

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 17, 2006
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of January 17, 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, Administrative Assistant/Planner Sara Dietsche, Attorney Laura Domagala, Engineer Barry Peters, and Fire Chief Scott Radke

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Schneider announced \$30.00 recycling awards for the month of December 2005 were given to Mrs. Milo Horak, Don Wilson, Jr., and Al Firth.
2. Fire Chief Radke and Mayor Schneider recognized Jeff Radke for his 23 years of service on the Bayport Fire Department, upon his retirement from the department.
3. Josh Eisinger, who recently joined the Bayport Public Works department, was introduced.

OPEN FORUM - None

CONSENT AGENDA

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

1. December 5, 2005 City Council regular meeting minutes
2. December payables and receipts
3. December building, plumbing and mechanical permits
4. Donation request for school patrol by Stillwater-Bayport Voiture 791
5. City employee group life, medical, and disability insurance
6. Budgeted fund transfers
7. Installation of no parking signs along Maine St., 2nd Ave. S., and 2nd St. S.
8. Police vehicle replacement
9. Cleaning service contract for City Hall and Police Department
10. Letter of credit reduction for Senior Housing Partners (Croixdale)
11. Letter of credit reduction for CPDC (Inspiration)
12. New fire department personnel

Councilmember Johnson requested that items #4 and #12 be removed from the consent agenda.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 06-01

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE JANUARY 17, 2006 CITY
COUNCIL AGENDA**

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

Rick Schneider – aye	Jon Nowaczek – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

Donation request for school patrol by Stillwater-Bayport Voiture 791: Attorney Domagala explained the city's limitations on charitable donations.

It was moved by Councilmember Johnson and seconded by Councilmember Nowaczek to donate \$300.00 to the Stillwater-Bayport Voiture 791 to be used for training purposes at an authorized school patrol safety camp. Motion carried.

New fire department personnel: Fire Chief Radke explained the current membership roster of 24 and the request to add two new personnel at this time. The names will be provided to the City Council upon satisfactory completion of medical and background checks on the two individuals.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the hiring of two additional volunteer fire department personnel. Motion carried.

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission's next regularly scheduled meeting will be February 15, 2006, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Nowaczek reviewed the December 22, 2005 meeting of the Bayport Public Library Board. He thanked the Fire Department for their prompt response to a faulty gutter heater problem at the library. He also thanked the Bayport Foundation for their grant of \$50,000.00 for 2006 operating funds. The next meeting of the library board is scheduled for Thursday, February 24, 2006, 6:30 p.m., at the library.

Councilmember Carlson reported on the Middle St. Croix Watershed Management Organization (MSCWMO) meeting of January 12, 2006. She reminded staff that Bayport's yearly contribution to the MSCWMO had not yet been received. The next meeting is scheduled for Thursday, February 9, 2006, 7:00 p.m., at the Valley Ridge Mall.

Dan Johnson reported the Lower St. Croix Partnership met in November and will meet again on January 18, 2006, 7:00 p.m., at the St. Croix County Government Center. He encouraged residents requesting discussion on issues related to development on the St. Croix River to inform City Hall.

UNFINISHED BUSINESS

Consider designating an engineering firm and authorize plans and specifications for the extension of water and sewer to a south portion of Bayport: The background of extending sewer and water to a south portion of Bayport was reviewed and discussion followed on proceeding with the project, as well as the need for a policy statement regarding the city's modified assessment policy. City staff recommended SEH be selected to prepare the plans and specifications for the project.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to designate SEH as the engineering firm for the South Minnesota Street Utility Project and to authorize plans and specifications for the project. Motion carried.

Consider appraisal quotes for the extension of water and sewer to a south portion of Bayport: Administrator McGuire recommended action on this item be postponed until the engineering estimates for the project are received.

It was moved by Councilmember Johnson and seconded by Mayor Schneider to continue consideration of appraisal quotes for South Minnesota properties until construction bids are received. Motion carried.

NEW BUSINESS

Consider an ordinance requiring lawful gambling establishments to make a contribution: Attorney Domagala reviewed the proposed amendment to the lawful gambling ordinance that would require organizations licensed to operate lawful gambling to donate/spend a percentage of the gambling proceeds in the city or local trade area. Discussion followed on the percentage of funds to mandate and the pros and cons of the proposed amendment. As defined, Stillwater would not be in the local trade area.

Marian Zimney, gambling manager for the Bayport American Legion, stated that the majority of the Legion's gambling funds benefit the St. Croix Valley. She recommended that the local trade area be further defined to include Stillwater and that it be required that only local charities be able to get a lawful gambling premise permit. City staff was directed to talk to other cities regarding their lawful gambling policies and report back at a future meeting.

Consider a request by Andersen Corporation for a variance from impervious coverage and height requirements for a proposed boiler stack and steam generating facility building, a conditional use permit to allow on site storage of fuel and ash for the facility, land reclamation and grading for the project area, and extended construction hours while the facility is being built, as well as site plan approval: Administrative Assistant/Planner Dietsche reviewed the background, staff comments, and suggested findings of fact and conditions of approval for Andersen Corporation's variance and conditional use permit (CUP) requests to build a new steam-generating plant, as well as the site plan for the facility. The Planning Commission approved the variance requests on November 21, 2005, and the CUP requests and site plan on December 19, 2005. Staff recommended approval of the variance/CUP requests and site plan.

Kirk Hogberg and Dan Hinrichs, Andersen representatives, further explained the project and answered questions. They noted the MPCA will hold a public information meeting on February 23, 2006, 7:00-9:00 p.m., at the Bayport Public Library to discuss Andersen's proposed

air/water/waste permit. Andersen Corporation hopes to get all the necessary approvals and begin construction of the new building by May 1, 2006, with demolition of the existing building in mid April. Discussion followed on approving the requests with separate resolutions.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 06-02

RESOLUTION APPROVING ANDERSEN CORPORATION APPLICATION FOR VARIANCES AT 100 4TH AVENUE NORTH, LEGALLY DESCRIBED AS PART OF GOVERNMENT LOT 6 OF SECTION 2, TOWNSHIP 29, RANGE 20, BEING ALL THAT PART THEREOF LYING EAST OF THE EASTERLY LINE OF THE ST. PAUL – STILLWATER AND TAYLORS FALLS RAILROAD RIGHT-OF-WAY, WASHINGTON COUNTY, MINNESOTA

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	Jon Nowaczek – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 06-03

RESOLUTION APPROVING ANDERSEN CORPORATION APPLICATION FOR A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL AT 100 4TH AVENUE NORTH, LEGALLY DESCRIBED AS PART OF GOVERNMENT LOT 6 OF SECTION 2, TOWNSHIP 29, RANGE 20, BEING ALL THAT PART THEREOF LYING EAST OF THE EASTERLY LINE OF THE ST. PAUL – STILLWATER AND TAYLORS FALLS RAILROAD RIGHT-OF-WAY, WASHINGTON COUNTY, MINNESOTA

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	Jon Nowaczek – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

Consider bids and award contract for a water booster station: Engineer Peters reviewed the bid results for the water booster station project, which were opened January 12, 2006. SEH recommended that the project be awarded to the low bidder, Ebert Construction, Corcoran, Minnesota, in the amount of \$709,400.00. The developers who will be paying for the project are in agreement with the recommendation.

It was moved by Councilmember Nowaczek and seconded by Councilmember Johnson to accept the bids and award the water booster station improvements project to Ebert Construction, Corcoran, Minnesota in the amount of \$709,400.00. Motion carried.

Consider bids and award contract for a new water department radio communication system: Administrator McGuire reviewed the public works department request to update the water and sewer departments' radio communication system. Two quotes were received for the radio communication system, and staff recommended awarding the contract to the low bidder, Automatic Systems Company, St. Paul, Minnesota, in the amount of \$7,732.00. In addition, staff requested approval to replace the existing automatic alarm dialer, which is obsolete and

malfunctioning, for a cost of \$3,542.00. Additional information was requested on the cost for the dialer replacement, and action on item this will be discussed at the February meeting.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to award the contract for a new radio communication system to Automatic Systems Company, St. Paul, Minnesota, in the amount of \$7,732.00. Motion carried.

Consider responses to the RFP for city attorney: Administrator McGuire reviewed the three responses to the Request for Proposals for Legal Services. Staff recommended retaining the services of Eckberg, Lammers, Briggs, Wolff & Vierling for continuity and consistency.

It was moved by Councilmember Carlson and seconded by Councilmember Nowaczek to designate Eckberg, Lammers, Briggs, Wolff & Vierling as the city's attorney for general legal and prosecution/public safety services for 2006. Motion carried.

Consider amending the appointments and designations for 2006 to include the city attorney:

Councilmember Ridgway introduced the following resolution and moved its adoption:

Resolution 06-04

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING APPOINTMENTS, DESIGNATIONS, AND ASSIGNMENTS FOR 2006**

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	Jon Nowaczek – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

COUNCIL ITEMS/ANNOUNCEMENTS

1. Mayor Schneider reiterated the need to paint the water tower. Engineer Peters indicated this would be a good time to address the issue since the grading and utility work at Inspiration has been completed and will not interfere with the integrity of the paint job. Discussion on this topic will be continued at a future meeting.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. New building official office hours: John Buckley began his duties as the city's full-time building official on January 3, 2006. His hours will be 7:30 a.m.-4:00 p.m., Monday through Friday, with dedicated office time each day from 12:30-1:30 p.m. He will also be available for appointments between inspections.
2. Water update: City staff continues to work with the MPCA to execute a grant agreement for an air stripping treatment system. The final estimate for the project has increased to "up to \$613,392.00." The City Council will need to decide on the location for the system at the next meeting. The latest test results (4th quarter 2005) for well number 2 show a TCE level of 5.5 ppb, the same as in the previous quarter, for an annual average of 4.8 ppb.

ADJOURNMENT

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