

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 5, 2007
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of March 5, 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, Sergeant Laura Eastman, Police Chief John Gannaway, Public Works Supervisor Mel Horak, Engineer Barry Peters, Fire Chief Scott Radke, Assistant City Administrator Sara Taylor, and Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek reported that recycling awards for February were given to Jon Novak, Corinne Dahl, Mary Jo Vene, and Robert Neuman.
2. Mayor Nowaczek recognized the accomplishments of three teams from Andersen Elementary who received ribbons in the East Metro Regional Tournament for the Destination Imagination program.

OPEN FORUM - None

CONSENT AGENDA

Mayor Nowaczek read items 1-5 on the consent agenda, noting that item 4, *Change Order No. 2 for the South Minnesota Street Improvement Project*, would be moved to New Business.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 07-09

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING
CONSENT AGENDA ITEMS 1-4 FROM THE MARCH 5, 2007 CITY COUNCIL AGENDA**

1. February 12, 2007 City Council regular meeting minutes
2. February payables and receipts
3. February building, plumbing and mechanical permits
4. Accepting a \$45,000.00 grant from the Hugh J. Andersen Foundation for the fire 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 had its first meeting of the year on February 21, 2007. Officers were elected and appointments made at the annual meeting, which was followed by the regular Cable Commission meeting. She reported a cost-of-living increase was approved for staff and that there is a steady demand for the cable studio facilities. The next regularly scheduled meeting will be held April 18, 2007, 7:00 p.m. at the Valley Ridge Mall.

Councilmember Kraftson reported the Middle St. Croix Watershed Management Organization (MSCWMO) will meet on March 8, 2007.

Councilmember Johnson reviewed the February 22, 2007 meeting of the Bayport Public Library Foundation Board. He reported that funding for the landscaping project was approved and authorization was given to make required code changes to the library elevator to ensure safe performance. The library director indicated that library donations would be most beneficial if received through the library foundation. The long-range planning meeting that was cancelled on March 1, 2007, due to the weather, will be rescheduled. The next meeting of the library board is set for March 22, 2007, 6:00 p.m., at the library.

Councilmember Carlson had no report on the Lower St. Croix Partnership group.

UNFINISHED BUSINESS

Consider vacating the northerly and southerly 10 feet of 1st Avenue South, between 3rd Street South and 2nd Street South: Engineer Peters explained that Xcel Energy has a gas main along the northerly side of the requested right-of-way vacation, as well as an overhead power line that runs along the southerly right-of-way in the area of the requested vacation. Since the last meeting, staff has determined that Minnesota Statute §160.29 allows the city to vacate right-of-way if the resolution reserves the city's and private utility companies access rights to their utilities in the vacated area. Xcel Energy would be agreeable with the vacation request if their maintenance rights are reserved. He recommended approval of Mr. Lutz's vacation request. Attorney Vivian added that the proposed resolution addresses both the existing gas and electric located in the area to be vacated, but he would need to clarify whether the statute would apply to reserving the right for future utility placement.

Councilmember Ridgway stated she is not in favor of vacating city property rights with new planning and zoning regulations being applied to older existing lots. She is in favor of a variance for Mr. Lutz's request. Engineer Peters noted that the street is currently platted with an 80 foot right-of-way. The requested street vacation would result in a 60 foot right-of-way, which is typical of the majority of Bayport streets. Discussion followed on the pros and cons of the application. Councilmember Kraftson stated he would prefer a 60 foot wide right-of-way, with a 10 foot drainage and utility easement on either side, to provide more flexibility for future needs.

Applicant Lutz described the current condition of the avenue in question, and neighbor Ralph Rothe indicated he was in favor of the reducing the right-of-way.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 07-10

RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF FIRST AVENUE SOUTH ALONG LOTS 1 AND 17 OF BLOCK 75 AND LOTS 6 AND 7 OF BLOCK 72, BAYPORT (FORMERLY SOUTH STILLWATER) IN BAYPORT, MINNESOTA

The motion for adopting the foregoing resolution 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 – nay
Dan Johnson – aye	

NEW BUSINESS

Consider awarding bid for fire pumper truck replacement: Fire Chief Radke reported that two bids were received in February for the purchase of a new fire pumper truck, and he recommended awarding the bid to the low bidder, Pierce Manufacturing, in the amount of \$537,329.00. The purchase would be financed through \$240,000.00 in foundation grants and the fire department equipment replacement fund that has a balance of \$342,321.00. In addition, the Hugh J. Andersen Foundation has offered a 2-for-1 matching grant of up to \$45,000.00, in effect until December 31, 2007. Administrator McGuire noted that the equipment replacement fund would have a balance of approximately \$170,000.00 after the truck purchase, with the matching grant and 2007 budget allotment. If approved, the truck would be delivered in November or December and is expected to be in service for 20+ years. Future equipment needs and disposal of the current pumper truck were discussed.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to authorize the fire department to award the bid for a new fire pumper truck to Pierce Manufacturing in the amount of \$537,329.00. Motion carried.

Consider appointment of Laura Eastman to Acting Chief of Police (pending John Gannaway's resignation): Administrator McGuire stated that Chief Gannaway has tendered his resignation, effective March 19, 2007, with his appointment to Police Chief of the City of Stillwater effective March 20th. He requested City Council acceptance of John Gannaway's resignation, as well as authority to appoint Sergeant Laura Eastman as Acting Chief, with salary compensation of 10% over her Sergeant rate. Mayor Nowaczek and councilmembers recognized and thanked Chief Gannaway for his years of service.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to accept Police Chief John Gannaway's resignation and to appoint Laura Eastman to the position of Acting Chief, with a salary of 10% over her Sergeant pay rate. Motion carried.

Consider authorizing preparation of a preliminary report for the 6th Street water main improvements: Engineer Peters explained that the water system in the northwest part of the city is generally undersized with 4" and 6" water mains that are inadequate to provide good pressures and fire flows. It would be beneficial to loop the 10" trunk water mains serving the new Baytown ground reservoir and booster station with the wells in the lower part of Bayport's water system. Sixth Street water main and street improvements are included in the 2007 capital improvement program. The city investigated similar improvements in 1999, and the project was dropped due to lack of support from the adjacent property owners. With changes in existing conditions and water improvements since 1999, Engineer Peters recommended authorization of a new preliminary report, for an estimated cost of \$26,000.00. The report would review alternate routes for the trunk water main and lateral water main improvements in the northwest area of the city. Administrator McGuire recognized a letter from Stan Tolonen, 128 North 6th Street, opposing the proposed improvements, and suggested the City Council consider an interim step rather than spending \$26,000.00 on the feasibility report at this time. Discussion followed on scaling back the scope of the report, alternate routes, the city's plans to upgrade its aging water system, funding the project with grants, and the impact of assessments on residents. Councilmember Kraftson had

concerns with new volume control requirements, the Hidden Shores development, looking at assessment ratios for 6th Street, which is heavily traveled by many who do not live on the street, and stated he would prefer a scaled-back feasibility report at this time. Councilmember Johnson proposed a City Council work session to review capital improvement projects. Administrator McGuire recommended postponing a decision on the feasibility study for a few months and indicated staff would arrange a working session on capital improvement projects.

It was moved by Councilmember Carlson and seconded by Councilmember Ridgway to table the discussion on authorizing the preparation of a preliminary report for the 6th Street water main improvements to August 2007. Motion carried.

Consider an amendment to the City's Health Insurance Plan: Currently, health insurance coverage is offered only to full-time employees, and staff was asked to look into coverage for City Council members, if they paid the blended average rate. Councilmembers could be covered if the plan document is amended. Discussion followed on the pros and cons of offering insurance to council members and the options available.

It was moved by Councilmember Carlson and seconded by Councilmember Ridgway to amend the city's health insurance plan to allow councilmembers to purchase coverage and pay the blended rate while serving on the City Council, with an 18-month grace coverage option. Motion carried.

Consider a resignation and appointment to the Planning Commission: Ray Valley has resigned from the Planning Commission due to a conflict with a new job opportunity. Staff recommended that David Levy, 348 Minnesota Street South, be appointed to fill the vacant seat.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to accept Ray Valley's resignation from the Planning Commission and to appoint David Levy to fill the vacant seat on the Planning Commission for a term to expire on December 31, 2009.

Lakeside Park improvement update, including bidding new roofs for pump house #4 and shelter at Barker's Alps: Staff recommended replacing the roofs on pump house #4 and the Barker's Alps picnic shelter as alternate bid items as part of the Lakeside Park beach house/picnic shelter rehabilitation project.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to include the two roof replacement projects for the Barker's Alps picnic shelter and pump house #4 at Lakeside Park as alternate bid items for the Lakeside Park beach house/picnic shelter rehabilitation project. Motion carried.

Change Order No. 2 for the South Minnesota Street Improvement Project: Engineer Peters explained that an oversight by SEH resulted in over \$9,000.00 in charges to install required risers to four houses. SEH will work with the city to reimburse costs associated with the installation of the risers. Staff recommended that Change Order No. 2 be approved.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve Change Order No. 2 for the South Minnesota Street Improvement Project, with the understanding that SEH and the city will come to an agreement on reimbursement for charges relating to the change in house services. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Kraftson thanked the Public Works department staff for their efforts in clearing city streets during the recent snow events.
2. Councilmember Carlson announced that planning is underway for a citywide garage sale the first weekend of June.
3. Councilmember Carlson requested clarification on the city's ordinance regarding trash receptacles. Trash receptacles can be placed street side after 4:00 p.m. on the day preceding scheduled refuse pickup and should be removed by 10:00 p.m. on the pickup day. Receptacles are to be kept out of sight during all other times.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. Water Update: The air stripper water treatment plant is substantially completed as of today, with testing tomorrow with water from wells 3 and 4. Well number 2 is currently undergoing maintenance and is scheduled to be online the end of the month, at which time final testing will be done. Mayor Nowaczek requested that the Minnesota Department of Health continue their quarterly testing of the city's water to ensure the air stripper is working effectively to remove the TCE from the city's water supply.
2. Police Chief Gannaway Thank You Event: The city will be hosting a thank you event at the Bayport American Legion on Tuesday, March 13, 2007, beginning at 4:30 p.m. Residents are encouraged to stop in to visit with Chief Gannaway before he leaves for his new position as Stillwater Chief of Police.

ADJOURNMENT

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adjourn the meeting at 7:49 p.m. Motion carried.