

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 6, 2011
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of June 6, 2011 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

Others Present: Administrator Mitch Berg, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, Attorney Nick Vivian, City of Stillwater Engineer Ryan Smith and Rich Hirstein, Allied Waste representative

APPROVAL OF AGENDA

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to approve the June 6, 2011 agenda. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The May recycling award recipients are Molly Schmulka & Josh Barritt, who will receive \$30.00 for their recycling efforts, with funding made possible by a grant from Washington County.
2. The City of Bayport will be hosting a citywide cleanup and recycling event on Saturday, June 11, 2011, 8:00 a.m. to 11:00 a.m., at the empty lot at the intersection of 2nd Avenue South and Lakeside Drive South. Proof of Bayport residency is required, and there is a \$5.00 per vehicle participation fee, plus additional fees for larger items. Additional information is available on the city's website.

OPEN FORUM

1. Don Harvieux, 595 Lakeside Drive South, requested the City Council consider relocating the ice road that runs across a portion of his property. He proposed a route down Central Avenue, with river access over the beach at Lakeside Park, and indicated he would be willing to donate toward beach area improvements needed for the access.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to add *Consider request to relocate ice road* to new business item #6. Motion carried.

CONSENT AGENDA

Mayor St. Ores read items 1-15 on the consent agenda.

1. May 2, 2011 City Council workshop minutes
2. May 2, 2011 City Council regular meeting minutes
3. May payables and receipts (check numbers 1133227-1133347)
4. May building, plumbing and mechanical permit report
5. Declaration repealing city's state of emergency (Resolution 11-18A)
6. Reduction in letters of credit for Inspiration development plan B improvements
7. Community Fluoride Grant Agreement with Minnesota Department of Health
8. Purchase of a new grounds mower for the Public Works Department

9. Mutual aid agreement with Hudson Fire Department for fire services
10. Temporary on sale liquor license for Bayport Marina Association on June 25, 2011
11. Accept \$100.00 donation from Bayport Marina for the city's newsletter
12. Accept \$50.00 donation from Cummins Law Office for the city's newsletter
13. Accept \$250.00 donation from Bayport BBQ for the city's newsletter
14. Accept \$250.00 donation from Andersen Corporation for the city's newsletter
15. Accept \$250.00 donation from Bayport Community Action League for the city's newsletter

Councilmember Ostertag introduced the following resolution and moved its adoption:

Resolution 11-18

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-15 FROM THE
JUNE 6, 2011 CITY COUNCIL AGENDA**

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	

RIVERFRONT ADVISORY COMMISSION REPORT

A date is being finalized for the next meeting of the commission.

COUNCIL LIAISON REPORTS

Councilmember Ostertag reported the Cable Commission did not meet last month.

Councilmember Carlson reviewed the Library Board meeting of May 26, 2011, noting the board is finalizing its desired qualifications for a successor to retiring Library Director MacDonald. Summer programs were also highlighted. The next meeting is scheduled for Thursday, June 23, 2011, at 6:00 p.m. at the library.

Mayor St. Ores reviewed the May 12, 2011 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). The next meeting is scheduled for Thursday, June 9, 2011, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Goldston reviewed the Andersen Community Advisory Committee meeting of May 4, 2011. Performance reports for July-December 2010 indicated Andersen Corporation's VOC emissions were 34% of the allowable rate. The next meeting is scheduled for September 14, 2011, at 6:30 p.m.

Councilmember Hanson stated the Planning Commission did not meet in May.

PUBLIC HEARINGS

Public improvement hearing on the 2nd Avenue North Stormwater Improvement Project and consider a resolution ordering the improvements, accepting plans and specifications, and soliciting quotes:

Administrator Berg reviewed the background of the project, noting that staff has received completed paperwork from both of the private parties involved and has provided them with a detailed plan review, including placement of rain gardens. City of Stillwater Ryan Smith was present to answer questions.

Mayor St. Ores opened the public hearing and no comment was heard.

It was moved by Councilmember Goldston and seconded by Councilmember Hanson to close the public hearing. Motion carried 5-0.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-19

RESOLUTION ORDERING IMPROVEMENTS, APPROVING PLANS AND SPECIFICATIONS AND SOLICITING QUOTES FOR THE 2ND AVENUE NORTH STORMWATER IMPROVEMENT PROJECT

The motion for adopting the foregoing resolution 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	

UNFINISHED BUSINESS - None

NEW BUSINESS

Consider renewal of the city’s residential waste hauling contract: Administrator Berg reported the city’s residential waste hauler contract is expiring in September 2011. The city has contracted with Allied Waste/BFI for the past 10 ½ years, and Allied Waste has proposed a number of concessions if the city extends the contract for an additional three years by July 1st. City staff recommended bidding out the contract for 2013 and 2014, and Allied Waste subsequently agreed to terms for a two-year renewal, with no price increase in the first year and an increase not to exceed 3.6% in the second year. Allied Waste would also donate an additional \$500.00 in 2011 and 2012 to help offset disposal costs for a cleanup event or a scholarship program (a total of \$1,000.00 each year). Staff recommended the City Council authorize renewal of the city’s residential waste hauling contact with Allied Waste for a two-year period, under the fees, terms, and conditions specified, effective October 1, 2011. The city would undertake a bidding process in 2013 for a new contract to begin October 1, 2014. Rich Hirstein, Allied Waste, answered questions regarding not levying a fuel surcharge for the duration of the contract and emphasized his company’s desire to continue its partnership with the City of Bayport.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to authorize the renewal of the city’s residential waste hauling contract with Allied Waste for two years, under the fees, terms, and conditions specified. Motion carried 5-0.

Consider a resolution accepting the feasibility study, ordering the improvements, accepting plans and specifications, and soliciting quotes for the 1ST Avenue North Stormwater Improvement Project:

Administrator Berg reviewed the feasibility report for a stormwater improvement project along 1ST Avenue North requested by property owner, Barry Torgerson. He reviewed the project costs, stating the city’s 50% cost share would be \$3,533.00. Ryan Smith, City of Stillwater Engineer, explained that one tree would need to be relocated for proper drainage, and the Middle St. Croix Watershed Organization would be installing the proposed rain garden.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-20

RESOLUTION RECEIVING FEASIBILITY STUDY, ORDERING IMPROVEMENTS, APPROVING PLANS AND SPECIFICATIONS AND SOLICITING QUOTES FOR THE 1ST AVENUE NORTH STORMWATER IMPROVEMENT PROJECT

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	

Consider authorization to solicit quotes for second phase of inspection and cleaning of the city sewer lines: City engineer Barry Peters explained there are approximately 13 miles of sanitary sewer mains in the city, the majority of which are vitrified clay pipes (VCP) and susceptible to cracking and breaking, leading to infiltration into the mains. Additionally, many of the city's manholes were constructed with blocks or bricks, which are also susceptible to infiltration. In late 2009, the City Council authorized a two-year project to televise approximately half of the mains and visually inspect the manhole conditions. A sewer main improvement project was initiated in 2010/2011 to correct main line defects discovered during the televising project. Staff is now recommending completing an inspection and cleaning of the remaining sanitary sewer mains and to visually inspect the manholes. The project area would be properties west of Highway 95, which would include the Inspiration development that has plastic pipe and would not need to be televised at this time. Projected cost of the project is less than \$50,000.00, which would allow the city to obtain quotes. Administrator Berg noted that the project is included in the 2011 Capital Improvement Plan. Project costs may be used to offset the surcharges assessed by the Metropolitan Council Environmental Services due to the city's history of inflow and infiltration issues. Completing the pavement management study currently in progress, in conjunction with the proposed televising project, may identify areas of the city where it would be cost-effective to install new sanitary sewer mains and roadways.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to authorize the preparation of documents to obtain quotes to clean and televise the remaining sanitary sewer mains. Motion carried 5-0.

Consider a proposal to develop an inventory of all city signs to comply with new federal regulations: Administrator Berg noted that in 2008, the federal government passed a new retro reflectivity requirement for traffic signage that requires all agencies to establish a traffic sign maintenance program. The first step would be to complete an inventory of all city traffic signs, identify the signs that do not comply with the new retro reflectivity requirements, and determine the cost to replace noncompliant signs. Two quotes were obtained to complete this work, one from SEH for \$6,700.00 and one from the City of Stillwater for \$4,400.00. Staff recommended awarding the project to the low quoter, City of Stillwater. The city has \$10,000.00 in the 2011 budget for the project. Ryan Smith, City of Stillwater, stated the reflectivity requirements cover all regulatory signs, with parking signs excluded. He noted that street name signs will also need to be increased to six inch lettering and meet the reflectivity standards. The expected life of a reflective sign is ten years.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to authorize the City of Stillwater to complete a sign inventory and replacement plan at a cost not to exceed \$4,400.00. Motion carried 5-0.

Consider options for a municipal off-sale liquor establishment: Upon the recommendation of councilmembers to explore a municipal off-sale liquor store, Administrator Berg reviewed his findings into this potential revenue stream for the city. He noted there are multiple hurdles and conditions that must be met, and he does not recommend pursuing a municipal liquor establishment at this time. Attorney Vivian stated there are onerous statutory issues in establishing and operating a municipal liquor store, as well as operating issues, including managing overhead costs and liability issues. If the City

Council wishes to pursue this idea, he recommended the first step would be to develop a business plan to determine the feasibility of this type of municipal operation. Councilmember Carlson stated she is not in favor of pursuing a municipal liquor store because she believes it would take away business from existing businesses and send a message that the city does not support local businesses. She also noted the challenges of starting and operating a new business. Councilmember Ostertag thanked staff for investigating this opportunity and stated he is not in favor of pursuing it. He noted the liability issues the city would take on and stated he was not in favor of taking business away from existing businesses. Councilmember Hanson was initially interested in pursuing this option; however, she now understands the challenges with this type of business. Councilmember Goldston is not in favor of hindering existing businesses or dissuading new businesses from coming to town. Mayor St. Ores stated she echoes the previous comments made by councilmembers and believes the city has done its due diligence in investigating this possible revenue-generating opportunity.

Consider request to relocate the ice road: Administrator Berg noted staff has been working with Bayport Estates and Don Harvieux to record a legal description of the current ice road. Attorney Vivian indicated an easement for a portion of the ice road was negotiated and recorded last year with Waterford Condominiums. It was discovered there is a small portion of the easement, east of Maine Street that was never recorded. He reviewed the steps taken to provide a clear legal description of the roadway, which is recognized as a publically dedicated roadway. During discussions with Mr. Harvieux, he proposed relocating the ice road off his property and ultimately vacating the current easement. Mr. Harvieux cited liability concerns with the current ice road, as well as noise concerns with late night and early morning traffic. He believes relocating the road down Central Avenue, away from residential properties is a good alternative. Administrator Berg noted that ATV access to the river across the Lakeside Park beach was closed when the beach area was upgraded in 2008, and staff has concerns that emergency vehicles may not be able to access the river under Mr. Harvieux's proposed route. Administrator Berg stated that if the city decides to pursue an alternate route the new roadway should conform to city code and all applicable state/federal standards and engineering specifications. To determine the viability of relocating the roadway, the city would need to undertake a feasibility study, with an estimated cost of \$5,000.00 to \$10,000.00. He further stated there would be additional maintenance costs for a new roadway, the Lakeside Park Master Plan does not include a river access, and the Riverfront Advisory Commission supports the current ice road location. Staff does not support relocating the ice road to Lakeside Park or closing the roadway.

Councilmember discussion focused on relocating the roadway versus closing it. Councilmembers expressed a desire to physically view the easement area in question, and Councilmember Goldston indicated he would like to explore the winter usage versus that in the summer months. Mayor St. Ores noted there must be a compelling public interest to close the road and there appears to be great public interest in maintaining the current river access. Attorney Vivian stated if the easement remains in the current location, the city needs to eventually enter into a written agreement with all parties, optimally with language consistent with the agreement finalized with Waterford Condominiums. Public Works Director Horak expressed safety concerns with thin ice in the park area, as well as vehicles maneuvering over the steeper grade of the beach area, especially with icy conditions. Engineer Peters stated an access off Central Avenue would be very expensive from an engineering standpoint. Administrator Berg noted the city is in the process of responding to the request from Bayport Estates to create a legal description on the current ice road and having it recorded against their property. Attorney Vivian recommended the city move forward with documenting the legal description of the current ice road for recording purposes, to specifically identify where it is, define who is responsible for it, and to protect all parties involved. Mayor St. Ores concurred with Attorney Vivian's recommendation and stated options suggested by Mr. Harvieux may be pursued in the future; however she does not feel they are fiscally viable at this time and may not be in the best interest of the community at large. The consensus of the other Councilmembers was also to proceed with Attorney Vivian's recommendation.

COUNCIL ITEMS AND ANNOUNCEMENTS

1. The youth safety camp will be held on Monday and Tuesday, August 1 and 2, 2011, at Lakeside Park. As a cost-savings measure, the camp will piggyback with Night to Unite on August 2. Application forms are available at City Hall and on the city's website, www.ci.bayport.mn.us.
2. Mayor St. Ores thanked everyone who has donated money to provide for the publication of additional editions of the city's newsletter.
3. Mayor St. Ores recognized and thanked the Bayport American Legion for organizing another successful Memorial Day Parade.
4. The Bayport Police Department is hosting a Torch Run to raise awareness and funds for Special Olympics on Friday, June 24, 2011, at 1:00 p.m. This is a free event and will begin and end at Croixdale Senior Living. Runners, walkers and bicycle riders are welcome to participate, and donations are welcomed. Contact Chief Eastman for more information.
5. The Bayport Community Action League invites Bayport residents to attend an ice cream social on Wednesday, June 15, 2011, 6:30-8:00 p.m., at the Lakeside Park Beach House. This is a free event.
6. Youth are encouraged to register for an Art Sampler program to be held at the Bayport Public Library June 13-17, 2011. The program is limited to 20 children, with a \$5.00 participation fee.

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

Administrator Berg reviewed his written report, as well as an overview of a year-to-date budget summary. He also invited councilmembers to attend the 3rd annual St. Croix boat trip sponsored by the Lower St. Croix Partnership Team and the DNR. The excursion departs from Hudson at 5:30 p.m. on Wednesday, June 29, 2011. He proposed a City Council workshop for Monday, June 27, 2011, 4:30 p.m., to provide an overview of the city's budget.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to adjourn the meeting at 8:23 p.m. Motion carried 5-0.

City Administrator/Clerk