

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JULY 10, 2006
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of July 10, 2006, 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 Rick Schneider, Councilmembers Connie Carlson, Dan Johnson, Jon Nowaczek, and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, City Consultant Mike Darrow, Administrative Assistant/Planner Sara Taylor, Public Works Supervisor Mel Horak, Engineer Barry Peters, and Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Schneider announced \$30.00 recycling awards for the month of June 2006 were given to Clara Ahlers, Carey & David Nisi, and Ray Valley.
2. Mayor Schneider recognized August 1, 2006 as the 23rd National Night Out and encouraged all residents to participate in the events at Lakeside Park, as planned by the Bayport Police Department.

OPEN FORUM

1. Pete Krum introduced his candidacy for the position of Washington County Sheriff.

CONSENT AGENDA

Mayor Schneider read items 1-8 on the consent agenda.

1. June 12, 2006 City Council regular meeting minutes
2. June payables and receipts
3. June building, plumbing and mechanical permits
4. Special event application for Derby Days
5. Purchase air tank fill station for Fire Department
6. Purchase of new washing machine for Fire Department turn out gear
7. Agreement for Community Development Block Grant (CDBG) funds
8. Donation in the amount of \$5,000.00 from Nextel Communications

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 06-17

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE JULY 10, 2006 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:

Rick Schneider – aye
Connie Carlson – aye
Dan Johnson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

PUBLIC HEARINGS

Public and assessment hearing for the 2006 City Alley Improvement: Engineer Peters reviewed the three areas to be considered for this year's alley improvement project. Quotes were obtained for the improvements since the estimated construction cost was less than \$50,000.00. He noted the proposed assessments were broken out per assessable parcels. A petition signed by five of the nine property owners in Area 1 was introduced; the petitioners requested a one way sign be posted on the alley facing south between 5th Avenue North and 4th Avenue North. Four written objections to the proposed assessments for Area 3 were introduced. The residents objected to the division of the assessment costs, stating the cost should be divided according to a front foot (lineal) basis, not a unit basis. Discussion followed on the city's assessment policy for above-ground improvements, and councilmembers recommended assessing this project per the current assessment policy. It was decided to hold the public hearing after revised proposed assessments are sent to all affected property owners.

Charlotte Robledo, 514 North 4th Street, stated her property is in Area 1 and she is concerned that new bituminous may result in an alley height above the grade of her driveway. Engineer Peters stated a grading plan had been set up to ensure runoff goes to the catch basin in the middle of the alley.

Discussion followed on making the alley one way. Staff will clarify the issue and report back at the next meeting.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to continue this item to the next meeting. Motion carried.

Consider a request to vacate a portion of 1st Avenue North that abuts the property located at 206 2nd Street North: Engineer Peters reviewed Paul and Linda Parenteau's request to vacate a portion of the 1st Avenue North right-of-way, as a recent survey indicated that three feet of their house was constructed within the platted right-of-way. Staff recommended vacation of the northerly ten feet of 1st Avenue North, across only the Parenteau property. A 10-foot vacation would also allow room for installation of a privacy fence. Discussion followed on vacating only a portion of the block.

Linda Parenteau, 206 2nd Street North, stated she was in favor of the 10-foot vacation.

It was moved by Councilmember Johnson and seconded by Councilmember Nowaczek to close the public hearing. Motion carried.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 06-18

RESOLUTION VACATING A 10 FOOT STRIP OF THE NORTHERLY RIGHT-OF-WAY OF 1ST AVENUE NORTH (FORMERLY MILL STREET), LYING BETWEEN THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF SECOND STREET NORTH, AND A LINE DRAWN SOUTHERLY FROM THE SOUTHWEST CORNER OF LOT 7, BLOCK 56, BAYPORT (FORMERLY SOUTH STILLWATER) AND PERPENDICULAR TO THE CENTERLINE OF 1ST AVENUE NORTH IN THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Nowaczek and upon roll call being taken thereon, the following vote via voice:

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Consider a request to vacate a portion of drainage and utility easement located in the Inspiration Development: Engineer Peters reviewed the request by CPDC to vacate a portion of the existing drainage and utility easement (Outlot N) within the Inspiration development. The requested vacation would allow for construction of a multi-family senior housing cooperative complex. The drainage and utility easements were oversized initially and no further public improvements are needed within this area. Staff recommended approval of the vacation request.

It was moved by moved by Councilmember Johnson and seconded by Councilmember Ridgway to close the public hearing. Motion carried.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 06-19

A RESOLUTION CALLING FOR THE VACATION OF A PART OF A DRAINAGE AND UTILITY EASEMENT PREVIOUSLY RECORDED WITH OUTLOT N, INSPIRATION, ACCORDING TO THE RECORDED PLAT THEREOF, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Ridgway and upon roll call being taken thereon, the following vote via voice:

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

UNFINISHED BUSINESS

Consider actions and responses to 2005 audit management letter: Administrator McGuire reviewed the city's response and actions with regards to reportable conditions identified during the 2005 audit. He explained the recommended changes to the personnel policy ordinance that would bring compensatory time allowance in line with current practice and union contracts.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance #782

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING CHAPTER 2, ARTICLE 8, PERSONNEL POLICY, OF THE BAYPORT CITY CODE

The motion for adoption of the foregoing ordinance was duly seconded by Councilmember Johnson and upon roll call being taken thereon, the following vote via voice:

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Consider options for painting of the municipal water storage tank, approving plans and specifications, and authorizing bids: Administrator McGuire reviewed the two options that staff explored for painting the existing ground reservoir. Staff recommended the more traditional method of design/bid/build and requested that the City Council approve the plans and specifications as prepared by SEH and authorize

bids, to be considered at the August 2006 meeting. Bidding contractors would also be asked to submit an alternate bid for an extended 5-year warranty. Engineer Peters explained the refurbishing process and efforts to ensure the integrity of the painting job, which should last approximately 15 years. Paint color options were discussed, and Engineer Peters stated he would bring color samples to the next meeting for consideration.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to approve the plans and specifications and authorize advertising for bids for painting of the municipal water storage tank. Motion carried.

NEW BUSINESS

Consider the proposed site plan and final plat for the multifamily housing cooperative complex located within the Inspiration development: Consultant Darrow reviewed the staff report regarding CPDC's application for site plan and final plat approval for the Gramercy Club in the Inspiration development. The developer is proposing 62 units, which is 13 fewer than originally proposed. The Planning Commission recommended approval at their June 19, 2006 meeting. Consultant Darrow reviewed the main issues identified by the Planning Commission: easement vacation, turning radius, parking, landscaping, and building elevations. He noted the developer would be required to pay \$217,468.68 in park dedication fees. Staff recommended approval of the proposed site plan and final plat, with the conditions of approval listed in the staff report. He further recommended that condition #4 be changed to reflect use of permeable pavement, such as Eco-Stone, for at least four parking stalls, instead of a grasscrete material. Discussion followed on landscaping plants and turnaround issues.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 06-20

A RESOLUTION ESTABLISHING FINDINGS OF FACT AND RESOLUTION OF THE CITY COUNCIL OF BAYPORT THAT THE REQUEST BY CONTRACTOR PROPERTY DEVELOPERS COMPANY (CPDC) FOR SITE PLAN AND FINAL PLAT APPROVAL FOR THE DEVELOPMENT AND CONSTRUCTION OF UP TO 62 MULTIFAMILY UNITS WITHIN THE GRAMERCY CLUB OF BAYPORT SENIOR HOUSING COMPLEX

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Ridgway and upon roll call being taken thereon, the following vote via voice:

Rick Schneider – aye

Connie Carlson – aye

Dan Johnson – aye

Jon Nowaczek – aye

Sharon Ridgway – aye

State Senator Brian LeClair: Senator LeClair updated the City Council on discussions with the city regarding options to provide more space for the Police and Fire Departments.

Consider a variance to allow a rear addition to a legally non-conforming house located at 703 5th Street North: Planner Taylor reviewed Jeff and Cathy Nelson's request for a variance to allow expansion of their home in the rear yard that would provide handicap accessible living space for a family member. Since the legally non-conforming house does not meet the front yard setback of 20 feet, a variance is required. The Planning Commission recommended approval at their June 19, 2006 meeting. Staff recommended approval of the variance application, with the conditions of approval listed in the staff report.

Councilmember Ridgway introduced the following resolution and moved its adoption:

Resolution 06-21

RESOLUTION APPROVING JEFF AND CATHY NELSON'S VARIANCE APPLICATION FOR A REAR ADDITION AT 703 5TH STREET NORTH, LEGALLY DESCRIBED AS LOTS 4 AND 5 OF BLOCK 21, BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Carlson and upon roll call being taken thereon, the following vote via voice:

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Consider amending Chapter 46 of City Code regarding the collection and disposal of solid waste:

Administrator McGuire reviewed a proposal to provide a uniform container program and single sort recycling through BFI-Allied Waste Services. If approved, containers would be delivered in August to all households at no charge, along with educational material on how to use the new single-sort system. A monthly rental fee of \$.60 would be charged upon implementation of the single-sort containers. An amendment to the city's solid waste ordinance would be required to implement the program, and staff recommended approval of the ordinance amendment as presented. Rich Hirstein, BFI-Allied Waste Services, answered questions regarding the single-sort program. He explained residents may switch out their containers for a different size at no charge.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance #763

ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AMENDING CHAPTER 46, ARTICLE III OF THE BAYPORT CITY CODE REGARDING COLLECTION AND DISPOSAL OF SOLID WASTE

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Johnson and upon roll call being taken thereon, the following vote via voice:

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Consider feasibility study, approving plans and specifications, and authorize obtaining quotes for the 2006 City Sidewalk and Curb Rehabilitation Project, as well as setting a date for the public hearing and assessment hearing: Engineer Peters reviewed the feasibility study for the sidewalk and curb improvements proposed for 2006. The estimated cost for the improvements is \$31,250.00, and the benefiting properties would be assessed for approximately half of the project. If approved, it is recommended that the date for the public improvement and assessment hearing be set for the August 7, 2006 City Council meeting.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to approve the feasibility report, order the 2006 City Sidewalk and Curb Rehabilitation Project, authorize the preparation of plans and specifications, approve the plans and specifications, authorize staff to obtain quotes for the project, and set the public improvement and assessment hearing for the August 7, 2006 City Council meeting. Motion carried.

Consider installing no parking signs along Point Road: Administrator McGuire reviewed a safety concern with parking and trash accumulation along Point Road. Discussion followed on the request to post no parking signs on both sides of the road, near the guardrails, at the north end of the bay. Administrator McGuire clarified that installation of parking signs requires City Council action.

It was moved by Councilmember Johnson and seconded by Councilmember Ridgway to authorize the posting of no parking signs on the south side of Point Road, along the guardrail, where it abuts Lake St. Croix. Motion carried.

Consider miscellaneous policies relative to the city cemetery: Public Works Supervisor Horak requested a review of the current cemetery policies, in response to inquiries from the public. He recommended that planter stands be addressed, as well as allowing upright headstones. Councilmember Johnson volunteered to head up a cemetery advisory commission, and residents were encouraged to contact City Hall if they would like to be part of the commission. Based upon resident interest in participating on an advisory commission, staff will recommend appointments at the next meeting, or bring back specific staff recommendations at a future meeting.

COUNCIL LIAISON REPORTS

Councilmember Ridgway stated the Cable Commission is examining their response to the proposed legislation regarding FCC franchising. The legislation would affect funding. The next meeting is scheduled for August 16, 2006, 7:00 p.m. at the Valley Ridge Mall.

Councilmember Nowaczek reported the next meeting of the Bayport Library Board is scheduled for Thursday, July 27, 2006, 6:30 p.m., at the library.

Councilmember Carlson reported the Middle St. Croix Watershed Management Organization (MSCWMO) would be meeting on Thursday, July 13, 2006, at 7:00 p.m. at the Valley Ridge Mall.

Councilmember Johnson reported the next meeting of the Lower St. Croix Partnership is scheduled for Tuesday, July 18, 2006.

COUNCIL ITEMS/ANNOUNCEMENTS - None

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. Water update: The Minnesota Department of Health has notified the City of Bayport that the average maximum contaminant level for TCE in the city's water exceeded acceptable limits during testing in the 2nd quarter of 2006. It was decided to notify the residents via a direct mailing. Administrator McGuire updated residents on the city's watering policy.
2. Recycling and Solid Waste Scholarship: Due to a lack of acceptable applications, staff recommended that this year's \$500.00 scholarship be awarded as part of the 2007 scholarship award. Current criteria states the scholarship is awarded only to residents of Bayport that are high school seniors; staff will review this restriction for next year.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to defer award of the Allied Waste Services \$500.00 scholarship for the 2006 academic year and put the monies toward the 2007 academic year. Motion carried.

ADJOURNMENT

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adjourn the meeting at 8:00 p.m. Motion carried.