

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
NOVEMBER 10, 2014
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of November 10, 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

Mayor St. Ores requested adding item number 6 to the Proclamations/Commendations/Petitions/Announcements section to recognize the 2014 election judges. It was moved by Councilmember Carlson and seconded by Councilmember Goldston to approve the November 10, 2014 City Council agenda as amended. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS

1. The October recycling award recipient is John Winderman who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores presented awards to Jessica Buck and Don Hoyer for their winning entries in the *Focus on Bayport* photo contest. Photos will be on display at City Hall and highlighted in the city newsletter.
3. Mayor St. Ores thanked Dan and Kit Ridgway and Dan and Ginny Peulen for assisting the city with planting and maintenance of gardens and landscaping at Lakeside Park and City Hall.
4. Mayor St. Ores recognized the Minnesota Conservation Corps for maintaining rain gardens near City Hall, noting the funding was made possible by a Clean Water Fund grant through the Washington Conservation District.
5. Mayor St. Ores thanked the Bayport Community Action League and organizer Scott Edlin for coordinating another successful Farmer's Market.
6. Mayor St. Ores recognized the following individuals for their assistance with the 2014 elections: Tim MacDonald and Coleen Siegfried, head election judges, and election judges Mary and Paul Goulette, Elizabeth Kelly, Judy Klos, Meredith Lake, Karen Lampi, Mary Ostertag, Connie Paulson, Sandra Potter, Lee Stoerzinger and Mary Williams.

OPEN FORUM – None

CONSENT AGENDA

Mayor St. Ores read items 1-11 on the consent agenda.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 14-21

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE
NOVEMBER 10, 2014 CITY COUNCIL AGENDA**

1. October 6, 2014 City Council regular meeting minutes
2. October 22, 2014 City Council workshop minutes
3. October payables and receipts (check numbers 1137675-1137700 and 5001-5084)
4. October building, plumbing and mechanical permits report
5. Snow removal agreement with MnDOT for Trunk Highway 95
6. Pay application #2 from Siegfried Construction for Phase II Perro Park site improvements
7. Special event application from Bayport Cub Scout Pack 113 for wreath sale on the Village Green on Saturday, November 22, 2014, 8:00 a.m. – 1:00 p.m.
8. Special event application from Greater Stillwater Chamber of Commerce for 2015 Rockin’ Ribs on the River, June 19 and 20, 2015 at Lakeside Park
9. Canvassing the tabulation of votes and declaring the results from the 2014 General Election
(Based on the official returns generated by Washington County on November 7, 2014)
10. Replacement of shingles on warming house roof at Perro Park
11. Certification of a new legal description and parcel boundary for 193^{3rd} Street North
(Resolution 14-21A)

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

PUBLIC HEARINGS – None

**PRESENTATION OF PRELIMINARY ARCHITECTURE AND BUDGET FOR THE
PROPOSED NEW FIRE HALL**

Administrator Martin began the informational report and update on the proposed new fire hall by reviewing the activity since the city selected Kraus Anderson as the construction management firm in July and Leo A Daly as the project architect in September. The Fire Hall Building Committee has been meeting since then to develop a preliminary building design and budget for City Council consideration. Jessie Bauldry, Leo A Daly Architects, provided a detailed account of the building committee activity and design process to date. The design is focused on the apparatus bays, with supporting and ancillary areas for turn out gear, self-contained breathing apparatus, maintenance, laundry, emergency medical services, training, storage, office and firefighter areas. Site studies focused on firefighter and vehicular access to the site, along with building orientation. The proposed site plan was reviewed, noting there are access points from 5th Avenue North and Stagecoach Trail North, as well as separate firefighter and public parking/building access areas. The current floor plan proposes four apparatus bays; however a fifth bay may be added prior to production of the bidding documents, as the budget allows. A mezzanine area on the east side of the apparatus bays would accommodate storage and firefighter training. Ms. Bauldry noted the architects considered the various architectural styles prevalent in Bayport when designing the fire hall and are proposing an exterior of brick and metal panels to complement Bayport’s existing architecture. She added the building would be designed to optimize general daylight to reduce the amount of artificial light needed.

Administrator Martin explained the City Council had the opportunity to review the plans as they progressed during workshops, and tonight’s presentation was an opportunity to provide information to

the public on the proposed plans. The current fire hall is 6,630 square feet (s.f.) in size and the proposed building is 15,900 s.f. The increased square footage for specific areas in the proposed station was reviewed. The key reason for building a new fire hall is to increase the apparatus bays from 4,248 s.f. to 6,630 s.f. The current bays are at full capacity, forcing vehicles to be stacked and parked less than one foot apart. The proposed 4-bay design would provide two overhead doors, allowing trucks to drive directly through/out of the building. It was noted the next design may include a fifth bay to provide for future equipment needs. The total estimated cost of the project is approximately \$5.5 million, which includes building construction, site preparation fees, utilities, furniture and fixtures, permits, consultant fees and all other soft costs. The project would be funded in four major ways: a \$2 million Bayport up-front cash payment, a \$1 million grant from the Fred C. and Katherine B. Andersen Foundation, a projected additional \$400,000 in public and private grants, and the remaining amount raised from the cost-share agreement with the other participating communities (Baytown, Oak Park Heights and West Lakeland). Preliminary support for a 15 year cost-share agreement for the new fire hall has been received from the three partner communities. Community members are invited to a public open house at Bayport City Hall on Monday, November 17, from 4:00-7:00 p.m. Administrator Martin also invited residents to contact him directly at City Hall with any comments or questions they may have regarding the project. If the process continues forward, the goal is to bid the project in late winter or early spring 2015.

Mayor St. Ores stated that councilmembers had the opportunity to provide input during the workshops and recognized the Building Committee for its time commitment to the project. She noted the City Council's priority has been that the final design be based on the critical needs of the fire department staff, within the budget parameters, to provide a useable, safe facility for the firefighters. She added that public outreach is important to the City Council, to allow residents to become engaged and able to provide input on the project. Councilmember Goldston inquired about additional key reasons to build a new fire hall. Fire Chief Swenson stated the department outgrew its current facility many years ago and public safety is a key factor, with the current station across the street from the elementary school. Backing vehicles into the building is difficult and hindered by parked vehicles and having no designated turn out gear area is a danger as firefighters navigate between vehicles. He added the current heavy rescue truck needs to be replaced in the near future, but the new models available are too large for the current bays. The new location would provide easier and quicker access for firefighters, many of whom live in Oak Park Heights and on the west side of Bayport, as well as quicker response times to our partner communities. It is estimated that homeowner insurance rates for our partnering communities could be reduced by 25-30%, since the new fire hall will be closer to homes in these communities. It was noted that having on-site training may also potentially reduce the city's Insurance Services Office (ISO) rating, thereby further reducing homeowner insurance rates. Councilmember Hanson and Chief Swenson noted that additional in-house staff training opportunities would be possible in the new facility, instead of incurring the cost and time for travel to other communities. Administrator Martin anticipates a \$25,000 city tax levy increase to pay for the new station, which would equate roughly to the increase in the tax levy portion on a homeowner's 2015 tax statement. A more definitive tax impact will be provided when a final project budget is available.

UNFINISHED BUSINESS

Update on 5th Street North groundwater monitoring and results: Engineer Parotti reviewed residential concerns that led to the city evaluating the groundwater conditions along 5th Street North, between 4th Avenue North and 6th Avenue North. The city has been aware of groundwater issues in the area in the past; however he noted that heavy spring and summer rainfall exacerbated the issue. He added there have been groundwater issues throughout the region that have been unique to this year. Evaluation fieldwork consisted of performing soil boring tests and installing a piezometer to measure groundwater levels. Staff has been working with the affected residents throughout the monitoring process. The

findings for the north and south blocks of 5th Street North were summarized, along with possible corrective measures, as detailed in the staff report. Installing a deeper storm sewer pipe connected to the Highway 95 storm sewer is estimated to cost \$250,000-\$300,000, and creating a trench to promote infiltration is estimated at \$50,000-\$75,000. A combination of these two measures would provide the best overall solution for the properties in the south block. The groundwater issues in the north block are generally isolated to the property at 652 5th Street North. A combination of a shallow trench drain and a deep manhole with an open bottom is recommended for the north block, at an estimated cost of \$50,000-\$75,000. Engineer Parotti stated that lining the sanitary sewer in the area to reduce inflow and infiltration (I/I) of groundwater into the sewer system may have had a minor impact on the groundwater levels in residents' yards; however the city is mandated to mitigate groundwater infiltration problems and additional projects to reduce I/I are planned in the future. He added there is no significant impact to the city's infrastructure (streets, water supply) from the high groundwater, except for the I/I into the sanitary sewer pipes and manholes. He said that the proposed corrective measures would not entirely eliminate the groundwater problems experienced by the property owners, and they would benefit from improving their foundation drain systems and controlling roof drainage and runoff more effectively by adding sump pumps and rain gutters/downspouts. Councilmembers discussed possible action plans, including tabling the discussion to next spring to see if the severe issues experienced by homeowners continue. Administrator Martin said there is no precedent for this type of spot-based improvement project and the League of Minnesota Cities confirmed the city's liability exposure for this situation is very minimal, including further projects to reduce I/I in the area. Engineer Parotti noted the city has begun the process of investigating drainage issues throughout the city, and the city may choose to delay extensive measures until future projects are identified to correct street/drainage issues in a broader area. Costs would be considerably less for a large-scale project versus a standalone fix. Staff will continue to monitor the groundwater level in order to establish a normal reading for the area. The general consensus of the City Council was to table the discussion until next spring, review the findings of the full city infrastructure study and re-evaluate the issue at that time for possible action.

COUNCIL LIAISON REPORTS

Councilmember McGann stated the Planning Commission held a public hearing on October 20, 2014, and recommended approval of an application for a minor subdivision and variance for the property at 220 1st Avenue South. He added that Commissioner Brad Hallett has resigned, leaving a vacant seat on the Planning Commission.

Councilmember Carlson reviewed the October 23, 2014 Library Board meeting, noting the library is in the process of reviewing all of their policies and is starting preparations for a celebration next spring to commemorate 25 years in the current location. The next meeting has been rescheduled to Tuesday, November 25, at 6:00 p.m., due to the Thanksgiving holiday.

Mayor St. Ores stated the Middle St. Croix Watershed Management Organization (MSCWMO) did not meet in October and she will report on the November 13 meeting in December. She attended the Public Safety Open House at the Fire Hall on October 31, and thanked the Fire and Police Department staff for organizing the popular community event. She reminded residents that the Bayport Community Action League will be hosting the Lighting of the Village Green on Wednesday, December 3.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Swenson reviewed his written report and said the Public Safety Open house on Halloween will continue if a new fire hall is built. He will be providing a safety message each month and this month stressed the importance of never adding fuel to a hot piece of equipment, especially inside a garage or home.

Police Chief Eastman reviewed the department's past and current events and said the department would be collecting for the annual Toys for Tots drive through mid-December, with definite dates to be announced.

Public Works Supervisor Horak reviewed his written report. He noted that department staff will be plowing city streets curb to curb beginning early Tuesday morning. He requested that residents remove trash containers from the street to aid in the plowing effort.

Assistant City Administrator/Planner Taylor reviewed her written report, noting that the majority of the Perro Park improvements have been completed, with the warming house roof scheduled to be replaced next week. She reported city staff has received many favorable comments on the new park identification sign and relocation of the play equipment. A total of 897 ballots were cast during the November 4 General Election and 53 new voter registrations were received. She congratulated Mayor St. Ores and Councilmembers Hanson and McGann on their re-election to the City Council and thanked the election judges. She reviewed two zoning and land use projects that will be considered later in the agenda. She reminded residents that city offices will be closed tomorrow, November 11, in observance of Veteran's Day.

Administrator Martin encouraged people to attend the proposed Fire Hall public open house on Monday, November 17 and/or to contact him at City Hall with any questions or comments. The 2015 final budget is being prepared and will be approved at the December 1 City Council meeting, which serves as the Truth in Taxation meeting. Residents should receive their 2015 tax statements in mid November and can contact city staff if they have any questions. He reminded residents that Santa Claus will be riding around Bayport on a fire truck on Friday, November 28, beginning at 8:30 a.m.

NEW BUSINESS

Consider a request for a minor subdivision to create two separate parcels at 220 1st Avenue South, together with a variance from the side yard setback requirement for the existing single-family house on the property: Assistant Administrator/Planner Taylor stated the subject property is surrounded by residential uses and is zoned R-2 Single Family Urban. The property was originally platted as three separate lots, each intended for construction of a single-family home. The lots were combined into one parcel years ago for tax purposes and any division of the property must result in lots that conform to current zoning standards. As proposed, the minor subdivision will divide the parcel into two lots, which will conform to the city's zoning ordinance and be consistent with the appearance of neighborhoods throughout the city. As shown on the survey, Parcel A will include the existing single-family home and Parcel B will create a second lot for the future construction of a new single-family home. As a result of the proposed minor subdivision, the existing home will be set back 7.6 feet from the new side lot line, which does not comply with the required 10 foot setback. Therefore, a variance is also being requested to establish a 2.4 foot setback. Planner Taylor noted the property is large enough to divide into two standard single-family lots; however due to the orientation of the existing home on the property, a variance from the east side yard setback is required to comply with current zoning code. She noted the setbacks for the existing house will be similar to adjacent properties and will not have a negative impact on the neighborhood. The Planning Commission held a public hearing on the application on October 20, and no public comments were received. The Planning Commission voted to recommend approval of the minor subdivision and variance. Staff finds the request for the minor subdivision and variance reasonable and in line with the intent of ordinances and statutes and is recommending approval of the application, subject to the conditions stated in the staff report.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 14-22

RESOLUTION APPROVING A MINOR SUBDIVISION TO CREATE TWO SEPARATE PARCELS AND A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENT FOR THE EXISTING SINGLE-FAMILY HOUSE LOCATED AT 220 1ST AVENUE SOUTH, LEGALLY DESCRIBED AS LOTS 7-9, BLOCK 72, 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 Dan Goldston – aye Patrick McGann – aye
Connie Carlson – aye Michele Hanson – aye

Consider issuance of new on-sale and Sunday liquor licenses for the tavern/restaurant establishment to be located at 193 3rd Street North: Assistant Administrator/Planner Taylor reviewed an application from Steve Meyer, Not Justa Café, for new liquor licenses for the tavern/restaurant at 193 3rd Street North. The applicant is proposing to purchase the parcel directly north of his current business to expand his current café operation. He proposes combining the two parcels and joining the two buildings and would like to offer liquor service in his new establishment. A Washington County Sheriff’s Office background investigation did not reveal any negative information that would disqualify the applicant from the liquor licenses. Staff is recommending approval of the application; however to be consistent with the existing conditional use permit for the property and other properties that allow outdoor seating, staff recommends that the new licenses require outdoor liquor consumption end at 10:00 p.m., Sunday-Thursday and 12:00 a.m. on Friday and Saturday. Planner Taylor stated consent agenda item #11, approved earlier in the meeting, acknowledged combining the parcels and certifying the new legal description for the property.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to approve the issuance of an on-sale and Sunday liquor license for Steven Meyer, Not Justa Café, Inc. for the tavern/restaurant to be located at 193 3rd Street North, subject to approval of the Minnesota Alcohol and Gambling Enforcement Division, completion of all building improvements to meet applicable code requirements, and correction of any health, safety, and welfare issues that the city deems necessary, to ensure the establishment is fit for occupancy and service, for a license period to expire on December 31, 2014, with the requirement that the outdoor liquor consumption cease by 10:00 p.m., Sunday – Thursday and 12:00 a.m. on Friday and Saturday. Motion carried 5-0.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

1. Mayor St. Ores thanked residents for their votes in the recent election and stated it is an honor to continue to serve on the City Council.

ADJOURNMENT

It was moved by Councilmember Goldston and seconded by Councilmember Hanson to adjourn the meeting at 7:48 p.m. Motion carried 5-0.

City Administrator/Clerk