

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 1, 2011
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of August 1, 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, Engineer Barry Peters, Assistant Administrator/Planner Sara Taylor, Attorney Nick Vivian, City of Stillwater Engineer Torry Kraftson

APPROVAL OF AGENDA

Administrator Berg requested adding approval of a 2:00 a.m. on-sale liquor license renewal application for Woody's Bar and Grill to the consent agenda.

It was moved by Councilmember Ostertag and seconded by Councilmember Carlson to approve the August 1, 2011 agenda, with the addition noted above. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The July recycling award recipients are Bill and Kathy Conley who will receive \$30.00 for their recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores proclaimed Tuesday, August 2, 2011 as Night to Unite in Bayport and encouraged residents to attend the event from 5:00-8:00 p.m. at Lakeside Park. Night to Unite is coordinated by the Bayport Police Department.

OPEN FORUM – None

CONSENT AGENDA

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

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-24

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE
AUGUST 1, 2011 CITY COUNCIL AGENDA**

1. July 11, 2011 City Council regular meeting minutes
2. July payables and receipts (check numbers 1133456-1133535)
3. July building, plumbing and mechanical permit report
4. Accept a traffic sign donation from Traffic Control Corporation for the Police Department
5. Joint powers agreement with Washington County Sheriff's Office for Code Red notification and messaging system for the Police Department
6. Temporary on-sale liquor license for Bayport Marina on August 14, 2011
7. Accept \$200.00 donation to Police Department from Harold Radke

8. Renewal of 2:00 a.m. on-sale liquor license for Woody's Bar and Grill located at 109 3rd Street North, Bayport, Minnesota 55003

The motion for adopting the foregoing revised 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
Connie Carlson – aye	Mark Ostertag – aye
Dan Goldston – aye	

RIVERFRONT ADVISORY COMMISSION REPORT

Administrator Berg explained staff's recommendation for the City Council to review the Riverfront Advisory Commission's 19+ goals and objectives in segments and reviewed the high priority items recommended for action within the next year. He stated that attendees at the public open house identified constructing a boat dock at Lakeside Park as the highest priority of the goals and objectives presented. Staff recommended a feasibility study be completed if the City Council decides to pursue a dock, and Engineer Peters estimated a study to cost \$2,500.00-\$5,000.00. Discussion followed on the options presented, potential funding sources, budgetary concerns, and the pros and cons of constructing a city dock at Lakeside Park and improving the 4th Avenue North public boat access. Staff was directed to explore options with Andersen Corporation to improve the public boat access and provide information for 2012 budget discussions. Councilmembers affirmed the commission's recommendation to continue the current use of the ice road access.

COUNCIL LIAISON REPORTS

Councilmember Hanson stated the Planning Commission did not meet in July, but will be meeting on August 15, 2011, 6:00 p.m., at City Hall.

Councilmember Goldston reported the next meeting of the Lower St. Croix Partnership is scheduled for Wednesday, August 31, 2011, 7:00 p.m., at the St. Croix County Government Center.

Mayor St. Ores reviewed the July 14, 2011 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO), and indicated the next meeting is scheduled for Thursday, August 11, 2011, 7:00 p.m., at the Valley Ridge Mall.

Mayor St. Ores reported she attended a Community Symposium meeting on July 27, 2011, with Administrator Berg and encouraged residents to attend the public town hall sessions. Information on the initiative and meeting schedules can be found at www.communitysymposium.com or by contacting City Hall.

Councilmember Carlson reported the Library Board meeting was rescheduled to August 4, 2011, as a quorum was not realized for the July 28, 2011 meeting. She indicated a selection committee for the Library Director's replacement will begin the review process next week.

Councilmember Ostertag reported the next meeting of the Cable Commission is scheduled for Wednesday, August 17, 2011, at 7:00 p.m. at the Valley Ridge Mall.

PUBLIC HEARINGS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

Consider an on-sale, Sunday, and 2:00 a.m. liquor license for an establishment to be located at 193 3rd Street North: Administrator Berg explained the city's review process for an application submitted by Jeffrey Hause for on-sale, Sunday and 2:00 a.m. liquor licenses for a new tavern/restaurant at 193 3rd Street North. No issues were identified during the initial investigations, and the applicant continues to work with city staff on remodeling of the building and applying for a conditional use permit to allow outdoor seating and outdoor consumption of liquor. Any limitations the city may choose to put on outdoor consumption must be conditioned as part of the liquor license application. Staff recommended limiting outdoor consumption to 10:00 p.m., Sunday-Thursday, and 12:00 a.m. Friday and Saturday, due to the establishment's proposed outdoor seating area abutting a residential property. Applicant Hause stated he may be applying for an off-sale license in the future.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to approve the issuance of an on-sale, Sunday, and 2:00 a.m. liquor license for Jeffrey Hause, Hefty Hause, Inc., for the proposed tavern/restaurant to be located at 193 3rd Street North, subject to approval of AGE, completion of all building remodeling 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, 2011. In addition, outdoor liquor consumption will not be allowed at the property without a CUP issued by the city and outdoor liquor consumption will be required to cease by 10:00 p.m., Sunday – Thursday and 12:00 a.m. on Friday and Saturday. Motion carried 5-0.

Consider receiving a feasibility report, approving plans, specifications, and quotes, and calling for a public improvement hearing on the 2011 Sidewalk, Curb, and Gutter Improvement Project:

Administrator Berg reviewed the city's current assessment policy, based on a lot area assessment method, and indicated the proposed project presents unique circumstances that may justify special consideration. Due to the irregular lot sizes and difficulties with topography, staff recommended basing the assessments on the linear feet of sidewalk adjacent to each property. Staff would present a revision to the city's special assessment policy at the next City Council meeting to incorporate the alternate assessment method.

City of Stillwater Engineer Torry Kraftson reviewed the feasibility report for the sidewalk replacement project that extends from the south property line of 741 6th Street North to the north property line of 868 6th Street North. The project would replace 1,015 feet of five-foot sidewalk, for a total replacement area of 5,075 square feet. He stated the project includes replacing approximately 120 feet of railing along two properties, due to a sharp drop-off along that section of sidewalk. Quotes for the construction costs were reviewed. Mr. Kraftson stated he rebid the sidewalk removal portion of the plan and realized a savings of approximately \$9,000.00. He also plans to get additional quotes for installing the new railing prior to the public hearing and stated he has discussed this with the lone quoter for this portion of the project. As quoted, the total project cost is \$45,206.25, which includes \$7,500.00 for engineering costs. This results in a cost of \$8.91 per square foot and a 50% assessment rate of \$4.45 per square foot. He detailed the challenges of using the current assessment policy for the irregular lots and sections that are difficult to build on and echoed Administrator's Berg recommendation to base the assessments on a linear foot calculation.

Councilmember Hanson questioned the estimated project cost stated in the resolution (\$54,247.50), and Administrator Berg explained this number includes a 20% contingency, as built into past projects. Mr. Kraftson answered questions regarding the railing cost/design, re-using the old railing to secure an additional 30 feet of sidewalk, and methodology for calculating the assessment for the two unique parcels. He believes the fairest option would be to have the city pay for the portion of the project not assessed to the two unique properties. This would bring the city's portion of the project to

approximately 65%. Attorney Vivian indicated that per the 429 assessment process, the city must show the benefit the properties will derive from the improvement project and recommended the engineer provide two cost scenarios for the City Council to consider. Councilmember Goldston questioned whether the resolution as presented would bind the city to the quote received from Curbmasters for the new railing. Attorney Vivian clarified that the resolution includes a not-to-exceed cost of \$54,247.50, and the total project cost could be adjusted prior to the public hearing, based on receiving lower quotes for the railing.

Councilmember Carlson introduced the following resolution, with the addition of authorizing city staff to evaluate other quotes for the new railing, and moved its adoption:

Resolution 11-25

**RESOLUTION RECEIVING A FEASIBILITY REPORT, APPROVING PLANS,
SPECIFICATIONS, AND QUOTES, AND CALLING FOR A PUBLIC
IMPROVEMENT HEARING ON THE 2011 SIDEWALK, CURB, AND GUTTER
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 an appointment to the Library Board: Administrator Berg reported that Karen Lampi, 261 6th Street South, Bayport, Minnesota, has submitted an application to fill a vacancy on the Library Board, due to the resignation of Mary Clare-Holst. Councilmember Carlson, Library Board liaison, stated the Library Board believes Ms. Lampi to be a very qualified applicant and recommended her appointment. Mary Clare-Holst was thanked for her service on the Library Board.

It was moved by Councilmember Ostertag and seconded by Councilmember Goldston to appoint Karen Lampi to fill the vacancy on the Library Board, for a term ending December 31, 2013. Motion carried 5-0.

Consider installation of a surveillance camera system at the Lakeside Park Beach House and accept \$1,000.00 anonymous donation for the system: Administrator Berg reported there have been multiple instances of vandalism at the renovated Lakeside Park beach house, and two interior “still” cameras were previously installed to monitor activity. The interior cameras are limited as to what they can capture, and recently the city received an anonymous \$1,000.00 donation toward the purchase of a four camera, closed circuit television system for the interior and exterior of the building. Two quotes were received for the system, with the apparent low quote of \$2,420.25 received from ADT. Administrator Berg noted this is an unbudgeted item; however he recommended installation of the camera system due to the expense incurred to repair the continued vandalism events. He proposed funding the system with the \$1,000.00 donation and the city’s general park maintenance fund, in an amount not to exceed \$3,000.00. Discussion followed on adding a web-based review feature and adding signage to alert users of the surveillance system. Mayor St. Ores encouraged residents to be vigilant and report suspicious activity to deter future vandalism in city parks. The anonymous donor was thanked for the generous donation.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to authorize the purchase of a four camera closed circuit television system from ADT for a price not to exceed \$3,000.00, excluding tax and shipping, and to accept the anonymous \$1,000.00 donation for the purchase of the system. Motion carried 5-0.

Consider amending Chapter 22 – Businesses, Article IV. - Cigarettes of the Bayport City Code to comply with the state’s Tobacco Modernization and Compliance Act: Assistant Administrator/Planner Taylor explained the proposed amendment to Chapter 22 of the Bayport City Code that will bring the city into compliance with the State of Minnesota’s Tobacco Modernization and Compliance Act, as well as simplify the text and eliminate inconsistencies with other city ordinances and/or current fines and enforcement procedures.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance #828

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING CHAPTER 22 – BUSINESSES, ARTICLE IV. OF THE BAYPORT CITY CODE**

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
Connie Carlson – aye	Mark Ostertag – aye
Dan Goldston – aye	

COUNCIL ITEMS AND ANNOUNCEMENTS

1. Councilmember Hanson noted a marked improvement with goose droppings in Lakeside Park and thanked the Public Works department for their efforts in dealing with the problem.
2. Councilmember Ostertag recognized the Police Department donations from Traffic Control Corporation and Harold Radke as noted in the Consent Agenda, as well as donations for Night to Unite and the Bayport Youth Safety Camp. Administrator Berg stated the donors for Night to Unite and Safety Camp would be formally recognized at the next meeting.

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

1. City Administrator update:

- Administrator Berg noted that a portion of storm sewer on 6th Street North collapsed during repair of a manhole in the area, due to deterioration of the metal corrugated pipes. Staff determined the best pricing for this urgent repair would be realized by including the work as a change order to the previously approved 1st and 2nd Avenue South improvement projects. The repair price is \$5,600.40.
- Administrator Berg provided a summary of his written report. Andersen Corporation was thanked for the loan of a commercial dehumidifier used at City Hall during the recent extreme weather conditions. He also noted that as part of a global effort to control the geese population along the river, Andersen Corporation partnered with the city to pay half of the cost to round up geese in Lakeside Park. Three weeks ago, approximately 50-75 geese were permanently removed from Lakeside Park, and the city’s cost is estimated at \$1,000.00-\$2,000.00. He noted the city will continue to work with Andersen Corporation on the ongoing goose problem. Discussion followed on the effectiveness and cost of the geese removal and alternate approaches to control the problem.
- Administrator Berg reported he recently learned that the DNR no longer assists communities with deer population surveys, but the city will investigate other sources to gather this information.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Ostertag to adjourn the meeting at 8:04 p.m. Motion carried 5-0.

City Administrator/Clerk