

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 1, 2010
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of March 1, 2010 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 Dan Johnson, Torry Kraftson and Judy Seeberger

Members Absent: Connie Carlson

Others Present: Administrator Mitch Berg, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, Attorney Nick Vivian, and Police Chief Laura Eastman

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The February recycling award given to the Danelius residence at 315 Prairie Way South

OPEN FORUM - None

CONSENT AGENDA

Mayor Nowaczek read items 1-9 on the consent agenda.

1. February 1, 2010 City Council workshop minutes
2. February 1, 2010 City Council regular meeting minutes
3. February payables and receipts
4. February building, plumbing and mechanical permit report
5. Special event application from BCAL for the annual Easter Egg Hunt at Barker's Alps Park on Saturday, April 3, 2010
6. Special event application from Rick Hill of SCVAA to use city ballfields for K – 4th grade youth
7. Special event application from Jim Pilz of SCVAA to use city ballfields for 7th – 9th grade youth
8. Special event application from Todd Bruchu of Lake Elmo Baseball Association to use city ballfields for youth games and practices
9. Special event application for a wedding reception at Lakeside Park adjacent to beach house on August 7, 2010

The following items were moved from the consent agenda to new business:

6. Special event application from Rick Hill of SCVAA to use city ballfields for K – 4th grade youth
7. Special event application from Jim Pilz of SCVAA to use city ballfields for 7th – 9th grade youth
8. Special event application from Todd Bruchu of Lake Elmo Baseball Association to use city ballfields for youth games and practices

Councilmember Johnson introduced the following revised resolution, removing items 6, 7, and 8 and moved its adoption:

Resolution 10-05

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING THE
REVISED CONSENT AGENDA FROM THE MARCH 1, 2010 CITY COUNCIL AGENDA**

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

Jon Nowaczek – aye
Judy Seeberger – aye

Torry Kraftson – aye
Dan Johnson – aye

PUBLIC HEARINGS

1. Public hearing to receive comments regarding Phase II of the city's Wellhead Protection Plan: Erik Tomlinson, SEH, and Administrator Berg gave a brief overview of the wellhead protection plan to date and stated the purpose of the public hearing was to receive comments from the public and help answer questions related to the plan. Mr. Tomlinson stated that wellhead protection is about preventing contaminants that can adversely affect human health from entering a public water supply and the aquifer supplying water the city's wells. He identified goals of wellhead protection, which included maintaining water quality, educating the public, and prioritizing actions for management of problem areas. Discussion and questions related to leaking storage tanks, TCE detection, and hazardous waste indicators/permits followed the presentation and Mr. Tomlinson indicated that detailed information on these items is included in the full plan.

Mayor Nowaczek opened the public hearing. Mr. Tomlinson indicated that the city received a written comment from the Metropolitan Council prior to the public hearing, requesting the city keep the agency informed of the city's actions as the plan moves forward. No other comments from the public were heard.

It was moved by Councilmember Kraftson and seconded by Councilmember Seeberger to close the public hearing. Motion carried.

Following this meeting, the plan will be forwarded to the Minnesota Department of Health for review and comment, and then brought back to the city for final approval and implementation.

COUNCIL LIAISON REPORTS

Councilmember Seeberger stated that a public hearing was held on a variance at the February Planning Commission which is before the City Council for consideration.

Councilmember Kraftson reported that the next meeting of the Middle St. Croix Watershed Management Organization (MSCMWO) would be held March 11, 2010 at 7:00 p.m.

Councilmember Johnson reported on the February 25, 2010 meeting of the Library Board. Items of discussion included the upcoming City Council department review for the library to be held on April 5, 2010 at 5:00 p.m., as well as proposed efforts to help offset the reduction in local government aid (LGA), including closing of the library on Wednesdays, effective March 1, 2010, until further notice. Councilmember Johnson also announced the Valley Reads program, which is celebrating the theme "Welcome Home." An event featuring the book "The Latecomer" will be held March 3, 2010 at Century College. The next Library Board meeting is scheduled for March 25, 2010.

UNFINISHED BUSINESS

1. Consider appointments to the Riverfront Advisory Commission: Administrator Berg stated the city received a total of 16 applications from residents expressing an interest to serve on the Riverfront Advisory Commission. Because the resolution establishing the commission calls for 7-11 members, staff decided to employ a third party individual, not affiliated with the city, with expertise on volunteer citizen boards, committees, and commissions, to assist in the selection process and examining the applicants for work and civic engagement experience which might be beneficial on the commission. Administrator Berg stated that the other major factor considered in the selection process was the geographic location in which each applicant lived within the city. Administrator Berg also stated that although staff has recommended 9 individuals to be considered for the commission, he stated he would prefer to see a total of 7 individuals, in order to convene a more manageable group.

Discussion followed on the selection process and the recommended candidates. The City Council agreed that the appointment of 9 individuals was preferred.

It was moved by Councilmember Kraftson and seconded by Councilmember Seeberger to appoint the following individuals to the Riverfront Advisory Commission:

Mary Lanz, 540 Lakeside Bay Drive S	Jim Selmecki, 317 Lake Street S	Sandra Ness, 461 7 th Street N
Tim Siegfried, 415 Lakeside Drive S	Lacia Kluver, 207 Mariner Court	Eric Baitz, 565 8 th Street N
Dan Goldston, 4 Point Road	Don Hoye, 1034 Pioneer Trail	Robert McManus, 516 S 4 th Street

Mayor Nowaczek thanked all applicants for their interest. Motion carried.

NEW BUSINESS

1. Consider a resolution for a variance to reconstruct a portion of the existing single-family house located at 456 4th Street South: Planner Taylor stated that the property owners, Mike and Judy Seeberger, are proposing to demolish and reconstruct a portion of the existing house, which is located above the tuck-under garage, due to disrepair. However, because this portion of the house does not meet the 10 foot setback currently required by city code, a variance is required. Therefore, the Seebergers are requesting a variance to allow this portion of the house to be reconstructed at the existing setback of 4 feet. In addition to reconstructing the north portion of the house, the Seebergers are also proposing an addition to the front and rear of the house, to expand their living space, which will comply with all setback requirements.

Planner Taylor stated that staff feels that the variance request meets the criteria of an undue hardship, and therefore approval is recommended. She also stated that the Planning Commission held a public hearing on the variance on February 16, 2010, and also recommend approval of the application to the City Council. Discussion followed on the overall design of project and the City Council stated they were encouraged to see projects such as this where residents are improving and investing in their property.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 10-06

RESOLUTION APPROVING A VARIANCE TO RECONSTRUCT A PORTION OF THE EXISTING SINGLE-FAMILY HOUSE LOCATED AT 456 4TH STREET SOUTH, LEGALLY DESCRIBED AS LOT 18 AND THE NORTH ½ OF LOT 17 OF BLOCK 94, BAYPORT, WASHINGTON COUNTY, 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
Judy Seeberger – abstain	Dan Johnson – aye

2. Consider quotes for the Public Works ventilation improvement project: Administrator Berg reviewed the six proposals that were submitted for the project, noting the low proposal was received from Schmidt Mechanical at a cost of \$39,977.00. In addition, Schmidt included two alternates in their proposal that the city may want to consider, based on discussions with Public Works Supervisor Mel Horak. Administrator Berg stated that because this project is time sensitive, due to grant restrictions, staff recommends the City Council award the project to Schmidt Mechanical, as proposed, in order to keep the project on schedule. Award will be subject to the verification of all bond, license, and insurance requirements to obtain appropriate permits.

Discussion followed on the cost variation of the proposals and the overall project timeline. The City Council agreed that it was not in the best interest of the city to approve the alternates at this time, but would consider them at a later date, upon recommendation by Mel Horak.

It was moved by Councilmember Kraftson to award the Public Works Ventilation Improvement Project to Schmidt Mechanical, at the proposed cost of \$39,977.00, subject to verification of all bond, license, and insurance requirements.

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

Jon Nowaczek – aye
Judy Seeberger – aye

Torry Kraftson – aye
Dan Johnson – aye

3. Consider a resolution implementing a hiring freeze for full-time city employees: Administrator Berg gave an update on the city's reduction in LGA and staff's ongoing efforts to address this shortfall in funding. One of the budget reduction methods proposed includes the implementation of an immediate hiring freeze for all full-time city employees effective through December 31, 2010. Administrator Berg stated the purpose of this policy is to reevaluate positions and the overall structure of the organization to determine whether it is crucial to fill full-time positions as they become available or more beneficial to supplement staffing with part-time employees, as necessary. Discussion followed on the benefits and disadvantages of the proposed hiring freeze, noting that the policy does allow for the implementation of administrative procedures to fill critical positions.

Councilmember Kraftson introduced the following resolution and moved its adoption:

Resolution 10-07

RESOLUTION APPROVING A FULL-TIME CITY EMPLOYEE HIRING FREEZE

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

Jon Nowaczek – aye
Judy Seeberger – aye

Torry Kraftson – aye
Dan Johnson – aye

4. Update on railroad quiet zone and match granting for crossings: Administrator Berg stated that the city has been designated as having a railroad quiet zone for quite some time. However, as a condition of keeping this designation, the city will be required to upgrade to armed railroad crossings. Administrator Berg mentioned that the city was successful in securing a federal grant that would pay for 90% of the cost to upgrade two of the city's crossings. However, the city's portion of the cost share for the project would be roughly \$60,000.00, which is anticipated for 2013-2014. Discussion followed on the two crossings that were selected for funding, which are 10th Street North and Central Avenue and well as opportunities for securing grant funds for additional crossings in the future. The City Council expressed some disappointment in the crossings selected and directed staff to see if the city could designate alternate crossings for funding, but also expressed their appreciation for this grant and support for the project.

It was moved by Councilmember Kraftson to accept the grant funding for the two crossings, but to direct staff to investigate whether the city could designate alternate crossings to receive this funding.

The motion was duly seconded by Councilmember Seeberger and upon roll call being taken, the following voted via voice:

Jon Nowaczek – aye
Judy Seeberger – aye

Torry Kraftson – aye
Dan Johnson – aye

5. Consider a special event application from Rick Hill of SCVAA to use city ballfields for K – 4th grade youth a special event application from Jim Pilz of SCVAA to use city ballfields for 7th – 9th grade youth, and a special event application from Todd Bruchu of Lake Elmo Baseball Association to use city ballfields for youth games

and practices: Councilmember Johnson expressed his concern that these requests, if granted, would not leave a ballfield available for general public use for most of the spring and summer season. He stated that he felt that at least one ballfield shall be open for public use at all times and suggested a policy be developed to delineate use regulations. Discussion followed on the city's past relationship with these organizations and use of the city's facilities, as well as whether the city should consider waiver of application fees for this and other types of use/events and whether field #2 at Barker's Alps Park would be ready for play this year.

Councilmember Kraftson stated that a majority of the time, the city ballfields sit vacant, unless an organized practice or game is scheduled. He stated that with the help of volunteers, the SCVAA provides a great opportunity for local youth to be involved in organized ball. Councilmember Kraftson stated that in his opinion, this is the way city ballfields should be used and doesn't see these requests conflicting with open play.

It was moved by Councilmember Johnson to continue consideration of the special event applications to the next meeting and to direct staff to develop a policy for fee applications, shared use of the ballfields, and reserving one field for general public use at all times. Motion failed for a lack of a second.

It was moved by Councilmember Kraftson to approve all special event applications as requested, but with no waiver of application fees for the SCVAA. Motion failed for a lack of a second.

It was moved by Councilmember Seeberger and seconded by Councilmember Kraftson to approve the special event application from the Lake Elmo Baseball Association as requested and the special event applications from the SCVAA for use of ballfield #1 only at Barker's Alps Park, but with no waiver of application fees, and for staff to develop a city field use policy for 2011. Motion carried 3-1, with Councilmember Johnson voting nay.

COUNCIL ITEMS AND ANNOUNCEMENTS

Councilmember Seeberger updated the City Council on the efforts of the Yellow Ribbon Campaign and upcoming events. She encouraged individuals interested in becoming involved to contact herself or Mary McComber at the City of Oak Park Heights.

Councilmember Kraftson thanked city staff for their efforts in maintaining the city ice rinks this year. He also stated that he has contacted State representatives and senators regarding his concerns about the shortfall in LGA for Bayport and other communities.

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

1. City Administrator update: Administrator Berg and Attorney Vivian reviewed some proposed legislation related to the St. Croix River and discrepancies of zoning for Mr. Brian Zeller's property located at 836 Minnesota Street South in Bayport. Senator Kathy Saltzman has been working with the Department of Natural Resources (DNR) to draft some legislation that would attempt to resolve the discrepancy for Mr. Zeller's property, as well as similar discrepancies with other properties located within the St. Croix Valley. Attorney Vivian stated that Senator Saltzman has requested the city provide feedback on the proposed legislation, and if in support, to allow Administrator Berg to testify at the Senate Environmental Policy Committee hearing, as well as any subsequent meetings on the matter. Following discussion with the property owner, the City Council voiced support for the legislation.

It was moved by Councilmember Johnson and seconded by Councilmember Seeberger to support the proposed legislation and direct Administrator Berg to testify in support of the proposed legislation at the committee hearing. Motion carried.

Administrator Berg announced the upcoming dates for the Washington County Board of Appeals and Open Book meetings, gave an update on the request for proposal (RFP) process for removal of the Lakeside Park log cabin, and reviewed some preliminary flood information for Bayport.

2. Schedule a strategic planning session: Administrator Berg introduced Richard and Irina Fursman of Global Synergy, who will be conducting the upcoming strategic planning session. Mr. Fursman gave an update on the process to date and next steps.

ADJOURNMENT

It was moved by Councilmember Seeberger and seconded by Councilmember Kraftson to adjourn the meeting at 8:34 p.m. Motion carried.

City Administrator/Clerk