



# CITY OF BAXTER

## ADA TRANSITION PLAN

COUNCIL ACCEPTANCE DATE: DECEMBER 12, 2017

WIDSETH SMITH NOLTING & ASSOCIATES

# Introduction

## Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Baxter must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150](#), the City of Baxter has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document serves as a supplement to the City's existing Transition Plan covering buildings, services, programs and activities.

## ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Acts of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

## Agency Requirements

Under Title II, the City of Baxter must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) & \(d\)](#)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others ([29 C.F.R. Sec. 35.160\(a\)](#)).
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35.106](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 CFR Sec. 104.8\(a\)](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

**This document has been created to specifically cover accessibility within the public rights of way and does not include information on City programs, practices, or building facilities not related to public rights of way.**

# Self-Evaluation

## Overview

The City of Baxter is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City implements these policies. The goal of the self-evaluation is to verify that, in implementing the City's policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the City rights of way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

## Summary

In July and August of 2017, the City of Baxter conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- 324 Curb ramps
  - 184 Ramps to be reconstructed
  - 24 Ramps require grinding
  - 6 Ramps require signage
- 24.4 Miles of trails
  - 545 Feet of trail require reconstruction
- 15 Traffic control signals
  - 4 Signals are non-compliant
- 1 Bus stop

A detailed evaluation on how these facilities relate to ADA standards is found in Appendix A and will be updated periodically.

## Policies and Practices

### Previous Practices

Since the adoption of the ADA, the City of Baxter has striven to provide accessible pedestrian features as part of the City's capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the City updated their procedures to accommodate these methods. The City of Baxter has been actively seeking funding to provide accessible pedestrian design features.

### Policy

The City of Baxter's goal is to continue to provide accessible pedestrian design features as part of the City's capital improvement projects. The City has established ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with Minnesota Department of Transportation (MnDOT), Crow Wing County, the Minnesota Department of Natural Resources (DNR) and Burlington Northern Santa Fe Railway (BNFS) to ensure that all new or altered pedestrian facilities within the City jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the City. Where possible, these facilities will meet MnDOT specification on all new construction.

Requests for accessibility improvements can be submitted to the Trevor Walter (Public Works Director/City Engineer) Contact information for Trevor Walter is located in Appendix E.

## Improvement Schedule

### Priority Areas

The City of Baxter has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. The priority areas are as follows:

- Schools and School Routes
- City Park areas

- Paul Bunyan Trail (City shared responsibility and access points)
- Pedestrian routes between high density residential developments and commercial business areas.

Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

## **External Agency Coordination**

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Baxter. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

## **Schedule**

The City of Baxter has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City jurisdiction:

Based on the City's Pavement Management Program and Capital Improvements Plan, every 5 years' approximately 20 percent of the non-compliant facilities will be reconstructed to meet current MnDot ADA standards. If this schedule will continue for approximately 25-years or until all non-compliant facilities are corrected.

## **ADA Coordinator**

In accordance with 28 CFR 35.107(a), the City of Baxter has identified an ADA Title II Coordinator to oversee the City policies and procedures. Contact information for this individual is located in Appendix E.

## **Implementation Schedule**

### **Methodology**

The City of Baxter will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the stand alone sidewalk and ADA accessibility improvement project. These projects will be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by the City Council. The City CIP, which includes a detailed schedule and budget for specific improvements, is included in Appendix B.

## **Public Outreach**

The City of Baxter recognizes that public participation is an important component in the development of this document. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the City of Baxter.

Public outreach for the creation of this document consisted of the following activities:

- A summary of the draft ADA Transition plan was placed on the City's website along with a link to download the draft plan.
- The City published a Public Service Announcement in the Brainerd Dispatch on November 16, 2017.
- The City Council held a public informational meeting on the draft ADA Transition plan on Tuesday, November 21, 2017.

A summary of comments received and detailed information regarding the public outreach activities are located in Appendix C.

## **Grievance Procedure**

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in Appendix D. If users of the City of Baxter facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107(b), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in Appendix D.

## **Monitor the Progress**

This document will continue to be updated as conditions within the City evolve.

The appendices in this document will be updated periodically, while the main body of the document will be updated in 3-5 years with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.

## **Appendices**

**A. Self-Evaluation Results**

**B. Schedule / Budget Information**

**C. Public Outreach**

**D. Grievance Procedure**

**E. Contact Information**

**F. Agency ADA Design Standards and Procedures**

**G. Glossary of Terms**



## Appendix A – Self-Evaluation Results

This initial self-evaluation of pedestrian facilities yielded the results shown on the following pages in this appendix.

### Baxter - Ped Ramps

Intersection	Quadrant	Compliance Check Completed	Compliant (Yes/No)
College Rd / TH 371	SE	7/13/2017	No
College Rd / TH 372	SW	7/13/2017	Yes
College Rd / TH 373	SW	7/13/2017	Yes
College Rd / Evergreen Dr	SW	7/13/2017	No
College Rd / Evergreen Dr	SE	7/13/2017	No
Glory Rd / Walmart E Drive	SW	7/13/2017	No
Glory Rd / Walmart E Drive	SE	7/13/2017	No
Glory Rd / Elder Dr	SE	7/13/2017	Yes
Glory Rd / Elder Dr	SE	7/13/2017	Yes
Glory Rd / Elder Dr	SW	7/13/2017	Yes
Glory Rd / Elder Dr	NW	7/13/2017	Yes
Glory Rd / Elder Dr	NE	7/13/2017	Yes
Glory Rd / Isle Dr	SE	7/13/2017	Yes
Glory Rd / Isle Dr	SE	7/13/2017	Yes
Glory Rd / Isle Dr	SW	7/13/2017	Yes
Isle Dr / Walmart W Drive	NE	7/13/2017	No
Isle Dr / Walmart W Drive	SE	7/13/2017	No
CRMC / Walmart	E	7/13/2017	No
CRMC / Walmart	W	7/13/2017	No
Isle Dr / Walmart SW Drive	NE	7/13/2017	No
Isle Dr / Walmart SW Drive	SE	7/13/2017	No
Isle Dr / BLSC E Drive	E	7/13/2017	No
Isle Dr / BLSC E Drive	W	7/13/2017	No
Isle Dr / Falcon Dr	SW	7/13/2017	No
Isle Dr / Falcon Dr	NW	7/13/2017	No
Isle Dr / Falcon Dr	NW	7/13/2017	No
Isle Dr / BLSC W Drive	E	7/13/2017	No
Isle Dr / BLSC W Drive	W	7/13/2017	No
Isle Dr / Essentia E Drive	E	7/13/2017	No
Essentia E Drive	E	7/13/2017	No
Isle Dr / Essentia E Drive	W	7/13/2017	No
Isle Dr / Essentia Drive	E	7/13/2017	No
Isle Dr / Essentia Drive	W	7/13/2017	No
Isle Drive / PBT Essentia Crossing	S	7/13/2017	No
Isle Drive / PBT Essentia Crossing	N	7/13/2017	No

Isle Dr / Essentia W Drive	E	7/13/2017	No
Isle Dr / Essentia W Drive	W	7/13/2017	No
Isle Dr / Future Drive E	N	7/13/2017	No
Isle Dr / Future Drive E	S	7/13/2017	No
Isle Dr / Future Drive E	S	7/13/2017	No
Isle Dr / Future Drive E	N	7/13/2017	No
Isle Drive / PBT Crossing	W	7/13/2017	Yes
Isle Drive / PBT Crossing	S	7/13/2017	Yes
Isle Dr / Future Drive E	N	7/13/2017	No
Isle Dr / Future Drive E	S	7/13/2017	No
Isle Dr / Isle Ct	NE	7/13/2017	Yes
Isle Dr / Isle Ct	NE	7/13/2017	No
Isle Dr / Isle Ct	NW	7/13/2017	Yes
Isle Dr / Isle Ct	NW	7/13/2017	No
Isle Dr / Isle Ct	SW	7/13/2017	Yes
Isle Dr / Isle Ct	SW	7/13/2017	Yes
Isle Dr / Isle Ct	SW	7/13/2017	Yes
Isle Ct	N	7/13/2017	Yes
Isle Dr / N Roundabout	NW	7/13/2017	No
Isle Dr / N Roundabout	N	7/13/2017	Yes
Isle Dr / N Roundabout	N	7/13/2017	Yes
Isle Dr / N Roundabout	NE	7/13/2017	Yes
Highland Scenic / W Roundabout	NE	7/13/2017	Yes
Highland Scenic / W Roundabout	E	7/13/2017	Yes
Highland Scenic / W Roundabout	E	7/13/2017	Yes
Highland Scenic / W Roundabout	SE	7/13/2017	Yes
Mapleton Rd / S Roundabout	SE	7/13/2017	Yes
Mapleton Rd / S Roundabout	S	7/13/2017	Yes
Mapleton Rd / S Roundabout	S	7/13/2017	Yes
Mapleton Rd / S Roundabout	SW	7/13/2017	Yes
Highland Scenic / E Roundabout	SW	7/13/2017	Yes
Highland Scenic / E Roundabout	W	7/13/2017	Yes
Highland Scenic / E Roundabout	W	7/13/2017	Yes
Highland Scenic / E Roundabout	NW	7/13/2017	Yes
Jasperwood Dr / Ironwood Dr	S	7/13/2017	No
Jasperwood Dr / Ironwood Dr	N	7/13/2017	No
Jasperwood Dr / Mildred Dr	S	7/13/2017	No
Jasperwood Dr / Mildred Dr	N	7/13/2017	No
Mapleton Rd / Jasperwood Dr	SE	7/13/2017	No
Mapleton Rd / Jasperwood Dr	NE	7/13/2017	No
Mapleton Rd W Trail End	NE	7/13/2017	No

Mapleton Rd / Knollwood Dr	SE	7/13/2017	No
Mapleton Rd / Knollwood Dr	NE	7/13/2017	No
Mapleton Rd / Knollwood Dr	NW	7/13/2017	No
Mapleton Rd / Public Works	NW	7/13/2017	No
Mapleton Rd / Public Works	NE	7/13/2017	No
Mapleton Rd / Future	SE	7/13/2017	Yes
Mapleton Rd / LS 23	SW	7/13/2017	Yes
Mapleton Rd / LS 23	SW	7/13/2017	Yes
Mapleton Rd / LS 23	NW	7/13/2017	Yes
Mapleton Rd / LS 23	NW	7/13/2017	No
Mapleton Rd / Future	NE	7/13/2017	No
Mapleton Rd / Future	NE	7/13/2017	No
Knoolwood Dr / W Public Works Drive	SE	7/13/2017	No
Knoolwood Dr / W Public Works Drive	NE	7/13/2017	No
Cedardale Ln / First St	SE	7/13/2017	Yes
Highland Scenic / Mountain Ash	E	7/13/2017	No
Highland Scenic / Mountain Ash	W	7/13/2017	No
Highland Scenic / Parkwood Dr	SW	7/13/2017	No
Knoolwood Dr / Interlachen Rd	E	7/13/2017	No
Knoolwood Dr / Timberlane Dr	SE	7/13/2017	No
Knoolwood Dr / Timberlane Dr	NE	7/13/2017	No
Knoolwood Dr / Woodland Dr	SE	7/13/2017	No
Knoolwood Dr / Woodland Dr	NE	7/13/2017	No
Knoolwood Dr / Timberlane Dr	NE	7/13/2017	No
Knoolwood Dr / Timberlane Dr	SE	7/13/2017	No
TH 371 / College Rd	NE	7/14/2017	No
TH 371 / College Rd	NE	7/14/2017	No
Highland Scenic / End Trail E of Roundabout	S	7/14/2017	No
Highland Scenic / End Trail E of Roundabout	N	7/14/2017	No
Joshua Tree Cir	N	7/14/2017	No
Parkwood Dr / LT Park Trail	E	7/14/2017	No
Parkwood Dr / LT W Drive	S	7/14/2017	No
Parkwood Dr / LT W Drive	N	7/14/2017	No
LT Park Parking Lot	N	7/14/2017	No
LT Park Parking Lot	NE	7/14/2017	No
LT Park Parking Lot	SE	7/14/2017	No
Kingwood Dr / LT Park Trail	NW	7/14/2017	No
Kingwood Dr / Interlachen Rd	NW	7/14/2017	No
Lt Park Ballfield Parking Lot	SW	7/14/2017	No
Knollwood Dr / Foley Rd	NE	7/14/2017	No

Knollwood Dr / Foley Rd	SE	7/14/2017	No
Knollwood Dr / Foley Rd	SE	7/14/2017	No
Knollwood Dr / Foley Rd	SW	7/14/2017	No
Knollwood Dr / RR Crossing	S	7/14/2017	No
Knollwood Dr / RR Crossing	N	7/14/2017	No
Knollwood Dr / TH 210	SE	7/14/2017	No
Knollwood Dr / TH 211	NE	7/14/2017	No
Knollwood Dr / Fairview Road	SE	7/14/2017	No
Foley Rd / Rush Lake Ct	SE	7/14/2017	No
Foley Rd / Rush Lake Ct	NE	7/14/2017	No
Foley Rd / Preserve Cir	E	7/14/2017	No
Foley Rd / Preserve Cir	W	7/14/2017	No
Foley Rd / Forthun Rd	SW	7/14/2017	No
Foley Rd / Forthun Rd	SE	7/14/2017	No
Elder Dr / Forthun Rd	SW	7/14/2017	Yes
Elder Dr / Forthun Rd	NW	7/14/2017	Yes
Elder Dr / Forthun Rd	NE	7/14/2017	No
Baxter Elementary Parking Lot	N	7/14/2017	No
Baxter Elementary Parking Lot	SW	7/14/2017	No
Baxter Elementary Parking Lot	W	7/14/2017	No
School Drive / OK Park W Trail	E	7/14/2017	No
Maplewood Dr / OK Park N Trail	N	7/14/2017	No
Maplewood Dr / Art Ward Dr	NE	7/14/2017	No
Art Ward Dr / Laverne Cir	NW	7/14/2017	No
OK Park Ballfeild Parking Lot	NW	7/14/2017	No
OK Park Ballfeild Parking Lot	SW	7/14/2017	No
Art Ward Dr / Fairview Rd	SW	7/14/2017	Yes
Art Ward Dr / Baxter Lions Rd	SW	7/14/2017	No
Baxter Lines Road / OK Park	NE	7/14/2017	Yes
Baxter Lines Road / OK Park	NW	7/14/2017	No
Baxter Lines Road / OK Park	W	7/14/2017	No
Inglewood Dr / TH 210	NW	7/14/2017	Yes
Inglewood Dr / Fairview Rd	SW	7/14/2017	Yes
Inglewood Dr / Fairview Rd	W	7/14/2017	No
Inglewood Dr / Fairview Rd	NW	7/14/2017	No
Inglewood Dr / Fairview Rd	NW	7/14/2017	Yes
Inglewood Dr / Fairview Rd	NW	7/14/2017	No
Inglewood Dr / Fairview Rd	NE	7/14/2017	Yes
Fairview Rd / Madeline Dr	NW	7/14/2017	Yes
Inglewood Dr / Wetland Trail	W	7/14/2017	No
Inglewood Dr / Cherrywood Dr	SW	7/14/2017	Yes

Inglewood Dr / Trail to Grand Oaks Dr	E	7/14/2017	No
Clearwater Rd / Inglewood Dr	NW	7/14/2017	No
Clearwater Rd / Rockrose Dr	NW	7/14/2017	No
Clearwater Rd / Rockrose Dr	NE	7/14/2017	No
Clearwater Rd / Lynndale Dr	NE	7/14/2017	No
Clearwater Rd / Lynndale Dr	NW	7/14/2017	No
Clearwater Rd / Memorywood Dr	NW	7/14/2017	No
Clearwater Rd / Cottage Grove Dr	NW	7/14/2017	No
Clearwater Rd / Welton Rd	NE	7/14/2017	Yes
Clearwater Rd / Welton Rd	NW	7/14/2017	Yes
Whipple Beach Trail	NE	7/14/2017	No
Whipple Beach Parking Lot	NW	7/14/2017	Yes
Whipple Beach Parking Lot	N	7/14/2017	Yes
Whipple Beach Parking Lot	NE	7/14/2017	Yes
Cedar Scenic / Brownsville Cir	NE	7/14/2017	No
Cedar Scenic Trail End	N	7/14/2017	No
Timberwood Dr Trail End	S	7/14/2017	No
Timberwood Dr / RR Crossing	S	7/14/2017	No
Timberwood Dr / RR Crossing	N	7/14/2017	No
Timberwood Dr / TH 210	SE	7/14/2017	Yes
Joler Rd / Briarwood Ln	NE	7/14/2017	Yes
Highland Scenic / TH 210	NE	7/14/2017	Yes
Maplewood Dr / Fairview Rd	SE	7/14/2017	Yes
Grand Oaks Drive Trial Parking Lot	S	7/14/2017	No
Grand Oaks Dr / Firewood Dr	NW	7/14/2017	Yes
Grand Oaks Dr / Firewood Dr	NE	7/14/2017	Yes
Firewood Dr / Grand Oaks Dr	NE	7/14/2017	Yes
Firewood Dr / Grand Oaks Dr	SE	7/14/2017	Yes
Grand Oak Dr N Trail End	NE	7/14/2017	No
Clearwater Rd / Wildflower Trail	S	7/14/2017	Yes
Wildflower Dr / Wildflower Trail	N	7/14/2017	No
Woida Rd / Inglewood Dr	NE	7/14/2017	Yes
Woida Rd / Inglewood Dr	NE	7/14/2017	Yes
Woida Rd / Holly Dr	NW	7/14/2017	No
Woida Rd / Hemlock	NW	7/14/2017	No
Woida Rd / Holly Dr	NE	7/14/2017	No
Woida Rd / Holly Dr	NE	7/14/2017	Yes
Woida Rd / Franklin Dr	NW	7/14/2017	No
Woida Rd / Wildflower Dr	NW	7/14/2017	No
Woida Rd / Lynwood Dr	NW	7/14/2017	Yes
Woida Rd / TH 371	SW	7/14/2017	Yes

Woida Rd / TH 371	SW	7/14/2017	Yes
Woida Rd / TH 371	SW	7/14/2017	No
Woida Rd / TH 371	SW	7/14/2017	Yes
Woida Rd / TH 371	S	7/14/2017	Yes
Woida Rd / TH 371	S	7/14/2017	No
Woida Rd / TH 371	SE	7/14/2017	Yes
Woida Rd / TH 371	NE	7/14/2017	No
Woida Rd / TH 371	NE	7/14/2017	No
Woida Rd / TH 371	NE	7/14/2017	Yes
Woida Rd / TH 371	NE	7/14/2017	Yes
Woida Rd / TH 371	N	7/14/2017	No
Woida Rd / TH 371	N	7/14/2017	No
Woida Rd / TH 371	NW	7/14/2017	No
Excelsior Rd / TH 371	NW	7/14/2017	No
Excelsior Rd / TH 371	NE	7/14/2017	No
Excelsior Rd / TH 371	SE	7/14/2017	No
Excelsior Rd / TH 371	SW	7/14/2017	No
College Rd / Douglas Fir Dr	SW	7/14/2017	No
College Rd / Douglas Fir Dr	SE	7/14/2017	No
College Rd / Dogwood Dr	SW	7/14/2017	No
College Rd / Dogwood Dr	SE	7/14/2017	No
College Rd / Cypress Dr	SW	7/14/2017	Yes
College Rd / Cypress Dr	SE	7/14/2017	Yes
Berrywood Park Parking Lot	W	7/14/2017	No
Berrywood Park Parking Lot	SE	7/14/2017	No
Berrywood Park Parking Lot	N	7/14/2017	Yes
College Rd / Berrywood Dr	SW	7/14/2017	No
College Rd / Berrywood Dr	SE	7/14/2017	No
College Rd / Confier Dr	SW	7/17/2017	Yes
College Rd / Confier Dr	SE	7/17/2017	Yes
College Road / Highland Scenic	SW	7/17/2017	No
College Road / Highland Scenic	SE	7/17/2017	No
College Road / Highland Scenic	SE	7/17/2017	No
College Road / Highland Scenic	NE	7/17/2017	No
College Road / Highland Scenic	NW	7/17/2017	No
College Road / Highland Scenic	NW	7/17/2017	No
Highland Scenic / Industrial Park Rd	NW	7/17/2017	No
Highland Scenic / Industrial Park Rd	SW	7/17/2017	No
Highland Scenic / Greenwood Rd	NW	7/17/2017	Yes
Highland Scenic / Greenwood Rd	SW	7/17/2017	No
Riverview Park	SE	7/17/2017	No

Riverview Park	NE	7/17/2017	No
Forestview Dr Trail	NW	7/17/2017	No
Baxter Dr / TH 210	SE	7/17/2017	No
Fairview Rd / TH 210 E of Baxter Dr	NE	7/17/2017	No
Fairview Rd / TH 210 E of Baxter Dr	NW	7/17/2017	No
Baxter Dr / TH 210	NE	7/17/2017	No
Baxter Dr / TH 211	NE	7/17/2017	No
Baxter Dr / TH 212	SW	7/17/2017	No
Excelsior Rd / PBT Bridge	SE	7/17/2017	Yes
Cypress Dr / PBT at Autmn Glen	E	7/17/2017	No
Cypress Dr / Trail End N	NW	7/17/2017	No
Cypress Dr / Clearwater Rd	NW	7/17/2017	No
Cypress Dr / Clearwater Rd	SW	7/17/2017	No
Cypress Dr / Clearwater Rd	SE	7/17/2017	No
Cypress Dr / Future Drive W	NW	7/17/2017	No
Cypress Dr / Future Drive W	SW	7/17/2017	Yes
Cypress Dr / Excelsior Rd	NW	7/17/2017	No
Conservation Dr / Lakes 12 Theatre	SE	7/17/2017	Yes
Conservation Dr / Lakes 12 Theatre	SW	7/17/2017	Yes
MnDNR PBT Head	SW	7/17/2017	No
Conservation Dr / MnDNR PBT Parking	SE	7/17/2017	No
Conservation Dr / Excelsior Rd	SW	7/17/2017	No
Conservation Dr / Excelsior Rd	NW	7/17/2017	Yes
Jewelwood Park	S	7/17/2017	No
Jewelwood Park	N	7/17/2017	Yes
Oakdale Rd	S	7/17/2017	No
Southdale Park Parking Lot	NW	7/17/2017	No
Foley Rd / Arrowwood Dr W	W	7/17/2017	No
Foley Rd / Arrowwood Dr W	E	7/17/2017	No
Foley Rd / Arrowwood Dr E	W	7/17/2017	No
Foley Rd / Arrowwood Dr E	E	7/17/2017	No
Foley Rd / Hosta Dr	W	7/17/2017	No
Foley Rd / Hosta Dr	E	7/17/2017	No
Foley Road / Cardinal Dr	E	7/17/2017	No
Foley Road / Cardinal Dr	W	7/17/2017	No
Elder Dr / Garrison Rd	NW	7/17/2017	No
Elder Dr / Garrison Rd	SW	7/17/2017	No
Elder Dr / Grey Wolf Dr	NW	7/17/2017	No
Elder Dr / Grey Wolf Dr	SW	7/17/2017	Yes
Elementary School / Superamerica	NW	7/17/2017	No
Woida Rd / Wildflower Dr	NE	7/17/2017	Yes

Woida Rd / Wildflower Dr	NW	7/17/2017	Yes
Faiview Road / PBT Bridge	N	7/17/2017	No
Baxter Dr / Fairview Rd	SW	7/17/2017	No
College Road / Navillus Court	W	7/17/2017	No
College Road / Navillus Court	E	7/17/2017	Yes
Golf Course Dr / Mill's Ford	NW	7/20/2017	No
Golf Course Dr / Mill's Ford	NE	7/20/2017	Yes
CSAH 49 / TH 371	NW	7/20/2017	Yes
CSAH 49 / TH 371	N	7/20/2017	Yes
CSAH 77 / TH 371	N	7/20/2017	No
CSAH 77 / TH 371	NE	7/20/2017	Yes
CSAH 77 / TH 371	NW	7/20/2017	Yes
CSAH 77 / TH 371	S	7/20/2017	No
CSAH 49 / TH 371	S	7/20/2017	No
CSAH 49 / TH 371	SE	7/20/2017	Yes
Forthun Road / Costco - Dicks	NW	7/20/2017	No
Garrison Rd / Elder Drive	NE	7/20/2017	Yes
Elder Drive / Home Depot - Costco	SE	7/20/2017	Yes
Highland Scenic / TH 371	NE	7/20/2017	Yes
Highland Scenic / TH 371	NW	7/20/2017	Yes
Highland Scenic / TH 371	SW	7/20/2017	No
Highland Scenic / TH 371	SE	7/20/2017	Yes
TH 371 / TH 210	NE	7/20/2017	No
TH 371 / TH 211	NE	7/20/2017	No
TH 371 / TH 212	NE	7/20/2017	Yes
TH 371 / TH 213	NW	7/20/2017	Yes
TH 371 / TH 214	NW	7/20/2017	No
TH 371 / TH 215	NW	7/20/2017	No
TH 371 / TH 216	SW	7/20/2017	Yes
TH 371 / TH 217	SW	7/20/2017	No
TH 371 / TH 218	SW	7/20/2017	No
TH 371 / TH 219	SE	7/20/2017	Yes
TH 371 / TH 220	SE	7/20/2017	Yes
TH 371 / TH 221	SE	7/20/2017	No
Highland Scenic / Knollwood Dr	NW	8/4/2017	Yes
Highland Scenic / Knollwood Dr	SW	8/4/2017	Yes
Highland Scenic / Knollwood Dr	SE	8/4/2017	Yes
Highland Scenic / Knollwood Dr	E	8/4/2017	Yes
Highland Scenic / Knollwood Dr	N	8/4/2017	Yes
Highland Scenic / Knollwood Dr	W	8/4/2017	No
Highland Scenic / Knollwood Dr	NE	8/4/2017	Yes

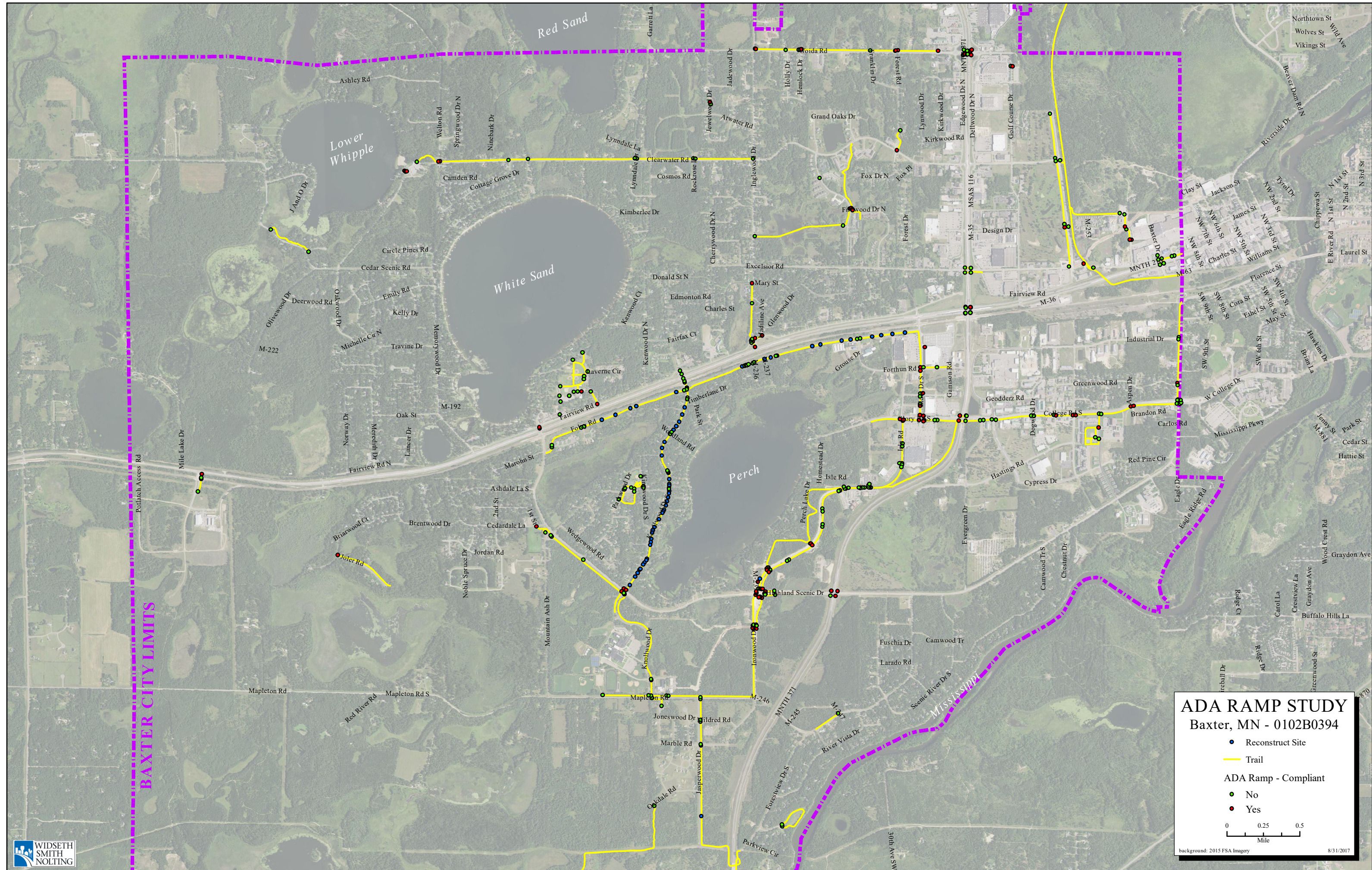


Owner	Intersection	APS Status	Notes
City	Glory Rd / Elder DR	Non-Compliant	No Audible Detection
City	Highland Scenic & Knollwood Dr	Non-Compliant	No Voice Instructions or Locator Tone
City	TH 210 / Baxter Dr	Non-Compliant	No Voice Instructions or Locator Tone and Broken Visuals
City	Co Rd 77 & 49 / TH 371	Non-Compliant	No Voice Instructions or Locator Tone
City	Highland Scenic / college	Compliant	
City	Highland Scenic / TH 371	Compliant	
City	College Rd / TH 371	Compliant	
City	Knollwood / TH 210	Compliant	
City	Woida / TH 371	Compliant	
City	Excelsior / TH 371	Compliant	
City	Highland Scenic / TH 210	Compliant	
City	Isle Dr / Trail	Compliant	2 Crossings (4 Pedestrian Flasher)
City	Conservation Dr / Excelsior	Compliant	1 Crossing (2 Pedestrian Flashers)
MnDot	Golf Course Dr / TH 210	Non-Compliant	
MnDot	TH 371 / TH 210	Compliant	

### Baxter - Trails

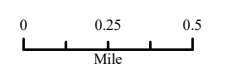
Adjacent Roadway	Owner	Type	Segments
Knollwood Dr	City	Private Driveway Approach	37
Foley Rd	City	Private Driveway Approach	16
Isle Dr	City	Trail Reconstruct	2
Jasperwood DR	DNR	Trail Reconstruct	1





### ADA RAMP STUDY Baxter, MN - 0102B0394

- Reconstruct Site
- Trail
- ADA Ramp - Compliant
- No
- Yes



background: 2015 FSA Imagery 8/31/2017





## Appendix B – Schedule / Budget Information

### Cost Information

#### Unit Prices

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2017 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit: +/- \$4,000 per corner

Intersection of trail and Private Driveways: +/- \$3,500 per driveway

Traffic control signal APS upgrade retrofit: +/- \$ 30,000

Trail ADA improvement retrofit: +/- \$5.00 per SF

Addition of Signage to pedestrian ramps: +/- \$150 per sign

Grinding pedestrian ramps: +/- \$150 per ramp

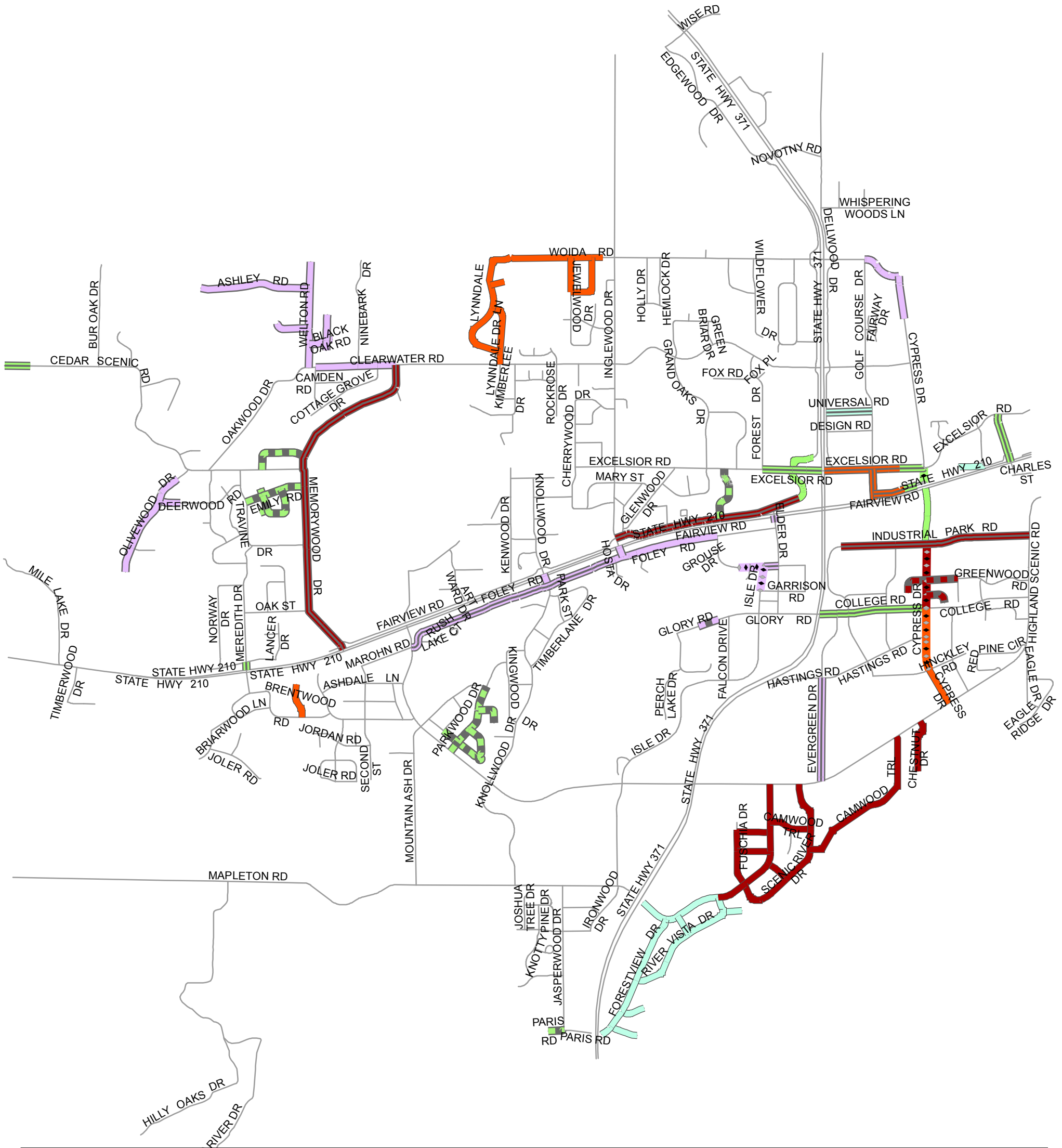
#### Improvement Cost

Reconstruct 184 pedestrian ramps:	\$ 750,000
Reconstruct 54 driveway intersections:	\$ 200,000
Traffic control signal APS upgrades (4):	\$ 120,000
Trail ADA improvement retrofit (545’):	\$ 35,000
Adding Signage (6):	\$ 1,000
Grinding 24 pedestrian ramps:	<u>\$ 4,000</u>
<b>Total:</b>	<b>\$ 1,110,000</b>

#### Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$1,110,000. This amount signifies a significant investment that the City of Baxter is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Baxter budget for improvements to the public right of way.

# Street Construction Plan 2018-2022



Street Rehab		New Street, Water, and Sanitary Sewer Construction	
<b>2018</b>	<b>2020</b>	<b>2020, Reconstruction</b>	<b>Year</b>
◆◆◆◆◆ 2018, Reconstruction	▬ 2020, FD Reclamation	▬ 2018	
▬ 2018, FD Reclamation	<b>2021</b>	▬ 2019	
▬ 2" Mill & Overlay	▬ 2021, 2" Mill & Overlay	▬ 2020	
<b>2019</b>	▬ 2021, FD Reclamation	▬ 2021	
◆◆◆◆◆ 2019, Reconstruction	<b>2022</b>	▬ 2022	
▬ 2019, 2" Mill & Overlay	▬ 2022, 2" Mill & Overlay		
▬ 2019, FD Reclamation	◆◆◆◆◆ 2022, Reconstruction		
	▬ 2022, FD Reclamation		

## **Appendix C – Public Outreach**

<b>Website Summary and Draft Plan Download Link .....</b>	<b>C1-C2</b>
<b>Public Service Announcement.....</b>	<b>C3</b>
<b>Brainerd Dispatch Article.....</b>	<b>C4-C5</b>
<b>City Council November 21, 2017 Meeting Agenda .....</b>	<b>C6-C8</b>
<b>ADA Transition Plan Public Meeting Presentation.....</b>	<b>C9-C14</b>
<b>City Council November 21, 2017 Meeting Minutes .....</b>	<b>C15-C17</b>
<b>Public Comments.....</b>	<b>C18-C20</b>



HOME RESIDENTS + BUSINESS + VISITORS + GOVERNMENT

Welcome

Welcome to the official website for the City of Baxter, Minnesota!

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## News and Announcements

### Body Worn Camera Discussion

The Baxter Police Department and Council will discuss body worn cameras at the December 19 council work session. Please check back for the start time of the work session.

The Council will accept comments from the public on body worn cameras during the public comment portion of the regular council meeting to be held on December 19. The regular Council meeting will start at 7:00 p.m.

### Park Restroom and Kitchen Facilities to Close for the Season

Due to forecasted temperatures, the restrooms and kitchen facilities in all city parks will close for the season on October 26-27, 2017. Please watch the website next spring for opening dates. Thank you for a great season!

### ADA Transition Plan

The City of Baxter is seeking public input and comments on the ADA Transition Plan for facilities located within the public right-of-way. Facilities covered by the transition plan include trails, sidewalks, pedestrian curb ramps and traffic control signals and devices. The draft plan is available for review and can be downloaded by following "Read More" link below. A public presentation of the draft plan will also be made at the at the November 21, 2017 Council Meeting at the Baxter City Hall.

[READ MORE +](#)

### Quick Links

- Agendas / Minutes
- Applications /Forms
- Construction Project Updates
- City Code
- Maps
- Utility Billing

### Recent Agendas

#### City Council

- [12-05-2017 Council \(4.4 MB\)](#)
- [12.05.2017 Work Session \(56 KB\)](#)
- [11-21-2017 Council \(1.5 MB\)](#)
- [11.07.2017 Council \(8.1 MB\)](#)
- [10.17.2017 Council \(14.5 MB\)](#)

### Street Projects

Select Category

### Meeting Calendar

< **December 2017**

S	M	T	W	T	F
					1
3	4	5	6	7	8
	•	••	•		
10	11	12	13	14	15
		•		•	
17	18	19	20	21	22
		•••			
24	25	26	27	28	29
•	•••				
31					

### Meeting Calendar

< **Dec 2017**

<b>December 12, 2017</b>
<b>Planning &amp; Zoning Commission @ 6:00 pm</b>
<b>December 14, 2017</b>
<b>Architectural Review Commission @ 5:30 pm</b>

## ADA Transition Plan

🕒 Friday, 06 October 2017 18:25

The City of Baxter is seeking public input and comments on the ADA Transition Plan for facilities located within the public right-of-way. Facilities covered by the transition plan include trails, sidewalks, pedestrian curb ramps and traffic control signals and devices. The draft plan is available for review and can be downloaded by following "Read More" link below. The presentation of the draft plan will also be made at the November 21, 2017 Council Meeting at the Baxter City Hall.

The Americans with Disabilities Act (ADA) was enacted in 1990 and is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA laws ensure that individuals with disabilities cannot be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by such entity.

The Federal Highway Administration (FHWA) is making sure requirements and expectations of the ADA are being met at the local transportation system level. Any agency with more than 50 employees or agencies receiving Transportation Improvement Plan (TIP) funding must comply with the federal ADA rules and regulations.

ADA rules and regulations require the City of Baxter to develop and adopt an ADA Transition Plan for all pedestrian facilities located within the public right-of-way. These facilities include trails, sidewalks, pedestrian curb ramps, bus stops and traffic control devices/signals. The major components of the plan include:

- Conducting a self-evaluation of current policies, practices, programs and existing facilities located within the public right-of-way.
- Developing policies addressing accessible pedestrian design, establishment of ADA design standards and an outline of procedures to address accessibility improvement requirements for the public.
- Developing a plan methodology and improvement schedule addressing priority areas and anticipated implementation timetable.
- Identifying a City of Baxter ADA Title II Coordinator to oversee City policies and procedures.
- Creating a public outreach program to solicit public participation and to gather input from the community.
- Establishing a grievance procedure to address complaints, concerns and comments from the public.
- Monitoring progress on updating the plan as needed in the future.

As part of the public outreach program, the City of Baxter is seeking public input and participation in development of the proposed transition plan. The City recognizes public input is the key to developing a plan that addresses the immediate and long term needs of the community. The draft plan is available for download using the link provided below. A copy of the plan is also available for review at the Baxter City Hall.

A public informational meeting to share specifics of the plan is scheduled to be held at the Council meeting on November 21, 2017 at the Baxter City Hall. The City will accept comments on the draft plan through December 8, 2017. Public comments will be gathered and used to develop the final plan which will then be reviewed and approved by the City Council on December 19, 2017.

Written comments can be submitted by mail, email or by delivery to the Baxter City Hall. Please submit comments to:

Public Right-of-Ways ADA Implementation Coordinator

13190 Memorywood Drive

Baxter, MN 56425

TWalter@baxtermn.gov

[ADA Transition Plan 10-02-17 \(002\)](#)

### Quick Links

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☎ **Tel: (218) 454-5100**  
Fax: (218) 454-5103







## PUBLIC SERVICE ANNOUNCEMENT

The City of Baxter is seeking public input and comments on the ADA Transition Plan for facilities located within the public right-of-way. Facilities covered by the transition plan include trails, sidewalks, pedestrian curb ramps and traffic control signals and devices. A public presentation of the draft plan will also be made at the at the November 21, 2017 Council Meeting at the Baxter City Hall.

The Americans with Disabilities Act (ADA) was enacted in 1990 and is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA laws ensure individuals with disabilities cannot be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. ADA rules and regulations require the City of Baxter to develop and adopt an ADA Transition Plan for all pedestrian facilities located within the public right-of-way including trails, sidewalks, pedestrian curb ramps, bus stops and traffic control devices/signals.

The City of Baxter is seeking public input and participation in development of the proposed transition plan. The City recognizes public involvement is the key to developing a plan that addresses the immediate and long terms needs of the community. The draft plan is available for download on the City's website ([www.baxtermn.gov](http://www.baxtermn.gov)). A copy of the plan is also available for review at the Baxter City Hall.

A public informational meeting to share specifics of the plan is scheduled to be held at the Council meeting on November 21, 2017 at the Baxter City Hall. The City will accept comments on the draft plan through December 8, 2017. Public comments will be gathered and used to develop the final plan which will then be reviewed and approved by the City Council on December 19, 2017.

Written comments can be submitted by mail, email or by delivery to the Baxter City Hall. Please submit comments to:

Public Right-of-Ways ADA Implementation Coordinator  
13190 Memorywood Drive  
Baxter, MN 56425  
[twalter@baxtermn.gov](mailto:twalter@baxtermn.gov)





## WDAY 6 News at 4

LIVE

[Click here to watch WDAY 6 News at 4.](#)

# Baxter seeks input on ADA plan

By Brainerd Dispatch on Nov 16, 2017 at 10:30 a.m.

BAXTER—The city of Baxter is seeking public input and comments on the Americans with Disabilities Act Transition Plan for facilities within the public right of way.

Facilities covered by the transition plan include trails, sidewalks, pedestrian curb ramps and traffic control signals and devices. The Americans with Disabilities Act, enacted in 1990, is a civil rights law prohibiting discrimination against people on the basis of disability.

The ADA laws ensure people with disabilities cannot be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity. ADA rules and regulations require the city of Baxter to develop and adopt an ADA Transition Plan for all pedestrian facilities located within the public right of way.

The city of Baxter recognizes public involvement is the key to developing a plan that addresses

the immediate and long-term ADA needs of the community, a news release stated. A public informational meeting to outline the specifics of the proposed ADA plan will take place at 7 p.m. Tuesday in the council chambers at Baxter City Hall.

A copy of the plan is available for download on the city's website, [www.baxtermn.gov](http://www.baxtermn.gov) (<http://www.baxtermn.gov>) , and for review at Baxter City Hall.

If unable to attend Tuesday, the city will be accepting written comments on the proposed ADA Plan through Dec. 8. All comments received will be gathered and used to develop the final plan to be reviewed and approved by the city council at its Dec. 19 meeting.

Written comments may be submitted by mail, email or by delivery to Baxter City Hall. Submit comments to: Public Right-Of-Ways ADA Implementation Coordinator, 13190 Memorywood Drive, Baxter, MN 56425, or via email to [twalter@baxtermn.gov](mailto:twalter@baxtermn.gov) (<mailto:twalter@baxtermn.gov>) .



# BAXTER CITY COUNCIL AGENDA

Tuesday, November 21, 2017

The regular meeting of the Baxter City Council will be held on Tuesday, November 21, 2017 at 7:00 p.m. at the Baxter City Hall, 13190 Memorywood Dr., Baxter, MN.

**1. Call Meeting to Order**

**2. Roll Call**

**3. Pledge of Allegiance**

**4. Additions or Changes to the Agenda**

**5. Public Presentation and Input on the City ADA Transition Plan for facilities located within the public right-of-way (pp. 4-9).**

**6. Public Comments**

*Comments received from the public may be placed on a future meeting agenda for consideration.*

**7. Consent Agenda**

*The following items are considered non-controversial by staff and are recommended to be read and passed in one motion. Any council person, staff, citizen, or meeting attendee can request one or more items be pulled from the Consent Agenda and the item will be pulled and addressed immediately after the passage of the Consent Agenda; otherwise, the following items will be passed in one motion:*

- A. Approve City Council Minutes from November 7, 2017 (pp. 10-12).
- B. Approve City Council Work Session Minutes from November 13, 2017(pp. 13-15).
- C. Approve the Payment of Bills and Finance Report (Addendum A).
- D. Adopt Ordinance 2017-012 and Summary Ordinance 2017-013 Amending Title 8 of the Baxter City Code to Edit Stormwater Control and Regulations (pp. 18-49).
- E. Elect Not to Waive the Monetary Limits on Municipal Tort Liability Established by State Statutes with the 2018 LMCIT Insurance Renewal (pg. 50).
- F. Adopt Resolution 2017-111 Approving a Lawful Gambling Permit for the Confidence Learning Center (pp. 51).

- G. Adopt Amendments to the Personnel Policy (pp. 52-65).
- 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 (pp. 66-68).
- I. Accept Planning Commission Minutes from November 14, 2017 (pp. 69-72).
- J. Authorize Execution of a Utility Connection Assessment Agreement for Lot 1, Block 1 Wilson Estates (pp. 73-76).

## **8. Pulled Agenda Items**

## **9. Other Business**

- A. Certification of Delinquent Utility Bills, Invoices, and Abatements (pp. 77-79).
  - 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
- B. Consider Vacating a portion of Fairview Road in front of SuperOne (pp. 80).
  - 1. Public Hearing at 7:15 p.m. or shortly thereafter
  - 2. Consider Adoption of Resolution 2017-112 Vacating Property
- C. Consider Approval of an LDO Agreement Between the City of Baxter and BLAEDC (pp. 81-95).
  - 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
- D. Planning and Zoning Actions
  - 1. Adopt Resolution 2017-114 approving setback variances for SuperOne located at 7895 Excelsior Road (pp. 96-98).
  - 2. Adopt Resolution 2017-115 approving a preliminary and final plat for "Vitale Industrial Park" located at 13525 Cypress Drive (pp. 99-100).
  - 3. Adopt Resolution 2017-116 approving a setback variance for Vitale located at 13525 Cypress Drive (pp. 101).

**8. Council Comments**

- A. Quinn Nystrom
- B. Steve Barrows
- C. Todd Holman
- D. Mark Cross
- E. Darrel Olson

**9. City Administrator's Report**

**10. City Attorney's Report**

**11. Adjourn**

# PUBLIC INFORMATIONAL MEETING

## ADA TRANSITION PLAN

November 21, 2017



### BACKGROUND

- Americans with Disabilities Act (ADA) was enacted in 1990.
- The ADA prohibits the discrimination of individuals on the basis of disability.
- Title II of 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.
- FHWA expanded on the requirements of Title II and requires that any agency receiving Transportation Improvement Plan (TIP) funding must prepare and adopt an ADA Transition Plan.

# SELF EVALUATION

- The evaluation includes review of:
  - Policies, practices and programs
  - Pedestrian Circulation Route/Pedestrian Access Route (PCR/PAR)
- A self evaluation/survey of the existing facilities within the public right-of-way was conducted in July and August.
- Survey Summary

Total Number of Pedestrian Curb Ramps	Number of Non-Compliant Ramps	Required Correction		
		Total Reconstruct	Grinding/Minor Repair	Signage
324	214	184	24	6

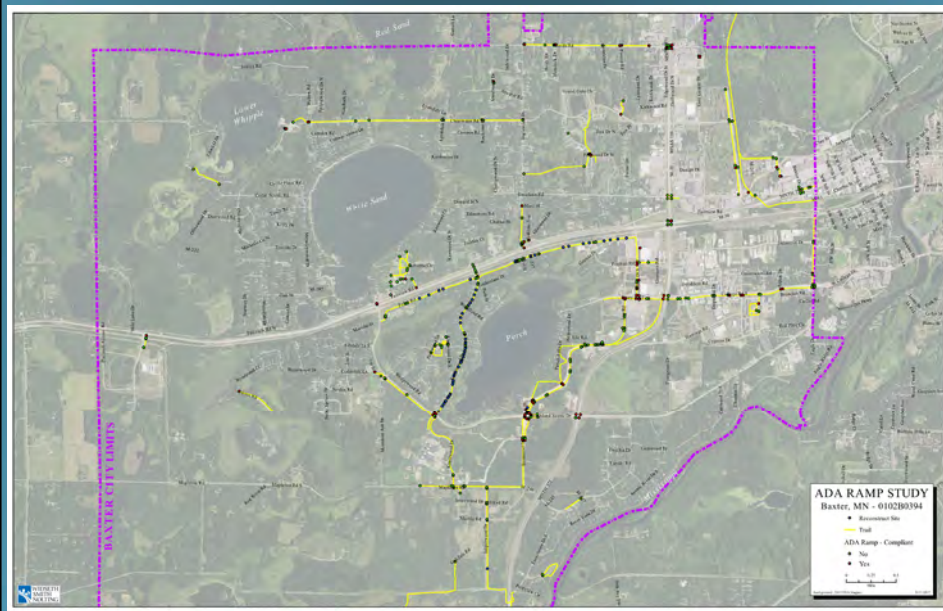
  

Total Length of Trails (FT)	Non-Compliant Trail Length (FT)	Required Correction	
		Reconstruction (FT)	Driveway Reconstruction
128,832	2,162	542	54

Total Number Traffic Signals	Non-Compliant	Required Correction
		Addition of APS
15	5	5

# SELF EVALUATION



## **POLICIES AND PRACTICES**

- Provide accessible pedestrian design features as part of CIP projects.
- Establish ADA design standards/procedures and keep standards up to date with national and local best management practices.
- Consider and respond to accessibility improvement requests.
- Requests should be sent to Public Right-of-Ways ADA Implementation Coordinator (Trevor Walter, Public Works Director/City Engineer).

## **IMPROVEMENT/IMPLEMENTATION SCHEDULE**

- Priority Areas
  - Schools and School Routes
  - City Park Areas
  - City shared responsibility and access points to Paul Bunyan Trail
- City will coordinate work with other agencies (MnDOT, MnDNR, Crow Wing County, BNSF)
- Schedule Methodology
  - Complete work in conjunction with scheduled mill & overlay, FDR and reconstruction projects as outlined in the Pavement Management Plan and CIP.
  - Standalone ADA accessibility projects as determined by the City Council.



## ADA COORDINATOR

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

## PUBLIC OUTREACH

- Public participation is an important component of the plan.
- Information was posted on the City Website and in a public service announcement.
- A public information meeting scheduled to be held at the November 21, 2017 Council Meeting.
- Public comments will be accepted through December 8, 2017.
- Public comments will be gathered and used to develop the final plan. Written comments can be submitted to:  
*Public Right-of-Ways ADA Implementation Coordinator*  
13190 Memorywood Drive  
Baxter, MN 56425  
TWalter@baxtermn.gov
- Final Plan will be reviewed and approved by the City Council on December 19, 2017.

## **GRIEVANCE PROCEDURE**

- City must 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 Appendix D.
  - Grievant must submit written complaint to City ADA Title II ADA Coordinator within 60-days after the alleged violation.
  - City ADA Coordinator will meet with grievant within 15-days of receipt of complaint.
  - City ADA Coordinator will respond to complaint in writing with 15-days of the meeting.
  - Grievant may appeal the decision to the City Administration within 15-days after receipt of the City's written decision.
  - City Administrator will meet with grievant within 15-days of the appeal.
  - City Administrator will respond to appeal in writing with 15-days of the meeting.

## **MONITOR PROGRESS**

- Document must be continuously updated to reflect change in requirements, City CIP plans, construction techniques, etc.
- Appendices are set up to update periodically as needed.
- Main body of the document can be reviewed after 3-5 years.

## ESTIMATED COSTS

• Pedestrian Curb Ramp Improvements	\$755,000
• Trail Reconstruction	\$235,000
• APS Upgrades	<u>\$120,000</u>
• Estimated Total	\$1,110,000

**EXCERPT FROM BAXTER CITY COUNCIL MINUTES**  
**November 21, 2017**

**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.

## Aric Welch

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**From:** Todd Holman <THolman@baxtermn.gov>  
**Sent:** Saturday, November 25, 2017 7:16 AM  
**To:** Bradley Chapulis; Kelly Steele; Josh Doty  
**Cc:** Trevor Walter; Aric Welch; Darrel Olson  
**Subject:** Re: ADA comments

**Categories:** Filed by Newforma

Brad et al:

First, I appreciate Aric's response and presentation on the ADA assessment update last week. I am understanding that the assessment and subsequent plan does not call out specific public/private projects like I described below. That said, the Ppt. presentation and the draft plan does list "areas" of prioritization such as routes to school etc. I would like my comment below added to the record for input, but also amended to include three priority areas of focus: 1. Arbor Glen to nearest grocery store, 2. Cypress apartments to nearest grocery store and Grand Oaks, Pine Haven (south half of Section 6). apartments/town house neighborhood to nearest grocery store. My hope is that without detailing a fine scale project, that these areas can be in the plan as warranting priority focus for any and all ADA improvements in ADA design and specifically improvements in connectivity focus. Thanks for your help in this comment forward.

TH

**From:** Heidi Kassulker <[hkassulker@yahoo.com](mailto:hkassulker@yahoo.com)>  
**Date:** December 6, 2017 at 2:17:06 PM CST  
**To:** "[TWalter@baxtermn.gov](mailto:TWalter@baxtermn.gov)" <[TWalter@baxtermn.gov](mailto:TWalter@baxtermn.gov)>  
**Subject:** Handicap Accessible  
**Reply-To:** Heidi Kassulker <[hkassulker@yahoo.com](mailto:hkassulker@yahoo.com)>

Hi, my name is Heidi Kassulker.

I am a caregiver for my dad who is wheelchair bound. I've taken him a couple of times to Gregory Park for outings, such as Arts in the Park, as well as listening to Live Music. Unfortunately while we were there, he had to use the restroom. And when he has to go, he can't wait for me to drive him all the way home, or even to the closest store or gas station.

The bathroom there is not handicap friendly, at all. When these types of events are being planned it would be nice to have a portable handicap accessible toilet available. Ideally there should be a handicap bathroom there all the time. I'm certain that there are other families with children who are also in wheel chairs who haven't been able to enjoy the Park.

Another park that I've brought my dad to is Buffalo Hills Park so he could watch his granddaughter play Softball. The bathroom was handicap accessible once I was able to hoist him up onto the sidewalk, while trying to keep the door open. There should be a concrete slope ramp for the wheelchair to easily ride up.

Lum Park is the easiest one to get into. But if the person who is in the wheel chair is there by themselves, the door would be too hard to open.

I'm not too sure about the other Brainerd/Baxter parks. But it should be looked into..

I think that one day that could be me sitting in a wheelchair.

How embarrassing it must be for those individuals who soil themselves just because there isn't a restroom to accommodate their needs.

I don't know if you are able to even help with these concerns, but I'm hoping that you would know the right person to help address these urgent needs.

Thank you and God Bless,

Heidi Kassulker



Public Right Of Way  
ADA Implementation Coordinator  
13190 Memorywood Drive  
Baxter, Mn. 56425

Dear Baxter City Council

I read the article in Sunday's paper about the handicap accessible ramps. My son is in a electric wheelchair. His biggest problem is getting in the doors of the businesses, restaurants, medical centers, Apartment building. The doors are not wide enough without scratching the doors. He has a hard time getting the door open and holding it open until he gets in. People in wheel chairs and walkers also have this problem of holding the door open to get in.

Handicap ramp are in the wrong place. Places like perkins, pizza hut, Olive gardens and hardee's and foursees just to name a few. They are at the far end of the sidewalk from the handicap parking.

Another problem is handicap ramps on one side of the car. If two spot are together the ramp is between the two spots the driver of one car and the passenger of the other car have to walk around the car to use the ramp. For example, The boulder restaurant, 1<sup>st</sup> National Bank, country Kitchen just to name a few.

Then their places like the shopping centers, where there is so handicap ramp close to the businesses, like the shopping centers, on the north end of town, to get into Four Seas and other shops you have to walk way down by Cub Foods I know this is in Brainerd. Baxter has shopping centers this are this way.

Super One when they repaved their parking lot they took out half the handicap parking spots, the way is was before the handicap spots were usually full most of the time, now you can't fine a empty spot. They are going to lost shoppers. Baxter cub food has the best handicap rams, it goes all along the front of the store.

I use a walker sometimes and I can walk a short distance into a place but I cannot step up or off the high curbs in front of most places with out help. I am sure a lot of the older people also have this problem. Just spend an hour, at Brainerd Medical Center to see how many people there are with wheel chair and walkers.

Marlene Chamberlain  
13281 Berrywood Drive  
Apt. 115  
Baxter, Mn. 54265

## Appendix D – Grievance Procedure

As part of the ADA requirements the City has posted the following notice outlining its ADA requirements:

### Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of Baxter will not discriminate against qualified individuals with disabilities on the basis of disability in City services, programs, or activities.

**Employment:** The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the City ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **City of Baxter**

### **Grievance Procedure under the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Baxter. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Josh Doty, ADA Title II Coordinator**

**City of Baxter**

**P.O. Box 2626**

**13190 Memory Wood Dr.**

**Baxter, MN 56425**

Within 15 calendar days after receipt of the complaint, the City ADA Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the City of Baxter and offer options for substantive resolution of the complaint.

If the response by the City ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator.

Within 15 calendar days after receipt of the appeal, the City Administrator or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by City ADA Coordinator or designee, appeals to the City Administrator or designee, and responses from these two offices will be retained by the City of Baxter for at least three years.

## **Appendix E – Contact Information**

### **ADA Title II Coordinator**

Josh Doty  
Community Development Director  
City of Baxter  
13190 Memory Wood Drive  
Baxter, MN 56425  
218-454-5111  
JDoty@baxtermn.gov

### **Public Right of Ways ADA Implementation Coordinator**

Trevor Walter, P.E.  
Public Works Director / City Engineer  
City of Baxter  
13190 Memory Wood Dr, Baxter, MN 56425  
218-454-5110  
TWalter@baxtermn.gov

# **Appendix F – Agency ADA Design Standards and Procedures**

## **Design Procedures**

### **Intersection Corners**

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

### **Sidewalks / Trails**

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

### **Traffic Control Signals**

Traffic control signals will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City staff.

### **Other Transit Facilities**

Additional transit facilities are present within the limits of the City of Baxter. Those facilities fall under the jurisdiction of Transit Provider. The City of Baxter will work with Transit Provider to ensure that those facilities meet all appropriate accessibility standards.

### **Other policies, practices and programs**

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

## **Design Standards**

The City of Baxter has adopted MnDOT ADA Standards including standard plans, details and guidance documents. See MnDOT Accessibility Design Guidance website for current standards and guidance.

## Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

**ADA Transition Plan:** Mn/DOT's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP), and ensures all transportation facilities, services, programs, and activities are accessible to all individuals.

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

**Accessible:** A facility that provides access to people with disabilities using the design requirements of the ADA.

**Accessible Pedestrian Signal (APS):** A device that communicates information about the WALK phase in audible and vibrotactile formats.

**Alteration:** A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

**Americans with Disabilities Act (ADA):** The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):** contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

**APS:** See Accessible Pedestrian Signal.

**Architectural Barriers Act (ABA):** Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

**Capital Improvement Program (CIP):** The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the county's transportation system.

**Detectable Warning:** A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

**DOJ:** See United States Department of Justice

**Federal Highway Administration (FHWA):** A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

**FHWA:** See Federal Highway Administration

**Pedestrian Access Route (PAR):** A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

**Pedestrian Circulation Route (PCR):** A prepared exterior or interior way of passage provided for pedestrian travel.

**PROWAG:** An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

**Right of Way:** A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

**Section 504:** The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

**Uniform Accessibility Standards (UFAS):** Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

**United States Access Board:** An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

**United States Department of Justice (DOJ):** The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.