

**BAXTER CITY COUNCIL MINUTES**  
**Work Session**  
**November 5, 2014**

Mayor Darrel Olson called the City Council Work Session to order at 6:33 p.m.

MEMBERS PRESENT: Mayor Darrel Olson and Council Members Jim Klein, Todd Holman, Rob Moers, and Mark Cross.

MEMBERS ABSENT: None

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

**Isle Drive Extension Project Update**

Chuck Rickart of WSB explained property owners were invited to one of three public informational meetings based upon the location of their property. Two property owners attended the meeting identified for property owners subject to an area assessment. These property owners did not express any significant concerns. No property owners attended the second meeting for the north residential project area. The third meeting was held with south property owners and commercial property owners. Comments received from the third meeting regarded moving their access over as far as possible and providing a buffering of trees between the new access and Isle Drive. Some property owners expressed concerns about the benefits of the improvements to their property and the method used to determine the assessments. Mr. Rickart explained the next step in the process is for council to consider accepting the feasibility report and ordering the improvement hearing. During the improvement hearing, the council can order or reject the project. A resolution has been provided in the regular council meeting packet for council consideration to set the date for the improvement hearing. The council discussed replacing some trees with ones that will provide improved buffering from traffic lights. Mr. Rickart explained a landscape plan would be available for property owners to review and comment. Mayor Olson explained the council does not normally take public comments during a work session, but will in this situation due to a miscommunication. Jim Roelofs, 12809 Perch Lake Drive, addressed the council. Mr. Roelofs explained he did not attend the informational meeting due to a misunderstanding of the meeting notice. Mr. Roelofs further explained the Isle Drive project along Perch Lake Drive for water and sanitary sewer service does not affect the Isle Drive project and that providing these services to the Perch Lake Drive properties is very expensive to be allocated against just three properties. Mr. Roelofs asked the council to consider removing the north project area from the Isle Drive project. If in the future, the water quality of Perch Lake were discussed, Mr. Roelofs would then like to discuss the extension of municipal water and sanitary sewer service to the north residential properties. The council will take action on this during the regular meeting.

**Woida, Wildflower, Franklin Project Update**

City Administrator Heitke explained Aric Welch is not in attendance, but has provided a project update memo for council review. The weather conditions have solidified that some of the outstanding project items will not be complete this year. City Administrator Heitke highlighted some of the outstanding project items. Wildflower Drive and Franklin Drive will be 95% completed this year. The contractor will try to finish outstanding work near the commercial properties tomorrow. City Administrator Heitke

further explained finishing the grading and placing the top soil are priorities for completion this year. City Administrator Heitke will meet with City Attorney Person to review the contract relating to additional costs and will present the council with a recommendation during the November 18<sup>th</sup> meeting. If the weather allows, the contractor will attempt to complete any outstanding items. Crow Wing Power is expected to have their work completed next week. Asphalt plants will be closed for the season, preventing the completion of the trail.

### **Food Truck Ordinance Amendment Request**

Community Development Director Doty explained in June the council approved a mobile vending ordinance. The ordinance contained a condition that mobile vending units must be setback a minimum of 200 feet from residential property and 300 feet from brick and mortar businesses. Barefoot Burrito was approved for one of their requested sites. Their second requested site at Jack Pine Brewery was denied because of the site not meeting setback requirements from residential property. Jack Pine Brewery is requesting a reduction in the residential setback requirements. Staff is looking for council direction regarding the request. Community Development Director Doty explained the mobile vending ordinance is not contained in the zoning ordinance, so review by the Planning and Zoning Commission is not required. In 2012, an ordinance amendment was adopted to provide for a taproom with a conditional use permit. Community Development Director Doty explained if council wants to consider changing the 200-foot residential setback requirement, an ordinance amendment is recommended over the proposal of seeking permission from adjacent property owners due to some properties being occupied by renters. After lengthy study, a taproom was approved and it was not to be a restaurant. Patrick Sundberg of Jack Pine Brewery stated business is doing very well. Mr. Sundberg explained his brewery is not the only brewery in the area, a new one just opened in Nisswa. The Nisswa brewery offers food daily. Of the 50 breweries in Minnesota, Mr. Sundberg explained only a handful do not have a food truck. Often breweries are located in industrial districts due to deliveries of grain. The taproom statute has allowed a tasting room. Jack Pine Brewery was not charged standard WAC and SAC fees because there would not be seating. Council discussed if the food truck would be considered an extension of take-out, as there are no tables to sit down and eat. The request is approaching a gray area with WAC and SAC, but since food is not consumed in the taproom, it could be considered take-out. The council further discussed if the setback distance could be based on providing an appropriate screening. The council inquired how the 200 foot residential setback was determined. Community Development Director Doty explained the setback was determined after reviewing the distance of residential properties from highway 371 businesses. If the setback were greater than 200 feet, food trucks would not be allowed at any business along 371.

**MOTION** by Council Member Cross, seconded by Council Member Holman to adjourn at 7:00 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

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Darrel L. Olson  
Mayor

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Kelly Steele  
Assistant City Administrator/Clerk