

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER
DECEMBER 1, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of December 1, 2008 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, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant Administrator/Planner Sara Taylor, Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The recycling award for November went to Darryl Germain.
2. The Bayport Police Department is sponsoring a Toys for Tots collection again this year. Items can be dropped off at City Hall through December 18th.
3. Mayor Nowaczek noted that this was Councilmember Sharon Ridgway's final meeting as a councilmember, after almost 16 years on the Bayport City Council. Fellow councilmembers and audience members recognized her service to the city with a round of applause. Councilmember Ridgway stated she had enjoyed her time on the City Council and encouraged interested residents to become involved with the City Council.

OPEN FORUM – None

CONSENT AGENDA

Mayor Nowaczek read items 1-14 on the consent agenda.

Councilmember Carlson introduced the following resolution and moved its adoption, with the amendment to revisit agenda item #13, renewal of employee health/dental insurance policy, within three months,:

Resolution 08-29

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING
CONSENT AGENDA ITEMS 1-14 FROM THE DECEMBER 1, 2008 CITY COUNCIL AGENDA**

1. November 10, 2008 City Council regular meeting minutes
2. November payables and receipts
3. November building, plumbing and mechanical permits
4. Tobacco license renewals for 2009
5. Certification of past due water bills to 2008 property taxes
6. Certification of past due waste collection bills to 2008 property taxes
7. Annual adjustment to the city employee salary step schedule
8. Refuse hauling license renewals for 2009
9. Non-unionized holidays for 2009

10. Final payment to Peterson Companies for improvements at Lakeside Park
11. Budgeted fund transfers
12. St. Croix Events, Inc. request to run the Stillwater Marathon through a portion of Bayport
13. Renewal of employee health/dental insurance policy
14. Designating January 5, 2009 as the next City Council meeting date

Councilmember Kraftson questioned whether there were any changes to the city employee step schedule, and Administrator McGuire stated it was an across-the-board increase of 3%, based on the union contracts. He also questioned whether the employee health insurance rate increase was factored into the 2009 budget. Administrator McGuire noted the 32% increase was higher than budgeted for, and the city is pursuing competitive proposals from other providers. This process could take three months, at which time the insurance coverage would be brought back for final City Council approval. Police Chief Eastman indicated she has staff in place for the proposed Stillwater Marathon and has no public safety concerns with approving the request to run the marathon through a portion of Bayport.

The motion for adoption of the foregoing resolution, with amendment, was duly seconded by Councilmember Johnson and upon roll call being taken thereon, the following vote 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 stated the next meeting of the Cable Commission is scheduled for December 17, 2008, 7:00 p.m., at the cable studio located in the Valley Ridge Mall in Stillwater.

Councilmember Kraftson reported on the November 13, 2008 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). There was discussion on revising the stormwater credits program to make it applicable only to municipalities and government agencies, not developers, and this may need to be re-approved by the City Council. The policy for allowing construction on slopes is being reviewed. The next meeting of the MSCWMO is scheduled for January 8, 2009, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson reported on the November 20, 2008 Library Board meeting. Joe Reding’s request to serve as president for another three-year term was approved, First State Bank and Trust has donated a new supply of plastic book bags, and the final 2009 budget was approved. The next meeting is scheduled for December 18, 2008, 6:00 p.m., at the library.

Councilmember Carlson reported on the November 19, 2008 Lower St. Croix Partnership meeting. Tentative dates for workshops were set for March 31, 2009 (land use and water quality issues) and June 17, 2009 (boat trip tour). Councilmember Kraftson indicated the MSCWMO has discussed a similar boat tour, and Councilmember Carlson will check on attendees for the June 17th workshop. The next meeting is scheduled for January 19, 2009, 7:00 p.m., at the St. Croix County Government Center.

UNFINISHED BUSINESS

Consider an ordinance amending Chapter 62, Vegetation, of the Bayport City Code, creating an ordinance for the management of hazardous trees: Attorney Vivian stated that the definition of a public nuisance has been revised, as well as changes to the abatement section that would allow for examination and inspection by a licensed forester or arborist, instead of the Public Works department. Councilmember

Carlson requested input on why trees were removed around well house #2. Public Works Supervisor Horak indicated the trees were dead, due to oak wilt, and posed an extreme hazard to adjoining properties and power lines.

Councilmember Kraftson introduced the following ordinance and moved its adoption:

Ordinance #803

**AN ORDINANCE AMENDING CHAPTER 62, ARTICLE TWO, SECTIONS 26, 27, AND 28
CREATING AN ORDINANCE FOR THE MANAGEMENT OF HAZARDOUS TREES**

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

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

Residents should contact City Hall if they are concerned about hazardous trees.

Update on pedestrian crossing grant: Engineer Peters reviewed the City Council’s direction to submit a Minnesota Department of Transportation (MnDOT) “Safe Routes to School” 2009 grant application for a full traffic signal on Highway 95. MnDOT subsequently indicated warrants for a full traffic signal were not met and denied a letter of concurrence required for the grant application. Therefore, the grant application was revised to include a pedestrian-activated signal at the intersection of 2nd Avenue North and Highway 95 and construction of a crossing median at 3rd Avenue North, for a total grant request of \$65,000.00. The grants will be awarded in May 2009. Mayor Nowaczek reported the city will pursue installation of a full traffic signal with our state legislators. Engineer Peters indicated that the median would not interfere with the school driveway located near the proposed crossing median. He stated the proposed signal would flash yellow when activated, but will investigate other options, such as turning red, when activated.

NEW BUSINESS

Consider amending the fee schedule ordinance to reflect 2009 fees: Assistant Administrator Taylor reviewed the proposed changes to the 2009 fee schedule. Discussion followed on reducing the beach house rental fees to promote increased use of the facility.

Councilmember Ridgway made a motion to reduce the resident beach house rental fees by 50%, with non-resident and deposit fees unchanged. Public Works Supervisor Horak supported retaining the current fees for another year since the park wasn’t finished until late summer and this year’s rentals were most likely curtailed due to ongoing construction projects. Discussion followed on fee structure options, city operating costs, and stimulating interest in the building. Councilmember Johnson seconded the motion. Motion carried.

Councilmember Ridgway introduced the following ordinance, with the amendment as moved above, and moved its adoption.

Ordinance #804

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING APPENDIX D, FEE SCHEDULE, OF THE 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:

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

Torry Kraftson – aye
Sharon Ridgway – aye

Liquor license renewals for 2009: City Council approval is required to renew liquor licenses for nine Bayport establishments, as listed in the staff memorandum. Administrator McGuire indicated that Woody's Bar and Grill has paid a required fine, meeting their condition of approval. Attorney Vivian distributed a memorandum regarding the renewal for Refuge on the River and reviewed the recommended conditions of approval, independent of the Conditional Use Permit (CUP) that regulates operation of the restaurant. It is recommended the sale of liquor be restricted to 8:00 a.m.–11:00 p.m. Sunday through Thursday, and 8:00 a.m.– 12:00 a.m. Friday and Saturday. These hours are consistent with those established in the CUP.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve 2009 liquor license renewals for all establishments listed in the staff memorandum, excluding Refuge on the River, subject to receiving all required fees and paperwork necessary to process the renewal license applications. Motion carried.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the 2009 liquor license renewal for Refuge on the River, with the following conditions: the sale of liquor be limited to 8:00 a.m.–11:00 p.m. Sunday through Thursday, and 8:00 a.m.– 12:00 a.m. Friday and Saturday, coupled with the four findings of fact listed in Attorney Vivian's memorandum of December 1, 2008: (1) Refuge on the River is located immediately adjacent to a densely populated residential area. (2) The location of the Refuge operation necessarily implicates a public safety interest. (3) The Refuge on the River is immediately adjacent to and caters to late night users of the Bayport Marina. (4) The conditions are necessary to protect the public's interest in the immediately adjacent areas against noise, criminal activity and other nuisance. Further, that these hours of operation shall be as stated or consistent with state liquor license laws, whichever is more restrictive. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Ridgway expressed her thanks for staff assistance during her tenure in office. She acknowledged the excellent Eagle Scout project recently completed in the Village Green Park, as well as the attractive new rock signage for Lakeside Park. She thanked resident Mary Jo Weller for keeping Bayport beautiful by picking up trash during her daily walks.
2. The Lighting of the Green is scheduled to begin at 5:30 p.m. at the Village Green on Wednesday, December 3, 2008.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Closed session to discuss pending litigation: Administrator McGuire stated there were no new developments and a closed session is not necessary.

Road salt issue for winter season: Public Works Supervisor Horak stated that Washington County, the city's road salt supplier, is anticipating a salt shortage this year. The city has been allotted 50% of the requested amount, and the Public Works department will not be able to keep city streets as clear as in years past. He urged residents to slow down and plan ahead when traveling this winter.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn the meeting at 6:57 p.m. Motion carried.