

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
SEPTEMBER 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 September 4, 2012 to order at 6:15 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, Assistant Fire Chief Mike Galowitz, Public Works Supervisor Mel Horak, Finance Officer Wanda Madsen, Engineer Barry Peters, Attorney Andy Pratt, Fire Chief Mark Swenson, and Assistant Administrator/ Planner Sara Taylor

**APPROVAL OF AGENDA**

Mayor St. Ores requested to revisit the expenditure of funds for a feasibility study to establish a quiet zone for the railway adjacent to the Inspiration development under Old Business.

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

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The August recycling award recipient was Vern Thompson who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.
2. Police Chief Eastman recognized and thanked the individuals and businesses who donated to this year's successful Youth Safety Camp and Night to Unite events.
3. Mayor St. Ores recognized Becki Haviland, Don Hoyer, and Grace Zimmer for their winning entries in the first annual *Focus on Bayport* Photo Contest. The photos will be on display at City Hall and featured in the next issue of the city's newsletter.

**OPEN FORUM** - None

**CONSENT AGENDA**

Mayor St. Ores read items 1-8 on the consent agenda.

Councilmember Hanson requested an amendment to her council liaison report in the August 6, 2012 City Council meeting minutes. Her comments will be revised to reflect that the first phase of the prairie restoration in Inspiration is 65% done and anticipated to be fully completed by 2015.

Councilmember Ostertag introduced the following resolution, amending item 1 as above, and moved its adoption:

**Resolution 12-15**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE  
SEPTEMBER 4, 2012 CITY COUNCIL AGENDA**

1. August 6, 2012 City Council regular meeting minutes

2. August 15, 2012 City Council special meeting minutes
3. August payables and receipts (check numbers 1134845-1134941)
4. August building, plumbing and mechanical permits report
5. Police Department donations for Night to Unite and Youth Safety Camp
6. Special event application from Girl Scouts of River Valley for inflatable obstacle course at Lakeside Park on Friday, September 7, 2012
7. Purchase of a replacement command vehicle for the Fire Department
8. Authorization to hire two personnel for the Fire Department

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	

**CITY PROSECUTION UPDATE** – Wendy Murphy of Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP, provided a brief review of her role as the city’s non-felony criminal prosecution attorney and an update on criminal offenses in the past year. She reviewed a chart delineating the 117 misdemeanors prosecuted between August 2011-August 2012. Mayor St. Ores asked about comparative data from similar-sized communities and Ms. Murphy indicated she would provide this information.

**PUBLIC HEARINGS** - None

**COUNCIL LIAISON REPORTS**

Councilmember Ostertag reviewed the August 16, 2012 Cable Commission meeting. He reported the Valley Access Channel center is now operating at 100% high definition and the Cable Commission meetings have been moved to Thursdays. Staff continues to work on Bayport’s I-Net issue and will be recommending running fiber optics to City Hall instead of the library, to promote better transmission quality. The next meeting is scheduled for Thursday, October 18, 2012, at 7:00 p.m. at the Valley Ridge Mall, with a budget workshop on October 4, 2012.

Mayor St. Ores reviewed the August 9, 2012 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). She noted the 2013 budget was approved, which included the first increase in four years. The increase is due primarily to increased charges from the Metropolitan Council for water treatment testing.

**UNFINISHED BUSINESS**

Consider requests for residential parking only on 1<sup>st</sup> Avenue North and 2<sup>nd</sup> Street North: Since the last meeting, staff has investigated the number of on-street parking spaces that could be achieved by adding striping on 1<sup>st</sup> Avenue North, but it was determined the striping would allow less flexibility than the current parking conditions in front of the apartment buildings. Administrator Berg is pursuing an option to allow off-street parking in the privately owned Post Office lot and is recommending postponing delineating parallel parking spaces along 1<sup>st</sup> Avenue North at this time. The business owners at 193 3<sup>rd</sup> Street North have also indicated their willingness to work with the city on the parking issue and have directed their staff to park either in the City Hall parking lot or along Highway 95. Mayor St. Ores also recommended pursuing public parking options in the privately owned lot adjacent to the Greystone Bar. The owner of the apartment buildings is in agreement with the city’s recommended action plan, and staff was directed to update the tenants on the city’s actions in response to their parking concerns. Further discussion was tabled to the next meeting.

Consider improvement options for Perro Park: Staff has determined that the hockey rink has deteriorated to the point that it needs to be replaced, at an estimated cost of \$7,500-\$10,000.00. Prior to making this investment, staff believes development of a master plan for Perro Park should be considered, as it has been a goal of previous City Councils and the Park Advisory Commission. Administrator Berg stated the city can apply for a grant through Andersen Elementary to assist with half the cost of a new hockey rink. Public Works Supervisor Horak addressed the issue of lack of funding for large scale maintenance projects and indicated boards are replaced annually as they wear out. He said a master plan would be beneficial in identifying the best approach and products for the entire hockey area, including the fence and lighting. Discussion followed on the benefit of spending \$15,000.00 on a master plan, and staff indicated the cost may be less than originally estimated. Councilmembers noted their support for a hockey rink in the community and recommended exploring the use of a consultant for replacing the hockey rink versus the entire park area. Councilmember Hanson recommended adding steps to the northwest corner of the park and staff indicated they will get pricing for this project. Administrator Berg updated his memo regarding the cost of installing a mesh reinforcement system for the turf, indicating new cost estimates at \$75,000.00. Assistant Administrator/Planner Taylor indicated the city received multiple suggestions for additional amenities to Perro Park during the public input sessions regarding the city's parks in 2004-2005. She suggested they may be worth revisiting prior to moving forward with park upgrades and/or as part of the master plan for Perro Park.

It was moved by Councilmember Ostertag and seconded by Councilmember Hanson to direct staff to provide options and cost estimates for a new hockey rink and a more accurate cost for a Perro Park master plan, for discussion at the next meeting. Motion carried 5-0.

Consider placement of a protective grate at the Perro Creek inlet located at 4<sup>th</sup> Street North:

Councilmember Goldston reported he had an opportunity to evaluate Perro Creek at several spots, including the inlet at 4<sup>th</sup> Street North, and he agrees with Engineer Peter's recommendation that the city should not place a protective grate in this location. The general consensus of the City Council was to abide by the engineer's recommendation.

Presentation of the draft trichloroethylene (TCE) groundwater report: Engineer Peters stated the city received a grant from the Minnesota Department of Health to assist in analyzing an increase in the TCE in the municipal water supply. The first phase of the study was a hydrogeologic evaluation of the groundwater and the second phase is the feasibility report being discussed tonight that provides options for addressing the TCE. The third phase will be a news release to residents. TCE levels have been increasing in wells 3 and 4 over the last five years and the City of Bayport will need decide whether to discontinue use of these wells, add treatment to the wells, or find a new water source. The following five alternatives were reviewed: (1) rely solely on well 2, which currently has an air stripper to remove TCE; (2) add a new air stripper at well 4; (3) connect well 3 to the existing air stripper; (4) emergency connection to the Minnesota Correctional Facility (MCF) water system; and (5) drill a new well. The study determined that alternatives 1, 4 and 5 are not preferred means of addressing the TCE issue and recommended alternative 2, adding a new air stripper at well 4, at a cost of \$1,312,000.00, or alternative 3, connecting well 3 to the existing air stripper, at a cost of \$450,000.00. It was recommended the city contact the Minnesota Pollution Control Agency (MPCA) to inquire about funding sources to assist with mitigating the TCE contamination. Discussion followed on the pros and cons of pursuing the recommended alternatives and possible funding options. Administrator Berg indicated the MPCA does not have the same funding source as previously received for the air stripper at well 2, and stated the city may be able to request state bonding assistance. Engineer Peters stated he would pursue additional funding and/or loan opportunities. Councilmember Ostertag suggested that connecting well 4 to the existing air stripper may be more cost effective than connecting to the older well 3, and staff will evaluate this option prior to submittal of the final report. It was noted well 4 is in the flood plain and has been shut down during previous flood events. Engineer Peters explained the recommendation to add a

pressure reducing valve to connect the high and low zone pressure systems, in order to supply redundancy to the water supply system.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to direct the Mayor and City Administrator to contact state legislators to pursue state bonding options for mitigation of the TCE contamination in the city's water supply. Motion carried 5-0.

Consider approval of plans and specifications for the 2012-2013 Inflow and Infiltration (I/I) Improvement/Manhole Rehabilitation Project and authorize advertisement for bids: Engineer Peters reported there are 58 manhole structures in the previously approved project area east of Highway 95, and indicated plans and specifications have been prepared to address the I/I issues experienced during peak flood events. A total of 48 manholes have substandard castings and 32 need to be relined to correct deficiencies. The engineer's estimate to rehabilitate the manholes and eliminate infiltration is \$260,000.00. Staff recommended the City Council approve the plans and specifications and authorize advertisement for bids. If approved, bids would be considered at the October meeting, with work scheduled for completion by mid November. Staff will provide information to the City Council on the amount of the Metropolitan Council Environmental Services (MCES) surcharge assessment that would be subtracted by this I/I mitigation effort.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to approve the plans and specifications for the 2013-2013 Manhole Rehabilitation Inflow and Infiltration Project/Manhole Rehabilitation Project and authorize advertisement of bids. Motion carried 5-0.

Revisit the expenditure of funds for a feasibility study to establish a quiet zone for the railway adjacent to the Inspiration development: Mayor St. Ores stated she has reconsidered spending \$6,000.00 to begin the process to establish a new railroad quiet zone near Inspiration in light of the railroad's lack of compliance with the existing quiet zone and the city's inability to enforce a quiet zone. She also cited a lack of support from adjacent Baytown Township and questioned whether the city would be able to fund the improvements required to establish a quiet zone. She stated her desire to rescind her approval of funding for the feasibility study.

It was moved by Mayor St. Ores to rescind her vote at the August 6, 2012 City Council meeting to authorize SEH to proceed with the initial steps to study the feasibility of a quiet zone at a cost not to exceed \$6,000.00. The motion was seconded by Councilmember Carlson and discussion followed with Councilmembers Goldston and Hanson reaffirming their support for the study, stating it would provide information needed to take the next steps in establishing a quiet zone. Councilmembers Carlson and Ostertag stated they continue to oppose funding for the study and have solicited additional input from Inspiration residents. Administrator Berg noted that a substantial portion of the required improvements needed to establish a railroad quiet zone would fall outside of the city limits, but the City of Bayport would most likely bear the cost of any improvements. Mayor St. Ores would like the city to pursue other cooperative efforts with railroad agencies and surrounding communities to address the train horn issue.

Upon hearing no further discussion, the motion to rescind funding for a quiet zone feasibility study carried 4-1, with Councilmember Goldston voting nay.

## **NEW BUSINESS**

Consider a request to modify the staffing structure for the Fire Department: Fire Chief Swenson reviewed the current and proposed staffing structure and the department's recommendation to add a second assistant chief position and eliminate one of the captain positions. The new position would help the

current command team with the day-to-day operations and promote succession planning. Allen Eisinger is being recommended for the new assistant chief position. In addition to responsibility for fire operations and vehicles, this position would focus on recruitment and retention.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to accept the proposed staffing structure for the Fire Department, to include elimination of a captain position to allow for a second assistant chief and to appoint Allen Eisinger as an assistant chief, effective September 5, 2012. Motion carried 5-0.

Chief Swenson indicated the Fire Department would be providing a brief monthly update on department activity at future City Council meetings.

Consider a resident request to regrade and replace the sidewalk and pedestrian ramp along a portion of 5<sup>th</sup> Street North: Administrator Berg reviewed a resident request and staff recommendation to regrade and replace a portion of the sidewalk on 5<sup>th</sup> Street North to alleviate stormwater runoff back flow toward the house and into the basement. The back flow problem began when the city raised the adjacent sidewalk in 2009, during a sidewalk replacement project. The city is not recommending a possible drain system for the stormwater runoff, due to concerns it may not work in the spring with frost in the ground. Replacement of the pedestrian ramp is also recommended at this time because it was not installed per Americans with Disabilities Act (ADA) standards, and the grade on the ramp is too steep. The city is also recommending removal of a fast growing sugar maple tree as its roots will impact the sidewalk in the future. The general consensus was to retain the tree if possible, and Engineer Peters stated the runoff problem could be addressed without removing the tree. The engineer's estimate to complete the work is \$5,000.00.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to solicit quotes and to proceed with the regrading, removal and replacement of the sidewalk and pedestrian ramp, and restoration of the boulevard in front of 687 North 5<sup>th</sup> Street, at a cost not to exceed \$5,000.00. Motion carried 5-0.

2013 Budget Presentation: Administrator Berg reviewed the 2013 proposed budget and levy, noting a preliminary levy must be submitted to Washington County by September 15, 2012. He reviewed the budget goals and process, levy trends, anticipated local government aid, and conditions influencing the proposed budget. The city is proposing a levy of \$1,159,981.00, which is a 2.15% increase from 2012. Based on tax rate calculations, the average home in Bayport will see a decrease in their city taxes of 6-8%, even though the city is proposing an increase in the tax levy. He stated the water and sewer enterprise funds are anticipated to operate at a loss again in 2012, and staff will be recommending that another water and sewer rate utility study be conducted. Mayor St. Ores indicated she would like staff to refine and reduce the budget further and provide solid numbers, prior to final budget adoption in December. Councilmember Ostertag recommended taking a proactive approach and levying now for major expenses, such as mitigating the TCE in the city's water supply. The 2013 Capital Improvement Plan (CIP) was reviewed, and Administrator Berg noted that all of the proposed items may not be funded in 2013. It was recommended that funding for addressing the TCE contamination be included in the final CIP.

Councilmember Ostertag introduced the following resolution and moved its adoption:

**Resolution 12-16**

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR THE CITY'S  
GENERAL FUND AND LIBRARY FUND AT \$1,159,981.00**

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	

Councilmember Ostertag introduced the following resolution and moved its adoption:

**Resolution 12-17**

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ADOPTING THE PRELIMINARY CITY BUDGET FOR 2013**

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	

Councilmember Ostertag introduced the following resolution and moved its adoption:

**Resolution 12-18**

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ADOPTING THE PRELIMINARY CAPITAL IMPROVEMENT PLAN FOR 2013**

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	

Public input on the 2013 budget and levy will be heard at the December 3, 2012 City Council meeting. Administrator Berg indicated he would schedule a budget workshop with the City Council to finalize the 2013 budget.

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

1. Consider a request by Councilmember Carlson to review the Lakeside Park rental and operation policies: Councilmember Carlson requested continuing this item to the October meeting.
2. Councilmember Goldston praised the Roots and Shoots group on their efforts to install and maintain the frog pond in Barker's Alps Park. He indicated the habitat is doing well and new frogs appear to be moving in.
3. Councilmember Hanson requested that park plans and general park maintenance be discussed during the upcoming budget workshop.
4. Councilmember Carlson recognized and thanked Police Chief Eastman for her efforts in organizing and leading the Youth Safety Camp and Night to Unite events last month.
5. Councilmember Ostertag thanked Police Chief Eastman for putting on a successful Youth Safety Camp and recognized the enthusiasm of the 72 children who participated and their desire to learn and practice safety techniques.

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

City Administrator's report: In addition to discussing park maintenance at the upcoming budget workshop as proposed by Councilmember Hanson, Administrator Berg proposed discussing restructuring the City Council agenda to include department head updates. He also stated a decision needs to be made

on whether to move forward with adding train gate crossings in the current railroad quiet zone area. The city received a grant to assist with the project during a previous City Council's term. Staff was directed to provide written information so the matter can be discussed at the budget workshop.

Administrator Berg reported the boarding dock for the public boat launch has been completed; however he recommended storing the dock over the winter and installing it next season. He also noted concerns with the condition of the boat launch ramp. The general consensus of the City Council was to install the dock next year.

It was moved by Councilmember Ostertag and seconded by Councilmember Hanson to direct the city engineer to prepare a feasibility report, solicit quotes, and seek permits with the appropriate state and federal agencies to rehabilitate the 4<sup>th</sup> Avenue North public boat launch. Motion carried 5-0.

#### **ADJOURNMENT**

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to adjourn the meeting at 9:42 p.m. Motion carried 5-0.

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City Administrator/Clerk