

**BAXTER CITY COUNCIL MINUTES**  
**Work Session**  
**November 3, 2015**

Mayor Darrel Olson called the Work Session to order at 6:00 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, Public Works Director Trevor Walter, and Chief of Police Jim Exsted

**Dellwood/Novotny Improvement Project**

Aric Welch, WSN, explained a construction meeting was held earlier in the day and an updated schedule has been distributed to the Council. It is unlikely the work will be substantially complete by Friday, November 6, 2015. The Dellwood/Novotny project area has the most outstanding items, including some private utilities issues.

The contractor has requested to switch from sod to bonded fiber matrix for the final turf establishment because sod is no longer available. The bonded fiber matrix is a sprayed on mulch material that has better erosion control properties than the normal green colored hydro mulch material commonly used. The contractor has agreed to replace any mulch that does not survive the winter. Mr. Welch explained he is looking for council direction if the bonded fiber matrix is acceptable. Mr. Welch expressed the need to notify residents the bonded fiber matrix will be used rather than sod. The council consensus was to use the bonded fiber matrix mulch and they appreciate the warranty offered by the contractor.

Inglewood Drive would open to traffic the end of next week.

If the paving cannot not be completed on the Dellwood/Novotny project, the contractor is asking for an additional \$31,000 to install a temporary roadway for the winter. The roadway would be reclaimed in the spring for the aggregate base. This process would save the city a little bit next year on aggregate base. The contractor would honor their bid price next spring, except the concrete contractor said prices typically increase, as would his cost. The contractor's offer is contingent upon the city waiving the time requirements and liquidated damages.

The Council consensus was to consult with the City Attorney regarding the legal concerns.

Council Member Cross asked Scott Hedlund, SEH, to review the tracks in the bituminous near the light poles on the Excelsior Road improvement project.

### **CSAH 48 Improvement Project with Crow Wing County**

Public Works Director Walter explained he met with Crow Wing County last week to discuss the 2017 CSAH 48 mill and overlay project. Public Works Director Walter explained the county would be sending a letter in response to each item previously raised by the Council. The County will not pay for trails or rail crossings located within city limits. The county will add these additional items to the plans with the understanding the city will pay for them. The county may prefer for the city to complete the engineering work and the county will bid the project. Public Works Director Walter explained the county might not be able to manage the project based on their proposed workload for 2017.

### **MnDOT Grant for 2020 Inglewood Crossing**

Public Works Director Walter explained the Region Five grant submittal deadline is January 6, 2016 for 2020 projects. The only city project meeting the qualifications is the railroad crossing improvement at Inglewood Drive. Staff needs to contact BNSF to see if the railroad crossing is still allowed by removing the Knollwood Drive railroad crossing and to contact MnDOT to see if they still support moving the signal lights from Knollwood Drive to Inglewood Drive.

### **Consider Repealing the text of Chapter 5 of Title 9 of the Baxter City Code, Entitled Public Facilities**

Assistant City Administrator Steele explained in 2003, due to the rate of growth impacting the city's ability to provide services, an ordinance was drafted to ensure services could be provided. No subdivision or project could be constructed unless a preliminary plat was submitted by December 1 of the year preceding construction of the project. This ordinance allowed the City the ability to regulate when private projects could be undertaken.

Today the City has adequate infrastructure and the capacity to undertake projects without the need to be notified by the preceding year of a project's commencement. Staff recommends the council consider repealing the ordinance. Staff has prepared an ordinance for the council to consider on the regular agenda.

Mayor Olson expressed concerns over repealing the ordinance. Community Development Director Doty explained there would have to be a drastic change in development for there to be issues, and state statute does provide timelines for approving projects. The city is efficient and processes applications much sooner than what is allowed under statute. Public Works Director Walter explained most of the development that occurred this year could not have occurred because nobody came in last year. The City has the water and sewer capacity for future projects. Council Member Cross explained he supports staff's recommendation and can see where the requirement can create a roadblock to new development. The Council's consensus was to support repealing the ordinance.

### **FEMA Map Update**

Community Development Director Doty explained in 2011 FEMA provided the City with updated maps showing flood areas. The current maps are from 1991. FEMA is now proposing to complete the public process to adopt the maps provided in 2011. FEMA provides a 90-day period to appeal flood plain designations. Community Development Director Doty highlighted some of the key impacted areas and explained new floodplain designations on a property can impact the development potential. In addition, if a property was not previously in a floodplain but now is located in a floodplain, a property owner may be required to have flood insurance. Staff plans to contact significantly impacted property owners so they can contact a surveyor if they want to appeal the designation. Staff wants the council to be aware of this notice and of staff's proposal to allocate time to the issue.

### **Liquor Ordinance Amendment Request**

Assistant City Administrator Steele explained during the October 20, 2015 work session, the council discussed expanding the ability to license establishments for the sale of alcohol without requiring the sale of food as required in the city code. An individual has inquired about starting a business that would provide dance lessons, dance performances, host large weddings of 400-500 people, and offer live music. The individual stated the need to sell alcohol during the events. Food will not be served. Staff is having a difficult time preparing language to amend the city code to allow the sale of alcohol to a specific use without allowing similar uses the ability to request a license. Staff explained the council has three options: 1). amend the ordinance as request, recognizing that more similar applications could follow which would result in alcohol only venues/events; 2). amend the ordinance dropping the food service requirements, essentially allowing for alcohol only bars; or 3) decide to not amend the current ordinance and continue to manage liquor in Baxter as it always has.

The consensus of the council is to leave the ordinance as currently drafted.

### **Scope of Study of Proposed WMA**

Community Development Director Doty explained at the October 20, 2015 work session, the City Council received a presentation from Christine Reisz with the Department of Natural Resources regarding the possibility of establishing Wildlife Management Areas (WMAs) in the Southwest portion of the City of Baxter. Ms. Reisz explained the DNR's primary interest in Baxter is with two shallow lakes. The first lake is a shallow rice lake located north of Mapleton Road. The DNR would like to have this land available to bow hunting, trapping and other compatible recreational uses but would not allow any type of gun hunting. The second lake is named Island Lake, which is south of Mapleton Road. Both lakes are unique from the perspective that they have one owner for the land around the water body and both are willing sellers. Ms. Reisz added that that the DNR may also look to add other properties in southwest Baxter. Specifically regarding the Island Lake basin, the DNR would like to expand the WMA beyond the lake basin property to provide more opportunities and more buffer property, since this WMA would allow muzzleloader and shotgun hunting.

Council Member Cross asked staff to bring the hunting map to a future work session for discussion.

Mayor Olson recessed the Work Session at 6:56 p.m.

The Council returned to the Work Session at 7:52 p.m.

The Council discussed the future growth of the City in the proposed WMA area. The Council consensus was to have the Long Range Planning Commission review the DNR WMA proposal.

**Adjournment**

**MOTION** by Council Member Holman, seconded by Council Member Cross to adjourn at 8:36 p.m. Motion carries unanimously.

Approved by:

Respectfully submitted,

---

Darrel Olson  
Mayor

---

Kelly Steele  
Assistant City Administrator/Clerk