

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JULY 11, 2011
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of July 11, 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, Public Works Supervisor Mel Horak, Finance Officer Wanda Madsen, Attorney Jennifer Nodes, Engineer Barry Peters, City of Stillwater Engineer Ryan Smith

APPROVAL OF AGENDA

Administrator Berg requested adding *Consider authorization to solicit and enter into electrical inspection services contract* to New Business.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to approve the July 11, 2011 agenda, with the addition noted above. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The June recycling award recipient is John Hering who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.

OPEN FORUM

1. Mary Planten-Kell, Executive Director of the Youth Service Bureau (YSB), explained the programs offered by YSB and requested continued funding support.
2. Valerie Jones, Executive Director of Community Thread, reviewed the organization's programs, including the Bayport Senior Center, and requested \$1,500.00 in continued financial support. She noted Community Thread is planning renovations to the Bayport Senior Center/American Legion this year.
3. Al Schultz, 580 6th Avenue North, commented on a garage addition at 748 Argus Square and wanted to make city staff and the City Council are aware of the project.

Councilmembers recommended adding consideration of the YSB and Community Thread donation requests to New Business.

CONSENT AGENDA

Mayor St. Ores read items 1-14 on the consent agenda. Councilmember Goldston requested that item #11, *Purchase of replacement pick-up truck for the Public Works Department*, be moved to New Business.

Councilmember Ostertag introduced the following revised resolution, removing item #11, and moved its adoption:

Resolution 11-21

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-13 FROM THE
JULY 11, 2011 CITY COUNCIL AGENDA**

1. June 6, 2011 City Council regular meeting minutes
2. June 7, 2011 City Council workshop minutes
3. June 27, 2011 City Council workshop minutes
4. June payables and receipts (check numbers 1133348-1133455)
5. June building, plumbing and mechanical permit report
6. Accept \$100.00 donation from Marcie Lantz for the Police Department
7. Temporary on-sale liquor license for Bayport Marina on July 23, 2011
8. Special event application for Derby Days on Saturday, September 17, 2011
9. Fireworks display permit for Derby Days on Saturday, September 17, 2011
10. Revision to city's purchasing policy
11. Consolidation of city fund accounts to comply with audit standards
12. Joint Powers Agreement with Bureau of Criminal Apprehension to access the criminal justice data network (*Resolution 11-21A*)
13. Accept \$4,132.00 recycling grant from Washington County for 2011

The motion for adopting the foregoing revised 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	

PRESENTATION OF THE 2010 AUDIT

Molly Thompson of the city's audit firm, Schlenner Wenner & Company, presented the 2010 audited financial statements, noting a clean opinion on the financials. A compliance test with Minnesota legal statutes revealed two small areas of improvement related to investments, and recommendations have been discussed with staff. She reviewed two internal control findings, which are similar to past years' findings, due to the limited staff size. A summary of the financial statements was presented, including net assets, revenues and expenses, general funds and enterprise funds. The report to members of governance was reviewed and Ms. Thompson reported no significant findings were noted with required communications. The management letter was reviewed and recommendations to staff were discussed. Councilmember Hanson noted incorrect dates on the reports, and Ms. Thompson indicated these would be corrected and revised copies provided to the city. Finance Officer Madsen and Administrator Berg were recognized for their assistance in completing the audit.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to accept the 2010 audited financial statements for the City of Bayport. Motion carried 5-0.

RIVERFRONT ADVISORY COMMISSION REPORT

Commission facilitator Mark Nagel thanked the members of the Riverfront Advisory Commission and summarized the work process and findings of the commission. Developing funding sources may dictate the timeframe for accomplishing specific goals and objectives, and Mr. Nagel recommended identifying possible key funding sources for strategy implementation as a next step. Discussion followed on public input, implementing the master plan goals and objectives, fiscal responsibility, and funding sources. Councilmembers requested more information and time to review the recommendations, and Mr. Nagel

indicated he will provide a written summation for review. Councilmembers thanked the commission members for their participation in developing the Riverfront Master Plan.

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to acknowledge the findings of the Riverfront Advisory Commission and direct staff to provide additional information prior to further discussion at the August meeting. Motion carried 5-0.

COUNCIL LIAISON REPORTS

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

Councilmember Goldston reported the regular meeting of the Lower St. Croix Partnership was cancelled due to the June 29, 2011 St. Croix River cruise/workshop. Several staff and board/commission members attended the workshop. The next meeting is scheduled for Wednesday, August 31, 2011, 7:00 p.m., at the St. Croix County Government Center.

Mayor St. Ores reviewed the June 9, 2011 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). Three cost-share projects were approved and the annual performance review assessment was discussed. The next meeting is scheduled for Thursday, July 14, 2011, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Carlson was unable to attend the June 23, 2011 Library Board meeting, but reported the meeting focused on the hiring process for a new library director. The next meeting is scheduled for Thursday, July 28, 2011, at 6:00 p.m. at the library.

Councilmember Ostertag reviewed the June 15, 2011 Cable Commission meeting, which included a budget workshop. Commission staff is investigating the City of Bayport being charged for internet service. The next meeting is scheduled for Wednesday, August 17, 2011, at 7:00 p.m. at the Valley Ridge Mall.

PUBLIC HEARINGS – None

UNFINISHED BUSINESS

Consider quotes for the second phase of inspection and cleaning of the city's sewer lines: Engineer Peters reviewed the project and the three quotes that were received, ranging from a high of \$46,230.00 to a low of \$28,065.10, submitted by Visu-Sewer, Inc. Staff has worked with Visu-Sewer in the past and recommends awarding the project to them. Administrator Berg noted the 2010 CIP budget allotted \$50,000.00 for the project.

It was moved by Councilmember Hanson and seconded by Councilmember Ostertag to award the 2011 cleaning and televising inspection of sanitary sewers project to Visu-Sewer, Inc., Fridley, Minnesota, in the amount of \$28,065.10.

Consider quotes for the 1st Avenue North and 2nd Avenue North Stormwater Improvement Project: Stillwater Engineer Smith reviewed the quotes, noting the bid was broken into three categories and not all contractors bid each component. Staff recommends awarding construction to the contractors with the lowest quote in each category: Grading/Storm Sewer/Removals – Bell Trucking, \$8,490.00; Concrete Work – Curbmasters, \$18,327.60; and Bituminous Paving – T.A. Schifsky & Sons, \$11,920.00. The Bayport Public Works department would assist with saw cutting of bituminous and restoration work (topsoil and reseeded).

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 11-22

RESOLUTION ACCEPTING A QUOTE TO COMPLETE THE 1ST AVENUE AND 2ND 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	

NEW BUSINESS

Consider completing an inventory of the city’s sidewalks: Administrator Berg presented a proposal to complete an inventory of the city’s sidewalks and apron approaches. He proposed utilizing the City of Stillwater Engineering department to realize economy of scale pricing, since their staff has been contracted to perform a sign inventory and could evaluate sidewalks at the same time. This is an unbudgeted item; however Administrator Berg indicated funding is available through the street construction fund. Staff recommended awarding the project to the City of Stillwater for a fee not to exceed \$2,800.00.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to award a sidewalk inventory project to the City of Stillwater for a fee not to exceed \$2,800.00. Motion carried 5-0.

Consider an off-sale liquor license and tobacco license for an establishment to be located at 102 3rd Street North: Administrator Berg stated the city received off-sale liquor and tobacco license applications from Jilleen Keil, On the Banks of the St. Croix, Inc., DBA Bayport Liquor, located at 102 3rd Street North. He noted state licensing approval would be affected by the government shutdown. Staff recommended approval of the licenses, subject to approval by the Minnesota Alcohol and Gambling Enforcement (AGE) Division and correction of any work orders noted by the Building Official.

It was moved by Councilmember Ostertag and seconded by Councilmember Carlson to approve the issuance of an off-sale liquor license and tobacco license for Jilleen Keil, On the Banks of the St. Croix, Inc., for the proposed retail establishment “Bayport Liquor” located at 102 3rd Street North, subject to approval of AGE 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. Motion carried 5-0.

Consideration of the Youth Service Bureau (YSB) and Community Thread donation requests:

Administrator Berg noted the City of Bayport has financially supported both organizations since 1998. In 2010, the YSB received \$1,350.00, and Community Thread received \$1,500.00. The 2011 budget line item for donations is \$3,000.00, with \$300.00 expended to-date, and no further donation requests anticipated. Discussion followed on the merits of supporting both nonprofit organizations and meeting the criteria for donation requests.

It was moved by Councilmember Goldston and seconded by Councilmember Carlson to donate \$1,300.00 to the Youth Service Bureau and \$1,400.00 to Community Thread. Motion carried 5-0.

Consider an extension of the city's civil and criminal prosecution legal service contracts: Administrator Berg reviewed the city's contract history with Eckberg, Lammers, Briggs, Wolff & Vierling, noting the last time a request for proposal for legal services was completed was in 2005. In comparing the proposed fees with those of surrounding cities, he believes the proposed rates are fair and appropriate for the proposed three-year contract. The proposed increase for civil and criminal prosecution services is five percent for 2012, and the law firm would hold this pricing for 2013 and 2014. Staff recommended approval of the contract, pending correction of the dates to reflect the accurate three-year period.

It was moved by Councilmember Ostertag and seconded by Councilmember Goldston to enter into a three-year contract with Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP, for civil and criminal prosecution legal services, for the period of January 1, 2012 – December 31, 2014. Motion carried 5-0.

Consider authorization to initiate a 2011 sidewalk improvement project: Administrator Berg detailed a proposed sidewalk improvement project that would replace the majority of the east sidewalk and related curb and gutter areas along 6th Street North, beginning in front of 725 6th Street North to 8th Avenue North (approximately 1,100 feet). The sidewalks are deteriorating and there are drainage issues in the area. Two quotes were received for engineering services, with a price of \$7,500.00 from the City of Stillwater and \$7,900.00 from SEH; however, Administrator Berg questioned whether the scope of work was the same in both quotes. Stillwater Engineer Smith indicated Stillwater's quote included all items quoted in the SEH proposal.

Councilmember Hanson introduced the following resolution, awarding the contract to the City of Stillwater, with a fee not to exceed \$7,500.00, and moved its adoption:

Resolution 11-23

RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT, ASSESSMENT ROLL, PLANS AND SPECIFICATIONS, AND QUOTES TO COMPLETE THE 2011 SIDEWALK, CURB, AND GUTTER IMPROVEMENT PROJECT

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	

Consider 2011-2012 labor agreement with Minnesota Teamsters Public Employee Union #320: Administrator Berg stated the tentative agreement is the same as the contract negotiated with the police department union, except for an additional day of vacation for an employee with 31 years of service.

It was moved by Councilmember Carlson and seconded by Councilmember Ostertag to authorize the City Administrator to enter into a Labor Agreement between the City of Bayport and Minnesota Teamsters Public and Law Enforcement Employee's Union, Local #320 effective January 1, 2011 to December 31, 2012. Motion carried 5-0.

Consider authorization to solicit and enter into electrical inspection services contract: Administrator Berg stated the state shutdown has impacted building projects needing electrical and commercial plumbing permits. He requested permission to solicit and contract the services of a licensed electrical contractor to perform electrical inspections for the City of Bayport, during the state shutdown. The inspection fees would be paid by the applicant, with the city receiving a small administrative handling fee.

It was moved by Councilmember Goldston and seconded by Councilmember Hanson to authorize the city administrator to solicit proposals and enter into an inspection services agreement for the City of Bayport to be able to process electrical permits during the state shutdown. Motion carried 5-0.

Purchase of replacement pick-up truck for the Public Works Department: Councilmember Goldston questioned the expenditures for a two-way radio system and tool boxes for the new truck and asked whether the equipment from the current truck could be used. Public Works Supervisor Horak explained the old truck did not have a radio system, and the figures listed for the accessories were the lowest of two quotes and do include installation.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to authorize the Public Works Department to purchase a 2011 Chevrolet 1500 Silverado pickup truck, Model #CC 10903, from Polar Chevrolet, White Bear Lake, Minnesota, including other vehicle expenses and equipment, as noted in the July 5, 2011 memorandum, to be funded by the Public Works Equipment Replacement Fund. Motion carried 5-0.

COUNCIL ITEMS AND ANNOUNCEMENTS

1. Mayor St. Ores invited Todd Streeter, Executive Director of the Greater Stillwater Chamber of Commerce, to explain the Community Symposium, an initiative created to leverage the various community assets available in Bayport, Lake Elmo, Oak Park Heights and Stillwater, and bring the communities together long-term. Residents and business owners were invited to attend various town hall meetings, with the first meeting scheduled for August 10, 2011, 7:00 p.m., at the Bayport Public Library. Additional information can be found at www.communitysymposium.com. Administrator Berg added that the Chamber sent information to Bayport businesses regarding the meetings and encouraged business owners and residents to participate. Councilmembers voiced their support for continued participation with the initiative.

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

1. City Administrator update: Administrator Berg noted he continues to work on the ice road easement issue and provided a summation of his written report. He requested direction on whether to pursue options for deer control within the city, including authorization to handle the overpopulation via bow hunting this fall. Discussion followed on the pros and cons of pursuing an authorized bow hunt. The consensus of the City Council was to direct the City Administrator to continue to research the matter and table further discussion to the next meeting. Berg provided an update on the new variance law, noting the city may need to amend its zoning code to conform to the change in state law. He also gave a brief summary of the pavement rating findings that showed that 92% of the city's roadways were rated excellent to very good.
2. Consider a City Council workshop for the 2012 budget on August 8, 2011, at 4:30 p.m.: The City Council will meet at City Hall at the above-noted time to discuss the 2012 budget.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to adjourn the meeting at 8:20 p.m. Motion carried 5-0.

City Administrator/Clerk