

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER
JULY 7, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of July 7, 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 Dan Johnson, Torry Kraftson and Sharon Ridgway

Members Absent: Councilmember Carlson

Others Present: Administrator Mike McGuire, Police Chief Laura Eastman, Engineer Barry Peters, Assistant Administrator/Planner Sara Taylor, Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek noted the passing of Bayport resident and businessman, Bill Metcalf, on June 12th.
2. The June recycling award went to Renee Stone.
3. Resident Dan Peulen was thanked for volunteering his time and expertise to complete a landscaping project on the north side of City Hall.

OPEN FORUM

1. Kathy Lohmer, the Republican endorsed candidate for the House of Representatives, District 56A, introduced herself and stated she would welcome the opportunity to represent District 56A.

CONSENT AGENDA

Mayor Nowaczek read items 1-9 on the consent agenda.

Councilmember Kraftson requested that item #6 regarding temporary storage of a house on public property be moved to New Business to discuss concerns with safety and liability issues.

Councilmember Kraftson made a motion to move consent agenda item #6, *Request for temporary storage of a house on public property to facilitate moving out of the city*, to New Business, introduced the following renumbered resolution and moved its adoption:

Resolution 08-10

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE
JULY 7, 2008 CITY COUNCIL AGENDA**

1. June 2, 2008 City Council regular meeting minutes
2. June payables and receipts
3. June building, plumbing and mechanical permits
4. Accept donation of laptop from Target Corporation for Police Department use
5. Acknowledgement of Anderson Race Management running relay event
6. Appointment of election judges for the 2008 election season
7. Renewal of Woody's Bar and Grill 2:00 a.m. liquor license
8. Accept donations for Police Department canine

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

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

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission met on June 18th and the next meeting is scheduled for Wednesday, August 20, 2008, 7:00 p.m., at the cable studio located in the Valley Ridge Mall in Stillwater.

Councilmember Kraftson reported the June 12th meeting of the Middle St. Croix Watershed Management Organization (MSCWMO) did not have a quorum, so no action was taken. The next meeting is scheduled for Thursday, July 10, 2008, 7:00 p.m., at the Washington Conservation District office located in the Valley Ridge Mall.

Councilmember Johnson reported on the June 26th library board meeting. A \$150.00 donation was received from the Bayport Reading Club, a report on the recent book sale is being prepared, and new carpet was installed last week. The library's 2009 proposed budget is \$282,000.00, which is \$8,000.00 less than the current budget. Due to scheduling issues, there will be no meeting in July. The next meeting is scheduled for Thursday, August 28, 2008, 6:00 p.m., at the library.

UNFINISHED BUSINESS

Discuss comments received at the Barker's Alps master park plan open house and consider revised plan: Landscape architect Larry Wacker reviewed the following changes made to the master concept plan, based on public comments and subsequent meetings with city staff:

- Installation of a 4-foot high fence along the east property line to provide a buffer between the ball field and adjacent homes. This would help keep park visitors from wandering onto residential property.
- Addition of a more substantial game court in the active recreation facilities area, to provide a half-court basketball court.
- Adjustment of the trail system along the east park boundary, to minimize impact to adjacent residential properties.
- Revisions to the far south end of the park, including an open field play area with a small backstop, a more substantial playground area, a game court for hard surface play activity, a passive activity area for informal picnicking and/or open field play, and a parking lot. The Inspiration developers recommended the larger playground area and indicated they may help fund it.

The preliminary cost estimate for the various site improvements was reviewed, with a total estimated cost of \$1,419,000.00 to complete all of the projects. If donations were received for an observation tower, its estimated cost would be \$200,000.00.

Mayor Nowaczek noted that the improvements would be made over a 10-year period, and some items may still be eliminated. He suggested the second ball field in the lower park area could be left as another open play area and improved at a later time. He suggested looking into options for relocating an existing structure for the observation tower, e.g., U.S. Forest Service fire tower. Councilmember Kraftson questioned whether views from the ridge could be obtained without building a structure, possibly clearing out a view where the trees are sparse.

Administrator McGuire shared Councilmember Carlson's comments, which included a suggestion to move the dog run closer to the parking lot and proceeding with only minimal improvements to the second ball field area at this time.

Councilmember Johnson favors promoting the undeveloped character of the park and recommended minimal improvements be made to the second ball field area. He also stated he had no objection to the dog run being located closer to the parking lot.

Regarding additional comments from the open house, Mr. Wacker stated there were mixed comments on the disk golf course, and it remains in the plan at this time. It was decided not to incorporate sidewalk access to 2nd/5th Avenues into the plan. Options for providing a high-quality baseball field were discussed. A picnic shelter at the south end of the park is not included at this time. He noted the plan was generally well received.

Mr. Wacker reported that he met with a representative of the Minnesota Pollution Control Agency (MPCA) in response to the city's Targeted Brownfield Assessment Assistance Program application to evaluate the rubble area at the south end of the park. The city appears to be a good candidate for funding from the Environmental Protection Agency (EPA), at which time the MPCA would administer the assessment program. A two-phase assessment was recommended by the MPCA, with testing of the materials during the second phase. MPCA estimates the assessment could cost \$50,000.00, and it looks promising that the EPA would fund the project. There may be additional MPCA staff time that the City of Bayport would need to pay for (less than \$1,000.00). A decision on the assessment funding is expected within two weeks, and the testing and analysis could begin shortly thereafter.

Councilmember Johnson suggested upgrading and installing lights at the Lakeside Park ball field instead of a field at Barker's Alps Park, as lighting at Lakeside Park would have minimal impact on residential properties. It was noted the field at Lakeside Park is subject to flooding and increased maintenance issues, so it most likely would not be a good candidate for lighting.

Councilmember Kraftson questioned whether the current picnic shelter would be retained and noted the benefit of having a shelter available at the north end of the park. He stated that Oak Park Heights is putting in a disk golf course in nearby Brekke Park and remains opposed to one at Barker's Alps. He suggested moving the dog run area to the hockey rink area at Perro Park. He stated the second ball field is well used and could benefit from surface upgrading. There is a need for ball fields to serve the area's youth and recommended upgrading the Lakeside Park ball field if the second field at Barker's isn't maintained. He would like to see one of the court games areas eliminated. He expressed concern with the proposed route for the asphalt path going up the bluff.

Councilmember Ridgway stated she was not in favor of disk golf and questioned whether the soil condition would support the increased usage. She believes the parking lot is a much-needed addition and would like some improvements made to the second ball field and is not in favor of eliminating it. She is in favor of retaining both court games areas. She would like a larger dog run area and suggested installing a small parking lot near 2nd Avenue, with an adjacent dog run, into the proposed disk golf area. Councilmember Ridgway also indicated she had received citizen input regarding installation of a skateboarding park, and Mayor Nowaczek suggested it might be appropriate for Perro Creek Park.

Administrator McGuire noted it was likely there would be opposition to a dog run in this area from 2nd Avenue residents, and the disk golf course was fairly well received at the open house. Mr. Wacker explained the proposed dog run would provide a controlled environment, approximately the size of an urban lot, with a wood chip surface. Police Chief Eastman stated a contained dog run area would be beneficial to her department.

It was moved by Councilmember Johnson and seconded by Councilmember Ridgway to accept the master concept plan for Barker's Alps Park as presented by Sanders, Wacker, Bergly, Inc. Motion carried.

The next step will be assessing the rubble area, prior to beginning work on the trail system, which the City Council previously noted as a top priority.

Consider authorization to forward the city's comprehensive plan to the Metropolitan Council for review and approval: Engineer Peters reviewed the process to date in updating the city's comprehensive plan. Based on feedback from a preliminary review by the Metropolitan Council, changes were made to population forecasts, transportation, surface water management, and the park and trails map. He noted the Metropolitan Council lowered the population forecasts to a level the Bayport City Council was comfortable with. Once the draft plan is forwarded to the Metropolitan Council, he anticipates approval in approximately two months, at which time it would be brought back to the City Council for approval. At that point, the city could make additional revisions, if needed, as the final plan is due to the Metropolitan Council by the end of the year. Staff recommended forwarding the draft comprehensive plan update to the Metropolitan Council for formal review.

Councilmember Kraftson introduced the following resolution and moved its adoption:

Resolution 08-11

**RESOLUTION FORWARDING THE PRELIMINARY DRAFT OF THE
2008 COMPREHENSIVE PLAN TO THE METROPOLITAN COUNCIL
FOR REVIEW AND APPROVAL**

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

Jon Nowaczek – aye
Dan Johnson – aye

Torry Kraftson – aye
Sharon Ridgway – aye

NEW BUSINESS

Consider a contract with Sanders, Wacker, Bergly, Inc. to provide design development services for Phase I construction of improvements to Barker's Alps Park: Landscape Architect Larry Wacker reviewed the proposed Phase I improvements to Barker's Alps Park and the design development services his firm would provide. Administrator McGuire recommended the City Council approve the items listed in Task 1 of the work program, for a fee of up to \$8,500.00, to keep the project moving forward until the Brownfield assessment of the rubble/debris area is completed. The total for Phase 1 work is a not-to-exceed fee of \$25,500.00. Mayor Nowaczek noted that the city would like to retain the services of Sanders, Wacker, Bergly, Inc., to complete the park improvements; however, the City Council needs to identify which stages the improvements will fall into. The need to move ahead with the comprehensive grading portion of the work was noted; however improvements to and/or orientation of the second ball field area need to be considered.

It was moved by Councilmember Kraftson and seconded by Councilmember Johnson to enter into a contract with Sanders, Wacker, Bergly, Inc., for a fee not to exceed \$8,500.00, to coordinate the MPCA work and assist the city in identifying the Phase 1 scope and budget. Motion carried.

Consider a request to construct a private driveway on an unimproved public right-of-way: Engineer Peters reviewed a request from a property owner of two undeveloped parcels along the west side of platted Oakwood Street, south of 6th Avenue South, to provide access to his lots. He explained the

property owner's two options are to petition the city to extend Oakwood Street as a public road or request approval to construct a private driveway within the existing right-of-way. The property owner is requesting construction of a private driveway. He further noted there are two parcels involved, and if two separate parcels are maintained, the two potential property owners would need to have an agreement about maintenance and access, as the city would not be responsible for maintenance of the private driveway. Engineer Peters recommended that approval be granted to construct the private driveway on the city's right-of-way. Attorney Vivian stated an agreement is needed regarding maintenance responsibility and access for the two parcels, as well as to note the city's rights to construct a public road in the future. The document should be recorded against the property so future potential owners are aware of the agreement with the City of Bayport. Engineer Peters indicated the city is examining any potential water run-off issues onto the existing properties on Oakwood Street.

Property owner, Todd Konigson, stated it is his intent to minimize impact on the site and appreciates the City Council's consideration of his request for a private driveway.

It was moved by Councilmember Johnson and seconded by Councilmember Kraftson to approve the request to construct a private driveway on an unimproved public right-of-way, subject to staff drafting an agreement between the City of Bayport and property owners. Motion carried.

Consider special requests associated with Derby Days (special event application and waiver of \$50.00 application fee; fireworks permit and waiver of \$100.00 permit fee; city donation of \$500.00 to BCAL; insurance requirements). Administrator McGuire recommended approving the special event application and waiver of the application fee, as well as the fireworks permit and fee waiver. Staff does not recommend approval of the \$500.00 donation request because city staff puts in a substantial amount of time and cost through services provided by city departments. He noted that the BCAL is the sponsor and it is not a city event. Attorney Vivian reviewed three options for insurance requirements for organizations requesting the use of city-owned property or facilities, noting the city has not required insurance for past events. Discussion followed on the pros and cons of the three options, and council members recommended evaluating the need for insurance on a case-by-case basis. It was noted there is a provision for insurance during the Derby Days fireworks show.

Sue Davis, co-chair for 2008 Derby Days, outlined the schedule of events for the one-day event on Saturday, September 20th. Mayor Nowaczek noted the BCAL had offered to make a donation to the city, and suggested if additional funds are needed to offset the rising costs for Derby Days, the donation could be put toward the event. He believes the city should support Derby Days through logistical support, but is not in favor of approving the \$500.00 requested donation. Attorney Vivian noted there is discussion surrounding the appropriateness of cities making donations to nonprofit organizations, and cautioned councilmembers to consider whether it is an appropriate use of municipal funds. The general consensus was to deny the donation request.

It was moved by Councilmember Ridgway and seconded by Councilmember Kraftson to approve the special event application and waiver of the \$50.00 application fee. Motion carried.

It was moved by Councilmember Kraftson and seconded by Councilmember Ridgway to approve the fireworks permit and waiver of the \$100.00 application fee. Motion carried.

It was moved by Councilmember Kraftson and seconded by Councilmember Ridgway that the City of Bayport contribute support services and staff time for Derby Days to support the BCAL, but no financial contribution at this time, and to recognize the efforts of the volunteers who are organizing the event. Motion carried.

Request for temporary storage of a house on public property to facilitate moving out of the city:

Councilmember Kraftson expressed concern that the house would be sitting on blocks on public property with no fencing around it, and believes the city should have an indemnification agreement with the moving company making the request. Administrator McGuire recommended requiring temporary fencing, i.e., snow fence, around the structure once placed on city property. Attorney Vivian recommended the city and moving company have an agreement that memorializes the obligations of the company, including indemnifying the city.

It was moved by Councilmember Johnson and seconded by Councilmember Kraftson to issue a permit to Semple Building Movers, Inc., to store the house as requested, with conditions as staff deems appropriate, at a cost of \$500.00. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Ridgway requested consideration of retaining lifeguards at the Lakeside Park beach next year. Councilmembers directed Administrator McGuire to look into the cost and number of lifeguards needed to provide this service.
2. Councilmember Ridgway requested that the city poll cities of comparable size to determine the compensation rate for City Council members, as part of the budget process. She noted it had been a long time since the rate was increased and believes a raise is in order. She also recommended an annual cost-of-living increase going forward. Administrator McGuire stated it had been at least 6 years, and possibly 10 years, since City Council compensation had been discussed. Councilmember Kraftson stated he was not in favor of a rate increase.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Signage for Lakeside Park: Administrator McGuire stated the new sign for the beach area would be ordered soon and solicited input on the wording. Discussion followed on the age youth must be to use the beach if not accompanied by an adult. It was decided to change the wording to read, *Children must be accompanied by an adult in the beach area.* Discussion followed on requiring charcoal to be completely extinguished before leaving the park, and it was decided to leave the statement in to draw attention to this safety caution.

Set workshop date for quarterly department review of Public Works department and BCAL donation: It was moved by Mayor Nowaczek and seconded by Councilmember Ridgway to set the workshop meeting date for the quarterly review of the Public Works department and to discuss the BCAL donation for Monday, September 8, 2008, at 5:00 p.m. Motion carried, with Councilmember Kraftson voting nay.

ADJOURNMENT

It was moved by Councilmember Kraftson and seconded by Councilmember Ridgway to adjourn the meeting at 8:17 p.m. Motion carried.