

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER
JUNE 2, 2008
5:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of June 2, 2008 to order at 5:15 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

UPDATE ON BARKER'S ALPS PARK MASTER PLAN: Landscape architect Larry Wacker reviewed the two concept plans for Barker's Alps Park presented at the last City Council meeting, noting the councilmembers preferred concept B. This plan was discussed in detail, including a left turn lane onto 5th Avenue North, a rain garden, new toilet building, a fenced-in dog exercise area, 9-hole disk golf area, path/trail system, and a new park area near the Inspiration development. It was noted there is an optimal location for an observation tower, but it would probably be dependent upon a donor. There is a concentration of concrete rubble and bituminous debris in a couple of ravines, and the areas will need to be explored further to determine the best restoration approach. Discussion followed on restroom facilities at the south end of the park, use of the soccer fields, and lighting and irrigating one of the ball fields. Administrator McGuire stated the next steps include meeting with the Inspiration residents and new developer to solicit their input.

Commissioner Kraftson stated he was not in favor of the following aspects of the proposed plan - disk golf, sand volleyball and dog run. He is in favor of maintaining one premium ball field through irrigation but is not in favor of lighting it, and believes portable toilets, with proper screening, would be sufficient. He indicated he would like to get a portion of the improvements completed this year and feels strongly that a trail between Inspiration and Barker's Alps should be a priority. Councilmember Johnson believes one ball field in the lower area would be sufficient, possibly leaving the other area for open space; is not in favor of disk golf or a dog run; believes the sand volleyball area could be removed if not popular; favors restrooms in the upper area; believes a trail from Inspiration should be a priority; is in favor of adding a basketball court; and would like the stairs between the upper and lower levels to be constructed to accommodate varying fitness levels. Councilmember Carlson noted that many residents currently use Barker's Alps to run their dogs and believes an enclosed dog run area would be beneficial. She is not in favor of disk golf; favors sand volleyball and basketball courts and an open play area; recommends keeping the sledding area; and believes portable toilets would be sufficient. She also believes there are enough soccer fields in the area and favors more ball fields. It was suggested the disk golf area would be an option for the dog run. Mayor Nowaczek recognized the benefits of containing certain activities to designated areas to avoid conflicts with other park users and was in favor of keeping the second ball field area as an open space and possible future expansion for another ball field.

Councilmember Ridgway stated she was not in favor of disk golf or sand volleyball. She is in favor of a lit outdoor volleyball court and a large dog run. She believes a firm plan should be in place prior to constructing a trail system.

A public open house to gather citizen input on the proposed master park plan will be scheduled within 30 days, possibly to be held at the Nature Center in the Inspiration development. Prior to the open house, the proposed plans will be displayed at the Bayport Public Library, City Hall, city's website, and possibly the Nature Center.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek recognized the efforts of everyone involved with the successful Memorial Day Parade sponsored by the Bayport American Legion, especially parade chairman Jim Menard.
2. The May recycling award went to Charles Wrobel.
3. City fire hydrants will be flushed June 3rd through June 6th. This may result in some water discoloration and reduction in water pressure.

OPEN FORUM

1. Loren Burkel, 3rd Avenue South, acknowledged the efforts of Bayport emergency personnel for the many hours helping at the Hugo tornado on May 25th and their involvement with the Bayport Memorial Day Parade the following day. He stated that he anticipated using the bus system to get to his volunteer work when he moved to Bayport and was disappointed to learn the posted bus signs were not in use. With the upcoming increase in the sales tax to pay for transportation issues and the general rise in transportation costs, Mr. Burkel asked the City Council for their help in getting regular bus service resumed for Bayport residents.
2. Dave Ness, Jr., 232 4th Street North, stated he does not believe public transportation would pay for itself and would not support public subsidy of it. He requested clarification on Mike McGuire's position with the City of Bayport. Mayor Nowaczek clarified that the city has a contract with McGuire Management Consultants, and Mr. McGuire acts as the city administrator and holds the office of city clerk. He is an independent contractor with the city. Mr. Ness inquired how the pending court action regarding Administrator McGuire would affect action taken by the city since 2005. Attorney Vivian reviewed the intent of the open forum section of the meeting.

CONSENT AGENDA

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

Councilmember Ridgway questioned whether item #8 regarding the gambling lease application from the Stillwater Elks for activity at the Greystone Bar met the requirements of the city's recent ordinance regarding the proceeds of gambling activity within the city. Administrator McGuire recommended moving this consent agenda item to new business, to give staff an opportunity to research the matter.

Councilmember Carlson made a motion to move consent agenda item #8 *Lawful gambling activity lease application for Stillwater Elks at Greystone Bar* to New Business, introduced the following renumbered resolution and moved its adoption:

Resolution 08-08

A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE JUNE 2, 2008 CITY COUNCIL AGENDA

1. May 5, 2008 City Council regular meeting minutes
2. May 19, 2008 City Council special meeting minutes
3. May payables and receipts

4. May building, plumbing and mechanical permits
5. Special event application for Van Zee wedding at Barker's Alps
6. Lawful gambling exempt permit application for Children's Cancer Research Fundraiser at Bayport Marina
7. Change order for stormwater management plan update for the comprehensive plan
8. Accept donation from Bayport Marina for a park bench to be placed in Lakeside Park

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
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

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

Councilmember Kraftson reported the next meeting of the Middle St. Croix Watershed Management Organization (MSCWMO) is scheduled for Thursday, June 12, 2008, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson reported on the May 22nd library board meeting. The parent group at Andersen Elementary School donated an outdoor cement bench to the library. The library will be closed the week of June 29th for carpet installation, reopening on July 7th. The next meeting is scheduled for Thursday, June 26, 2008, 6:00 p.m., at the library.

Councilmember Carlson reported on the Lower St. Croix Partnership meeting of May 21, 2008. It was decided that the Lower St. Croix Partnership group, in concert with the DNR, would issue invitations to local governments for a fall conference linking land use to water quality. The next meeting is scheduled for Wednesday, July 16, 2008, 7:00 p.m., at the St. Croix County Government Center in Hudson.

UNFINISHED BUSINESS

Consider accepting the feasibility study for water extension to Pete Miller's property located in Baytown Township and an addendum to the Joint Powers Agreement for the water extension: Administrator McGuire stated the applicant has not indicated interest in pursuing the matter at this time and recommended tabling the matter indefinitely, until contacted by the applicant.

It was moved by Councilmember Kraftson and seconded by Councilmember Johnson to continue this item indefinitely, until such time that the applicant contacts the city to proceed. Motion carried.

Discuss updating the property appraisal for 226 3rd Street North, adjacent to City Hall: Administrator McGuire stated that the city obtained an appraisal for the property in August 2006; however the owner decided not to sell at that time. The owner, Donna Hogberg, recently notified the city she may be interested in selling; however, an updated appraisal would be needed, at a cost of approximately \$300.00. Administrator McGuire noted the property was desirable for future expansion of city buildings and/or parking and recommended pursuing an updated appraisal. He also noted there is a home just west of the Fire Hall that is also for sale, but believes the property at 226 3rd Street North would be the most desirable for possible city expansion needs. Councilmembers generally agreed with the appraisal

update recommendation, and Councilmember Johnson requested that the appraisal include a price for the property as bare land commercial. The consensus was to move forward with the updated appraisal.

Consider an amendment to Chapter 24 of Bayport City Code referencing the location of the designated cremains area: Attorney Vivian noted that the proposed ordinance adds language to the city code that formally recognizes the cremains area located within Hazelwood Cemetery and recognizes the plat that was prepared. He noted a text error and indicated the word “wording” should be struck from the third line of Section 1, and recommended adoption of the ordinance.

Councilmember Johnson introduced the following ordinance, with the text “wording” being removed from the third line of Section 1, and moved its adoption:

Ordinance #800

AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY OF BAYPORT’S CODE OF ORDINANCES ESTABLISHING A CREMAINS BURIAL AREA WITHIN HAZELWOOD CEMETERY

The motion for adoption of the foregoing ordinance was duly seconded by Councilmember Carlson 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	

NEW BUSINESS

Consider variances from the side and rear lot line setback requirements to allow construction of a new home and attached garage at 186 Maine Street North: Administrative Assistant/Planner Taylor reviewed a request to approve variances to allow construction of a new home and garage. The applicant would like to replace the existing home due to its deteriorating condition. The footprint of the proposed house would be approximately 612 square feet, which is smaller than the existing house, and the garage would consist of approximately 280 square feet. The small lot size prohibits construction of a reasonably sized house and garage on the lot that would meet all of today’s setback requirements. The applicant is requesting the following: 8 foot variance to allow the house to be set back 12 feet from 1st Avenue North, 5 foot variance to allow the garage to be set back 15 feet from 1st Avenue North, and a 23 foot variance to allow the living space to extend above the attached garage, at a setback of 7 feet from the rear property line. Staff believes the variance requests meet the criteria of a hardship and recommend approval, in accordance with the conditions of approval listed in the staff report. A public hearing was held on May 19, 2008, and the Planning Commission recommended approval of the variances at that meeting. It was noted the building official would review fire separation requirements as part of the building permit application. Councilmember Johnson questioned the requirement of using pervious pavers/porous pavement for the driveway, and Planner Taylor stated this requirement would keep the lot’s impervious surface within city regulations and help mitigate water runoff.

Applicant and builder Gary Swager stated he is agreeable to the pervious material recommendation for the driveway and sidewalk, and noted there are many product options for meeting this requirement. He reviewed an aerial survey of the property and the challenges of building on the lot.

Councilmember Kraftson suggested flexibility in exploring the use of rain gardens as an alternate to the use of porous pavement or other pervious surfaces. Planner Taylor noted there is very limited space available to construct a successful rain garden, but staff stated they would modify the conditions of approval to include rain gardens as an option for mitigating runoff.

Councilmember Kraftson introduced the following resolution, with the addition of allowing flexibility to pursue alternate methods of mitigating water runoff, including rain gardens. He amended his motion to include approval based on the findings of fact and conditions of approval and moved to adopt:

Resolution 08-09

RESOLUTION APPROVING VARIANCES FOR CONSTRUCTION OF A NEW HOUSE AND ATTACHED GARAGE AT 186 MAINE STREET NORTH, LEGALLY DESCRIBED AS THE EAST 75 FEET OF THE NORTH 40 FEET OF THE NORTHEAST QUARTER OF BLOCK 58 OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Carlson 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 awarding a bid to complete repair, replacement, and extension of the trail at Lakeside Park: Landscape architect Larry Wacker stated that six qualified bids were received for the project. He reviewed the new trail extensions/additions and noted that the existing north-south trail would be replaced due to its poor condition. Additional landscaping and a rain garden are also included in the site improvement project. He stated the landscaping package was bid as alternate #1, and alternate #2 was a bid for an irrigation system for the new lawn area flanking the beach. The low bid was received from Peterson Companies, Inc., with a base bid of \$48,000.00, alternate #1 bid of \$12,000.00, and alternate #2 bid of \$7,050.00, for a total of \$67,050.00, which is lower than the designer's estimate. Mr. Wacker stated he has worked with Peterson Companies in the past and recommended awarding the project. Councilmember Johnson noted that the beach area is used as a lake access by 4-wheel vehicle operators during the winter, and Administrator McGuire stated such use would be discouraged in the future to protect the park improvements. Mr. Wacker stated the work will take about one month to complete, and he is working with the contractor to determine the best time to start the work. Discussion followed on adding a trail from the parking area to the beach to direct foot traffic away from the grassy area, and it was decided to monitor the situation at this time.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to award the contract for the 2008 Site Improvements at Lakeside Park to Peterson Companies, Inc., Chisago City, Minnesota, for the amount of their base bid plus bid alternates #1 and #2, for a total of \$67,050.00. Motion carried.

Consider revisions to the fee schedule ordinance: Assistant Administrator/Planner Taylor reviewed the additions to the city's fee schedule, noting the fees relate to code text previously adopted and are consistent with current practice, and approval was recommended. Councilmember Johnson inquired whether the city should consider administrative fines, as the City of Stillwater recently implemented for speeding citations. Police Chief Eastman noted the city previously adopted an administrative fine schedule and the Police Department has issued administrative fines, particularly for illegal boat trailer parking. She stated she was waiting to implement more of the fines until further input on their use and legality was received.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance #801

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING APPENDIX D, FEE SCHEDULE, OF THE BAYPORT CITY CODE

The motion for adoption of the foregoing ordinance 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	

Police Department Joint Powers Agreement with St. Paul Police department for the Republican National Convention (RNC): Police Chief Eastman reviewed a request for the Bayport Police Department to assist the St. Paul Police Department with security and special response teams during the RNC in St. Paul September 1-4, 2008. She noted nearby Washington County communities have embraced the requested support, and there would be no interruption of police coverage in Bayport. Attorney Vivian has reviewed and approved the agreement, which is a joint powers agreement (JPA) between the City of Bayport and the City of St. Paul. The agreement relates to manpower only, not equipment requests. Discussion followed on liability issues and approval of the JPA.

It was moved by Councilmember Kraftson and seconded by Councilmember Johnson to authorize the Mayor and city staff to enter into a joint powers agreement with the City of St. Paul, Minnesota, to provide police services during the Republican National Convention, September 1-4, 2008, upon review and approval of the city attorney. Motion carried.

Consider posting of “No Parking” signs on the north side of 5th Avenue North: With the recent reconstruction of 5th Avenue North, staff believes the north side of 5th Avenue North, from the west end of Hazelwood Cemetery to Stagecoach Trail, should be posted as no parking, for safety reasons and use by bicycle traffic. Discussion followed on biking along the avenue, providing parking for users of the Barker’s Alps ball fields, and the possibility of establishing a bike trail connection to the Oak Park Heights trail system, from the intersection of 5th Avenue North/Stagecoach Trail north to the northwest corner of the prison site. Administrator McGuire indicated staff would notify the organizations that have reserved the ball fields of the designated parking areas in and around Barker’s Alps Park.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to request that Washington County post “No Parking” signs on the north side of 5th Avenue North. Motion carried 3-2, with Mayor Nowaczek and Councilmember Ridgway voting nay.

Lawful gambling activity lease application for Stillwater Elks at Greystone Bar: Attorney Vivian reported that Section 10-33 of the Bayport City Code places no restriction on the organization conducting the lawful gambling, but that a minimum of 70% of the net proceeds be spent for the direct benefit of Bayport citizens and/or the local trade area.

It was moved by Councilmember Ridgway and seconded by Councilmember Carlson to approve the lawful gambling activity application for the Stillwater Elks #179 at the Greystone Bar, 143 North 3rd Street, Bayport, Minnesota. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Mayor Nowaczek read a letter from Washington County Sheriff William Hutton recognizing Chief Laura Eastman's bravery during an incident on August 24, 2007, and recent presentation of a Medal of Valor to Chief Eastman as a result of her exemplary performance.
2. Councilmember Carlson reported that the Bayport American Legion is sponsoring a ceremonial flag burning on Flag Day, Saturday, June 14th, 1:00 p.m., at the hockey rink area. Anyone wishing to have a flag disposed of should drop it off at the Legion by Friday, June 13th.
3. Councilmember Carlson reported that the Bayport Senior Center members are very appreciative of the handicapped parking space installed in front of the center and that it is used regularly. She also noted that the public is invited to attend a play they are participating in with the 4th grade students at Andersen Elementary School. The play is scheduled for Tuesday, June 3rd at 9:30 a.m. The center is also sponsoring a summer weight loss/exercise program and welcomes participants.
4. Councilmember Ridgway suggested the city should consider another name for the new building at Lakeside Park, other than the old bathhouse. She recommended beach house or park pavilion. It was noted the building is open during park hours, and the concession stand is open daily from 11:00 a.m. to 7:00 p.m., Memorial Day-Labor Day.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Set workshop date for quarterly department review of Public Works department and BCAL donation:
Administrator McGuire requested input from the councilmembers for a workshop date. It was recommended to finalize a date at the July City Council meeting.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to adjourn the meeting at 7:31 p.m. Motion carried.