

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 7, 2012
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of May 7, 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 Dan Goldston, Michele Hanson and Mark Ostertag

Members Absent: Councilmember Connie Carlson

Staff Present: Administrator Mitch Berg, Fire Chief Mike Bell, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Attorney Andy Pratt, and Assistant Administrator/Planner Sara Taylor, outgoing Deputy Fire Chief Matt Bell and incoming Deputy Fire Chief Mike Galowitz

APPROVAL OF AGENDA

Councilmember Hanson requested that consent items 2, *April 16, 2012 City Council workshop minutes* and 8, *Vending services agreement with Bayport Fire Relief Association for Lakeside Park*, be moved to new business items 5 and 6, respectively. Administrator Berg requested that consent item 13, *Special event application from the BCAL for an ice cream social at Lakeside Park on Wednesday, June 13, 2012*, be moved to new business item 7. Councilmember Ostertag requested moving Proclamations item #2, *Recognition of Jeff Hafeman on his retirement from the Bayport Fire Department*, to the June meeting.

It was moved by Councilmember Ostertag and seconded by Councilmember Hanson to approve the May 7, 2012 City Council agenda as amended above. Motion carried 4-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS

1. The April recycling award recipient is Melissa Stabnow who will receive \$30.00 for her recycling efforts, with funding made possible by a grant from Washington County.
2. The Public Works department will be flushing fire hydrants May 8-16. Residents may experience some water discoloration during the flushing and should run their water until it is clear.
3. Public Works Supervisor Horak outlined a city initiative to increase sidewalk and street intersection safety by making residents aware of landscaping and yard maintenance practices that impact street intersections and sidewalks. A *Landscaping and Yard Maintenance for Safe Sidewalks and Intersections* brochure will be provided to residents and is available on the city's website.
4. Mayor St. Ores announced the city would be discussing a dog park proposal for Barker's Alps Park at the June meeting and stressed the importance of residents having an opportunity to provide input on the subject.

OPEN FORUM

1. Kelly Murray, troop leader, and members of the 5th grade Andersen Elementary Girl Scouts, provided information and pictures of a Girl Scout improvement project completed on May 5 at Camp Sagata and Lakeside Park. The work involved removing invasive buckthorn and scrub brush, posting address numbers and installing landscaping at the Camp Sagata building, painting picnic

shelter #1, and planting 10 evergreen trees. A fast-growing grass seed will be used to finish off the landscaping project. Public Work Supervisor Horak was thanked and recognized for his assistance with the project.

2. Dan Gelfand, representing the Make-A-Wish Foundation, presented information on a fund raising swim event that will finish at Lakeside Park on Sunday, August 26. He indicated safety measures are in place for swimmers as they navigate the marina and boat launch areas.

CONSENT AGENDA

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

1. April 2, 2012 City Council regular meeting minutes
2. April payables and receipts (check numbers 1133133-1134509)
3. April building, plumbing and mechanical permits report
4. Temporary on-sale liquor license request from Bayport Marina for event on May 19, 2012
5. Joint Powers Agreement with Bureau of Criminal Apprehension
6. Amendments to the fire service contract with the City of Oak Park Heights
7. Special Event Application from Make-A-Wish Foundation for swim event at Lakeside Park on Sunday, August 26, 2012
8. Special Event Application from Olivier Vrambout for timed trial bicycle race on Saturday, June 23, 2012
9. Donation of park bench in Lakeside Park in memory of Barbara Groth
10. Special event application for a wedding at Barker's Alps Park on Saturday, July 28, 2012
11. Appointment of Mike Galowitz as the Assistant Chief for the Bayport Fire Department
12. Donation of \$250.00 from Olivier Vrambout to purchase a bike rack for Perro Creek Park

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 12-07

RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE MAY 7, 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:

Susan St. Ores – aye	Michele Hanson – aye
Dan Goldston – aye	Mark Ostertag – aye

SWEARING IN OF ASSISTANT FIRE CHIEF

Mayor St. Ores administered the oath of office to Mike Galowitz. Fire Chief Mike Bell recognized outgoing Assistant Chief Matt Bell for his nine years in the position with the Bayport Fire Department. He also stated that Brandon Johnson and Jake Eisinger would be moving into captain positions.

PUBLIC HEARINGS - None

PRESENTATION OF THE 2011 AUDIT

Molly Thompson, Schlenner Wenner & Co., provided a general review of the city's audited financial statements for 2011, noting a clean opinion on the financial statements and compliance with Minnesota statutes, with no material findings reported. The city ended the year with a significant increase in net assets, compared to 2010. Molly noted the city adopted the required new standard, GASB 54, and there were no significant issues or difficulties with the audit. She reviewed several management letter suggestions that have been discussed with staff in an effort to improve the city's practices and procedures. Mayor St. Ores noted the city intends to keep the tax stabilization fund intact. Finance Officer Wanda Madsen and Administrator Berg were thanked for their assistance with the audit.

SPECIAL PRESENTATION ON PROPOSED ST. CROIX RIVER CROSSING

The following representatives of the Minnesota Department of Transportation (MnDOT) provided an overview of the project: Todd Clarkowski, Engineer/Project Coordinator; Vanessa Levingston, Public Involvement Coordinator/Business Liaison; Terry Zoller, Construction Manager; and Kevin Western, Bridge Design Manager. The project manager, Jon Chiglo, was unable to attend but will participate in future presentations. Construction work in Bayport will begin next spring, with the total project estimated to be completed in the fall of 2016. The Bayport area may experience increased noise this year with load testing activity, and MnDOT is taking measures to minimize noise levels during the construction process and with the overall bridge design. MnDOT will work with local municipalities to provide updated information on the project, and residents can access animations of the bridge and loop trail at www.mndot.gov/stcroixcrossing. A limited supply of the CDs will also be available at the Bayport Library. During construction of the bridge, certain areas of the river will be posted as "no wake," and it was noted the piers for the new bridge will be approximately twice as high as the I-94 bridge at Hudson. Water quality and quantity standards have been set for displaced stormwater from the new bridge and it was noted that it will be treated before it re-enters the river. MnDOT stated that Highway 95 would remain open during the construction process. Mr. Clarkowski reviewed a maintenance project on the current Stillwater lift bridge that will involve closing the bridge and a detour of traffic through Bayport from September 10 through the end of December this year.

COUNCIL LIAISON REPORTS

Councilmember Goldston reported on the May 2, 2012 meeting of the Andersen Community Advisory Commission (CAC). The company received no concerns from city residents in 2011, and there is an open seat for a Bayport business representative on the CAC. The next meeting is scheduled for September 19, 2012.

Mayor St. Ores reviewed the April 12, 2012 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). She recognized the volunteer efforts of the local scout troops, staff, and residents, as well as water management personnel, for a successful cleanup of Perro Creek before it was turned on this spring.

Councilmember Ostertag reviewed the April 19, 2012 meeting of the Cable Commission. Commission staff has been investigating issues with live streaming of Bayport meetings and billing for internet service.

UNFINISHED BUSINESS - None

NEW BUSINESS

Consider bids and awarding the 2012 Sealcoat Improvement Project: Engineer Peters reviewed the two bids that were received on May 2. The engineer's estimate was \$55,250.00, with bids of \$49,342.50 from Allied Blacktop Company and \$55,151.00 from Asphalt Surface Tech. Corporation. Staff recommended awarding the project to the low bidder, Allied Blacktop Company, Maple Grove, Minnesota. Engineer Peters reported that Allied Blacktop Company was also the low bidder for the Lake St. Croix Beach sealcoat project that was jointly bid with the Bayport project, and it appears both cities benefited from the joint bidding. The project was bid with a completion date of September 15, and it was recommended the project dates be listed on the city's website when identified. Peters also mentioned Allied Blacktop has done work with the city in the past.

It was moved by Councilmember Ostertag and seconded by Councilmember Goldston to award the 2012 Sealcoat Improvement Project to Allied Blacktop Company, Maple Grove, Minnesota, in the amount of \$49,342.50. Motion carried 4-0.

Consider authorization to publish a resolution to revest the city with title to apparent abandoned plots in Hazelwood Cemetery: Attorney Pratt provided background on a request to revest the city with title to plots in Hazelwood Cemetery that were purchased by "L. Burns" in the 1870's and have been unused since a burial in 1879. The city has been contacted by a local family who is interested in purchasing the plots specified in the resolution because they have family buried in adjacent plots. The process to regain title was reviewed and Attorney Pratt noted the city cannot find current contact information on the original deed holder. To meet state law requirements, the city will be publishing the resolution for three successive weeks in the *Stillwater Gazette* and *St. Paul Pioneer Press*, in an attempt to identify persons who may have a valid legal interest in the plots. The city has identified other plots that appear to be abandoned and may pursue revesting title to additional plots in the future. Upon completion of the steps outlined in the proposed resolution, the matter will be brought back to the City Council for further action.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 12-08

**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 Goldston and upon roll call being taken, the following voted via voice:

Susan St. Ores – aye

Michele Hanson – aye

Dan Goldston – aye

Mark Ostertag – aye

Consider completing a Source Water Study for the city's water supply system with funding from a Source Water Protection Competitive Grant from the Minnesota Department of Health: Administrator Berg stated he is working with the city engineer to develop a study to address a recent increase in the level of trichloroethylene (TCE) in city wells #3 and #4. The proposed cost of the study is \$18,730.00, and the city has received a Minnesota Department of Health Source Water Protection Competitive Grant in the amount of \$9,115.00 to help pay for the study.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to authorize the city engineer to prepare a Source Water Study for an amount not to exceed \$18,730.00; authorize the Mayor and City Administrator to enter into a Source Water Protection Competitive Grant Agreement with the Minnesota Department of Health; and authorize the city to expend the remaining cost of the study of \$9,615.00 from the 601 Water Fund. Motion carried 4-0.

Consider a request to distribute the city's Consumer Confidence Drinking Water Report by mail to city water customers: Mayor St. Ores explained she requested this item be added to the agenda, in light of the slight increase in TCE levels detected in the city's water supply. The city has met the state's notification guidelines for the 2011 Consumer Confidence Report (CCR) through publication in the *Stillwater Gazette* and posting on the city's website. However, she would like to ensure transparency by expending additional funds to mail a copy to Bayport customers or publish the report in the city's next newsletter. Administrator Berg noted the CCR information may be difficult for residents to interpret and suggested providing a detailed summary of the TCE issue and action plan in the newsletter. Discussion followed on the benefits of summarizing the TCE information and publishing it in the newsletter or with the next utility billing statement.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to insert a summary of the Consumer Confidence Report in the next city newsletter, for a cost not to exceed \$500.00. Motion carried 4-0.

April 16, 2012 City Council workshop minutes: Councilmember Hanson requested that the minutes be revised to reflect that well #2, where the air stripper is located, is capable of serving the entire city, but a backup is needed for this main well. She would also like it noted that research on backup possibilities include adding a new well near well #2 and pursuing a mutual backup agreement with the prison. Administrator Berg offered additional suggestions which will be incorporated into the revised minutes, which will be brought back for approval at the June meeting.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to direct staff to revise the April 16, 2012 City Council workshop minutes as discussed. Motion carried 4-0.

Vending services agreement with Bayport Fire Relief Association for Lakeside Park: Administrator Berg reviewed the challenges of offering concessions at the beach house and reviewed a proposal with the Bayport Fire Relief Association (BFRA) to provide a vending machine at Lakeside Park. Councilmember Hanson requested clarification on several items, and Administrator Berg indicated it would be difficult to add an exterior concessions window, that the vending services agreement is for beverages only, and the vending machine is energy efficient and will use minimal electricity during the April-October timeframe. He added the city would be responsible for a very minimal (\$5.00) insurance premium on the machine, and the city and BFRA would need to negotiate any damages below the \$2,500.00 deductible. The machine would be installed on the south side of the building, due to available electricity, and the city will explore adding an outlet on the north side closer to the beach area.

It was moved by Councilmember Ostertag and seconded by Councilmember Hanson to authorize the City Administrator and Mayor to enter into a Vending Services Agreement with the Bayport Fire Relief Association for the operation of a vending machine in Lakeside Park. Motion carried 3-0, with Councilmember Ostertag abstaining.

Special event application from the Bayport Community Action League (BCAL) for an ice cream social at Lakeside Park on Wednesday, June 13, 2012: Administrator Berg explained that in response to increased requests from various nonprofit organizations to waive rental fees for park usage, the city decided to be consistent and require payment from all organizations, in an effort to be fair and equitable. The BCAL requested the beach house rental be waived for the ice cream social as part of their special event application. Because the city has a unique relationship with the BCAL and there will be no charge for the event, staff is recommending the city partner with the BCAL for the event this year, which would include use of the beach house at no charge. The BCAL would provide insurance for the event. The general consensus of councilmembers was to support the efforts of the BCAL for this event and others. Administrator Berg suggested the city develop a policy to designate specific events in which the city would like to partner with the BCAL. A draft policy will be presented at the June meeting. Attorney Pratt added that any designations must be uniform in each classification.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to accept the special event application from the Bayport Community Action League for an ice cream social at Lakeside Park on Wednesday, June 13, 2012, with the city partnering to provide services and park facilities at no charge. Motion carried 4-0.

Adoption of the December 31, 2011 Audited Financial Statements: Administrator Berg requested the addition of this item.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to adopt the December 31, 2011 Audited Financial Statements for the City of Bayport, as prepared by Schlenner Wenner & Co. Motion carried 4-0.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

1. Councilmember Ostertag reminded residents of the annual Memorial Day Parade that will be held Monday, May 28, 2012, beginning at 8:30 a.m.
2. In response to a query from Councilmember Hanson, Police Chief Eastman reviewed the Police Department procedures for locking the beach house.
3. Councilmember Goldston requested the city check on bus parking at Barker's Alps Park.
4. Mayor St. Ores provided a summary of the most recent Lower St. Croix Alliance meeting.
5. Mayor St. Ores recognized the efforts of Andersen Elementary school for a successful Razzle Dazzle event on April 27, and thanked parent and city volunteers. She also recognized Matt Bell and Jeff Hafeman for their service and changing roles with the Bayport Fire Department.
6. Mayor St. Ores announced the sale of the property at 204 2nd Avenue South was finalized, and the new owner, Valley Green, Inc., is in the process of moving its seasonal lawn care and snow removal business into the space.
7. Mayor St. Ores reported that on April 18, she and Administrator Berg met with state legislators to provide support to the City of Oak Park Heights in its efforts to secure additional funding to decrease the city's financial burden with the St. Croix River Crossing project. On April 27, they toured the Wakota Bridge (I-494) and I-35W Bridge to learn about the techniques MnDOT has used to minimize noise levels and plans to mitigate noise with the new St. Croix River Crossing bridge.

CITY ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

1. A sidewalk pavement management study was recently completed by the City of Stillwater. Approximately 150 trip hazards were identified, the majority of which are minor and could be corrected with a horizontal saw cutting technique instead of replacing each individual panel. The estimated cost for correcting all panels is under \$7,000.00; however Administrator Berg is coordinating a demonstration area of up to 50 panels, in order to get feedback from residents and Public Works staff on the technique.
2. The city's tornado siren has been repaired and tested, after failing during a test last month.
3. Administrator Berg continues to work with Andersen Corporation on a boat launch parking agreement. He anticipates reaching an agreement soon and reminded residents the \$25.00 annual boat trailer parking stickers can be used to park in the designated areas at Lakeside Park in the interim.
4. Due to delays beyond the city's control, the new boarding dock at the 4th Avenue North boat launch will not be completed until late July. Councilmembers were in favor of proceeding with installation this year.
5. There is an opening for a Bayport resident to serve on the Cable Commission. More information is available on the city's website.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to adjourn the meeting at 8:15 p.m. Motion carried 4-0.

City Administrator/Clerk