

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER
OCTOBER 6, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of October 6, 2008 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members Present: Mayor Jon Nowaczek, Councilmembers Connie Carlson, Dan Johnson, Torry Kraftson and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, Fire Chief Mike Bell, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant Administrator/Planner Sara Taylor, Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek thanked the Bayport Community Action League and many volunteers for their efforts in sponsoring a successful Derby Days event on September 20th.
2. Mayor Nowaczek announced that the September recycling award went to Mark Johnson.

OPEN FORUM - None

CONSENT AGENDA

Mayor Nowaczek read items 1-13 on the consent agenda.

Councilmember Carlson requested clarification on waiving the applicant's special event application fee (item #11), and Councilmember Kraftson commented on an email from a resident encouraging the purchase of fuel-efficient city vehicles (items #8 and #10). Administrator McGuire indicated that fuel costs are an important consideration when purchasing city vehicles, and the proposed police vehicle will not be another SUV.

Councilmember Carlson introduced the following resolution and moved its adoption, clarifying that the special event application fee will be waived for item #11, the Halloween "Tunnel of Terror":

Resolution 08-17

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-13 FROM THE
OCTOBER 6, 2008 CITY COUNCIL AGENDA**

1. September 8, 2008 City Council regular meeting minutes
2. September 8, 2008 Public Works Department Review minutes
3. September payables and receipts
4. September building, plumbing and mechanical permits
5. Change orders for improvement work at Lakeside Park
6. Police Department Safe & Sober Communities Grant Agreement

7. Police Department Alcohol and Gambling Enforcement Project Grant Contract
8. Police Department Squad Vehicle Replacement
9. Canine Program Donations – 3rd Quarter Summary
10. Purchase of new Public Works pickup truck
11. Special event application to use Perro Park for Halloween “Tunnel of Terror”
12. Expenditures for Public Works and Police as specified within OSHA grant agreement
13. Agreement to assess sewer hookup costs for 690 Minnesota Street South

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Johnson and upon roll call being taken thereon, the following voted via voice:

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

PUBLIC HEARINGS - None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission’s next meeting is scheduled for Wednesday, October 15, 2008, 7:00 p.m., at the cable studio located in the Valley Ridge Mall in Stillwater.

Councilmember Kraftson reported on the September 11, 2008 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). SEH is finalizing the survey work and doing some final easement work on the storm sewer project. The MSCWMO approved a stormwater accumulation credit policy to satisfy the on-site infiltration requirements for new and redeveloped sites, and member cities will be asked to adopt the resolution. Performance standards for redevelopment of a site with impervious coverage were also clarified. The next meeting is scheduled for Thursday, October 9, 2008, 7:00 p.m., at the Washington Conservation District office located in the Valley Ridge Mall.

Councilmember Johnson reported on the library board meeting of September 25, 2008. Items discussed were library emergency procedures, approval of the 2009 preliminary library budget, and the 2009 holiday closing schedule. The next meeting is scheduled for Thursday, October 23, 2008, 6:00 p.m., at the library.

Councilmember Johnson reported on a recent meeting of Andersen Corporation’s Community Advisory Committee (CAC) board that oversees Andersen’s XL Permit issued by the Minnesota Pollution Control Agency (MPCA). There was a report by the MPCA on the air quality monitoring devices installed at Andersen Elementary and on Point Road. The monitors were placed in the two different locations to gauge levels, based on wind direction. Both monitors registered the same levels, so the monitoring device at Andersen Elementary will be removed. MPCA monitoring indicated that Bayport’s air quality was linked more closely to that of other metropolitan reporting stations, rather than specific activity from Andersen Corporation. Detailed information on the monitoring can be found at the MPCA’s website. The next quarterly meeting of the CAC has yet to be scheduled, and all meetings are open to the public.

Councilmember Carlson reported the next meeting of the Lower St. Croix Partnership is scheduled for Wednesday, November 19, 2008, 7:00 p.m., at the St. Croix County Government Center.

UNFINISHED BUSINESS

Consider acceptance of an alley paving feasibility study and consider setting a public improvement hearing and public assessment hearing for the project: Engineer Peters reviewed a feasibility report ordered at the September 8, 2008 City Council meeting, for paving an existing gravel alley between 8th

and 9th Streets North and 4th and 5th Avenues North. The estimated project cost is \$15,600.00, which would allow the city to obtain quotes, instead of going through a bidding process. Engineer Peters stated the city does not have a policy addressing alley paving improvements, and a letter was sent to the affected property owners to gauge interest in the project. Half of the property owners supported the project and half did not. Current policy is to recover 50% of the project costs through special assessments against the benefited properties. He reviewed the property owners' costs, using the city's current assessment policy of assessing improvements on a unit (7,000 square feet of property) basis, and an alternate assessment method of assessing on a per parcel basis. He believes the alley paving project is feasible and economical, from an engineering standpoint. He recommended acceptance of the feasibility report, setting the public improvement and public assessment hearings for November 10, 2008, and authorizing staff to obtain quotes for the project.

Discussion followed on the South Minnesota Street Utility Project assessment process, and whether underground improvements were based on a per unit basis, and above ground improvements based on a linear foot method. Councilmembers noted the importance of being consistent with the city's assessment process and directed staff to clarify the current policy.

It was moved by Councilmember Kraftson and seconded by Councilmember Johnson to approve the 2008 alley paving improvement feasibility report, authorize staff to obtain quotes for the project, set the public improvement and public assessment hearings for November 10, 2008, and determine whether the assessments should be done on a front footage basis. Motion carried.

Review of City Hall business hours: Administrator McGuire reviewed a trial of extended Monday-Thursday business hours, with an early closing on Fridays, which generated discussion of going to a four-day workweek. He noted a four-day workweek would cut commuting costs for staff, reduce City Hall electric and gas usage, and provide more convenient hours for customers/residents. He recommended establishing City Hall business hours Monday-Thursday, 7:30 a.m.-5:00 p.m., on a trial basis through October 1, 2009, and that City Hall office employees be allowed to work between 36-40 hours per week, as workload permits, with wages adjusted accordingly.

Discussion followed on handling utility emergencies on Fridays, and Administrator McGuire stated the process would be the same as on weekends and holidays (calling Washington County non-emergency). He further noted Public Works would continue with a five-day workweek. He explained that holiday pay would be factored on a maximum of 96 hours per year, which is equivalent to 12 eight-hour paid holidays. Mayor Nowaczek recommended that both the employee and their supervisor be in agreement when working less than the normal 40 hours per week. Councilmember Kraftson expressed concern with employees being able to stay on task and productive for 10 hours a day in an office setting, and suggested flexibility in allowing staff to continue working the current schedule. The importance of communicating City Hall business hours was noted.

It was moved by Councilmember Ridgway and seconded by Councilmember Johnson to establish City Hall business hours as Monday-Thursday, 7:30 a.m. to 5:00 p.m., on a trial basis through October 1, 2009, or shorter, and that City Hall employees, with consent of their supervisor, be allowed to work between 36 to 40 hours per week, as their workload permits, and their wages be adjusted accordingly. Motion carried.

Councilmember Kraftson encouraged residents to share their opinions during the year regarding the new City Hall business hours.

Consider options for teeter-totter replacement at Lakeside Park: After continuing discussions with Councilmember Ridgway, Public Works Supervisor Mel Horak recommended that the city purchase one four-seat spring teeter-totter from St. Croix Recreation Company, for \$2,395.19, and one two-seat

traditional style teeter-totter from Earl F. Anderson Company, for \$1,767.90. The total for the two teeter-totters is \$4,163.09, without installation, and staff projects that funding will be available in the playground equipment replacement fund by the time the invoices are received. Installation would be another \$700.00-\$900.00.

It was moved by Councilmember Kraftson and seconded by Councilmember Ridgway to purchase and negotiate installation of the two teeter-totters, as recommended by staff. Motion carried.

Update on the temporary storage of the house on city property: Administrator McGuire noted that the conditions set by the City Council at the September meeting to continue the temporary storage agreement have not been met. He recommended that a motion be adopted to discontinue the temporary storage of the house on public property, effective October 15, 2008. Discussion followed on the ramifications and options should the owner not comply with the order to move the house.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to discontinue the temporary storage of the house on public property, effective October 15, 2008, due to failure to make the required rental payment, and to direct staff to take appropriate action to ensure the house is moved in 10 days. Motion carried.

Consider the property appraisal for 226 3rd Street North, adjacent to City Hall: Administrator McGuire reported a two-year old appraisal for the subject property was recently updated, which indicated the appraisal stayed the same at \$170,000.00. The estimated land value is \$75,000.00. He indicated the house has little value to the city, as the property would potentially be used for a commercial purpose, i.e., parking or a commercial structure. Discussion followed on the value of the city pursuing purchase of the property. It was noted that this property acquisition would most likely meet the use standards of the city's restricted fund generated by the sale of the city's power distribution system to NSP many years ago. Councilmembers generally agreed to pursue the property acquisition and to direct Administrator McGuire to negotiate a fair price; Councilmember Kraftson was opposed to the acquisition. Administrator McGuire was directed to proceed with negotiations and report back to the City Council.

NEW BUSINESS

Consider a request for a conditional use permit to allow outdoor seating and consumption of food and beverages within a proposed outdoor, uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North: Assistant Administrator/Planner Taylor reviewed a request from the Bayport American Legion for a Conditional Use Permit (CUP) to allow outdoor seating and consumption of food and beverages. The property is zoned Central Business, with commercial businesses on three sides and residential homes on the east side. An uncovered front porch area on the northwest corner of the building, with maximum dimensions of 21 feet x 13 feet, is proposed for the outdoor area. The uncovered porch would meet the setback requirements and no variances would be required. The porch would accommodate six additional seats and hours would be limited to 10:00 a.m. to 10:00 p.m., which would be consistent with the CUP for Woody's Bar and Grill outdoor patio area. Access to the porch would be controlled from within the building, via a proposed patio door. The Planning Commission held the required public hearing on September 15, 2008, and recommended approval of the application, subject to the Findings of Fact as stated in Section C of the staff report and the conditions recommended by staff. Staff feels the proposed CUP application is reasonable and recommended approval.

Commissioner Kraftson questioned why the 20-foot setback was not measured from the property line and whether a variance would be required. Planner Taylor explained there is a wide sidewalk in front of the proposed porch area and the 20-foot setback is measured from the road right-of-way line. City code specifies a setback of 20 feet from the paved road area. She further explained that uncovered porches are

a specific permitted encroachment in city code and can encroach up to three feet from the property line; the proposed porch would meet this setback. It was recommended the resolution be revised to clarify that the porch will be elevated approximately 30 inches.

Councilmember Ridgway introduced the following resolution and moved its adoption, subject to the suggested Findings of Fact and Conditions of Approval as found by the Planning Commission, and further Conditions of Approval that the porch be raised to the floor level of the building interior, access be limited through the building only, and that a railing be installed around the porch:

Resolution 08-18

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW OUTDOOR SEATING AND CONSUMPTION OF FOOD AND BEVERAGES WITHIN A PROPOSED OUTDOOR, UNCOVERED FRONT PORCH AREA AT 263 3RD STREET NORTH, LEGALLY DESCRIBED AS LOT 3, BLOCK 56, OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Johnson and upon roll call being taken thereon, the following voted via voice:

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

Consider a preliminary concept and cost estimate for Phase I improvements at Barker’s Alps Park:

Landscape Architect Larry Wacker updated the City Council on the status of the Brownfield Assessment of the rubble area in the park, reporting that the MPCA contractor hopes to begin the assessment in the next couple of weeks, with a report in six to eight weeks. Mr. Wacker reviewed a list of items for Phase I of the Barker’s Alps Park improvements. The preliminary cost estimate for the improvements is \$898,200.00, which includes a 20% contingency. The existing path to the top of the bluff is not scheduled for Phase I. It was noted that this trail is part of a designated snowmobile trail, and, as such, staff was directed to look into the issue, for any impacts. Mayor Nowaczek noted that the current property owners in the Inspiration development have already paid a park dedication fee and would not be required to directly pay for further park improvements. Mr. Wacker stated the current Inspiration developers had expressed an interest in contributing funds during the community meeting held earlier this year.

Councilmembers voiced the following comments:

- Councilmember Kraftson suggested minimizing the use of an expensive four-foot retaining wall for the new bluff trail by relocating part of the trail onto a less pitched area.
- Councilmember Kraftson stated he was impressed with the new disk golf course in Oak Park Heights’ Brekke Park and was reconsidering his opposition to adding a course at Barker’s Alps.
- Councilmember Kraftson believes the city has an obligation to the Inspiration developers and residents to complete a significant portion of the improvements at the south end of the park, as well as an obligation to all residents to provide a safe trail connection between the lower and upper portions of the park.
- Mayor Nowaczek suggested relocating the trail exit from the park toward the northwest, to make it more accessible to connect with future county bicycle lanes and the Oak Park Heights’ trail system.
- Mayor Nowaczek stated that the cost to mitigate any potential contamination is still unknown, but this work needs to be completed at the start of the park improvements.
- Councilmember Ridgway expressed concern with spending close to one million dollars in light of the current economic situation and recommended putting the project off at this time.
- Councilmember Johnson echoed the need for finding a way to pay for the improvements.

- Councilmember Carlson echoed Councilmember Ridgway's concern with approving all of the improvements at this time and would like to proceed with a scaled-back project, possibly pursuing just the trails at this time.

Administrator McGuire shared the financial concern and noted a financing plan would be needed, as there is no money in the park dedication fund, and he does not anticipate getting grant money for the improvements. Options for financing the improvements were discussed, and the benefits for proceeding in today's poor economy were noted. He asked councilmembers to forward comments to him regarding specific areas in the plan that could be cut or pared down. Staff was directed to look at potential funding for the improvements for discussion at the next meeting.

Update on Highway 95 Pedestrian Crossing Study and discussion of grant opportunities: Engineer Peters reviewed the feasibility report prepared for a potential pedestrian crossing of Trunk Highway 95 (TH95), in the area of Andersen Elementary School and Perro Park. The three options, a bridge/overpass, a tunnel/underpass, and an at-grade crossing, were reviewed in detail. He stated the city has had numerous conversations with the Minnesota Department of Transportation (MnDOT) over the years regarding the installation of a full traffic signal on TH95, which is the least expensive, at-grade option. MnDOT maintains their position that a full traffic signal does not meet their signal warrants; however, warrants would be met for the installation of a pedestrian activated flasher signal, due to the location of the school and the school's use of Perro Park. The estimated cost for a full traffic signal is \$300,000.00, and \$60,000.00 for a pedestrian activated flasher signal. He explained cost estimates were prepared for the 5% and 8% grade options for the overpass and underpass options. Estimated costs for the underpass and overpass options range from \$937,620.00-\$1,724,280.00. MnDOT has a "Safe Routes to Schools" grant, which would be a good fit for all three options. The maximum grant is \$175,000.00, with a deadline of November 21, 2008. SEH estimates a cost of \$1,000.00-\$2,000.00 to assist the city with the grant submission.

Discussion followed on the pros and cons of the three options. Chief Eastman questioned whether pedestrians would take the time to use the underpass or overpass. She felt the pedestrian activated flasher signal would alleviate many of the pedestrian crossing concerns. Engineer Peters stated that the traffic and pedestrian volume may warrant a full signal light; however, the crash volume does not. Mayor Nowaczek questioned the figures MnDOT is using to calculate Bayport's need for a signal, noting that the State indicated they would complete a traffic study, as part of the negotiations for the St. Croix River Crossing project. He believes the city may meet more than one of the seven warrants required for installation of a signal on a state highway and would like to pursue this option. Councilmember Ridgway favors a full intersection traffic signal and does not believe older residents would use the bridge or tunnel options. Councilmember Johnson also favors a full intersection traffic signal and believes the bridge and tunnel options are too expensive. Councilmember Kraftson would support a traffic signal; however his preference is to pursue the pedestrian tunnel option, which would provide a safe crossing environment for school children, walkers, runners, and bicyclers. He noted that a million dollars is a lot to spend, but suggested pursuing funding assistance from the school district, private donations, the business community, and State grants. Councilmembers agreed that it was time the city pushed the pedestrian crossing issue with MnDOT and recommended pursuing the grant opportunity. Engineer Peters stated he would bring back additional grant and cost information to the next meeting.

Consider modifying city sidewalks to include handicap/pedestrian ramps: Public Works Supervisor Horak reported the city has received three or four requests in the past year to convert traditional sidewalk and curb ends to handicap accessible pedestrian ramps to accommodate wheelchairs, bicycles, and snow blowers. Of the city's approximately 120 sidewalk ends, only 20 have not been upgraded. Public Works anticipates 16 of the 20 will be replaced in the next five years, as part of Bayport's ongoing sidewalk replacement projects. The other four or five end points should be replaced sooner than later. The cost to

rehab one existing sidewalk/curb end is \$700.00-\$1,000.00, depending on circumstance and volume. Mr. Horak reviewed proposed options and requested councilmember input. Councilmembers verbalized the need to update the pedestrian ramps as soon as feasible to promote safety and sidewalk accessibility for residents.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to authorize the Public Works department to expend up to \$20,000.00 from the Street Improvement Fund for the installation of handicap accessible pedestrian ramps at several locations throughout the city. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Carlson provided an update on Bayport Senior Center activities. The cribbage mentoring program is underway with Andersen Elementary and Afton-Lakeland school children, a women's Texas Hold'em League begins October 15th, and Derby Days volunteers were thanked for helping bake and distribute 20 dozen homemade cookies.
2. Councilmember Carlson announced that her new business, Pony Preschool, located at Bethlehem Lutheran Church, would be holding an open house on Wednesday, October 22nd, 5:30 p.m.-7:00 p.m.
3. Councilmember Kraftson thanked the BCAL committee members, sponsors, and other volunteers for their efforts in achieving a successful Derby Days event.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Final budget adoption meeting set for November 10, 2008: A Truth in Taxation hearing is not required for the 2009 city budget since the levy is below the State of Minnesota's allowable amount.

Administrator McGuire noted that the public may comment on the budget at the November 10, 2008 City Council meeting.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn the meeting at 8:48 p.m. Motion carried.