

BAXTER CITY COUNCIL MINUTES
November 21, 2017

1. Call Meeting to Order

Mayor Darrel Olson called the meeting to order at 7:00 p.m.

2. Roll Call

Mayor Darrel Olson and Council Members Quinn Nystrom, Steve Barrows, and Todd Holman were present. Council Member Mark Cross was absent.

City Administrator Bradley Chapulis, Assistant City Administrator Kelly Steele, Finance Director Jeremy Vacinek, Public Works Director Trevor Walter, and Community Development Director Josh Doty were present.

3. Pledge of Allegiance

All joined Mayor Olson in the Pledge of Allegiance

4. Additions or Changes to the Agenda

Mayor Olson asked the council to consider adding a proclamation to the agenda under Other Business.

MOTION by Council Member Barrows, seconded by Council Member Holman to add the mayor's Proclamation for American Diabetes month to the agenda under Other Business. Motion carried unanimously.

5. Public Presentation

Presentation and Input on the City ADA Transition Plan for Facilities Located within the Public Right-of-Way

Aric Welch, consulting engineer with WSN, presented the City's ADA Transition Plan for facilities located within the public right-of-way. The ADA was enacted in 1990 to prohibit discrimination of individuals on the basis of disability. Title II of the ADA covers programs, activities, and services provided by public entities. A transition plan is a requirement of Title II for any agency with greater than 50 employees. The City of Baxter does not have more than 50 employees. However, the Federal Highway Administration requires any agency receiving Transportation Improvement Plan Funding to prepare and adopt an ADA Transition Plan. The City is seeking federal funding for the Cypress Drive Improvement Project, so the City must develop a ADA Transition Plan.

The City is required to complete a self-evaluation which includes a review of policies, practices, programs, and pedestrian circulation route/pedestrian access route. The self-evaluation of the existing facilities within the public right-of-way was conducted in July and August.

The self-evaluation found 214 of the 324 pedestrian curb ramps to be non-compliant. Of the City's 128,832 feet length of trails, 2,162 feet of trail length is non-compliant. Five of the City's 15 traffic signals are non-compliant.

As part of the ADA Transition Plan, the City will provide accessible pedestrian design features as part of future capital improvement plans. The City will establish ADA design standards and keep the standards up to date with national and local best management practices. The City will consider and respond to accessibility improvement requests. Any requests should be sent to the public rights-of-way ADA Implementation Coordinator, Trevor Walter, Public Works Director.

The City identified priority areas for improvement and an implementation schedule. Those priority areas include schools and school routes, city park areas, and city shared responsibility and access points to the Paul Bunyan Trail. The City will coordinate work with other agencies, such as MnDOT, MnDNR, Crow Wing County, and BNSF Railroad. Improvements will be completed in conjunction with scheduled mill and overlay, full depth reclamation, and reconstruction improvement projects outlined in the Pavement Management Plan and Capital Improvements Plan. Any standalone ADA accessibility projects will be completed as determined by the Council.

The City is required to identify an ADA Title II Coordinator to oversee City policies and procedures. This person is Josh Doty, Community Development Director.

Public outreach is important component of the plan. Plan information was added to the City's website and distributed in a public service notice. Tonight, is the public hearing. The City is required to publish its responsibilities regarding ADA. If users of the facilities believe the City is not providing reasonable accommodation, they have the right to file a grievance. Grievance procedures are outlined in the ADA Transition Plan.

The ADA Transition Plan must be continuously updated to reflect change in requirements, capital improvement plans, construction techniques, etc.

The total estimated cost to bring all facilities into compliance is \$1,110,000.

In time, all noncompliant areas would be brought up to compliance. Any public comments received by December 8, 2017 will be incorporated into the plan for final review of the plan on December 19, 2017 by the Council.

Council Member Barrows inquired if the 54 driveways found to be non-compliant are reconstructed at the property owners expense. Mr. Welch explained the driveways are located in the City's right-of-way and would be reconstructed as the City's expense.

Council Member Nystrom explained she heard concerns of wheel chairs picking up the chip sealing material from the trails and tracking it into homes. Mr. Welch explained the surface treatment is not part of the plan. Council Member Nystrom said the City has to look at a different method to chip seal.

Council Member Holman explained one of the components that affects city right of way and trail/sidewalk ADA accessibility is the location of transit stops. The current Dial-a-

Ride system is not the issue as they pick up and drop off point specific. The current fixed-route system is of concern. The report should include the state of city right of way infrastructure as it relates to ADA access to those transit sites in Baxter and Brainerd. Council Member Holman inquired if there are residential nodes that need service to those transit pick up sites etc. Council Member Holman explained he is interested in getting people from three priority areas of focus, Arbor Glen to nearest grocery store, Cypress apartments to nearest grocery store, and Grand Oaks, Pine Haven apartment/townhouse neighborhood to nearest grocery store. Council Member Holman asked that these areas be included in the plan as warranting priority focus for any and all ADA improvements in ADA design and specifically improvements in connectivity focus.

Public Works Director Walter explained the plan is for existing facilities and not to identify where future facilities should be located. If the Council would like staff to review future facilities, staff can do so.

Heather Aanes, Ms. Brainerd, explained Council Member Nystrom invited her to the meeting. Ms. Aanes explained that the council only considering minimum improvements is hard to hear. People do not understand accessibility concerns until they experience a disability. When vehicles are parked in an accessible parking space, they are taking away space to be used by those with disabilities. Ms. Aanes explained how she was unable to open the door into the council chambers. The standards are limiting what Ms. Aanes can do. There is a person behind each handicap sign. Ms. Aanes offered to review any plans the city prepares for improved accessibility.

Bill Musel, co-director of Miss Minnesota United States Pageant, explained he had to be concerned that the buildings for the pageant are accessible. Since meeting Ms. Aanes, Mr. Musel explained he has a new awareness about accessibility issues.

Ms. Aanes handed out accessibility cards from the Minnesota Council on Disability to be placed on vehicle windows.

Council Member Barrows explained he has a paraplegic brother. Council Member Barrows further explained the ADA standards have been in place for many years and we are still talking about another 20 to 30 years to implement.

Council Member Nystrom has been appointed by the governor to the Minnesota Council on Disability. Council Member Nystrom explained the law was enacted in 1990 and it is now 2017. The City's timeline needs to be changed as it is too vague, and it needs to be completed sooner with a clearer timeline. When reviewing private development plans, CUP reviews, the City puts a lot of time into discussing landscaping. The City needs to add a review on accessibility, number of handicap parking spaces, the distance from the parking space to the door, and striping when reviewing private development plans.

Council Member Holman explained some items of the plan are minor and others more significant that need to be completed sooner. The assessment is a tool to lay out the highest priorities. The ADA requirements are already part of our review of private

development plans since 1990. Every new and retrofit project the city has completed has been brought up to ADA standards. The city has done a lot of work to make things better but there is along way to go.

Ms. Aanes explained handicapped parking spots are not always located in the right spot to create the shortest distance to the door.

6. Public Comments

7. Consent Agenda

- A. Approve City Council Minutes from November 7, 2017
- B. Approve City Council Work Session Minutes from November 13, 2017
- C. Approve the Payment of Bills and Finance Report
- D. Adopt Ordinance 2017-012 and Summary Ordinance 2017-013 Amending Title 8 of the Baxter City Code to Edit Stormwater Control and Regulations.
- E. Elect Not to Waive the Monetary Limits on Municipal Tort Liability Established by State Statutes with the 2018 LMCIT Insurance Renewal
- F. Adopt Resolution 2017-111 Approving a Lawful Gambling Permit for the Confidence Learning Center
- G. Adopt Amendments to the Personnel Policy
- H. Award the Baxter Water Treatment 2018 Flume Replacement Project to Eagle Construction Company of Little Falls, MN in the base bid amount of \$159,900.00
- I. Accept Planning Commission Minutes from November 14, 2017
- J. Authorize Execution of a Utility Connection Assessment Agreement for Lot 1, Block 1 Wilson Estates

MOTION by Council Member Holman, seconded by Council Member Barrows to approve the Consent Agenda. Motion carried unanimously.

8. Pulled Agenda Items

None.

9. Other Business

A. Certification of Delinquent Utility Bills, Invoices, and Abatements

- 1. Public Hearing at 7:00 p.m. or shortly thereafter**
- 2. Consider Adoption of Resolution 2017-110, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges**

Finance Director Vacinek explained semiannually the council adopts a resolution to certify delinquent utility bills and abatement bills to property taxes for collection with the following years property taxes. At this time there are only delinquent utility bills that would be subject to certification, 7.5% interest, and a \$25 fee. Are part of the process property owners are notified and provided with the opportunity to speak at the public hearing.

Mayor Olson opened the public hearing at 7:38 p.m. and hearing no comments closed the public hearing at 7:38:30 p.m.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to adopt Resolution 2017-110, Adopting Assessments for Unpaid Delinquent Utility Bills, Invoices, and Abatement Charges. Motion carried unanimously.

B. Consider Vacating a portion of Fairview Road in front of SuperOne

- 1. Public Hearing at 7:15 p.m. or shortly thereafter**
- 2. Consider Adoption of Resolution 2017-112 Vacating Property**

Mayor Olson opened the public hearing at 7:40 p.m. and after hearing no public comments closed the public hearing at 7:40:30 p.m.

MOTION by Council Member Holman, seconded by Council Member Nystrom to adopt Resolution 2017-112 Vacating Property. Motion carried unanimously.

C. Consider Approval of an LDO Agreement Between the City of Baxter and BLAEDC

- 1. Public Hearing at 7:15 p.m. or shortly thereafter**
- 2. Consider Adoption of Resolution 2017-113 Approving an Agreement Concerning Participation in the BLAEDC Unified Fund Between the City of Baxter and the Brainerd Lakes Area Economic Development Corporation, and Designating the Brainerd Lakes Area Economic Development Corporation as the City's Local Development Organization**
City Administrator Chapulis explained A public hearing has been scheduled this evening to allow for public comment on the proposed local development organization (LDO) agreement between the City and Brainerd Lakes Area Economic Development Corporation (BLAEDC). Execution of the agreement would transfer the authority and administration of the City's \$436,511.55 Revolving Loan Fund (RLF) monies to BLAEDC and its Unified Fund (BUF).

The City's RLF funds originated from a federal Community Development Block Grant -Economic Set Aside awarded by the Minnesota Department of Employment and Economic Development (DEED) in 2002, through its Minnesota Investment Fund (MIF) program, to provide a low interest loan to Team Industries. The City was permitted to retain the loan payments to make additional loans to qualified businesses. Since the original loan, the City has made one additional loan in 2010, which was repaid in full in 2013.

Currently, there is \$3+ million dollars held in various economic development accounts with local units of governments and utility providers in the region. Each of these accounts are tied to the community/territory in which they are held. The objective of BUF is to remove these boundaries to create a "one stop shop" for gap financing for existing or new businesses expanding anywhere within the Brainerd Lakes region.

Due to the lack of loan activity and the City's ability to leverage its MIF funds to gain access to an additional \$2.5+ million for the business community that it would not otherwise be able to access, staff is supportive of the LDO concept. Furthermore, the establishment of BUF assures that loans will continue to meet the original intent/purpose of the public funds, which is job creation and economic growth/expansion of existing and new businesses. Staff recommends the adoption of the attached resolution and execution of the LDO agreement.

After the closure of the public hearing, Council is requested to adopt the resolution and authorize the Mayor to execute the LDO agreement. Council should note that any motion to adopt the resolution will need to include the appointment of the city representative to the BUF Board.

Mayor Olson opened the public hearing at 7:44 p.m.

Sheila Haverkamp, BLAEDC and Baxter resident, expressed optimism the City of Baxter will partner with the unified fund and that she looks forward to many great projects in the future.

Paul Means, Riverwood Bank Baxter and BLAEDC board member, explained the unified fund makes it friendly for business and make the area more competitive, encourage the other communities who have agreed to be a part of the unified fund.

Janelle Riley, Syvantis Properties and Fairview Office Park, explained how she constructed a building this year identical to one she previously constructed. The new building was appraised \$40 less per square foot than the other building which resulted in a \$200,000 shortfall. Ms. Riley explained the unified fund would be a way for businesses to access additional funds.

Mayor Olson closed the public hearing at 7:46 p.m.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to adopt Resolution 2017-113 Approving an Agreement Concerning Participation in the BLAEDC Unified Fund Between the City of Baxter and the Brainerd Lakes Area Economic Development Corporation, Designating the Brainerd Lakes Area Economic Development Corporation as the City's Local Development Organization, and appoint City Administrator Chapulis to the BUF Board. Motion carried unanimously.

D. Planning and Zoning Actions

1. Adopt Resolution 2017-114 approving setback variances for SuperOne located at 7895 Excelsior Road.

Community Development Director Doty explained the application relates to the Cypress Drive Improvement Project. As the result of the project there is an application for three different variances at SuperOne relating to parking lot

and drive aisles setbacks. The Planning and Zoning Commission held a public hearing and recommended approval of the variances.

MOTION by Council Member Barrows, seconded by Council Member Holman to Adopt Resolution 2017-114 approving setback variances for SuperOne located at 7895 Excelsior Road, and are necessary due to the City's Cypress Drive Improvement Project. Motion carried unanimously.

2. Adopt Resolution 2017-115 approving a preliminary and final plat for "Vitale Industrial Park" located at 13525 Cypress Drive.

Community Development Director Doty explained this application also relates to the Cypress Drive Improvement Project. This application is to subdivide a five-acre parcel into two lots. There is an east west lot line which separates the parcel into two lots. The south lot would be an outlot of record and the north lot would be outlot A. The intent to separate the parcel is for stormwater treatment for the Cypress Drive Improvement Project. This application includes dedicated right-of-way, which then causes the setback for the existing building to go from compliant to noncompliant. The application meets all lot standards and the site access is not changing. Park dedication is not required with the application. The Planning and Zoning Commission recommended approval.

3. MOTION by Council Member Barrows, seconded by Council Member Nystrom to adopt Resolution 2017-115 approving a preliminary and final plat for "Vitale Industrial Park" located at 13525 Cypress Drive and Adopt Resolution 2017-116 approving a setback variance for Vitale located at 13525 Cypress Drive. Motion carried unanimously.

4. Adopt Resolution 2017-116 approving a setback variance for Vitale located at 13525 Cypress Drive.

E. Consider Mayoral Proclamation to Proclaim November 2017 to be American Diabetes Month in Baxter, MN.

Mayor Olson explained the council was provided a cover letter, Minnesota's diabetes statistics, and a proclamation. Mayor Olson read the proclamation.

MOTION by Council Member Barrows, seconded by Council Member Nystrom to accept the Mayor Proclamation to Proclaim November 2017 to be American Diabetes Month in Baxter, MN. Motion carried unanimously.

10. Council Comments

Quinn Nystrom: Council Member Nystrom thanked Mayor Olson and the council for proclaiming November American Diabetes month.

Darrel Olson: Mayor Olson explained City Administrator Chapulis had explained NJPA is seeking board members. The council previously discussed it would be beneficial to have city representation on the board. Mayor Olson inquired if a council member would be interested in applying to serve on the board. Mayor Olson explained he would be interested in applying if other council members are not interested.

11. City Administrator’s Report

City Administrator Chapulis explained White Sand Lake property owners attended the last council meeting to express concerns of the rising water level. A subsequent meeting was held last week with property owners and other agencies. Another meeting was held yesterday, and a solution was determined. The county is performing emergency maintenance to the county ditch ten outlet to restore the original elevation. This maintenance should increase the outflow of Red Sand Lake to the Gull River which should help reduce the water level on White Sand Lake.

12. City Attorney’s Report

None.

13. Adjourn

MOTION by Council Member Barrows, seconded by Council Member Holman to adjourn at 8:01 p.m. Motion carried unanimously.

Approved by:

Respectfully submitted,

Darrel Olson
Mayor

Kelly Steele
Assistant City Administrator