

BAXTER CITY COUNCIL MINUTES
Work Session
September 22, 2018

Mayor Darrel Olson called the Work Session to order at 6:15 p.m.

Council Members Present: Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, and Todd Holman

Council Members Absent: Council Member Mark Cross

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

Property Related to Future Paul Bunyan Trail Re-Route

On August 7, 2017, the City considered an offer of property for sale from Park Region Limited Partnership/Navillus Land Company. The land offer is for the development of Baxter's trail system on the east side of State Highway 371 and along Paris Road. The City Council authorized staff to pursue an appraisal of land for the subject property. Staff received three quotes with Nordic Appraisal & Consulting/Nagell Appraisal & Consulting having the low bid. The low bid appraiser was willing to not require the surveying identified in the proposal. The appraisal has not been included in the current budget or proposed budget. The park dedication fund could be utilized to pay for the appraisal. The property owner is eager to sell the property.

City staff is seeking direction from the City Council if there support to direct staff to move forward with one of the appraisal firms.

The consensus of the Council was to support completing the appraisal with the low bidder, but cautioned that the city may not be ready to move forward with a project until a future date.

City Administrator Chapulis explained staff will seek formal council approval of the appraisal

Marlow Property Donation

During the August 7, 2018 Work Session, City staff introduced a potential 120-acre Island Lake property donation. Staff presented numerous points to aid the discussion of the donation. The City Council requested that staff research the following information:

- 1) Determine what the legal access is to the property and what the practical City Access is to the property;
- 2) Identify what the deed restrictions would be with the property; and
- 3) Estimate what the expenses would be with accepting the property.

City staff was able to locate an access easement to the property. The easement is 66 feet wide and provides legal access to the site. The easement is with Potlatch and extends from the north side of the site to Mapleton Road along the power line corridor. Staff notes that 66 feet is a common right-of-way

width needed for a residential City street. The easement route does cross two wetland areas, which are current obstructions for the current practical use of this easement corridor. Therefore, the City would need to pursue wetland impact applications or pursue a modified access before practical access to the property could be provided.

Staff also notes that in terms of access, Island Lake divides the two upland portions of the site in half. The access easement only provides access to the northerly upland portion of the property. The City attorney checked the title of the site to determine if there is any other documented access to the property and we did not locate any other easements. Therefore, there is no practical access to the southerly upland area of the site, unless water navigation is used, or unless other permission is granted from neighboring property owners. Staff notes that the City could always plan a roadway corridor to provide the desired City street access but would need to follow the legal process to plan for such a street corridor. The City has not planned future street corridors for this portion of the City.

City staff contacted Camp Ripley Environmental staff to request the deed restrictions that would be expected regarding a transfer of the donated property from Camp Ripley to the City. Camp Ripley staff noted that the deed restrictions are not set in stone and that the City can request amendments to the restrictions from the Department of Defense.

Staff notes that the City could accept the property and make no improvements, which reduces costs. However, staff notes that without making some improvements, such as access, parking and/or trail improvements, etc. the community use benefit of the property is limited.

Providing access would be the financial responsibility of the City, unless other funding sources are determined. Multiple access options could be considered ranging from trail corridor access to street access or both. Expenditures would vary depending on the access that the City provides. It is approximately 3,280 feet from Mapleton Road to the subject property. A non-paved trail is currently estimated at \$15 per foot, which is \$49,200 to construct a non-paved trail from Mapleton Road to the property.

Staff notes that there is 40 acres of private property between the subject site and the recently approved 200-acre Mississippi River Overlook property. The proximity of the two sites could present future connectivity opportunities. However, it must also be noted that each of these properties currently has limited or no practical access and the two sites are not currently connected.

As part of this year's budget planning for the Mississippi River Overlook Park expansion, the City developed an estimate of expense to maintain open space property with a non-paved trail corridor. The estimated annual expenditure is \$6,000 per 40 acres. Staff notes that the only city-planned trail corridor is a trail on the north side of the site. This trail corridor is also the potential route of the Camp Ripley State Veterans trail. Therefore, it is possible that this future trail is a State constructed and maintained trail corridor. The acceptance of the open space would benefit this future trail corridor as the City would be the owner of the property.

Staff notes that if the City makes any improvements on the property, those are future financial considerations. Potential improvements that could be reasonably be desired for the open space may

include a parking area, site trails, access to the lake for the public, etc. Each property improvement includes initial expenditures and annual maintenance costs as well.

In 2018, the total taxes due for the year for the subject site is \$1,440. The City must weigh the benefits of accepting zero up front land costs to provide a city open space around a 120-acre lake property with the loss in tax base for the City. The City must also consider where our obligations as a municipality end with providing open space and when the obligation becomes a regional operation.

The subject property includes 120 acres of land almost entirely surrounding Island Lake in southwest Baxter. The property is owned by Roy Marlow, who is proposing to donate the land to Camp Ripley, who would then deed the land to the City of Baxter for the conservation of green space. The land would have deed restrictions to preclude development that is incompatible with Camp Ripley's training mission. The terms of donating the property to Camp Ripley first before deeding the land to the City are the terms of the donation by Mr. Marlow. If the City is agreeable, the transaction would need to be completed by December 15, 2018, as there are tax incentives favored by Mr. Marlow if completed before this date.

In 2015, the City Council reviewed the Island Lake property and other properties as part of a request from the Department of Natural Resources, DNR for a potential Wildlife Management Area, WMA. However, although there was city support stated for a WMA on the Island Lake property and a preserve WMA on the Rice Lake Property on Mapleton Road, concerns were raised regarding the expectation that the City needed to agree up front to allow the potential for numerous WMA's in a much larger circular geographic area of land in Southwest Baxter, as determined by the DNR. Consequently, an agreement was not reached.

The City's Comprehensive Plan was also updated in 2015. The plan specifically recognizes the Island Lake area as a "Potential Open Space/Wildlife Management Area". Staff also notes the proposed east/west trail corridor between the Mississippi River Bridge and the west boundary of the City through the MOP and Island Lake areas. This specific corridor is also a potential east/west corridor of the Camp Ripley Veterans State Trail, which is also recognized in the Comprehensive Plan.

Staff's recommendation is for the City Council to have discussions as needed to decide if accepting the land from Camp Ripley through Mr. Marlow is something the City Council would support in this area of Baxter. In addition to the information offered earlier in this report, the following points are to aid in the City Council's discussion:

- The City has established a conservation overlay boundary in this area of Baxter, due to the unique habitat in this area of the City.
- The Parks and Trails Plan in the Comprehensive Plan identifies a "Potential Open Space/Wildlife Management Area" around Island Lake.
- Accepting the land would help facilitate the ultimate construction of an east west trail corridor through this area of the City of Baxter.
- The east/west trail corridor could also be considered for a potential location of the Camp Ripley State Veterans Trail.
- The City's Future Land Use Plan in the Comprehensive Plan identifies this property as "Rural Residential".

- The property donation as open space supports the goals Sentinel Landscape and Army Compatible Use Boundary (ACUB) programs of Camp Ripley. Specifically, Island Lake is within the 3-mile ACUB boundary. The ACUB boundary is indicated on the Future Land Use plan and the Rural Residential designation and location was in part, located to help support ACUB goals
- Utilities for Sewer and Water service are not envisioned to this area in the City's 20-year Comprehensive Plan. Unlike the previous WMA request, the City may be able to locate future utilities if not objected by the Camp Ripley mission. Staff notes that utilities have not been studied yet for this area because the land is planned to be rural or a potential open space.
- The City's Long Range Transportation Plan does not include a study of future roads needed in Southwest Baxter. Staff notes that a future roadway plans should be considered for how road corridors might be impacted by potential open space in the City. There is a 66-foot wide access easement providing legal access to the property. The access is un-improved, crosses two wetlands and does not provide practical access to the south portion of property (across island lake).
- The Comprehensive Plan states that the City will develop safe snowmobile/ATV trail routes. ATV advocates specifically identified this powerline corridor as an area of interest for a trail. There are numerous other trail advocates that may want to use the trail corridor. The City should consider potential trail user groups and how that fits with the potential open space.
- The property would be deed restricted consistent with the goals of the Department of Defense standards regarding their ACUB, Army Compatible Use Buffer program. The land may be transferred, provided the new owner complies with the deed restrictions.
- The City must weigh the benefits of accepting zero up front land costs to provide a city open space around a 120-acre lake property with the following:
 - 1) loss in tax base for the City;
 - 2) Accepting land ownership responsibilities for 120 acres for open space together with 260 acres of open space in the MOP park/LCCMR area; and
 - 3) Short and long-term costs associated with managing the forested land, costs of providing any improvements related to the property over time, and ultimate maintenance costs associated with being the public open space land owner

The primary limitation with ACUB is not allowing residential family homes in the area. Staff is looking for direction if staff should spend time developing a deed. The council has until December to decide if they would accept the property.

Council Member Holman explained his role with the Nature Conservancy and that the Nature Conservancy's internal policies all him to act as a Baxter council member.

Council Member Nystrom does not support the property acquisition whereas Mayor Olson and Council Members Barrows and Holman support further exploring the project.

MOTION by Council Member Barrows, seconded by Mayor Olson to adjourn the council work session at 6:55 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator