

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
AUGUST 7, 2006  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of August 7, 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 (arrived at 6:40 p.m.), Jon Nowaczek (arrived at 6:10 p.m.), and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, Police Chief John Gannaway, Public Works Supervisor Mel Horak, Engineer Barry Peters, Administrative Assistant/Planner Sara Taylor and Attorney Nick Vivian

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. Mayor Schneider announced \$30.00 recycling awards for the month of July 2006 were given to Phil and Susan St. Ores, David Graham, and Micah and Holly Schroeder. He noted that the city would be going to a single-sort recycling program later this month.

**OPEN FORUM**

1. Valerie Jones, Community Volunteer Service and Senior Centers Executive Director, reviewed the activities available through the organization.
2. Dave Ness, Jr., 232 North 4<sup>th</sup> Street, questioned the City Council on the public notice sent to Bayport residents regarding the level of TCE in the city's water supply. Administrator McGuire, councilmembers, and former MPCA Commissioner Sheryl Corrigan reviewed the current situation and efforts underway to treat the water supply.
3. Mayor Schneider read a request from the Derby Days Committee asking permission to place an announcement banner/sign on the Village Green, beginning August 15<sup>th</sup>. He voiced support for this signage request on city property since Derby Days is a community-wide event.

It was moved by Councilmember Carlson and seconded by Councilmember Nowaczek to allow placement of a sign announcing Derby Days at the Village Green and/or Perro Park from August 15-September 15, 2006. Motion carried.

**CONSENT AGENDA**

Mayor Schneider read items 1-12 on the consent agenda.

1. July 10, 2006 City Council regular meeting minutes
2. July payables and receipts
3. July building, plumbing and mechanical permits
4. Appointment of 2006 election judges
5. Temporary liquor license for BCAL at Greystone Bar for Derby Days
6. Temporary sign request for Derby Days
7. Change order for water booster station
8. Waiver for city liability coverage

9. Invoice for energy to ground storage reservoir
10. Payment to Ebert Construction for water booster station
11. Special event application for Bethlehem Church Fall Fest
12. Renewal of 2:00 a.m. liquor license for Woody's Bar and Grill, 109 North 3<sup>rd</sup> Street

Councilmember Nowaczek introduced the following resolution and moved its adoption:

**Resolution 06-22**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE AUGUST 7, 2006 CITY  
COUNCIL AGENDA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Ridgway and upon roll call being taken, the following voted via voice:

Rick Schneider – aye  
Connie Carlson – aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

**PUBLIC HEARINGS**

Public and assessment hearing for the 2006 City Alley Improvement and consider resolution adopting assessment roll: Engineer Peters reviewed the project, noting the public hearing was being reopened from July with assessments now figured on a unit basis (one unit = 7,000 square feet) instead of a parcel basis. In response to a request that the alley in Area 1 be posted for one-way travel, he stated he is not in favor of the request due to the library traffic. He stated the city could award all or part of the project. Administrator McGuire noted that there has been no further resident input from property owners in Areas 1 or 2.

Sheryl Corrigan, 380 4<sup>th</sup> Street South, requested clarification of the new assessment amounts. Engineer Peters stated that the first assessments presented at the July meeting were mistakenly figured on a per parcel basis, with all parcels being assessed equally. Ms. Corrigan felt that improvements to alleys should be assessed differently than streets that are used by the general public, and that it would be reasonable to assess based upon garage access from the alley.

Pat Johnson, 324 4<sup>th</sup> Street South, stated she was happy with the second assessment and that it would not be a good idea to allow the property owners to decide on a fair assessment.

Judy Klos, 319 5<sup>th</sup> Street South, stated she has no need for the alley because she accesses her garage from the street. She would be happy with a gravel alley, which would negate her \$1,000.00+ assessment for bituminous alley improvements.

Sue Kaske, 348 4<sup>th</sup> Street South, stated having an alley is an asset to the affected properties.

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

Discussion followed on the city's current assessment policy and the need for alley improvements in Area 3.

Councilmember Ridgway introduced the following resolution and moved its adoption:

**Resolution 06-23**

**A RESOLUTION ADOPTING THE ASSESSMENT ROLL  
FOR THE 2006 CITY ALLEY IMPROVEMENT PROJECT**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Nowaczek 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 and assessment hearing for 2006 City Sidewalk and Curb Rehabilitation Project and consider resolution adopting assessment roll: Engineer Peters reviewed the areas identified for sidewalk/curb improvements. The proposed sidewalk replacement assessments are based on the low bid received for the project, approximately \$22,700.00, at a cost of \$5.30 per foot. There is approximately 10 feet of curb to be replaced, at a cost of \$26.25 per running foot assessment. The total construction project was estimated at \$27,602.00, with the city's share at \$14,862.00 and property owners assessed at total of \$12,740.00.

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

Councilmember Nowaczek introduced the following resolution and moved its adoption:

**Resolution 06-24**

**A RESOLUTION ADOPTING THE ASSESSMENT ROLL  
FOR THE 2006 CITY SIDEWALK AND CURB REHABILITATION 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:

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

Jon Nowaczek – aye  
Sharon Ridgway – aye

**UNFINISHED BUSINESS**

Consider awarding the 2006 City Alley Improvement Project: The city received three quotes for the project, with the low quote of \$43,938.00 from Asphalt Specialties Company. Staff recommended awarding the project to the low quoter. Councilmember Ridgway questioned whether the quotes reflected the same quality of asphalt and workmanship. Public Works Supervisor Horak explained that each company provided quotes based on specifications provided by the city, and he has been satisfied with Asphalt Specialties' work in the past. Discussion followed on whether the city could award the project to a local contractor versus the low quoter.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to award the 2006 City Alley Improvement Project to Asphalt Specialties Company, Shoreview, Minnesota, in the amount of \$43,938.00. Motion carried.

Consider awarding the 2006 City Sidewalk and Curb Rehabilitation Project: The city received two quotes on the project, with the low quote of \$22,999.50 from Willow River Construction, Hudson, Wisconsin. Staff recommended awarding the project to the low quoter.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to award the 2006 City Sidewalk and Curb Rehabilitation Project to Willow River Construction, Hudson, Wisconsin, in the amount of \$22,999.50. Motion carried.

Consider contract award for painting of municipal water storage tank: Engineer Peters reviewed the five bids received August 3, 2006 for repainting of the existing ground reservoir. The low bid of \$185,000.00 was submitted by TMI Coatings, Inc., Eagan, Minnesota, with an alternate bid of \$7,500.00 to provide a five-year warranty. Staff recommended awarding the contract to TMI Coatings, Inc., for a total of \$192,500.00. Engineer Peters explained there would be additional inspection fees for SEH services in the amount of \$30,000.00 to \$40,000.00. The paint color has not yet been determined.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to award the contract for repainting of the existing water storage tank to TMI Coatings, Inc., of Eagan, Minnesota, for \$185,000.00, with the alternate bid #1 additional cost of \$7,500.00 for a five-year extended warranty, for a total cost of \$192,500.00. Motion carried.

Discuss the purchase of a new water meter system: Administrator McGuire reviewed the purchase process to date, explaining that three bids were received for a new system, ranging from approximately \$170,000.00 to \$350,000.00. At this time, staff is recommending a low-budget, one-to-four year fix, at a cost of \$7,690.00. The Sensus Metering System would provide a handheld meter reading device that would collect and store meter readings that could be uploaded to the existing Banyon utility software. Mr. McGuire explained the variables discussed in coming to this recommendation and noted that a new system would still be needed within the next three to five years.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to reject the bids received in April 2006 for a new water meter system and authorize the expenditure of \$7,690.00 for a handheld meter reading device from Sensus Metering Systems/National Waterworks and related Banyon interface module. Motion carried.

Consider feasibility study for improvements to 4<sup>th</sup> Avenue North: Administrator McGuire stated the Middle St. Croix Watershed Management Organization continues to work with Andersen Corporation on pipeline placement for the Perro Creek storm sewer outlet project. The city is working with the DNR to relocate the public boat launch and it will be some time before a decision is made. Staff recommended continuing this issue to a future meeting.

It was moved by Mayor Schneider and seconded by Dan Johnson to continue the discussion on improvements to 4<sup>th</sup> Avenue North to a future meeting. Motion carried.

## **NEW BUSINESS**

Consider appointment of members to a Cemetery Advisory Commission: Public Works Supervisor Horak noted that five residents had expressed interest in serving on this commission. Mr. Horak would head up the commission, and Councilmember Johnson volunteered to serve as the City Council liaison. Recommendations of the advisory commission would be brought to the City Council at a future meeting.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to create the Hazelwood Cemetery Advisory Commission and appoint the following residents to serve on the commission: Dick Beberg, Tim Gardner, Cynthia Huhnke, Dave Ness, Jr., and Pat Johnson. Motion carried.

Consider Application 2006-04 for a conditional use permit to allow the installation of an underground fuel oil storage tank at the Minnesota Correctional Facility (MCF) located at 970 Pickett Street:

Administrative Assistant/Planner Taylor reviewed the MCF's conditional use permit application to install a 35,000 gallon underground fuel oil storage tank on approximately ¼ acre of the correctional facility property. The fuel oil would be used together with natural gas for four new steam boilers in the existing main power house that are needed to compensate for a loss of steam power received from Xcel Energy at the end of 2006. The proposed tank meets city code requirements and will be double-walled with a leak detection system approved by the EPA and MPCA. If approved, the storage tank would be installed and operational prior to next winter's heating season; the new steam boilers would be operational this month. The Planning Commission recommended approval of the application at its July 17, 2006 meeting. Staff recommended approval of the application, with the conditions stated in the staff report. Chuck Schmaltz, Harris Mechanical, answered questions regarding location and anticipated refilling schedule.

Councilmember Johnson introduced the following resolution and moved its adoption:

**Resolution 06-25**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) FOR AN UNDERGROUND FUEL OIL STORAGE TANK AT THE MINNESOTA CORRECTIONAL FACILITY (MCF), LOCATED AT 970 PICKETT STREET, BAYPORT, WASHINGTON COUNTY, MINNESOTA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Nowaczek 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

Consider issuance of a new on-sale, off-sale, and Sunday liquor license to “Captain’s Corner,” a proposed tavern to be located at 193 3<sup>rd</sup> Street North (previously known as “Little Rascals”):

Administrator McGuire reviewed the application submitted by Mark Gear and Kimberly Rinehart. The necessary background investigations have been completed by the Bayport Police Department, with no substantial violations identified. Staff recommended approval of the application, contingent upon ownership of the property by the applicants. Administrator McGuire clarified requirements for a 2:00 a.m. closing license, noting the proposed Captain’s Corner would need to close at 1:00 a.m. until said license was obtained.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to approve the on-sale, off-sale, and Sunday liquor license application for the proposed tavern Captain’s Corner, to be located at 193 3<sup>rd</sup> Street North, contingent upon ownership of the property by the applicants and prospective buyers, Mark Gear and Kimberly Rinehart. Motion carried.

Consider issuance of a new tobacco license to “Captain’s Corner” located at 193 3<sup>rd</sup> Street No.: Administrator McGuire reviewed the application submitted by Mark Gear and Kimberly Rinehart. The necessary background investigations have been completed by the Bayport Police Department, with no substantial violations identified. Staff recommended approval of the application, contingent upon ownership of the property by the applicants.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to approve the tobacco license application for the proposed tavern Captain’s Corner, to be located at 193 3<sup>rd</sup> Street North, contingent upon ownership of the property by the applicants and prospective buyers, Mark Gear and Kimberly Rinehart. Motion carried.

Consider issuance of a lawful gambling premises permit by the Bayport American Legion to conduct lawful gambling at “Captain’s Corner” located at 193 3<sup>rd</sup> Street North: Administrator McGuire reviewed the request of American Legion Post 491 to conduct lawful gambling at the proposed Captain’s Corner tavern. Staff recommended approval of the lawful gambling premises permit, contingent upon issuance of a liquor license to Captain’s Corner and successful closing by the proposed new owners.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to approve a lawful gambling premises permit for the Bayport American Legion Post 491 to conduct lawful gambling at the proposed Captain’s Corner, 193 3<sup>rd</sup> Street North, contingent upon issuance of a liquor license and successful closing on the property by Mark Gear and Kimberly Rinehart. Motion carried.

Consider authorization to complete an appraisal for the property located at 226 3<sup>rd</sup> Street North: Administrator McGuire stated that the owners of this property, located just south of City Hall, had inquired whether the City of Bayport had any interest in purchasing the property. Because of its location to City Hall and the limited parking in the area, staff recommended obtaining an appraisal on the property.

It was moved by Councilmember Ridgway and seconded by Councilmember Carlson to authorize the city administrator to obtain an appraisal for the property at 226 3<sup>rd</sup> Street North. Motion carried.

Consider approving plans and specifications and authorization to advertise for bids for Well #2 air stripping system: Engineer Peters reviewed the status of the plans and specifications for the air stripper for municipal well #2, noting the project continues on a fast track. The updated SEH cost estimate for the project was distributed and discussed. There may be additional monies for the project available from the MPCA beyond their initial \$613,000.00 grant. It was recommended that the plans and specifications be approved and authorization given to advertise for bids for the air stripping system for well #2.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to approve the plans and specifications for the well #2 air stripping system and authorize advertisement for bids for the project. Motion carried.

## **COUNCIL LIAISON REPORTS**

Councilmember Ridgway stated the next Cable Commission meeting is scheduled for Wednesday, August 16, 2006, 7:00 p.m. at the Valley Ridge Mall.

Councilmember Nowaczek reported the Bayport Library will be participating in the “Museum Adventure Pass” program beginning September 7, 2006, which allows library card holders to enjoy multiple museums and cultural activities in the Twin Cities area.

Councilmember Carlson reported the Middle St. Croix Watershed Management Organization (MSCWMO) would be meeting on Thursday, August 10, 2006, at 7:00 p.m. at the Valley Ridge Mall.

### **COUNCIL ITEMS/ANNOUNCEMENTS**

1. Councilmember Carlson announced that the Bayport American Legion is offering Sunday brunch from 8:00 a.m. – 12 noon through August, with an alternate schedule beginning in September.

### **ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS**

1. Water update: Administrator McGuire noted that most of the callers he spoke with concerning the TCE level were concerned with the results at Andersen Elementary. This is one of the testing points, and it has never registered over 2.6 ppb due to the blending that occurs with the other wells.
2. Closed session: It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adjourn to closed session at 7:50 p.m. to discuss pending litigation. Motion carried.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to resume the open session at 8:05 p.m. Motion carried.

### **ADJOURNMENT**

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn the meeting at 8:10 p.m. Motion carried.