steele, Community Development Director Josh Doty, Finance Director Jeremy Vacinek and Police Chief Jim Exsted.

2016 MILL AND OVERLAY IMPROVEMENT PROJECT

WSN Consulting Engineer Welch reviewed the project and inquired when to hold the assessment hearing. Bid opening for the project is Tuesday, May 17th at 11:00 a.m. The City has typically held the assessment hearing, on past projects, prior to award of the project. This allows the City time to address any challenges to the proposed assessments and analyze any financial concerns to the project before moving forward.

Mr. Welch explained the current schedule has the City awarding the project on Tuesday, June 7th. He cautioned that should the Council wish to hold the assessment hearing prior to award of the project on this date, there would be a considerable amount of work to be completed between the bid opening at 11:00 a.m. and the City Council meeting that same evening. With this tight timeframe, Mr. Welch was concerned that something would be missed and mistakes would be made resulting in increased City costs or assessments to the affected property owners.

Mr. Welch reviewed several options for the council to consider.

- Option 1 - Hold Assessment Hearing Prior to Award
Hold special meeting on Tuesday, May 24, to review bids and pass resolution ordering the assessment hearing. This would allow WSN and City staff approximately one week to properly review the bids and develop a solid recommendation for the Council to review. Hearing could be held as soon as June 13, 2016. Notice of Award and construction would be delayed two weeks.
- Option 2 - Hold Assessment Hearing After Award of the Project
Chapter 429 does not require the City to hold the assessment hearing prior to award of the project. This project has a relatively low assessment at just over \$3,000 for a typical residential lot which may not trigger a large number of appeals. The City could choose to hold the assessment hearing any time during or after the project. The notice of award would not be delayed and construction could begin on schedule.

Council Member Cross inquired on the hearing being held on May 31st since he is unavailable on May 24th. Due to Chapter 429 procedures this date would not allow the required two week notice on the assessments.

Consensus of the council was to schedule a special meeting on Tuesday, May 24th at 6:00 p.m. to review bids and order the assessment hearing. A special meeting was scheduled on Monday, June 13th at 7:00 p.m. to hold the assessment hearing at city hall.

Council Member Cross stated that he would not be available for the June 13th meeting as he is out of town. Assistant City Administrator Steele stated a 4/5 vote only applies to ordering the improvements and not ordering the assessments.

MOBILE VENDING ORDINANCE AMENDMENTS

Community Development Director Doty reviewed the concerns from the last meeting regarding the draft seasonal mobile vending ordinance. Staff incorporated the comments and concerns from that meeting into the ordinance regarding fuel stations and grocery stores.

Mr. Doty reviewed the six areas of the ordinance that were amended based on the comments received by the City Council on April 19, 2016.

- **GROCERY STORE:** A retail store that primarily sells food but not including gas station stores.
- The mobile vending unit may be located on the site for a summer season not to exceed 150 consecutive days of sales.
- The size of the mobile vending unit shall be complementary to the site and location where it is parked. The mobile vending unit shall not exceed 26 feet in total length and shall not exceed 10 feet in total height from grade to the highest point of the mobile vending unit. The Community Development Director has the authority to require the size of the mobile vending unit be reviewed by the City Architectural Review Commission and City Council to ensure that the size of the mobile vending unit is complementary to the surrounding property.
- At the time of the mobile vending permit for seasonal vending, the owner shall submit a best management practices plan to be reviewed and approved by the City Council that identifies how they will appropriately dispose of waste water and FOG (fats, oils and grease).
- A mobile vending permittee shall be allowed signage up to 25 percent of any face of the mobile vending unit.
- For the dates beyond the approved sale period, the mobile vending unit shall be removed from the property, moved inside a building, or moved to a staff approved storage location in the back or side of the building, away from primary street frontages.

Council Member Holman inquired if staff would staff determine the right spot for the unit. Community Development Director Doty stated that staff would review and council would have final approval. Council Member Holman questioned if the permit would go directly to council for approval without going to any commission first. Community Development Director Doty stated it would go directly to council.

Council Member Barrows inquired on the 150 calendar days and how the days are counted. Community Development Director Doty explained the start date would be chosen and once that decision is made the days are consecutive.

Council Member Holman inquired on the lighting piece with regards to any restrictions or limits. Would the requirements be similar to other areas in the city where it cannot be emergency lights, flashing lights or wrap around? Community Development Director Doty stated that the lighting is restrictive and it cannot attract attention to the mobile vending unit.

Council Member Holman stated there has been a majority of support for some form of an ordinance. The city is treating this as an amendment to the mobile vending ordinance section and what was the rationale between that versus a site by site conditional use permit for vending within the C2 zone? He questioned if there is a benefit or loss and stated that he was uncomfortable with a city wide ordinance amendment to the food ordinance. Council Member Holman would feel more comfortable with a Conditional Use Permit, which would allow public notice and input from the commercial neighbors. Community Development Director Doty explained by putting this as a license chapter of the City Code is that it is an annual permit which can be reviewed yearly whereas once a conditional use permit is approved it would run with the land.

Council Member Holman inquired if the City can deny or revoke the permit. Community Development Director Doty stated there are specific conditions for denial in the ordinance.

Council Member Cross stated with a permit it would allow the location to be reviewed and changed within the site whereas a Conditional Use Permit is allowed with conditions and the conditions are hard to change after the fact. Community Development Director Doty stated there was no other area within the zoning ordinance to list a conditional use with this many conditions whereas with a permit it would allow 13 items for denial.

COMMUNICATION INTERN

Assistant City Administrator Steele stated the council has previously discussed the city's need to develop social media platforms and establish a communication taskforce.

Assistant City Administrator Steele stated NJPA has a program that would fund up to 40 hours per week at \$10 per hour through the summer. The NJPA agreement has established required educational qualifications for an intern and staff has added additional requirements to meet the needs of the position.

The City would be responsible for finding the intern, providing daily tasks and supervision. There would be no cost to the City related to the intern. Consensus of the council was to move forward with the communication intern.

COUNCIL RETREAT

Council Member Barrows stated the retreat had been previously discussed and he would have liked to have held this retreat before Mr. Heitke retired. Council Member Barrows would like to limit the discussions at the retreat to transportation and communication projects and where the City is heading.

Council Member Nystrom felt the retreat should be placed on hold until the new administrator is in place. Council Member Holman stated he is always a fan of retreats primarily because as a council it is really the only opportunity to share publicly positions and thoughts in that type of setting. He stated it is a collective direction for staff.

Mayor Olson stated that council tries to meet with staff in December to direct following year priorities. Council Member Barrow wants to keep moving forward so there is clear direction for staff.

Council Member Holman felt this matter should be taken to staff for consideration and input before council moves forward.

ADJOURNMENT

MOTION by Council Member Cross, seconded by Council Member Barrows to adjourn at 6:50 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Mary Haugen
Administrative Assistant