

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS**

**JUNE 4, 2012**

**6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of June 4, 2012 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 Mark Ostertag

Members Absent: None

Staff Present: Administrator Mitch Berg, Fire Chief Mike Bell, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Attorney Andy Pratt, and Assistant Administrator/Planner Sara Taylor

**APPROVAL OF AGENDA**

Administrator Berg requested moving consent agenda items #6 *Special event application from BCAL for Derby Days on Saturday, September 15, 2012* and #7 *Fireworks display permit for Derby Days on Saturday, September 15, 2012* to new business, and to reorder new business items as follows:

(1) Consider a resolution establishing a partnership with the Bayport Community Action League for community events; (2) Special event application from BCAL for Derby Days on Saturday, September 15, 2012, (3) Fireworks display permit for Derby Days on Saturday, September 15, 2012; (4) Presentation by *Friends of Stillwater Area Dog Park* on a request for a concept off-leash dog park to be located in Barker's Alps Park and public forum to provide input or comment on the concept; (5) Consider authorization to purchase fire hydrants and related equipment for the city's Water Department

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve the amended June 4, 2012 City Council agenda. Motion carried 5-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The May recycling award recipient was Charlotte Robledo 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 and thanked Jeff Hafeman for over 30 years of service to the Bayport Fire Department, upon his retirement from the department.
3. Mayor St. Ores recognized and thanked resident Ginny Peulen for her efforts in organizing the annual citywide garage sales that were held this past weekend.

**OPEN FORUM**

Mayor St. Ores announced that persons wishing to comment on the proposed dog park at Barker's Alps Park could do so when the topic is discussed under new business.

1. Mark Blando, Library Director, introduced himself and reviewed the library's summer programs, including an open house for the new Teen Center on June 12, 2012, 6:00-8:30 p.m. Details on all programs and events are available on the library's website and Facebook page.
2. Chris LeClair, a senior environmental specialist with the Washington County Public Health and Environment department, reviewed the county's septic system inspection and maintenance program.

He stated that septic systems must be inspected every three years and when a property is sold to ensure the system is working properly. He noted that 18 of the city's 47 systems are not up-to-date with their maintenance and encouraged homeowners to comply.

## **CONSENT AGENDA**

Mayor St. Ores read items 1-5 on the amended consent agenda.

1. May 7, 2012 City Council regular meeting minutes
2. April 16, 2012 City Council workshop minutes
3. May payables and receipts (*check numbers 1134510-1134614*)
4. May building, plumbing and mechanical permits report
5. Special event application from Bethlehem Lutheran Church for Second Sunday Suppers

Administrator Berg noted a text error in the May 7, 2012 meeting minutes and indicated staff would change the date of Councilmember Ostertag's Cable Commission report to April 19, 2012.

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 12-09**

### **RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-5 FROM THE JUNE 4, 2012 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
Connie Carlson – aye	Mark Ostertag – aye
Dan Goldston – aye	

**PUBLIC HEARINGS** - None

## **COUNCIL LIAISON REPORTS**

Councilmember Carlson had no further report on the May 24, 2012 Library Board meeting, but she did encourage residents to stop by the library and meet Library Director Mark Blando.

Mayor St. Ores provided updates on meetings she attended in the last month, including the St. Croix River Foundation regarding the dangers of Asian carp, a collaborative initiative with the school district, and Community Thread. She also thanked the Bayport American Legion for sponsoring the Memorial Day parade.

Councilmember Goldston reviewed the May 30, 2012 meeting of the Lower St. Croix Partnership, which included election of officers.

**UNFINISHED BUSINESS** - None

## **NEW BUSINESS**

Consider a resolution establishing a partnership with the Bayport Community Action League for community events: Administrator Berg reviewed staff's recommendation to establish a partnership with the Bayport Community Action League (BCAL) for specific community events. The proposed resolution recognizes the value of BCAL efforts on behalf of the city and would allow support in providing in-kind donations of city services and/or park facility rental and use. Councilmember Hanson inquired about fees, and Administrator Berg clarified the BCAL would continue to pay administrative fees associated with community events, such as special event applications, fireworks permits, and temporary liquor licenses. Kathy Mott, President of the BCAL, expressed her support for the resolution

defining a partnership with the city. Councilmembers voiced their appreciation for the many BCAL activities that enhance the community, including Derby Days.

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 12-10**

**A RESOLUTION ESTABLISHING A PARTNERSHIP WITH THE BAYPORT  
COMMUNITY ACTION LEAGUE FOR COMMUNITY EVENTS**

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	Michele Hanson – aye
Connie Carlson – aye	Mark Ostertag – aye
Dan Goldston – aye	

Special event application from BCAL for Derby Days on Saturday, September 15, 2012: Administrator Berg indicated the BCAL would be responsible for paying the \$15.00 application fee, per the partnership agreement approved previously.

It was moved by Councilmember Ostertag and seconded by Councilmember Goldston to approve the special event application from the Bayport Community Action League for Derby Days on Saturday, September 15, 2012. Motion carried 5-0.

Fireworks display permit for Derby Days on Saturday, September 15, 2012: Administrator Berg indicated the BCAL would be responsible for paying the \$100.00 application fee, per the partnership agreement approved previously.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to approve the fireworks display permit for Derby Days on Saturday, September 15, 2012. Motion carried 5-0.

Presentation by Friends of Stillwater Area Dog Park on a request for a concept off-leash dog park to be located in Barker's Alps Park and public forum to provide input or comment on the concept: Mayor St. Ores reviewed the notification process for this agenda item and indicated the City Council would be accepting public comment for an additional month prior to further discussion at the July meeting. Joanna Tom, secretary for the nonprofit Friends of Stillwater Area Dog Park (FSADP), presented a proposal to install a 1.6 acre, fenced off-leash dog park at Barker's Alps. All dogs would be licensed through the city in order to be eligible to use the park, which will help increase the number of pets licensed in the city and ensure required vaccinations. FSADP would have a role in park maintenance and management; however dog parks are typically self-policed. Proposed park hours are 8:00 a.m. to sunset and rules will be posted at the site. She reviewed FSADP's ongoing commitment to the dog park, including maintenance, funding, monitoring and basic repairs. As proposed, the city would be responsible for snow removal, trail/path maintenance, sanitation, trash removal, enforcement of city laws and codes, and processing of permits and licenses. The positive aspects of the selected site were reviewed, along with the challenges of adding handicapped parking spaces, removal of hazardous trees and buckthorn and maintaining low-lying areas. She addressed additional concerns of sufficient patron parking, the small size of the area, and barking, noting there are homes on only one side of the area. The presentation was concluded noting that a sunset clause can be included in the use agreement so the land could be repurposed if the dog park is not properly managed or utilized.

Daniel Butler, a river valley resident, stated he supports the project and indicated FSADP intends to fully support the dog park with volunteer efforts and financial contributions. His experience with dog parks is positive and believes users do a good job of self-policing the areas.

Chris Hayner, 11 Point Road, Bayport, is in favor of the proposal. He questioned whether the site would interfere with the sliding hill, and staff indicated it would not.

Tom Jackson, 111 Central Avenue, Bayport, opposes the proposal due to his negative experience with the Como Park dog park. He noted parking concerns on residential streets, vandalism of unattended cars, lack of ground cover that promotes muddy conditions, unattended dogs, aggressive dogs, ineffective self-policing, and maintenance issues.

Corey Magle, 316 9<sup>th</sup> Street North, Bayport, is opposed to the proposal due to the possibility of his children being bitten if a dog gets loose, as well as parking concerns. He stated the area is already congested with park users' vehicles, and at times he is unable to find a place to park on his residential street.

Kit Ridgway, 337 5<sup>th</sup> Street North, Bayport, would like to know why the Cities of Oak Park Heights and Stillwater rejected proposals from FSADP. She has observed dog owners leaving their animals alone in a dog park and has personal knowledge of an elderly man injured at a dog park that had to pay his own medical bills.

Chuck Carlson, Inver Grove Heights, opposes the proposal as he believes it will have a negative effect on the beauty of the park grounds and enjoyment by park users.

Lorna Wille, 819 Sycamore Street, Stillwater, is in favor of the proposal. She acknowledged vehicle vandalism has been an issue at the 35-acre Battle Creek dog park she utilizes but doesn't believe it would be a factor in Bayport. She believes there would be adequate parking, that odors would not be an issue, and having a fenced-in area for dogs to run would be very beneficial.

Mary Beth Gedatus, 332 9<sup>th</sup> Street North, Bayport, opposes the dog park and has concerns with added traffic, parking on residential streets, proposed location near the trail system, barking, potential for residential break-ins with increased exposure, and spoiling enjoyment of the park in general. She presented a petition signed by 78 people opposing the dog park and expressed concern that many Bayport residents may not be aware of the proposal.

Dan Ridgway, 337 5<sup>th</sup> Street North, opposes the proposal and questioned the city's liability for injuries occurring in a city park. He had concerns with parking on residential streets, potential for odors, and barking dogs disturbing residents and others enjoying the park.

Sandy Ness, 461 7<sup>th</sup> Street North, opposes the proposal. She has experienced uncollected waste in a dog park and believes there would be a need for substantial monitoring of the area. She believes dog parks are a good idea but need to be at least 3 ½ to 4 acres. The location is also low-lying and will get wet.

Karen Lampi, 261 6<sup>th</sup> Street South, is in favor of the proposal. She believes dog parks are beneficial to pets and owners and there won't be a barking issue.

Deb Staloch, 223 5<sup>th</sup> Street North, opposes the proposal. She expressed concerns that supporters of the proposed park were contacted prior to notification to Bayport residents. She believes all Bayport residents should receive written notification of the proposal so they have an opportunity to comment.

She believes a dog park will destroy the pristine nature of the park that was recently renovated and that vehicle vandalism will be an issue.

Cary Preuss, 923 2<sup>nd</sup> Avenue North, opposes the dog park as it will have a negative impact on his property. He had concerns with increased traffic and parking resulting in safety concerns for his family.

John Sturtz, 3411 Osgood Path North, Baytown Township, is a practicing veterinarian and believes an off-leash dog park is beneficial to properly exercise dogs. He also disputed an earlier comment that a dog park would destroy the “people’s park” because dog owners are people.

Becky Dawson-Cox, Stillwater resident and Chair of People’s Congregational Church Operations Board, stated church members were in attendance to gather information about the proposal. People’s Church holds their summer services at the labyrinth area adjacent to Barker’s Alps and she inquired what recourse the church would have if there was a problem with dogs on their land or during the service.

Eugene Bell, 510 6<sup>th</sup> Street North, opposes a dog park at Barker’s Alps and recommended pursuing a site on the DNR land adjacent to the prison or Xcel Energy’s fly ash disposal site in Oak Park Heights.

Lisa Swan, 111 Central Avenue, expressed concerns about safety, parking, park size, self-policing, and unattended and aggressive dogs. She favors a fee and license process if the proposal is approved. She questioned why the proposal was not approved in neighboring communities.

Doug Menikhiem, Stillwater City Councilmember, explained Stillwater’s dealings with establishing a dog park in the city. He stated he is in favor of the proposal and sees it as part of a collaborative effort with cities in the region. He encouraged councilmembers to consider facts and not anecdotal evidence or speculation and suggested a “maybe” vote, which would provide a one-year trial period for the dog park.

Kathy Mott, chairman of the annual BCAL Easter Egg Hunt, had concerns with dogs and pet waste in the area and how it would affect the Easter Egg Hunt.

David Levy, 348 Minnesota Street South, favors the proposal and believes the city can deal with the issues of code enforcement, parking and unlicensed pets. He says the park is currently used by people walking their dogs and that a dog park would contain the pet waste in a specific area. He believes the key is people being responsible for their pets and self-policing of dog parks can work. He mentioned he liked the idea of a user fee.

Jason Obler, 1137 Pioneer Trail, would appreciate having the area roped off so residents have a clear idea of the proposed site. He also requested more information about the nonprofit FSADP, why they chose the proposed site, pros and cons of alternate sites, estimated usage, and estimated cost for city services and/or new revenue. He stated he is a “maybe” on the proposed dog park.

Mary Hanf, 340 4<sup>th</sup> Street South, expressed concern with the environmental impact on the site and does not believe it can be returned to its natural state. She does not agree with a “maybe” decision and would like information on how FSADP would return the site to its present state, should the dog park not be a good fit for the area.

Upon no additional comments, Mayor St. Ores closed the public forum and requested FSADP representatives to respond to questions raised by the public and councilmembers.

Allison McGinnis, FSADP representative and Stillwater resident, explained that the group contacted Bayport registered pet owners in an effort to reach out to prospective users of a dog park, indicating that 20 Bayport residents had previous involvement with FSADP prior to the mailing. She stated the group has been in discussions with the city for approximately two years. She believes it would not take long to return the area to its natural state if needed.

Councilmember Hanson questioned several aspects of the proposal, noting concerns with maintenance, hours, parking, liability, permit/licensing process (user fees), and possible lack of restrooms in Barker's Alps to accommodate additional users. FSADP stated they would work with the PW Department to initially prepare the grounds for the dog park area and perform routine maintenance (consistent with the rest of Barker's Alps), but that a volunteer coordinator and volunteers would be responsible for the equipment and ongoing maintenance of the area. It was noted that parking permits and/or signage on 2<sup>nd</sup> Avenue and 9<sup>th</sup> Street North may be necessary to prevent an influx of parking in the adjacent residential neighborhood and encourage use of the parking lot in Barker's Alps. Administrator Berg stated that the city would not need to have additional insurance for the dog park and clarified that although the dog park will promote a designated area for owners and pets to congregate, dogs would still be allowed in other areas of the park, provided they are under the owner's control via electronic collar or leash.

Councilmember Ostertag questioned how FSADP would ensure only licensed pets/owners would have access to the dog park area and reiterated Councilmember Hanson's concerns about parking in adjacent residential areas. FSADP stated that a volunteer would occasionally be present at the dog park to verify users are licensed, but would rely primarily on the users themselves to be responsible for enforcing the license regulations. A key card or similar system could be implemented to limit access to licensed pet owners only. Councilmember Ostertag questioned whether Barker's Alps was the best location for a dog park in this area and suggested working with other communities via the Community Symposium initiative to identify possible alternative locations that may be a better fit for such a facility.

Councilmember Carlson stated she would like more information on how FSADP would effectively monitor the dog park area and also reiterated concern for increased parking in the adjacent residential areas and the need to make sure this would not have a negative impact on the neighborhood.

Councilmember Goldston noted that as part of the dog park, a use agreement would be created between the city and FSADP, which would delineate all responsibilities, expectations, and processes to be followed to manage and maintain the dog park and remarked that if certain issues could not be resolved, the agreement could be cancelled. He expressed concern for the number of pets within the city that do not have current city licenses and stated he would like to see a hefty fine for owners who do not pick-up their pet's waste, and requiring a special lead or leash that would identify potentially dangerous dogs. He acknowledged comments made regarding the parking situation, but noted that parking can be an issue anywhere.

Mayor St. Ores recognized FSADP for their efforts and encouraged residents to keep an open mind on the matter. She acknowledged that many pet owners do not pick up after their dogs and many pets are unlicensed and urged the community to take responsibility for these issues. FSADP reviewed the response from surrounding communities that were approached for a dog park, noting they are still pursuing other opportunities with Oak Park Heights, Stillwater, and Stillwater Township, as they would like to see multiple dog parks in the area. Mayor St. Ores stated she would like to see an estimate on the staff time required to initially prepare the grounds area for the dog park, for budgeting purposes. She also requested FSADP rope off the dog park area so that individuals could have a visual perspective of the location and size of the proposed park.

Councilmember Goldston encouraged residents to provide written comments for councilmember consideration on the issue, pro or con. He would also welcome speaking with residents.

Councilmember Carlson questioned redacting the names and addresses of residents who provided written comments prior to the meeting, and Administrator Berg explained it was done to comply with Minnesota Statutes regarding public information requests, to keep their information confidential, so residents could freely comment on the issue. Attorney Pratt further explained the city must conform with the Data Practices Act when a public information request is submitted, which includes emails to the City Council and city staff.

Prior to the July meeting, staff will work with group to have the area roped off as soon as possible, provide a cost estimate for the park, and provide an outline of enforcement measures for pet owners who violate city ordinances related to licensing and leash requirements.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to continue the discussion on the proposed dog park to the July City Council meeting. Motion carried 5-0.

Consider authorization to purchase fire hydrants and related equipment for the city's Water Department: Administrator Berg reviewed a request to replace three to four fire hydrants this year, noting some of the hydrants are 60-70 years old and can no longer be repaired. Recognizing the need to update the obsolete equipment, staff budgeted \$17,000.00 in 2012 for replacement of up to five fire hydrants. Staff solicited quotes from four vendors for the hydrants and related equipment utilizing menu-type pricing and recommended awarding the purchase to the low quoter, Ferguson Water Works, Blaine, Minnesota. Councilmember Hanson requested additional information on the quotes that were received and the number of hydrants that would be replaced. Administrator Berg recommended continuing further discussion to the next meeting, so that staff could research and provide additional information.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to table this item to the July meeting. Motion carried 5-0.

#### **CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Councilmember Carlson encouraged residents to attend the library open house on Tuesday, June 12, 2012, beginning at 6:00 p.m.
2. Mayor St. Ores reminded residents of a Beyond the Yellow Ribbon spaghetti dinner fundraiser at the Bayport American Legion on Saturday, June 16, 2012, and an ice cream social sponsored by the BCAL at Lakeside Park on Wednesday, June 13, 2012, from 6:30-8:30 p.m.
3. Mayor St. Ores shared an email from a resident who complimented the Public Works staff for the courtesy and consideration displayed during a recent walk with his young daughter.
4. Councilmember Ostertag thanked residents for attending the Memorial Day parade.

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

1. Administrator Berg reviewed a map indicating the city streets that will be seal coated beginning Monday, June 11, 2012. No parking signs will be posted on affected streets and alleys on Sunday, June 10, 2012. Affected residents are to be asked to refrain from watering their lawns to prevent chemicals/oil entering the storm sewers. The seal coating quotes exceeded the budgeted amount and additional funding was obtained from the street repair budget, which resulted in the city reducing the amount of crack filling on city streets. Staff worked with the City of Oak Park Heights to piggyback on their scheduled crack filling project for work to be completed in Inspiration. The work will be done the week of June 18, 2012. The cost of the project is \$3,848.00, which is below the city engineer's estimate.
2. The Fire Department has installed a vending machine on the west side of the beach house at Lakeside Park, with 90% of the profits benefitting the department and 10% to the city.

3. City businesses along Highway 95 have been surveyed regarding the placement and design of new benches and garbage receptacles. Administrator Berg requested the participation of two councilmembers to meet with city staff to decide on the specifics for this beautification project, which would be brought to the City Council for approval.
4. The city has received tax petitions from Andersen Corporation and the owner of the Inspiration development, which may impact property tax revenues for 2013.
5. The city continues to seek a resident to serve on the Cable Commission. City Council liaison Ostertag reviewed the commission's duties, noting a focus on the upcoming franchise renewal with Comcast. Residents can find more detail on the volunteer position in the next city newsletter that will be delivered this week.
6. The city continues to work with Andersen Corporation on an agreement for boat trailer parking at the 4<sup>th</sup> Avenue North boat launch. Discussion items include regulating public behavior at the launch site and ownership of the underlying land along 4th Avenue North. Administrator Berg believes Andersen Corporation is negotiating in good faith and an agreement will be reached in the near future.

### **ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to adjourn the meeting at 8:58 p.m. Motion carried 5-0.

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City Administrator/Clerk