

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MAY 2, 2011  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of May 2, 2011 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

**SWEARING IN OF NEW COUNCILMEMBER DAN GOLDSTON**

Mayor St. Ores administered the Oath of Office to Dan Goldston.

**ROLL CALL**

Members Present: Mayor Susan St. Ores, Councilmembers Dan Goldston, Michele Hanson, and Mark Ostertag

Members Absent: Councilmember Connie Carlson

Others Present: Administrator Mitch Berg, Fire Chief Mike Bell, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, Attorney Nick Vivian, and City of Stillwater Engineer Torry Kraftson

**APPROVAL OF AGENDA**

Administrator Berg requested the following additions: (1) "City Council workshop to discuss Public Works organizational review" to New Business, and (2) "Special event application from People's Congregational Church for use of Perro Park on May 20-21, 2011," to the Consent Agenda.

It was moved by Councilmember Ostertag and seconded by Councilmember Hanson to accept the amended May 2, 2011 agenda, as noted above. Motion carried 4-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. The April recycling award recipient is Carol Ann Purington, who will receive \$30.00 for her recycling efforts, with funding made possible by a grant from Washington County.
2. Fire Chief Mike Bell recognized Todd Radke for 20 years of dedicated service on the Bayport Fire Department.

**OPEN FORUM - None**

**CONSENT AGENDA**

Mayor St. Ores read items 1-12 on the amended consent agenda.

1. March 21, 2011 City Council workshop minutes
2. April 4, 2011 City Council regular meeting minutes
3. April payables and receipts (check numbers 1133133-1133226)
4. April building, plumbing and mechanical permit report
5. Special event application from BCAL for Dane's Place fundraiser on Saturday, June 25, 2011 at Village Green Park
6. Temporary on-sale liquor license from BCAL for Dane's Place fundraiser
7. Lawful gambling bingo application from BCAL for Dane's Place fundraiser
8. Grant agreement with Minnesota Department of Health for the city's wellhead protection plan in the amount of \$9,532.00

9. Agreement and special event application for Stillwater Marathon on May 29, 2011
10. Accept \$250.00 donation from Bayport First State Bank and Trust for the city's newsletter
11. Accept \$100.00 donation from David and Dorothy Parkhurst for the Police Department
12. Special event application from People's Congregational Church for use of Perro Park on May 20-21, 2011

Councilmember Ostertag requested that item #9 regarding the Stillwater Marathon be moved to New Business. Administrator Berg noted that the April 4, 2011 City Council meeting minutes contained a technical error. Approval of the Consent Agenda resolution 11-14 on page 2 of the minutes should read "April 4, 2011," not "March 7, 2011."

Councilmember Ostertag introduced the following amended resolution, moving item #9, *Agreement and special event application for Stillwater Marathon on May 29, 2011*, to New Business, and accepting the correction to the April 4, 2011 meeting minutes, and moved its adoption:

**Resolution 11-16**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING AMENDED CONSENT AGENDA ITEMS 1-11 FROM THE  
MAY 2, 2011 CITY COUNCIL AGENDA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Goldston and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Michele Hanson – aye
Dan Goldston – aye	Mark Ostertag – aye

**RIVERFRONT ADVISORY COMMISSION REPORT**

Administrator Berg reported the Commission will be meeting on Tuesday, May 10, 2011, and the Commission hopes to have a final report to the City Council at the June or July meeting.

**COUNCIL LIAISON REPORTS**

Councilmember Ostertag reported the Cable Commission meeting was cancelled due to lack of business.

On behalf of Councilmember Carlson, Mayor St. Ores reviewed the Library Board meeting of April 28, 2011. Discussion focused on the hiring process for a new Library Director, upon Kathy MacDonald's retirement. The next meeting is scheduled for Thursday, May 26, 2011, at 6:00 p.m. at the library.

Mayor St. Ores reviewed the April 14, 2011 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). Two Bayport property owners applied for a Washington Conservation District grant to manage buckthorn. The next meeting is scheduled for Thursday, May 12, 2011, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Hanson stated the Planning Commission did not meet in April.

**PUBLIC HEARINGS** - None

**UNFINISHED BUSINESS** - None

**NEW BUSINESS**

Consider a resolution accepting a feasibility study and calling for a public improvement hearing for the 2<sup>nd</sup> Avenue North Stormwater Improvement Project: Administrator Berg reviewed the background and explained the approval process for the proposed improvement project. He noted the City Council will also be considering a separate small improvement project at the June meeting, and both projects will be

completed later this summer. Torry Kraftson, City of Stillwater Engineer, reviewed the feasibility study in detail. He explained the primary objectives of the project are to improve drainage issues at the church driveway and the yard of 241 2<sup>nd</sup> Avenue North, and to provide for additional parking in the area. The city has a grant from the MSCWMO to assist with the installation of the proposed rain gardens. The engineer's total cost estimate is \$31,251.00, with the city's share at \$19,532.00, and preliminary assessment totals of \$11,719.00 for the two property owners. He explained the city's share is 62.5%, which is greater than the assessment policy figure of 50%, because city property is involved. He anticipates the work beginning in early summer, with completion in 3-4 weeks, weather permitting. Discussion followed on city funding for the project, adding silt fence to prevent runoff into Perro Creek, and rain garden maintenance.

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 11-17**

**RESOLUTION ACCEPTING A FEASIBILITY STUDY AND CALLING FOR A  
PUBLIC IMPROVEMENT HEARING ON THE 2<sup>ND</sup> AVENUE NORTH  
STORMWATER IMPROVEMENT PROJECT**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Goldston and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye	Michele Hanson – aye
Dan Goldston – aye	Mark Ostertag – aye

Consider an appointment to the Planning Commission: Assistant Administrator/Planner Taylor stated an opening on the Planning Commission became available upon Dan Goldston's appointment to the City Council. Staff recommended the appointment of Jason Obler, 1137 Pioneer Trail, to fill the vacant seat, with a term to expire on December 31, 2012.

It was moved by Councilmember Goldston and seconded by Councilmember Hanson to appoint Jason Obler to fill the vacant seat on the Planning Commission, with a term to expire on December 31, 2012. Motion carried 4-0.

Consider a donation request for the Bayport Memorial Day Parade in the amount of \$300.00: Administrator Berg reviewed the background of city assistance for the annual Memorial Day Parade, including Public Works and Police Department in-kind support for cleanup and public safety. At this time, the Bayport American Legion is requesting a \$300.00 donation from the city to offset parade expenses. Administrator Berg stated \$3,000.00 is budgeted for discretionary donations, and he requested direction from the City Council for future donation requests. Discussion followed on the importance of honoring military personnel, local business benefits generated by parade attendees, budget factors, and how to determine which donation requests are granted. Attorney Vivian clarified that the city should not donate public funds for private purposes, and stated the City Council should determine if the donation request meets the threshold of a legitimate public purpose, one that benefits all residents.

It was moved by Councilmember Ostertag and seconded by Councilmember Goldston to donate \$300.00 to the Bayport American Legion for the annual Memorial Day Parade. Motion carried 4-0.

Mayor St. Ores noted that future donation funding would be considered during the 2012 budget planning process.

Consider revising City Council liaison appointments for 2011: Due to the resignation of Councilmember Seeberger, the following appointments were established:

Andersen Citizen Advisory	Dan Goldston	Michele Hanson, alternate
Cable Commission	Mark Ostertag	Connie Carlson, alternate
Library Board	Connie Carlson	Michele Hanson, alternate
Lower St. Croix Partnership	Dan Goldston	Mark Ostertag, alternate
Middle St. Croix Watershed	Susan St. Ores	Dan Goldston, alternate
Planning Commission	Michele Hanson	Susan St. Ores, alternate

It was moved by Councilmember Hanson and seconded by Councilmember Ostertag to approve the revised City Council liaison assignments for 2011 as presented. Motion carried 4-0.

Consider designating June 11 as Citywide Cleanup and Recycling Day for 2011: The city sponsored free cleanup and recycling days for residents in 2005, 2006, and 2008; however these efforts have been deferred in the last few years, due to the economic climate. Administrator Berg noted the city has expended between \$6,000.00-\$8,000.00 to sponsor previous events. Due to the length of time since the last cleanup day, public interest, and disposal needs for flood debris, city staff is recommending a cleanup day be held this year; however, the city did not include this in the current budget. Administrator Berg anticipates the event could be held at a cost of \$2,000.00 to the city, using a variety of grants and other funding sources, including a fee-based approach, whereby residents would be charged \$5.00 per vehicle to participate and a nominal fee to dispose of certain items. A complete list of items that will be accepted and disposal fees will be advertised prior to the event.

It was moved by Councilmember Hanson and seconded by Goldston to designate a citywide cleanup and recycling day on Saturday, June 11, 2011. Motion carried 4-0.

City Council workshop to discuss Public Works organizational review: Administrator Berg reviewed the review process to date and stated the facilitator would like to meet with the City Council prior to finalizing his report. Staff will coordinate a date for this special meeting workshop, based upon councilmember availability. Once a date is determined, the special meeting will be declared, per statutory requirements.

Agreement and special event application for Stillwater Marathon on May 29, 2011: Administrator Berg summarized the pending agreement between St. Croix Events, Inc., and the City of Bayport to hold a portion of the Stillwater Marathon in Bayport. Staff is working closely with St. Croix Events to finalize the agreement and obtain the special event application and required fees. He noted the city is requiring a \$500.00 impact fee this year, similar to fees being assessed by the other affected government entities. The agreement also calls for a \$3,000.00 non-refundable deposit to cover costs associated with the event. Councilmember Ostertag indicated the Bayport Fire Department incurs costs to provide medical rescue for the event and to stage a fire engine out of town, due to road restrictions associated with the marathon. He proposed increasing the non-refundable deposit to \$3,500.00 or \$4,000.00 to cover these additional expenses and to make sure the Fire Department receives reimbursement for their services. Chief Eastman reviewed additional city services associated with the marathon, and Administrator Berg noted that any expenses above the deposit amount would be paid by St. Croix Events.

It was moved by Councilmember Hanson and seconded by Councilmember Ostertag to authorize staff to approve the special event application and event agreement for the Stillwater Marathon, with a \$3,500.00 non-refundable deposit, contingent upon all fees, deposits, insurance applications and agreements being finalized by May 13, 2011. Motion carried 4-0.

## **COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Mayor St. Ores stated the Beyond the Yellow Ribbon group would be hosting a fund raising spaghetti dinner and bake sale to support the area's military families on Saturday, May 7, 2011, 5:00-7:00 p.m., at the Bayport American Legion. The event is free to active-duty military families.
2. Mayor St. Ores commented on the successful "Razzle Dazzle" carnival sponsored by the Andersen Elementary parent group on Friday, April 29, 2011.
3. Councilmember Goldston's appointment to the City Council was recognized, and he indicated he was looking forward to his new duties.
4. Councilmember Hanson thanked Administrator Berg for pursuing the installation of a safety grate across the 4<sup>th</sup> Street North culvert.

## **CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS**

Administrator Berg summarized his written report. The city will be maintaining its State of Emergency declaration until it is determined whether the county will be eligible for federal disaster relief. The city has sandbags that were not exposed to the elements and will be offering them to city residents at no charge. Bags can be picked up outside the Public Works building. Administrator Berg stated that rising fuel prices and increased snow removal expenses have resulted in overages in the Public Works budget. He explained the city is utilizing part-time staff, in accordance with union contracts, to efficiently meet Public Works' staffing needs.

## **ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Ostertag to adjourn the meeting at 7:45 p.m. Motion carried 4-0.

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City Administrator/Clerk