

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JUNE 4, 2007
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of June 4, 2007 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 Jon Nowaczek, Councilmembers Connie Carlson, Dan Johnson, Torry Kraftson, and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, Acting Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peterson, Assistant City Administrator Sara Taylor, and Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek administered the Oath of Office to the city's new part-time police officer, Zachary Lund.
2. Mayor Nowaczek reported that the recycling award for May went to David Gardner.
3. The Bayport Police Department will be offering a Youth Safety Camp for children entering grades 3-5 on June 18th and 19th at Lakeside Park. The cost is \$25.00 and registrations are due by Friday, June 8, 2007.
4. Mayor Nowaczek stated there would be a City Council workshop on Monday, June 18, 2007, at 4:00 p.m. at City Hall for a strategic review of the Police Department. There will be no public comment during the meeting, but residents may submit written comments for consideration at the meeting by Tuesday, June 12th.

OPEN FORUM

1. Bill Huhnke, 164 4th Street North, spoke against the proposed and newly adopted city ordinance revisions. Mr. Huhnke also inquired about a group home coming to his neighborhood. Administrator McGuire stated that under state law a group home for 6 people or less is allowed in any zoning district, and that no permit is required from the city.
2. Sandy Ness, on behalf of the Bayport Post Office, thanked Bayport residents for participating in the food drive on May 12th. The Post Office collected 851 pounds of food.

CONSENT AGENDA

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

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 07-13

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING
CONSENT AGENDA ITEMS 1-8 FROM THE JUNE 4, 2007 CITY COUNCIL AGENDA**

1. May 7, 2007 City Council regular meeting minutes
2. May payables and receipts
3. May building, plumbing and mechanical permits
4. Purchase of a new Mobil Data Computer for the Police Department

5. Purchase of a new speed laser for the Police Department
6. Special event application for Tetra Pak company picnic and fishing contest
7. PERA participation for previous city employee Mark Jara
8. Purchase of an equipment trailer for the Public Works Department

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

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

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission’s next regularly scheduled meeting will be held June 20, 2007, 7:00 p.m. at the Valley Ridge Mall.

Councilmember Kraftson reported the Middle St. Croix Watershed Management Organization (MSCWMO) is starting a Citizen Advisory Committee (CAC) and would like a citizen representative from each community. The first meeting of the CAC is scheduled for Wednesday, June 20, 2007, 7:00 p.m. at the Washington Conservation District Office. Residents interested in participating on the advisory commission should contact City Hall. He stated the MSCWMO board chair inquired about the final color selection for the new beach house at Lakeside Park.

Councilmember Johnson reviewed the May 24, 2007 meeting of the Bayport Public Library Foundation Board. Items discussed included computer classes for senior citizens, online registration for new patrons, maintaining the library’s new landscaping areas, the summer reading program, and the status of the strategic plan for the library.

Councilmember Carlson reported the Lower St. Croix Partnership group met on May 23, 2007, at the St. Croix Government Center in Hudson. There were no issues pertaining to Bayport. The next meeting will be in July, with the date to be determined.

UNFINISHED BUSINESS

Consider accepting donation of ice equipment and discuss placement in Lakeside Park: Administrator McGuire reviewed Richard Hayner’s offer to donate a piece of historical ice equipment to the city. Staff recommended accepting the donation and authorizing staff to determine placement of the equipment, possibly near the recently installed button factory kiosk. Mr. Hayner was thanked for his donation.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to accept Richard Hayner’s donation of ice harvesting equipment, adding the requested memorial and reference plaques, and installing at an appropriate location in Lakeside Park. Motion carried.

Consider amending the city’s offenses and miscellaneous provision ordinance regarding weapons and illegal posting: Attorney Vivian reviewed the changes made to Chapter 38 of the Bayport City Code since the last meeting, indicating the proposed changes clarify the ordinance revisions and intent of previous City Council discussion. He noted that in Section 38-2, (2), the word “public” should be inserted prior to the word “nuisance.”

Councilmember Johnson introduced the following ordinance and moved its adoption:

Ordinance #790

**ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 38 OF THE BAYPORT CITY CODE REGARDING OFFENSES AND
MISCELLANEOUS PROVISIONS**

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

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

NEW BUSINESS

Consider a variance to allow construction of a new detached garage nearer to the front property line than the existing house located at 440 Minnesota Street South: Planner Taylor reviewed the variance application of Gerald and Victoria Peterson to build a new detached garage nearer to the front property line than the existing house, which is not allowed by city code. The applicants are proposing a 22 foot x 24 foot two-car detached garage approximately 15 feet southeast of the existing house. There is currently no garage on the property to accommodate indoor parking and/or storage, and there is no alternate buildable area for a garage due to the location of the house on the lot. The proposed garage and driveway would comply with all setback and height requirements and provide for off-street parking without encroaching onto the public right-of-way. The existing gravel parking area and storage shed would be removed. The Planning Commission recommended approval of this variance application at their May 21, 2007 meeting. Staff believes the variance request meets the criteria of an undue hardship and recommends approval, in accordance with the conditions stated in the staff report.

Applicant Gerald Peterson stated the proposed garage would help alleviate parking issues on the alley, as well as help with a lack of storage in the home. Discussion followed on adding windows to the east side of the garage and the unique characteristics of the lot.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 07-15

**RESOLUTION APPROVING GERALD AND VICTORIA PETERSON'S VARIANCE
APPLICATION FOR CONSTRUCTION OF A DETACHED GARAGE AT 440 MINNESOTA
STREET SOUTH, LEGALLY DESCRIBED AS THE NORTH ONE-HALF OF LOT 18,
EXCEPT THE SOUTH 5 FEET THEREOF, BLOCK 93 AND LOT 19, BLOCK 93, BAYPORT,
WASHINGTON COUNTY, MINNESOTA**

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

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

Consider awarding bid for Phase 1A of Lakeside Park Improvement Project: Administrator McGuire noted that nine bids were received by the May 24th deadline, ranging from a high of \$423,045.00 to the low bid of \$298,300.00, submitted by Jansen Builders, Inc., South St. Paul, Minnesota. The architect's estimate was \$367,000.00. With the favorable bid results, staff may make a future recommendation to

change the interior wall finishes from concrete block to a finish offering better durability and ease of maintenance. Bids for the playground equipment will be considered at the July meeting, and staff is exploring equipment with a boat-type theme for a future phase of playground equipment replacement. Staff has verified references for Jansen Builders, Inc., and Mr. McGuire recommended awarding the Lakeside park Phase 1A renovations to Jansen Builders, Inc., in the amount of \$298,300.00.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to award the Lakeside Park Phase 1A renovations to Jansen Builders, Inc., South St. Paul, Minnesota, in the amount of \$298,300.00. Motion carried.

A pre-construction meeting will be scheduled this week or next, with construction to begin in mid June. A final itemized budget, as well as any potential additions for City Council review, will be brought back at the July meeting.

Consider award for a storm sewer collection at the air stripper building: Engineer Peters reviewed the background for the recommendation to construct a catch basin for the emergency overflow pipe for the clear well at the newly installed air stripper at well #2, as well as redirecting the piping to the west. Prior to the automatic controls for the overflow system being set, a water sample testing resulted in an overflow situation that discharged the water north into a ravine and subsequently onto residential properties. SEH believes the overflow system will not be used again since the automatic controls have been properly set; however, they recommend awarding the project to ease the concerns of residents at the bottom of the ravine. Two quotes were received for the project, and staff recommended awarding the project to the low bidder, Miller Excavating, for a total cost of \$14,980.00, which includes importing topsoil. The MPCA will not pay for this additional cost for the air stripper project, since the need for it is site specific and would not be allowed under the grant agreement. It is not being recommended as a change order for the air stripper project as the prime contractor can add 15% overhead costs.

Mayor Nowaczek recognized the concerns of the residents affected by the overflow problem. Discussion followed on why the air stripper overflow discharge could not be tied into the Phase 2 storm water treatment system at Inspiration, impact on new driveways, restoration of the slopes, soil conditions, and the need to take steps to assure the overflow problem does not reoccur.

It was moved by Commissioner Kraftson and seconded by Commissioner Ridgway to award the bid for the Air Stripper Storm Sewer project to Miller Excavating for the base bid of \$11,965.00, with the possible addition of \$3,015.00 for imported topsoil, if necessary. Motion carried.

Consider purchase of a new plow truck cab and chassis for the Public Works Department: Public Works Supervisor Horak indicated that the 2005-2010 capital improvement budgets include purchase of additional snowplow equipment. He is recommending replacing the 1988 plow truck in 2007 because of a current financial incentive, due to stricter emission regulations in effect next year. The State contract pricing would be \$66,589.15 for a new Sterling L8500 heavy-duty cab and chassis. There would be an additional estimated \$60,000.00 to outfit the plowing equipment for the truck, and this expenditure would be brought back for approval once quotes are obtained. The Public Works Equipment Replacement Fund currently has a balance of \$428,000.00. Supervisor Horak recommends keeping the 1988 plow truck until the new one is up and running.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to purchase a 2007 Sterling L8500 plow truck cab and chassis from Boyer Ford Trucks, Inc., Lauderdale, Minnesota, for the State contract total price of \$66,589.15. Motion carried.

Consider bids for seal coating, crack filling, and spot patching services: Public Works Supervisor Horak stated that this year's seal coating project would include Osprey Boulevard, 10th Avenue North and Point Road. The City of Bayport was able to piggyback with the City of Stillwater's seal coating project, resulting in favorable pricing due to the larger volumes. The quotes came in lower than budgeted, and staff is recommending additional seal coating of a portion of 6th Street that is in need of maintenance. He explained that crack filling and spot patching of the areas to be seal coated is also necessary prior to seal coating. The budget for these projects is \$75,000.00 and the projected costs are \$53,500.00.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to participate with the City of Stillwater's sealing coating project and award the contract to the low bidder, Allied Blacktop, Maple Grove, Minnesota, for a not-to-exceed cost of \$45,000.00, and award the crack filling and spot patching project to the low bidder, Bergman Companies, Eau Claire, Wisconsin, for a not-to-exceed cost of \$8,500.00. Motion carried.

Consider disbursement and allocation of Allied Waste Recycling Scholarship funds: Administrator McGuire reviewed the history of the Allied Waste \$500.00 recycling scholarship program that began last year. There were no eligible applicants in 2006, and the City Council recommended that two \$500.00 scholarships be awarded in 2007. One application was received this year from Heidi Peterson, 432 4th Street North; however, several inquiries were received from city employees who are not eligible for the award. Staff recommended awarding a \$500.00 scholarship to Heidi Peterson and earmarking the remaining \$500.00 to purchase recycling receptacles for Lakeside Park. Discussion followed on looking at alternate educational programs the city could implement when the Allied Waste contract is renewed and using the remaining \$500.00 for recycling receptacles.

It was moved by Councilmember Johnson to award the \$500.00 Allied Waste Recycling Scholarship to Heidi Peterson, 432 4th Street North, Bayport, Minnesota.

Councilmember Johnson amended his motion to include applying the remaining \$500.00 toward purchase of recycling receptacles and educational programs at Lakeside Park, or another suitable location. Councilmember Carlson seconded the motion. Motion carried.

Councilmember Johnson stated he was in favor of keeping the scholarship program.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Mayor Nowaczek thanked everyone involved with the Memorial Day parade and program at Hazelwood Cemetery, especially parade chairperson Jim Menard and the Hesley Jensen American Legion Post.
2. Councilmember Kraftson stated he has done some research on using woodchips for the Lakeside Park playground. There are ADA-accessible woodchip options available, which would be much less costly than the surface material being considered. City staff will investigate further. It was recommended that samples be provided for consideration.
3. Councilmember Johnson reported that he attended a dedication ceremony today for the Andersen Corporation's new steam boiler plant, along with Governor Pawlenty and other state dignitaries. He reported that the boiler plant was relatively quiet while operating.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. Update on auditor RFP: Administrator McGuire reported seven audit firms returned proposals for next year's audit services. The top three firms will be interviewed by the Mayor, City Administrator, Finance Officer, and Assistant Administrator. Council members should contact Mr. McGuire with comments, and a recommendation will be brought for consideration at the July or August City Council meeting.
2. Discuss scheduling a Capital Improvement Plan workshop: Administrator McGuire stated he would like to schedule a workshop with the City Council to discuss the 2008 budget and Capital Improvement Plan. He proposed the date of Monday, July 16, 2007 at 4:00 p.m.

It was moved by Councilmember Ridgway and seconded by Councilmember Carlson to schedule a workshop on Monday, July 16, 2007, 4:00 p.m., to discuss the 2008 budget and Capital Improvement Plan. Motion carried.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn the meeting at 7:25 p.m. Motion carried.