

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
OCTOBER 1, 2007  
6:00 P.M.**

**CALL TO ORDER**

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

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. Mayor Nowaczek extended a heartfelt thank you to the members of the Bayport Community Action League (BCAL) for the successful Derby Days event held last month. Residents interested in helping with future BCAL activities were encouraged to check out their website, [www.bayportcommunityactionleague.com](http://www.bayportcommunityactionleague.com). City staff was also recognized for their assistance.
2. The recycling award for September went to Helen Strong.

**OPEN FORUM**

1. Steve Hobbs, Executive Director for Belwin Athletics, and Colleen Danfer, Executive Director of the Lucy Winton Bell Athletic Fields in Afton, provided a presentation on their activities in the St. Croix Valley. Belwin is exploring capital improvement projects to the athletic fields and asking communities to pledge \$8.00 per school age child for these improvements. This translates to \$2,400.00 a year for Bayport, with a pledge commitment of five years. Staff will explore the funding request.

**CONSENT AGENDA**

Mayor Nowaczek read items 1-10 on the consent agenda.

Councilmember Johnson introduced the following resolution and moved its adoption:

**Resolution 07-27**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING  
CONSENT AGENDA ITEMS 1-10 FROM THE OCTOBER 1, 2007 CITY COUNCIL AGENDA**

1. September 10, 2007 City Council regular meeting minutes
2. September payables and receipts
3. September building, plumbing and mechanical permits
4. St. Croix Valley Cable Commission budget for 2008
5. Budgeted fund transfers
6. Interest earning fund transfer
7. Revised budget resolution (*06-36 Revised*)
8. Request for \$1,200.00 donation to the Youth Service Bureau
9. Step increase for Public Works Supervisor
10. Set December 3, 2007 at 6:00 p.m. as the city's truth in taxation hearing and December 10, 2007 at 5:00 p.m. as the truth in taxation follow-up hearing and levy certification

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 on the Cable Commission meeting of September 19, 2007. Discussion included the award of multiple \$300.00 grants to assist with local productions that will provide approximately 80 hours of broadcast material. The 2008 preliminary budget and legislative activities were also discussed. The next meeting is scheduled for Wednesday, December 12, 2007, 7:00 p.m., in the cable studio at the Valley Ridge Mall.

Councilmember Kraftson reported the Middle St. Croix Watershed Management Organization (MSCWMO) met on September 13, 2007. He provided an update on proposed MSCWMO regulations regarding stormwater requirements for smaller projects. Per city staff, it is anticipated 2-3 building projects per year in Bayport would be affected by the proposed regulations.

Councilmember Johnson reported on the Bayport Public Library Foundation Board meeting of September 27, 2007. He indicated a \$56,000.00 contribution was received from the Fred C. and Katherine B. Andersen Foundation. A dedication ceremony was held to honor the Master Gardeners who participated in the recently completed landscape project. There will be a long-range planning presentation tentatively scheduled for January 8, 2008. He encouraged people to make donations to the library through its foundation, in order to help maintain the library's public status. The next meeting is scheduled for Thursday, October 25, 2007, 6:00 p.m., at the library, and is open to the public.

Councilmember Carlson reported the Lower St. Croix Partnership would not be meeting this month due to a scheduled Lower St. Croix Management Commission meeting scheduled for October 3<sup>rd</sup>, 9:00 a.m. – 3:00 p.m. at Stillwater City Hall.

#### **UNFINISHED BUSINESS** – None

#### **NEW BUSINESS**

Discuss 2006 city audit: Peggy Moeller, auditor for HLB Tautges Redpath, Ltd., reviewed the following year-end reports: Annual Financial Report, Audit Management Letter, Report on Internal Control and on Compliance, and State Legal Compliance Report. She reported the city received a “clean opinion” on the 2006 financials. Two findings of noncompliance were identified in the State Legal Compliance Report. She noted that most cities received more significant deficiencies in the Report on Internal Control due to a lower threshold for reporting of internal control matters and redefined internal control deficiencies. Bayport received 15 findings for 2006. At the direction of the City Administrator, a Management Letter was provided instead of the more comprehensive Management Report, to reduce the increased auditing costs encountered with this year's audit. She reported significant difficulties and delays in obtaining information needed to complete the audit. The major city funds were reviewed. Discussion ensued on the need for establishing an Audit Committee.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to accept the 2006 audit report as prepared by HLB Tautges Redpath. Motion carried.

Consider completing a wetland delineation study for Lakeside Park: Staff requested approval for Sanders Wacker Bergly, Inc., to prepare a wetland determination study for a seven-acre site in Lakeside Park, for a fee of \$1,070.00. The Army Corps of Engineers and DNR are requiring this formal study before any projects can be undertaken in the area, i.e., beach and other lakeshore improvements. Larry Wacker, Landscape Architect, explained the proposal. SEH had previously determined there are no wetlands in Lakeside Park; however a formal report was not prepared. A preliminary visual inspection by Mr. Wacker's firm also concluded there are no wetlands in the park. Bill Bleckwenn, Natural Resource Planner with Sanders Wacker Bergly, Inc., explained that because wetlands are dynamic systems and constantly changing, wetland delineations only have a validity of three years. This is the primary reason previous wetland delineation GIS databases cannot be used in this case to make a determination of whether a wetland exists, as well as the potential boundaries. The work would be completed this fall.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to authorize Sanders Wacker Bergly, Inc. Landscape Architects and Planners to complete a wetland delineation/determination study at Lakeside Park for the amount of \$1,070.00. Motion carried.

Consider authorizing Sanders, Wacker, Bergly, in association with MLA Architects to complete a master park plan for Barkers Alps Park: Larry Wacker explained that a preliminary plan was completed for Barkers Alps Park in 2005. He reviewed his firm's proposal and the process to prepare a design development plan and natural resources inventory/analysis for Barkers Alps Park. He encouraged City Council representation on the core planning committee. He explained the proposal to complete a natural resource inventory and analysis for \$3,500.00, in addition to the proposed fee of \$20,950.00 for the master park plan. Councilmembers noted the city needed to be mindful of the dollars available for future park projects and would like the concepts developed by the previous consultants and citizen advisory board to be utilized. Administrator McGuire stated the conceptual park plans developed by the original consultants, Westwood Professional Services, were paid for by the Inspiration developer. Mr. Wacker stated the proposed fee would be adjusted if the scope of work was scaled back. Councilmembers voiced their support of the work done by Mr. Wacker's firm at Lakeside Park. Councilmember Ridgway suggested that a public workshop be held to discuss the original conceptual plans, inviting the members of the citizen advisory board to attend. Councilmember Kraftson expressed concern with spending money on the natural resource inventory. Mr. Wacker stated the focus of the inventory/analysis would be the management and maintenance of the park area and the opportunity for habitat restoration. Drainage patterns in the park would also be identified.

It was moved by Councilmember Johnson and seconded by Councilmember Ridgway to accept the proposal of Sanders Wacker Bergly, Inc., to prepare a detailed master plan for Barkers Alps Park at a cost of \$20,950.00, and to complete field work and a report for the natural resources inventory and analysis at a cost not to exceed \$3,500.00. Motion carried 4-1, with Councilmember Kraftson opposed.

It was moved by Councilmember Carlson and seconded by Councilmember Ridgway to hold a public workshop to discuss the Barkers Alps master park plan on Monday, December 10, 2007, at 5:00 p.m., following the truth in taxation follow-up hearing and levy certification. Motion carried.

Consider an amendment to Chapter 58 Utilities regarding emergency regulations and restrictions: Administrator McGuire reviewed the proposed amendments recommended as part of our Water Emergency and Conservation Plan. Public Works Supervisor Horak explained the circumstances when emergency water regulations would be imposed. He indicated identifying alternate water sources in the event of a catastrophe is also being explored as part of this planning.

Councilmember Ridgway introduced the following ordinance and moved its adoption:

**Ordinance #793**

**ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING CHAPTER 58 UTILITIES, OF THE BAYPORT CITY CODE**

The motion for adopting the foregoing ordinance was duly seconded by Councilmember Kraftson 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 installation of a gas line to the bathhouse at Lakeside Park: Public Works Supervisor Horak explained the request to install a gas line from the corner of Maine and Central streets, to provide service for the natural gas fueled fireplace in the bathhouse, at a cost of \$4,000.00 to \$5,000.00. In addition, staff has explored burying the existing overhead utility lines (electric, cable, telephone) in the area, utilizing a joint trench with the new gas line. Cost estimates for this work are being determined; however, the Beach House Marina will be sharing a significant portion of the cost. Original estimates for the work were upwards of \$30,000.00, however utilizing the same trench should reduce the cost substantially, to the \$20,000.00 range. There is a time factor involved as the gas line work needs to be completed before the ground freezes to avoid an additional charge. Restoration work was discussed.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to contract with Xcel Energy to provide gas service to the Lakeside Park bathhouse building for a do-not-exceed amount of \$5,000.00. Motion carried.

Discuss options for storage of forfeiture vehicles: Police Chief Eastman explained the need for storage options for forfeited vehicles. The vehicles are currently stored in the Public Works garage; however the city is running out of space in the building. Due to court date continuances, some vehicles are being stored for up to a year. She reviewed the options suggested by staff. It was suggested the Police Department develop a policy to charge a storage fee to owners of forfeited vehicles. Chief Eastman will explore whether the city's indemnification would apply if the vehicles are stored at a private location. Council-member Johnson suggested pursuing storage options with surrounding communities. Councilmembers voiced their support of contracting with Stillwater Towing to lease a minimum of four storage spaces for a commitment of one year, at the cost of \$100.00 per month.

**COUNCIL ITEMS/ANNOUNCEMENTS**

1. Mayor Nowaczek summarized a letter received from Andersen Corporation regarding the Habitat for Humanity home that will be constructed at 386 Maine Street South. A wall raising ceremony will be held at 10:30 a.m. on Monday, October 15<sup>th</sup>, and it is anticipated the construction will be completed around November 16<sup>th</sup>.

**ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS**

1. A public open house to review the city's draft comprehensive plan has been scheduled for Wednesday, November 7, 2007, 4:00-6:00 p.m., at City Hall. The public will have an opportunity to comment on the draft comprehensive plan at the open house. It will then be presented to the Planning Commission later in November and the City Council in December. The city received a \$10,000.00 grant check today from the Metropolitan Council for the comprehensive plan work.

2. Move to closed session to discuss pending litigation as provided by attorney-client privilege:

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn to closed session at 8:10 p.m. to discuss pending litigation. Motion carried.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to resume the normal session of the October 1, 2007 Bayport City Council meeting at 8:50 p.m.. Motion carried.

**ADJOURNMENT**

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adjourn the meeting at 8:51 p.m. Motion carried.