

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 5, 2014
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of May 5, 2014 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 Susan St. Ores, Councilmembers Connie Carlson, Dan Goldston, Michele Hanson and Patrick McGann

Members Absent: None

Staff Present: City Administrator Logan Martin, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, City Engineer John Parotti, City Attorney Andy Pratt, Fire Chief Mark Swenson, and Assistant City Administrator/Planner Sara Taylor

APPROVAL OF AGENDA

Councilmember Carlson requested adding consent agenda item #7, *Reschedule June 2, 2014 regular City Council meeting to June 9, 2014*, and new business item, *Consider the addition of hanging baskets to utility poles in the city's business district.*

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve the May 5, 2014 City Council agenda as revised. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS

1. The April recycling award recipient is Dustin Vincent who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.

OPEN FORUM

1. Sue Baldwin announced the first Bark for Life fund raising event for the American Cancer Society (ACS) will be held at Barker's Alps Park on Saturday, May 17 from 9:00 a.m. to noon. Participants may preregister at the ACS website or on the day of the event (\$20.00 registration fee).
2. Mayor St. Ores asked Attorney Pratt to review city zoning and state fire codes related to single and multi-family housing, due to recent concerns expressed by residents. Attorney Pratt stated the city has ordinances to deal with non-compliant properties. He also noted that individual properties recently brought to the city's attention in regard to their multi-family housing status are compliant with city code. Residents were directed to contact Administrator Martin if they have questions regarding this information.

CONSENT AGENDA

Mayor St. Ores read items 1-7 on the revised consent agenda.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 14-07

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-7 FROM THE
MAY 5, 2014 CITY COUNCIL AGENDA**

1. April 7, 2014 City Council regular meeting minutes
2. April payables and receipts (check numbers 1137047-1137147)
3. April building, plumbing and mechanical permits report
4. Temporary on-sale liquor license application from Greater Stillwater Chamber of Commerce for Rockin' Ribs event on June 20-21 at Lakeside Park
5. Temporary on-sale liquor license application from Bethlehem Lutheran Church for Dane's Place event on June 29, 2014 at Village Green Park
6. Application for Minnesota Lawful Gambling Exempt Permit from Bethlehem Lutheran Church for Dane's Place event on June 29, 2014
7. Reschedule June 2, 2014 regular City Council meeting to June 9, 2014

Mayor St. Ores noted the June 9 meeting would likely not be broadcast live due to the schedule change, but the meeting will be rebroadcast several times on Valley Access Channels.

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

Susan St. Ores – aye
Connie Carlson – aye

Dan Goldston – aye
Michele Hanson – aye

Patrick McGann – aye

PRESENTATION OF THE 2013 CITY AUDIT

Molly Thompson, Schlenner Wenner & Company, presented the city's audited financial statements for the year ending December 31, 2013. The audit results, financial highlights and Report to the Members of Governance were reviewed in detail. She explained the book entry value of the city's investments, and Mayor St. Ores emphasized the city's strong financial standing. Ms. Thompson confirmed this fact and applauded the city for its financial management practices.

COUNCIL LIAISON REPORTS

Councilmember Carlson reviewed the April 26 Library Board meeting, noting the strategic planning session was beneficial and the library will be implementing strategies once the plan is formally accepted by the board. She reviewed upcoming events and reported the next meeting is scheduled for May 22, 2014, 6:00 p.m., at the library.

Councilmember McGann reported on the April 21 meeting of the Planning Commission. New commissioners Brad Abrahamson and Elizabeth Kelly were sworn in and the Planning Commission recommended approval of two applications that will be discussed at tonight's meeting.

Mayor St. Ores reported that Administrator Martin, Police Chief Eastman and herself met with the Union Pacific to discuss city and resident concerns with trains blocking roadways, trains idling for lengthy periods, and horn blowing during whistle ban quiet hours. She said new signs have been posted at each railroad crossing listing a toll free number to report trains blocking a crossing, and the city now has a designated Union Pacific representative that will deal with concerns as they arise. She also reviewed the April Middle St. Croix Watershed Management Organization meeting and reported that she attended the 100th Anniversary celebration for the Minnesota Correctional Facility in Bayport on May 3.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Swenson and Mayor St. Ores reported that the Fred C. and Katherine B. Andersen Foundation has granted the city \$1 million for the proposed new fire station. Mayor St. Ores thanked the foundation for this award, as well as their longstanding commitment to the City of Bayport. Chief Swenson reviewed his written report and stated the new fire truck should be ready within the next three weeks. He anticipates completing a service agreement and cost-share contract for the proposed new fire station with the City of Oak Park Heights in June, and other communities served by the department within the coming months.

Police Chief Eastman reminded everyone that a detour will be in place for Highway 95 on Memorial Day for the parade that starts at 8:30 a.m. She reviewed her written report and noted that four people recently completed the Reserve Officer Academy. She clarified that the multiple train complaints noted in the activity log primarily related to a single train idling situation and have been addressed with the Union Pacific.

Public Works Supervisor Mel Horak reviewed his written report. He stated the city's fleet of water meters is reaching its life expectancy, which has resulted in increased time spent on maintenance and repairs. He reported city crews will be flushing fire hydrants beginning May 6 for the next two weeks.

Assistant City Administrator/Planner Taylor reviewed the Planning Commission activity from the April meeting. She reported that staff continues to review city ordinances and noted proposed revisions to the city's solid waste ordinance will be considered at tonight's meeting. Staff has been cross-referencing and updating its electronic database for Hazelwood Cemetery, with the intent to develop a comprehensive map of gravesites in the cemetery. She reminded residents that boat trailer parking permits are now available, the citywide garage sale is scheduled for June 6 and 7, and judging for the Bayport in Bloom contest will take place in late July. More information is available on the city's website.

PUBLIC HEARINGS

Consider a Minnesota Investment Fund loan from the Minnesota Department of Employment and Economic Development to the city to offset the cost for equipment and infrastructure improvements proposed by Andersen Corporation: Administrator Martin explained that the City of Bayport will be partnering with Andersen Corporation to submit a state loan application to the Minnesota Investment Fund for an expansion project at their Bayport plant. The city will act as the fiduciary agent for a \$500,000.00 forgivable loan through the loan program and the guidelines require a public hearing on the loan, as well as a resolution of support from the city. In addition, a business subsidy policy will be considered by the City Council in June. Susan Roeder, Director of Public Affairs for Andersen Corporation, reviewed the expansion project that features the creation of 100 new jobs in Bayport and an \$18 million investment in facility upgrades to support the new product line.

Mayor St. Ores opened the public hearing and no comment was heard.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to close the public hearing. Motion carried 5-0.

NEW BUSINESS

Consider a Minnesota Investment Fund loan from the Minnesota Department of Employment and Economic Development to Andersen Corporation: Administrator Martin summarized the city's required action to partner with Andersen Corporation to enable the company to access state grant funding for the expansion project. Staff recommended approval of the resolution supporting Andersen Corporation's

application to the Minnesota Department of Employment and Economic Development for the Minnesota Investment Fund loan.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 14-08

**RESOLUTION OF SUPPORT FOR AN APPLICATION TO THE MINNESOTA
DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT FOR THE
MINNESOTA INVESTMENT FUND**

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 Dan Goldston – aye Patrick McGann – aye
Connie Carlson – aye Michele Hanson – aye

Consider a request for an amendment to an existing conditional use permit to allow expanded hours for outdoor seating and consumption of food and beverages within the uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North: Assistant City Administrator/Planner Taylor reviewed an application from the American Legion to amend the 2008 conditional use permit (CUP) which allows outdoor seating on the existing front porch. The Legion would like to expand the hours for outdoor seating, consumption of food and beverages, and smoking to 12:00 a.m. on Friday and Saturday evenings to accommodate community and special events. The current CUP limits these activities from 10:00 am. - 10:00 p.m. daily. She stated the majority of parcels in the immediate vicinity are zoned and used for commercial purposes, some of which include outdoor patio or porch areas, which have not had a negative impact on the neighborhood. The Planning Commission held a public hearing on the CUP on April 21 and recommended approval of the amendment. Staff confirmed that the requested hours are consistent with CUPs for other establishments in the city that have outdoor seating. Staff recommended approval of the resolution allowing the expanded outdoor hours, subject to the conditions of approval.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 14-09

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

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

Susan St. Ores – aye Dan Goldston – aye Patrick McGann – aye
Connie Carlson – aye Michele Hanson – aye

Consider a request for a variance to exceed the maximum square footage allowed for accessory structures in the R-1 Single-family Estate zoning district for the residential property located at 12 Point Road: Assistant City Administrator/Planner Taylor reviewed a variance application for 12 Point Road to allow the property to exceed the maximum square footage for accessory structures. The property currently contains a single-family home with an attached garage, a detached garage/storage building and a detached pool house, and the existing and proposed square footage of all accessory structures exceeds the 2,000 square foot maximum allowed for these structures. She stated the property sustained

substantial flood damage in 2001, which led to the demolition of the residential dwelling and construction of a new single-family home with attached garage and a new detached garage. As a condition of approval for the new house and garages in 2002, the city required the structures to be constructed at a minimum elevation of 693 feet and meet all setback, impervious coverage, and fill requirements, to ensure compliance with the floodplain ordinance and prevent future flood damage. Construction was completed in 2003 and the current owners purchased the property in 2012. When the applicant contacted the city about constructing an addition to the detached garage, it was discovered that the total number and area of accessory structures exceeds city code requirements and the elevation and fill around the existing structures do not comply with city code. Limited city records do not explain why the discrepancies exist. Staff and the applicant have been working to address these discrepancies and increase compliance with city ordinances, and the applicant is agreeable to several improvements. These include demolishing the non-conforming pool house, which will bring the property into compliance with one accessory structure per parcel; bringing in the necessary fill and re-grading the property to comply with the required 693 feet elevation a minimum of 15 feet around the existing house and garages; and converting a portion of the existing attached garage into living space, which will reduce the net accessory structure area on the property. In light of the proposed improvements, the applicant is requesting a variance to allow an addition to the existing garage. The addition would result in more accessory structure area than allowed by city code; however the outcome of the total impervious area and accessory structure area will actually result in a net decrease from the existing site conditions and increase compliance with city ordinances. Staff stated that the owners are willing to make a substantial investment to bring the property into compliance with city codes, which will result in a significant improvement over the present conditions, and were not created by the current owner. The Planning Commission held a public hearing on the variance application on April 21, and recommended approval. Staff finds that the criteria for the variance has been met and recommended approval of the resolution approving the variance, subject to the conditions of approval stated in the staff report.

Mayor St. Ores questioned construction activity on the property, and Planner Taylor stated there was some preliminary groundwork completed last fall before the discrepancies were identified, at which time work ceased. Planner Taylor said the Minnesota Department of Natural Resources (DNR) has reviewed the application and is supportive of the variance conditions of approval that will protect the structures from future flood damage, with the addition of the necessary fill to comply with elevations to 693 feet. She added that although the variance would allow 1,047 square feet above that allowed by city code for accessory structures on the property, the lot is approximately 102,000 square feet, which is substantially greater than other properties in the city and the required minimum lot size for this zoning district.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 14-10

RESOLUTION FOR A VARIANCE TO EXCEED THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR ACCESSORY STRUCTURES IN THE R-1 SINGLE-FAMILY ESTATE ZONING DISTRICT BY PERMITTING A 1,010 SQUARE FOOT ADDITION TO THE EXISTING DETACHED GARAGE AT THE PROPERTY LOCATED AT 12 POINT ROAD, LEGALLY DESCRIBED AS LOT 12, POINT ADDITION, OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

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
Connie Carlson – aye

Dan Goldston – aye
Michele Hanson – aye

Patrick McGann – aye

Consider awarding the 2014 Sealcoating Project: Engineer Parotti summarized the bid opening for the 2014 Sealcoating Project. The three bids ranged from \$58,141.00 to \$65,178.00, with the low bid submitted by Allied Blacktop Company, Maple Grove, Minnesota. Staff recommended awarding the project to Allied Blacktop Company in the amount of \$58,141.00. Public Works Supervisor Horak said the city's goal is to sealcoat approximately one-fifth of the city streets annually, and he stressed the value of this work to extend the life of city streets. Administrator Martin stated \$60,000.00 was budgeted for the project.

It was moved by Councilmember Goldston and seconded by Councilmember Carlson to award the 2014 Sealcoating Project to Allied Blacktop Company, Maple Grove, Minnesota, in the amount of \$58,141.00. Motion carried 5-0.

Consider an amendment to Chapter 46 – Solid Waste, Article III. of the Bayport City Code of Ordinances related to storage, collection and disposal: Administrator Martin reviewed the proposed amendments to the solid waste ordinance that pertain generally to the storage and disposal of bulk materials, such as dumpsters, bagsters and PODS on residential properties. The amendment states that temporary storage containers can be placed five feet from a property line, which is consistent with the setback for sheds and other accessory structures. Additionally, the revisions limit temporary containers to one per property, for up to 30 days. A city permit process for the placement of temporary storage containers will also be established. Administrator Martin noted staff added language to Sec. 46-54 related to hazardous waste, after conferring with Washington County Public Health. The language, *in accordance with all applicable county and state regulations*, will be added to the last sentence. Discussion followed on the flexibility to allow both a POD and a dumpster to accommodate certain construction projects, and it was recommended Sec. 46-58 be revised to state bulk containers are limited to one container per property, *unless otherwise approved by the city*.

Councilmember Carlson introduced the following ordinance, as presented, and moved its adoption:

Ordinance #842

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 46 – SOLID WASTE, ARTICLE III. COLLECTION AND DISPOSAL,
OF THE BAYPORT CITY CODE**

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

Susan St. Ores – aye
Connie Carlson – aye

Dan Goldston – aye
Michele Hanson – aye

Patrick McGann – aye

Consider the addition of hanging baskets to utility poles in the city's business district: Administrator Martin reported staff has been working with the Minnesota Department of Transportation (MnDOT) on a potential beautification project in the downtown retail corridors along Highway 95 and 5th Avenue North, to add decorative flower baskets to the city-owned utility poles. MnDOT did not have any objections to the project, which would be maintained by the Public Works staff. He reviewed options for adding approximately 15 baskets to light poles, at a cost of approximately \$46.00 per 18-inch flower basket, plus the required brackets/supports. Staff requested City Council approval for a do-not-exceed expenditure of \$1,500.00 for the project. Public Works Supervisor Horak said his department could maintain the baskets without additional staff. He stated staff will need to verify that the light poles are rated for the extra load created by the brackets and baskets. Mayor St. Ores recommended the city delay the project until next year if the project cannot be implemented quickly. Discussion followed on utilizing a combination of standing planters/hanging baskets and it was noted MnDOT has specific guidelines for placement of items along the

state highway within the right-of-way. Planner Taylor stated that when the city benches were added along Highway 95, the majority were placed on private property and agreements secured with property owners. Administrator Martin noted the requested expenditure would cover the cost for flower baskets only, and funding for standalone planters could be considered in the 2015 budget. Further discussion centered on the proposed expenditure and value of the beautification project.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to authorize up to \$1,500.00 for a beautification project to add hanging baskets to light poles in the business districts along Highway 95 and 5th Avenue North. Motion carried 5-0.

Mayor St. Ores added the project would be evaluated prior to adding the line item to future budgets.

UNFINISHED BUSINESS

Consider plans and specifications for the next phase of improvements for Perro Park: Park consultant Larry Wacker reviewed the revised scope of improvements and budget plans for Phase II of the park improvements in detail. If the plans are approved, specifications and construction documents would be finalized and the work put out for public bid, with work to begin in June. Mr. Wacker recommended having one basketball goal versus two, to avoid conflict with tennis activity and stated the existing basketball goal on the west side could be refurbished. Administrator Martin said that a security project at Andersen Elementary may eliminate two basketball goals on the school property, thus increasing the importance of retaining this goal. Mr. Wacker stated that decisions are needed on installation of the basketball goals, sign selection/location, and the stair concept in the northwest corner of the park. Factoring in the American Legion's donation of \$15,000.00 for the ball field improvements, the city's estimated cost for the proposed work is \$101,830.00, and \$100,000.00 has been budgeted. Administrator Martin and Councilmember Carlson are working on securing a donation for the work to excavate the tennis court surface, which would reduce the total project costs by \$5,400.00. Councilmember Carlson shared resident comments in favor of keeping at least one basketball goal in the plan. She inquired about adding striping to the tennis courts to facilitate playing pickleball, a new sport that is gaining popularity, and Mr. Wacker will check on the compatibility for this type of play on a traditional tennis court. Discussion followed on the benefits of keeping one basketball goal in the plan and reusing the existing pole which would decrease the line item to approximately \$1,000.00; the use of concrete curbing to contain the wood chips in the playground area; and the decision to remove the tennis court lights to be in line with park hours. Mayor St. Ores expressed her preference to devote funds for additional play equipment versus a park identification sign; however the general consensus of the City Council favored an identification feature for the park. Administrator Martin noted the city can explore grant opportunities to purchase play equipment and budget accordingly next year. Councilmember Hanson recommended also pursuing grant opportunities for new play equipment for Barker's Alps Park. It was noted the American Legion funds will be used for commemorative benches by the play area, and Councilmembers expressed their desire that any reused equipment should be consistent with the new look for the park. Discussion ensued on saving money by decreasing the stair width from 12 feet to 8 feet, and Mr. Wacker estimates this would save approximately \$2,000.00. Due to limited space, the baselines for the ball field will be 50 feet instead of 60 feet, which would be sufficient for typical field use by younger children or for practice.

The City Council recommended the following changes to the presented plans:

- Upgrade one basketball goal for approximately \$1,000.00 (\$2,500.00 savings)
- Decrease size of stairs to 8 feet for a savings of approximately \$2,000.00
- Select sign concept A, a 4 foot by 6 foot stone sign

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to proceed with the preparation of plans and specifications and the solicitation of bids for Phase II improvements for Perro Park, with the recommended changes as outlined above. Motion carried 5-0.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

1. Councilmember Carlson reminded residents to contact City Hall if they wish to sign up for the citywide garage sales on Friday, June 6 and Saturday, June 7.
2. Mayor St. Ores encouraged residents to attend the Memorial Day Parade on Monday, May 26, beginning at 8:30 a.m., and noted the June City Council meeting has been rescheduled to Monday, June 9 at 6:00 p.m.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to adjourn the meeting at 8:15 p.m. Motion carried 5-0.

City Administrator/Clerk