

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

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of August 6, 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, Outgoing Fire Chief Mike Bell, Police Chief Laura Eastman, Assistant Fire Chief Mike Galowitz, Engineer Barry Peters, Attorney Andy Pratt, Incoming Fire Chief Mark Swenson, and Assistant Administrator/ Planner Sara Taylor

APPROVAL OF AGENDA

Administrator Berg requested the addition of *Consideration of expenditure of funds for the Perro Park hockey rink* to New Business.

It was moved by Councilmember Ostertag and seconded by Councilmember Carlson to approve the amended August 6, 2012 City Council agenda. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS

1. The July recycling award recipient was Chad Wasmundt who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores proclaimed Tuesday, August 7, 2012, as Night to Unite in Bayport, and encouraged residents to participate in the event at Lakeside Park beginning at 6:00 p.m.
3. Residents were reminded to submit their photo entries by August 23, 2012, for the first Focus on Bayport photo contest.
4. The primary election will be held Tuesday, August 14, 2012, at City Hall. Polls will be open 7:00 a.m. to 8:00 p.m.

OPEN FORUM

1. Barry Torgerson, manager for the apartment buildings at 205 and 221 1st Avenue North, inquired whether any action had been taken since the last meeting regarding resident parking and stated commercial vehicles continue to park in front of the apartments. He requested consideration of "resident only" parking signs in front of the apartment buildings. Administrator Berg indicated the employees of Hefty's were asked to park in an alternate location. He also stated he would be addressing a second petition from 2nd Street North residents during his administrator's report. Mayor St. Ores directed staff to seek a resolution and report back at the next meeting.
2. Dave Ofert, 221 1st Avenue North, shared photos of a commercial vehicle parked in front of the apartments utilizing multiple parking spaces and asked for consideration for residential parking. He stated his vehicle was damaged when an unknown vehicle backed into it while parked on 1st Avenue North and also vandalized on a separate occasion.

CONSENT AGENDA

Mayor St. Ores read items 1-10 on the consent agenda.

1. July 2, 2012 City Council regular meeting minutes
2. June 25, 2012 and July 2, 2012 special meeting minutes
3. July payables and receipts (*check numbers to be given at meeting (#1134718-1134844)*)
4. July building, plumbing and mechanical permits report
5. Recycling Grant Agreement with Washington County
6. Renewal of 2:00 a.m. on-sale liquor license for Woody's Bar and Grill
7. Special event application from Olivier Vrambout for cyclocross event at Barker's Alps Park on Saturday, September 1 and Sunday, September 2, 2012
8. Special event application from Jessica Williams for a bouncy house and petting zoo at Lakeside Park on August 25, 2012
9. Special event application for youth cyclocross workshop at Barker's Alps Park on Sunday, October 7, 2012
10. Purchase of Service Agreement with Youth Service Bureau

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 12-13

RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE AUGUST 6, 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:

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|----------------------|----------------------|
| Susan St. Ores – aye | Michele Hanson – aye |
| Connie Carlson – aye | Mark Ostertag – aye |
| Dan Goldston – aye | |

PUBLIC HEARINGS - None

COUNCIL LIAISON REPORTS

Councilmember Ostertag reviewed the July 26, 2012 Cable Commission meeting/workshop, noting that the commission continues to seek a Bayport resident to serve on the commission. Meetings are typically held on the third Thursday of the month.

Councilmember Carlson reviewed the July 26, 2012 meeting of the Library Board. The library will be hosting story time sessions for youth at Night to Unite on August 7. The next meeting of the Library Board is scheduled for August 16, 2012, 6:00 p.m., at the library.

Mayor St. Ores stated the next meeting of the Middle St. Croix Watershed Management Organization (MSCWMO) is scheduled for August 9, 2012. She attended the July 23, 2012 Middle St. Croix Alliance meeting and noted the focus was on fire safety, recognizing the need to have house numbers prominently displayed and trees trimmed back to ensure quick and easy access to a home in the event of a fire. She also thanked staff at the Minnesota Correctional Facility in Bayport for a recent tour.

Councilmember Hanson attended a meeting of the Inspiration Community Homeowner's Association on July 17, 2012. The first phase of the prairie restoration is 65% done and is anticipated to be fully completed by 2015.

UNFINISHED BUSINESS

Consider revesting the city with title to apparent abandoned plots in Hazelwood Cemetery: Attorney Pratt reviewed the background of the city's efforts to revest plots in Hazelwood Cemetery that were

originally deeded to L. Burns in the 19th Century and unused for approximately 130 years. After meeting the legal publication regulations and waiting period, the city is now proposing adoption of a resolution that would revest its ownership interests in the plots, to allow the plots to be resold. Attorney Pratt recommends that future transactions utilize a license agreement instead of conveying a deed to the plots, which would eliminate the need for the revesting process.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 12-14

A RESOLUTION REVESTING THE CITY OF BAYPORT WITH TITLE TO CERTAIN PLOTS IN HAZELWOOD CEMETERY

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

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|----------------------|----------------------|
| Susan St. Ores – aye | Michele Hanson – aye |
| Connie Carlson – aye | Mark Ostertag – aye |
| Dan Goldston – aye | |

NEW BUSINESS

Consider appointment and swearing in of an individual to serve as Fire Chief: Fire Chief Mike Bell stated that Mark Swenson was being recommended by the department as the new Fire Chief, noting that he was not seeking reelection as Chief. Mark has served in a variety of positions with the department for 23 years and is well qualified for the position. Mike Bell will remain a member of the Fire Department and was thanked for his commitment and service during his eight-year tenure as Fire Chief. Mayor St. Ores administered the Oath of Office to Mark Swenson, and State Representative Kathy Lohmer read a Minnesota House of Representative’s resolution honoring Mark for his service to the Bayport Fire Department and on his appointment as Fire Chief. State Senator Ted Lilly added his congratulations and thanked the entire Fire Department for their service.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to appoint Mark Swenson to the position of Chief of the Bayport Fire Department, effective August 6, 2012. Motion carried 5-0.

Consider a request from residents of the Inspiration to pursue a quiet zone for the railway adjacent to the development: Administrator Berg reviewed a request from Inspiration resident Steve Roberts to establish a quiet zone between 10:00 p.m. and 7:00 a.m. for the railroad crossing on Stagecoach Trail, just west of the Inspiration development. Federal rules require a quiet zone to be at least ½ mile in length, and the affected railroad crossings are located on Washington County and Baytown Township roadways, in addition to Bayport. Staff estimates it would cost \$6,000.00 to prepare a feasibility study to compile the information requested by the Federal Railway Authority (FRA) to begin the process to establish a quiet zone from the private crossing at Miller Excavating to Osgood Avenue. Staff approached Baytown Township to gauge interest in paying for a portion of the study since the quiet zone area impacts the township; however, they were not interested in pursuing a quiet zone because the township has received no noise complaints. Due to the expense of adding a median and possibly new gates at the crossing on Stagecoach Trail, staff estimates it would cost between \$200,000.00- \$500,000.00 to upgrade the crossing to comply with FRA regulations. Staff is exploring cost-sharing options with the county and Baytown Township to upgrade the crossing, as well as grant opportunities to help pay for construction. Engineer Peters reviewed the initial steps to pursue the quiet zone and noted there are two additional Baytown Township private crossings in the proposed ½ mile quiet zone. He stated SEH would investigate funding sources as part of the proposed study. Administrator Berg expressed concern that a ½ mile quiet zone may not resolve the train horn noise for Inspiration residents,

adding the financial burden may fall entirely on the City of Bayport. He also noted a feasibility study would be an unbudgeted expense. Councilmember Hanson and Mayor St. Ores commented on the lack of adherence to the current quiet zone along Maine Street, and Engineer Peters explained the horn must be sounded if the conductor notes any activity in the right-of-way.

Steve Roberts, 508 Prairie Way South, addressed the City Council on the negative impact the nightly train horns have on the quality of life for residents in the Inspiration development. He encouraged the City Council to approve funding for the feasibility study.

Staff noted the city is under no obligation to proceed with the project if the cost estimates identified in the study are cost prohibitive. Engineer Peters added there would be an additional \$4,000.00 needed to prepare the final construction documents necessary to request the quiet zone, if the city decides to pursue the project. Councilmember Ostertag expressed concern with the City of Bayport paying to upgrade railroad crossings outside of its city limits and whether the quiet zone would be effective. Councilmembers Hanson and Goldston were in favor of approving the feasibility study, recognizing the quality of life concerns voiced by residents. Councilmember Carlson acknowledged the quality of life issue, however she expressed concern whether the proposed quiet zone area would alleviate the residents' concerns. Mayor St. Ores was in favor of proceeding with the initial steps to study the feasibility of a quiet zone; however she noted that construction costs may be prohibitive. Administrator Berg added that it could take 1-5 years to fully implement a quiet zone.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston 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. Motion carried 3-2, with Councilmembers Carlson and Ostertag voting nay.

In response to a comment by resident Steve Roberts regarding assessment of fines for trains that violate the quiet zone, Police Chief Eastman stated the city has been dealing with trains in violation of blocking Point Road and found that the city has little recourse in citing the railroad, despite detailed documentation.

Consider the purchase of a new generator to service the City Hall and Fire Department: Administrator Berg recommended the purchase of a new backup generator that would provide adequate power to maintain necessary city functions at City Hall and the Fire Department in the event of a power outage. The current 8 kilowatt generator is in need of major repairs and is undersized to meet the demands of both buildings. The city solicited quotes for a new 36 kilowatt Eton generator that would have the capacity to maintain necessary city functions, including the heating and cooling systems. The low quote of \$22,250.00, which includes installation and a 3-year warranty, was received from Linner Electric Company. Staff recommended postponing the budgeted expense of replacing an HVAC unit at City Hall to assist with the generator purchase, which is an unbudgeted expense. Councilmember Goldston inquired whether the price includes maintenance on the unit, and staff will follow-up with the vendor. Councilmember Ostertag noted several critical components in the Fire Hall that are served by the backup generator.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve the purchase of a new 36 kilowatt generator through Linner Electric Company, Inc., for a price not to exceed \$22,250.00, with funding from the city's #101 Municipal Building and Grounds Fund.

Consider authorization to complete an inflow and infiltration (I/I) project for 2012-2013: Engineer Peters reviewed the city's inflow and infiltration (I/I) issues that have resulted in a billing surcharge from the Metropolitan Council Environmental Services (MCES), as well as the city's past efforts to mitigate I/I issues. In 2009 and 2011, the city performed inspections of the sewer manholes and

televising of the sanitary sewer mains. Based on these inspections, several of the recommended projects to reduce I/I have been completed; however the cost to complete all of the remaining I/I projects identified in 2009 and 2011 totals \$1,168,940.00, which includes manhole repairs and pipe lining. At this time, staff is recommending an I/I improvement project to repair all of the manholes located east of Highway 95, which are in the lower area of the city and prone to the impact of flooding. The engineer's estimated project cost is \$333,190.00. The city is eligible for a MCES matching grant for I/I reduction improvements for a minimum of \$50,000.00 in construction costs. Discussion followed on additional funding sources, and Administrator Berg stated he is hopeful the city would receive more than \$50,000.00 in MCES grants. He stated there is approximately \$1.5 million in the #206 water and sewer improvement fund for this type of repair and the city would budget the project over a two-year period. Engineer Peters explained that a portion of the MCES surcharge assessment would be subtracted by mitigating I/I sources and indicated that the previous lining projects of the clay sanitary sewer lines have provided structural support to extend the useful life of the infrastructure. Engineer Peters estimates the cost to prepare the plans and specifications for the project at between \$5,000.00 and \$10,000.00. Councilmember Goldston recommended getting more than two bids for a project of this scale. Engineer Peters reported that recent projects of this scope have generated five to six bids; however it is unknown how many qualified contractors would submit bids.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to authorize SEH to prepare plans and specifications for a manhole repair inflow and infiltration improvement project for manholes east of Highway 95, as identified in the 2009 inspection, at a cost not to exceed \$10,000.00, and to direct staff to apply for a Metropolitan Council Environmental Services inflow and infiltration improvement matching grant. Motion carried 5-0.

Consideration of expenditure of funds for the Perro Park hockey rink: Administrator Berg explained that a recent painting project of the hockey rink revealed several posts that need to be repaired, and that due to budgetary constraints, only the interior boards were painted. The city worked with Andersen Elementary last year on a grant to replace the hockey rink fence but was unsuccessful in attaining the grant. City staff is seeking direction from the City Council at this time to determine whether additional funds should be expended for completing the painting project this year or reconstructing the rink in 2013. Staff estimates a cost of \$1,000.00 to complete the painting or \$10,000.00 plus to replace the rink. Administrator Berg added that the City Council may wish to consider completing a master plan for Perro Park, prior to deciding whether to upgrade the hockey rink. Mayor St. Ores summarized her request to rehabilitate the hockey rink due to its prominence in the city landscape. Discussion followed on the importance of maintaining/repairing the rink fence and the value the rink provides to local youth. Staff was directed to provide improvement options and cost estimates for the hockey rink for discussion at the next meeting.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

1. Consider a request from Mayor St. Ores to discuss placing a protective grate over Perro Creek adjacent to Andersen Elementary and Perro Park: Mayor St. Ores explained her request to revisit placement of a protective grate over the Perro Creek box culvert by Andersen Elementary School, in light of a recent incident in Duluth where a child was swept into an open culvert. A warning sign was added to the area approximately two years ago. Engineer Peters reviewed his assessment memo on the placement of protective grates at the inlet on the west side of 4th Street North and the outlet at the northwest corner of Perro Park. He indicated that grates should help keep children out of the culvert; however the openings needed to provide the required flow capacity may be large enough for a small child to get through. This could create the safety issues of a child becoming trapped inside the culvert during a flood or being pushed up against the grate. He stated a hydraulic analysis, at a cost of \$2,000.00 to \$2,500.00, should be completed prior to installing an inlet grate to determine the effect of grates on culvert capacity and possible impact on flooding of adjacent homes. Grates

would also create additional work for Public Works staff to keep them clear of debris. Engineer Peters believes the conditions of the Duluth event and Bayport are not the same and does not believe a similar incident would occur in Bayport. Councilmember Goldston suggested placement of a fence around the upper end of the 4th Street North inlet and councilmembers agreed it would be difficult to completely fence off the area. Councilmember Goldston stated he would like to review the box culvert prior to making a decision.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to table further discussion to the next meeting. Motion carried 5-0.

2. Councilmember Carlson encouraged residents to attend Night to Unite on August 7, 2012, at Lakeside Park and reminded parents to bring their children to the special story time during the event.

CITY ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

- Video footage from the beach house surveillance cameras is being used to identify vandals who damaged one of the exterior bathrooms. Repairs have been completed in preparation for Night to Unite.
- A 99-year lease agreement has been drafted for use with downtown business owners who have agreed to allow the city to place benches on their property, and staff has finalized the placement plans for the benches, planters and waste receptacles along Highway 95. Bids are being solicited for the concrete pads and fixtures, with a goal of having the fixtures in place this fall. Mayor St. Ores thanked the private property owners for their participation in this beautification project.
- A 2012 budget update indicated yearend revenues are forecasted on budget and expenditures forecasted on or below budget. Unexpected expenses and capital expenses were reviewed, as well as 2013 budget projections and challenges. Administrator Berg anticipates a 1-2% increase in expenditures next year and a 3-4% increase in revenues. A City Council budget workshop will be scheduled in the next couple of weeks, prior to presentation of the preliminary budget at the September meeting.
- A petition from homeowners on 2nd Street North requesting “resident only” parking signs on the south side of 1st Avenue North and on 2nd Street North will be discussed at the next meeting in conjunction with the petition from the owner of the apartment buildings at 205 and 221 1st Avenue North.

ADJOURNMENT

It was moved by Councilmember Goldston and seconded by Councilmember Hanson to adjourn the meeting at 8:22 p.m. Motion carried 5-0.

City Administrator/Clerk