

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 2, 2006
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of October 2, 2006, 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 Rick Schneider, Councilmembers Connie Carlson, Dan Johnson, Jonathan Nowaczek, and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, Planner Mike Darrow, Police Chief John Gannaway, Engineer Barry Peters, Administrative Assistant/Planner Sara Taylor, and Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Schneider announced \$30.00 recycling awards for the month of September were given to Bob Kamps, Marvin Friedrich, Paul Vogel, and Green Bryant.

OPEN FORUM

1. Joseph Reding, 162 5th Avenue North, spoke on behalf of Boy Scout Troop 113 to request permission to hold a pumpkin and gourd sale on the Village Green on Saturday, October 14th from 9 a.m. – 5 p.m., and Sunday, October 15th from 8 a.m. – 12 noon. It was recommended to add this item to the consent agenda.
2. John Binkowski, St. Mary's Point, Minnesota, announced his Independence Party candidacy for the 6th District U. S. House of Representative seat.
3. Ray Valley, 151 State Street South, explained the Washington County Preservation of Water Quality, Woodlands, and Other Natural Areas ballot question on November 7th, and urged residents to vote in favor of this measure to preserve and protect Washington County for future generations.

CONSENT AGENDA

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

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to add item #9 (Boy Scout request) to the Consent Agenda. Motion carried.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 06-30

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE OCTOBER 2, 2006 CITY
COUNCIL AGENDA**

1. September 5, 2006 City Council regular meeting minutes
2. September payables and receipts
3. September building, plumbing and mechanical permits
4. Change Order No. 2 for Booster Station in Inspiration
5. Engagement letter for 2006 city audit
6. Annual step increase for Administrative Assistant / Planner

7. Request for monetary contribution to the Youth Service Bureau
8. MSCWMO Structure 29 Gate Modification proposal
9. Approval of Boy Scout Troop 113 request to hold a pumpkin and gourd sale on the Village Green on October 14 and 15, 2006

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

Rick Schneider – aye
Connie Carlson – aye
Dan Johnson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

PUBLIC HEARINGS - None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported there will be a Cable Commission meeting on October 18, 2006, 7:00 p.m. at the Valley Ridge Mall.

Councilmember Nowaczek reported on the September 28, 2006 Bayport Public Library Board meeting. The Katherine B. Andersen Foundation has approved a \$56,000.00 grant request for 2007. Board member Mark Berthelsen has resigned due to a move out of the city, which creates an opening on the board. The next meeting of the Bayport Library Board is scheduled for Thursday, October 26, 2006, 6:30 p.m., at the library.

Councilmember Carlson reported the Middle St. Croix Watershed Management Organization (MSCWMO) met on September 13, 2006. Bayport discussion items included the Perro Creek storm sewer project and the Chris Nass culvert issue. The next meeting is scheduled for Wednesday, October 11, 2006, at the Valley Ridge Mall.

Councilmember Johnson reported the cemetery advisory commission has met twice and continues to work on revising the regulations for Hazelwood Cemetery. Residents were encouraged to contact the city with suggestions.

UNFINISHED BUSINESS

Update on water treatment plant and agreement for funding from the Minnesota Pollution Control Agency (MPCA): Administrator McGuire reported that the MPCA has increased the grant from approximately \$613,000.00 to \$849,000.00, which will cover most of the additional costs for the air stripper treatment plant for well #2. The construction schedule was reviewed; the air stripper is scheduled to be operational by the beginning of March 2007.

NEW BUSINESS

Larry Wacker, Sanders, Wacker, Bergly Inc., presented the master park plan for Lakeside Park: Mr. Wacker reviewed the master plan which maximizes improved family recreation facilities and river views. Mark Lenz, MLA Architects, discussed the proposed park shelter and bathhouse improvements. The cost estimate for the proposed work is \$1,700,000.00. A \$600,000.00 construction budget is proposed for phase 1 improvements in 2007. Councilmembers shared their views on the plan, including sand blanket/beach curtain issues, proposed parking plans, increasing the area and scope of the bathhouse/DNR regulations, increasing staff to maintain the improvements, reorienting the ball field, and the beach location.

Consider MBM Development's concept plan to annex a parcel of land located in Baytown Township for a proposed residential development within the City of Bayport and an informational meeting with Baytown Township for Monday, October 16, 2006 at 5:00 p.m.: Planner Mike Darrow provided an overview of a concept plan submitted by MBM Development, noting the plan is a discussion item and no formal City Council action is required at this time. MBM Development has requested an orderly annexation, as well as a concept review, for the development of 60 two-family homes on 30 lots located in Baytown Township. Mr. Darrow reviewed the necessary steps for an orderly annexation. Administrator McGuire stated if the City Council was in favor of moving forward with this annexation, a joint informational meeting with Baytown Township would be recommended. This meeting has been tentatively scheduled for October 16, 2006. Preliminary staff changes to the proposed concept plan were discussed. Architect Mark Putnam reviewed the concept plan in detail.

Kent Grandlienard, Chair of the Baytown Board of Supervisors, and David Magnuson, Baytown City Attorney, explained the draft joint resolution on the proposed orderly annexation agreement. The Baytown Town Board gave preliminary approval to an Annexation Agreement at their September 18, 2006 meeting. Discussion followed on the pros and cons of annexation and the duration of the proposed agreement.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to set a special meeting, in conjunction with the Baytown Town Board, for Monday, October 16, 2006, 5:00 p.m., to discuss the orderly annexation proposal. Motion carried.

Consider change order for South Minnesota Street Improvement Project: Engineer Peters explained that the private gas and telephone utilities did not advise SEH of potential conflicts, and the contractor was slowed down to accommodate utility crews. In addition, the City of Bayport requested replacement of a problematic hydrant in the project area. These issues have put the construction project behind schedule, and the contractor has requested an extension of the contract completion to November 1, 2006. Staff recommended approval of this request.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve Change Order No. 1 for the South Minnesota Street Improvement Project to extend Pember Companies completion date to November 1, 2006. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Carlson requested clarification on city code relating to storage of trash receptacles. Containers must be kept out of public view, and residents may contact City Hall with specific issues. Administrator McGuire also noted that the Allied Waste service audit in August identified multiple residences that were not paying for refuse collection.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Water Update: The contractor plans to break ground next week on construction of the air stripper treatment plant.

Recycling Award Program: The city is committed to its current award program as part of its 2007 Washington County Recycling Grant. Prior to submitting next year's recycling grant application, staff will provide other options for City Council consideration.

South Minnesota Street Utility Improvement Project Update: The complexity of the project was noted.

Closed session: It was moved by Councilmember Johnson and seconded by Councilmember Ridgway to adjourn to closed session at 7:30 p.m. to discuss pending litigation. Motion carried.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to resume the open session at 7:53 p.m. Motion carried.

ADJOURNMENT

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adjourn the meeting at 7:55 p.m. Motion carried.