

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JULY 2, 2012  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of July 2, 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, Police Chief Laura Eastman, Engineer Barry Peters, Attorney Andy Pratt, and Assistant Administrator/ Planner Sara Taylor

**APPROVAL OF AGENDA**

Administrator Berg requested the addition of *Public nuisance abatement at 2 Point Road* to New Business and an announcement by the Police Department on dog enforcement procedures to Proclamations/Commendations/Petitions/Announcements.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to approve the amended July 2, 2012 City Council agenda. Motion carried 5-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The June recycling award recipient was Lisa Okerstrom who will receive \$30.00 for her recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores announced the city will be holding a *Focus on Bayport* photo contest and encouraged residents to submit a favorite photo by August 23. Complete details are available on the city's website and at City Hall.
3. Police Chief Eastman announced that city staff has developed an informational piece on pet rules and regulations that will be utilized by officers to reinforce the city's policies and promote public and pet safety in public spaces.

**OPEN FORUM**

1. Barry Torgerson, manager for the apartment buildings at 205 and 221 1<sup>st</sup> Avenue North, expressed concerns about parking for the tenants and requested that councilmembers receive a copy of a petition requesting posting of "resident parking only" signs in front of the buildings. Administrator Berg stated the petition would be addressed as part of his city administrator's report.

**CONSENT AGENDA**

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

1. June 4, 2012 City Council regular meeting minutes
2. May 21, 2012 special meeting minutes
3. June payables and receipts (*check numbers 1134615-1134717*)
4. June building, plumbing and mechanical permits report
5. Appointment of election judges for 2012 primary and general elections
6. Grant agreement with Minnesota Department of Public Safety for "Toward Zero Deaths" project

7. Replacement of Police Department squad vehicle
8. Lawful gambling premises permit application for Hefty's located at 193 3<sup>rd</sup> Street North
9. Off-sale liquor license application for Hefty's located at 193 3<sup>rd</sup> Street North
10. Temporary on-sale liquor license application for Bayport Marina Association on August 4, 2012
11. Donation of \$200.00 from Harold Radke for Fire Department training
12. Donation of \$200.00 from Harold Radke for Police Department training

Administrator Berg indicated that approval of item #7, *Replacement of Police Department squad vehicle*, would also provide authorization for the expenditure in the 2013 Capital Improvement Plan. In reference to item #8, he noted the city would receive 10% of the proceeds from lawful gambling profits at the new Hefty's, and that proposed state legislation may offer additional city revenue opportunities for electronic pull tabs and bingo.

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 12-11**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE  
JULY 2, 2012 CITY COUNCIL AGENDA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Hanson 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**

Mayor St. Ores reported on the June meeting of the Middle St. Croix Watershed Management Organization (MSCWMO), noting that three cost-share projects were approved.

Councilmember Ostertag reviewed the June 28, 2012 workshop meeting of the Cable Commission that focused on the franchise renewal agreement, with input from the commission's attorney. The commission has hired a private party to investigate the transmission problems experienced with the live broadcasting of Bayport meetings, as well as the quality of the picture.

**UNFINISHED BUSINESS**

Consider a request for a concept off-leash dog park to be located at Barker's Alps Park: City Administrator Berg reviewed estimated construction and annual maintenance costs for the proposed off-leash dog park. Staff estimates the Friends of Stillwater Area Dog Park (FSADP) would expend \$12,564.00 in initial construction costs and \$6,500.00 for annual maintenance. The city's initial construction costs for in-kind labor and vehicles are estimated at \$7,500.00, with annual maintenance costs of \$17,193.00, which includes a 15% contingency. Mayor St. Ores opened up the floor to hear public comment and encouraged speakers to address new concerns only, in the interest of time.

Dan Ridgway, 337 5<sup>th</sup> Street North, encouraged councilmembers to be aware of what the majority of Bayport residents want when deciding on the dog park.

Denise Preuss, 923 2<sup>nd</sup> Avenue North, believes the residents of Bayport should have an opportunity to vote on whether they want a dog park in town.

Carey Preuss, 923 2<sup>nd</sup> Avenue North, had concerns with the amount of fill that would be needed to prepare the proposed location due to ponding and drainage issues. He also reviewed his concerns with the dog park being located near a residential area, lack of parking, and enforcing city ordinances.

Maribeth Gedatus, 332 9<sup>th</sup> Street North, stated she had a petition signed by 211 people opposing the dog park. She expressed concern with the lack of notification to residents regarding the dog park proposal and asked that the peoples' wishes be considered on the issue.

Corey Magle, 316 9<sup>th</sup> Street North, expressed concerns with the proposed location affecting local parking and the natural beauty of the park. He stated many residents enjoy walking their dogs in the park and encouraged councilmembers to make their decision based on their constituents' input.

Chuck Carlson, 332 9<sup>th</sup> Street North, stated that many of the residents he spoke with during the petition drive were dog owners that were supportive of a dog park, but not in the proposed location. He believes the proposed dog park would adversely affect the natural habitat for the many animals living in the area. He stated residents who signed the petition were made aware of the proposed location in the park.

In response to concerns that residents were not informed of the proposed dog park, Mayor St. Ores reviewed the city's notification efforts and noted the June issue of the city newsletter had gone to print by the time the issue was continued to the June City Council meeting.

Councilmember Carlson stated she received input from many residents about the proposed dog park and it was clear to her that Bayport residents were strongly opposed to a dog park in Barker's Alps Park.

Councilmember Ostertag voiced concerns with the proposed site affecting the park ecosystem and natural drainage, wood chips shifting during heavy rains, and the potential for snowplowing to damage the fence. He believes the city has spent considerable funds to beautify and enhance Barker's Alps and that a dog park would have a negative effect on enjoying the park. He is in favor of dog parks in general, but not in the proposed location.

Councilmember Goldston stated he has done extensive research on dog parks and believes while small, the size of the proposed area would work. He acknowledged that parking along 2<sup>nd</sup> Avenue North and 9<sup>th</sup> Street North may be problematic, however the parking lot in Barker's Alps is typically not full. He questioned whether FSADP had funding to cover the estimated construction and maintenance costs, and FSADP personnel estimated they have \$8,000.00 in the budget. He thanked everyone who provided comment on the project.

Councilmember Hanson stated she believes dog parks are a great idea but has concerns with the proposed location and would like to explore other options in the city. She questioned whether fear of the unknown may be affecting peoples' perception of the proposed dog park and stated the proposal may be a good opportunity for Bayport.

Mayor St. Ores commended the FSADP for their dedication and efforts to establish a dog park in the area, and thanked everyone who contacted councilmembers to voice their opinion on the proposal. Based on the input that was received, she does not believe Barker's Alps is the right location for a dog park. She acknowledged a lack of respect displayed during this process and encouraged everyone to be mindful of their civic responsibility in our democratic process.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to deny the Friends of Stillwater Area Dog Park proposal for an off-leash dog park to be located at Barker's Alps Park. Councilmember Goldston stated that personally he is in favor of the proposed dog park, but as a

councilmember he needs to represent the wishes of his constituents. Hearing no further discussion, 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 four leaking/obsolete fire hydrants this year and noted the typical cost to replace one hydrant is approximately \$5,350.00 for parts and labor. Of the four vendors who provided pricing for the hydrants and related supplies, Ferguson Enterprises provided the low quote. Staff is recommending approval of up to \$20,015.27, which covers the purchase of four hydrants and other related miscellaneous Water Department supplies. It was noted that excavation and restoration would be an additional cost.

It was moved by Councilmember Ostertag and seconded by Councilmember Carlson to authorize the Public Works Department to purchase fire hydrants and other related supplies from Ferguson Water Works, Blaine, Minnesota, for a do-not-exceed amount of \$20,015.27. Motion carried 5-0.

### **NEW BUSINESS**

Consider the placement of fixtures and installation of landscaping in the city's central business district: Administrator Berg reviewed a proposed beautification project for the city's business district along Highway 95. Fourteen businesses expressed interest in the city installing fixtures, such as benches, waste receptacles and/or planters on their property, at an estimated cost of \$60,000.00-\$90,000.00. A subcommittee of staff and councilmembers evaluated potential locations and recommended placement of various fixtures at nine locations along the business district. Upon further discussion with Public Works, the proposed improvements at the Village Green and Perro Parks are not being recommended at this time because of anticipated work to well house #3 on the Village Green Park and to allow time to revisit the preliminary master park plan for Perro Park. Staff estimates that items 1-7 on the request memo would cost approximately \$20,000.00, which includes fees to draw up agreements with the property owners, removal of two diseased trees in Village Green Park, and contingencies. Funding needed for the initial equipment purchase and installation would come from the city's Recreational Capital Equipment Maintenance Fund and/or the city's undesignated General Fund. Staff is hopeful future fixture placements can be funded through donations.

Councilmember Ostertag recommended postponing improvements to Perro Park until a master park plan is in place and choosing a better bike rack option. Councilmember Hanson questioned responsibility for the selection and upkeep of flowers in the proposed planters, and Administrator Berg indicated staff would work with the private businesses on this. Councilmember Hanson also commented on the amount of weeds growing in the sidewalk cracks/seams along Highway 95 and requested Public Works address the issue. Councilmember Goldston questioned whether there were any engineering recommendations on placement of benches, and Administrator Berg stated the long-range goal would be placement of two benches per block along the corridor.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to authorize placement of fixtures and installation of landscaping in the city's central business district for an amount not to exceed \$20,000.00. Motion carried 5-0.

Update on boat trailer parking agreement with Andersen Corporation: Administrator Berg stated the city formalized a final parking license agreement with Andersen Corporation today that will allow boat trailer parking in the Andersen lot adjacent to the public boat launch on 4<sup>th</sup> Avenue North. The conditions were reviewed and it was noted the agreement will be in effect July 3-September 30, 2012, from 6:00 a.m.-10:00 p.m. daily. A list of prohibited activities at the site has been incorporated into the agreement. Staff will contact current and past permit holders to notify them of the agreement with Andersen Corporation.

Consider an amendment to Chapter 42, Parks and Recreation, of the Bayport City Code of Ordinances: As part of the conditions of approval of the boat trailer parking agreement with Andersen Corporation, the proposed amendment will assist the city in regulating activities at the boat launch area. While reviewing the ordinance, staff discovered several sections of the ordinance that could benefit from amendments and updates, such as legal descriptions for some city parks. Administrator Berg noted that upon recommendation from Andersen Corporation, Sec. 42-55-Boat launch, would be revised to permit use of the boarding dock only between the hours of 6:00 a.m. and 11:30 p.m.

Councilmember Carlson introduced the following ordinance and summary and moved its adoption:

**Ordinance #832**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING CHAPTER 42, PARKS AND RECREATION OF THE BAYPORT CITY CODE**

The motion for adopting the foregoing ordinance was duly seconded by Councilmember Ostertag 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 nuisance abatement at 2 Point Road: Administrator Berg reviewed code violations at 2 Point Road and the city's attempts to work with the property owner to bring the property into compliance. City staff re-inspected the property today, and the code violations regarding multiple inoperable or unlicensed motor/recreational vehicles have not been abated. The property owner was informed the city would not take further legal action until July 15; however staff is requesting adoption of a resolution that would declare the violations to be a public nuisance and allow the City Attorney to proceed with legal action if the property is not brought into compliance by this date. Councilmember Goldston requested action on this item be tabled to the next meeting, and Attorney Pratt indicated the timeline for pursuing legal action would be affected. Administrator Berg said the city has been working on abating the violations since April, when a complaint was made by a resident, and he would like the city to take this action in order to respond to the complainant's concerns. The general consensus of the City Council was to proceed with adoption of the resolution, adding language that the nuisance must be abated by July 15, 2012.

Councilmember Ostertag introduced the following resolution and moved its adoption:

**Resolution 12-12**

**A RESOLUTION DECLARING A PUBLIC NUISANCE AT 2 POINT ROAD**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Hanson 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	

**CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Councilmember Ostertag recognized and thanked Harold Radke for his monetary donations to the Fire and Police Departments.

## **CITY ADMINISTRATOR ITEMS AND ANNOUNCEMENTS**

1. Petition for “resident parking only” signs at 205 and 221 1<sup>st</sup> Avenue North: Administrator Berg explained that the petition was received after the deadline for the July agenda items. In order to provide a timely response to residents’ concerns, the petitioner was informed the request would be considered during this portion of the agenda. The petition and request were reviewed, noting the apartment buildings are directly east of the new Hefty’s bar/restaurant. Building manager, Barry Torgerson, stated the petition was filed because tenants, at times, have been unable to park in front of their buildings, due to increased business parking. He stated he paid for a sidewalk and curb improvement project last year to provide better parking for his tenants. Tenants Dave and Cathy Ofert, 221 1<sup>st</sup> Avenue North, #1, expressed concerns with vehicles taking up more than one parking space, increased vehicle traffic on the street, children’s’ safety in the area, and delivery trucks for Hefty’s partially blocking street access. Assistant Administrator/Planner Taylor stated providing adequate off-street parking was one of the conditions of approval for Hefty’s conditional use permit and believes the city can work with the owners on the parking concerns raised by the petition. Councilmember Hanson suggested marking the parallel parking spaces in front of the apartment buildings to maximize available parking. Councilmember Carlson noted difficulty driving in the area due to delivery trucks, and Mayor St. Ores indicated vehicular congestion should decrease now that construction is completed. Staff was directed to work with the residents and business owner on alleviating the parking/safety concerns and report back as necessary.
2. Residents in the Inspiration development have approached city staff to establish a Federal Railroad Association whistle ban quiet zone in their neighborhood, to alleviate train horn noise during the overnight hours. Administrator Berg is working with Washington County and Baytown Township on the issue and will provide an update at the next meeting.
3. Administrator Berg noted that the Washington County Assessor’s Office will be reassessing certain sections of the city.
4. A home loan program through Washington County and the Greater Metropolitan Housing Corporation for income-eligible residents was reviewed, and residents can call 651-486-7401 for more information.

## **ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to adjourn the meeting at 8:35 p.m. Motion carried 5-0.

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City Administrator/Clerk