

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER
NOVEMBER 10, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of November 10, 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, Fire Chief Mike Bell, Police Chief Laura Eastman, Public Library Director Kathy MacDonald, Engineer Barry Peters, Assistant Administrator/Planner Sara Taylor, Attorney Nick Vivian

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek recognized the efforts of staff and volunteers for a smooth-running election process on November 4th and thanked residents for being elected to serve another two years as Mayor.
2. Mayor Nowaczek announced that the October recycling award went to Harold Wendorf.

OPEN FORUM

1. Ray Valley, 151 State Street South, stated he would like to see an eight-foot fence placed between his property and the proposed new commercial construction at 174 3rd Street South. Additionally, he recommended soil testing be done on the area to identify any possible chemical contaminants that may need to be mitigated. Mr. Valley was encouraged to provide additional input at the public hearing on this matter later in the meeting.
2. Dave Ness, Jr., 232 4th Street North, thanked the 258 residents who voted for him in the recent Mayoral election and stated there is a contest to the results in process.

CONSENT AGENDA

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

Councilmember Johnson requested clarification as to whether the tabulation of electoral votes canvassed in agenda item #7 are the same as those posted on the Secretary of State's website. Administrator McGuire indicated the numbers are the same.

Councilmember Kraftson referenced an article from the League of Minnesota Cities that questioned the legality of cities donating to non-profit organizations, i.e., consent agenda item #5 recommending a \$1,300.00 donation to the Youth Service Bureau. Attorney Vivian stated that donation requests that serve a public purpose would be allowed, such as the requests the City Council are considering at tonight's meeting. Councilmember Carlson questioned why the Youth Service Bureau request was not under New Business, similar to two other requests. Administrator McGuire indicated the city has donated to the Youth Service Bureau for many years, while donations have not been made regularly to the other

organizations. Councilmember Johnson added that it is difficult for the Youth Service Bureau to identify how the city directly benefits from its services, due to the nature of helping troubled and needy young people.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 08-19

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE
NOVEMBER 10, 2008 CITY COUNCIL AGENDA**

1. October 6, 2008 City Council regular meeting minutes
2. October payables and receipts
3. October building, plumbing and mechanical permits
4. Special event application for "Lighting of the Green" at Village Green Park
5. Request for \$1,300.00 donation to the Youth Service Bureau
6. Annual step increase for the Finance Officer
7. Canvassing the tabulation of votes and declaring the results from the 2008 General Election
8. Amendment to the MSCWMO Water Management Plan regarding stormwater credits
9. Special event application for Pack 113 wreath sales at Village Green Park
10. Accept tree memorial donation from Dave Goulette and family

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

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

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported on recent Cable Commission meetings, stating that issues with Comcast have been resolved. She stated that Channel 21, EWTN, was moved to the digital tier (Channel 291) and consumers must have a cable box to receive the channel. She will advocate that all cable subscribers receive the digital converter box at no charge, when pricing changes are made in January. Valley Access approved five production grants, and they are looking into webcasting public meetings. The public is invited to visit with Santa and Mrs. Claus at the Valley Access Channels Studio on Saturday, December 13, 2008, 9:00 a.m.-12 p.m. The next meeting is scheduled for Wednesday, December 17, 2008, 7:00 p.m., at the cable studio located in the Valley Ridge Mall in Stillwater.

Councilmember Kraftson reported on the October 9, 2008 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). The Bayport storm sewer project is moving forward, and the 2009 budget was finalized, with a 2.5% increase (\$102,500.00). The MSCWMO is in the process of streamlining the review process for projects within the district, with the intent to bring all parties together during the concept stage. The next meeting is scheduled for Thursday, November 13, 2008, 7:00 p.m., at the Washington Conservation District office located in the Valley Ridge Mall.

Councilmember Johnson reported on the Library Board meeting of October 23, 2008. A \$65,000.00 grant was received from the Fred C. and Katherine B. Andersen Foundation, which will be used for the 2009 budget. The library will be closed on Veteran's Day (11/11/08) and Thanksgiving Day (11/27/08). The next meeting is scheduled for Thursday, November 20, 2008, 6:00 p.m., at the library.

Councilmember Carlson reported the next meeting of the Lower St. Croix Partnership is scheduled for

Wednesday, November 19, 2008, 7:00 p.m., at the St. Croix County Government Center.

UNFINISHED BUSINESS

Public Assessment and Improvement Hearings for 2008 Alley Paving Improvement Project: Engineer Barry Peters reviewed the preliminary report for the project that would pave a gravel alley between 8th and 9th Streets North and 4th and 5th Avenues North. The estimated project cost is \$14,088.00, with affected property owners sharing 50% of the costs and the City of Bayport paying 50%. Three mock assessment rolls were prepared, as the City Council had some questions as to the methodology of the assessments. It is anticipated the project could be completed this year.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 08-25

RESOLUTION RECEIVING THE PRELIMINARY REPORT AND CALLING THE PUBLIC HEARING ON THE 2008 ALLEY IMPROVEMENT PROJECT

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Carlson and upon a vote being taken thereon, the following voted via voice:

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

The public improvement hearing was opened by Mayor Nowaczek and the following were heard:

Craig Fritsche, 569 9th Street North, stated he was in favor of paving the alley and would like to see all property owners assessed as equally as possible. He noted the rising cost of asphalt as a reason to complete the project as soon as possible. In a previous letter to the city, Mr. Fritsche had requested signage, indicating the alley was a dead end, to eliminate unnecessary traffic turning around by Mr. Zeuli's property.

Scott Zeuli, 551 9th Street North, indicated paving the alley would be a major improvement that would eliminate the deposit of gravel onto his yard from snowplowing and the subsequent cost to continually add gravel.

Tom Warner, 566 8th Street North, stated he was in favor of the project and echoed Mr. Fritsche's concern that property owners be assessed evenly. He requested that a "dead end" sign be placed at the beginning of the alley. He noted the difficulty in removing the gravel from his lawn each spring.

Mayor Nowaczek read a letter from Judy Lind, 713 5th Avenue North, stating she was not in favor of the alley paving project and suggested paving the cemetery roads that are used by many people.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to close the public improvement hearing for the 2008 alley improvement project. Motion carried.

In response to a question from Councilmember Carlson, all property owners in attendance stated they were in favor of equal assessments for the project. Engineer Peters stated the asphalt specifications could handle garbage truck traffic. Councilmember Ridgway stated she was in favor of paving alleys, however noted the financial burden it would place on property owners. Councilmember Kraftson stated he was in favor of paving alleys from a maintenance and water quality standpoint and recommended the City Council look into paving all gravel alleys at a future meeting.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 08-26

RESOLUTION ORDERING IMPROVEMENTS AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS FOR THE 2008 ALLEY IMPROVEMENT PROJECT

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Carlson and upon a vote being taken thereon, the following voted via voice:

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

Discussion followed on the assessment method to be used for the improvements. Councilmember Kraftson indicated he was assessed for an alley project in 2006, using the front foot method, and recommended consistency in the city’s assessments. The general consensus of the City Council was to use the front foot assessment method.

Mayor Nowaczek opened the public assessment hearing for the 2008 alley improvement project and the following were heard:

Dave Ness, Jr., 232 4th Street North, questioned whether the objecting property owner would realize an increase in the value of her property equal to the assessment, and if there was a hardship in this person’s case. Councilmember Johnson noted the homeowner did not note a hardship in her letter to the city.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to close the public assessment hearing. Motion carried.

Councilmember Kraftson clarified that, per Minnesota Statute 429, homeowners have the right to appeal their assessments.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 08-27

RESOLUTION ADOPTING THE ASSESSMENT ROLL FOR THE 2008 ALLEY IMPROVEMENT PROJECT

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Carlson and upon a vote being taken thereon, the following voted via voice:

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

Consider awarding a bid for the 2008 Alley Paving Improvement Project:

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 08-28

RESOLUTION RECEIVING BIDS AND AWARDING CONTRACT FOR THE 2008 ALLEY IMPROVEMENT PROJECT

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Carlson and upon a vote being taken thereon, the following voted via voice:

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

Update on purchase of property at 226 3rd Street North: Administrator McGuire noted that the property owner is willing to sell the property to the city for the appraised value of \$170,000.00. Councilmembers discussed the pros and cons of purchasing the property, with the general consensus not to pursue the purchase since the city has no specific purpose for it at this time.

Update on Highway 95 Pedestrian Crossing Study and discussion of grant opportunities: Engineer Peters provided an update on possible grant opportunities to fund a pedestrian crossing. MnDOT has indicated that the alternates being considered, a bridge, an underpass, and signals, all appear to be eligible for the Safe Routes to Schools (SRTS) grant program. The specific improvements need to be identified on the grant application, which is due November 21, 2008. MnDOT has begun collecting traffic study information; however, the agency could not provide a timeframe for completion, due to limited staffing. Discussion followed on the possibility of submitting more than one grant application. Councilmember Johnson suggested installing a center island/hard median with a pedestrian-activated flashing signal, and Engineer Peters stated he had not inquired whether MnDOT would permit this type of crosswalk. Councilmembers reported receiving favorable feedback from residents for some type of signal, opposition to the overpass option, and support for the underpass. Discussion followed on which strategy to pursue, given the variable option costs and MnDOT restrictions, balanced with a desire to provide a safer crossing.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to proceed with a SRTS grant application for the installation of a semaphore on Highway 95. Motion passed 4-1, with Councilmember Kraftson voting nay.

It was moved by Councilmember Kraftson and seconded by Mayor Nowaczek to proceed with a SRTS grant application for installation of an underpass at Highway 95. Motion failed 3-2, with Councilmembers Carlson, Johnson and Ridgway voting nay.

Councilmember Kraftson reiterated his desire to pursue an underpass in the event a semaphore is not approved by MnDOT.

Discuss prioritizing improvements for Barker's Alps Park and potential funding: Landscape architect Larry Wacker reviewed a scaled-down cost estimate for Phase 1A improvements to Barker's Alps Park. Reductions were realized by reducing the size of the parking lot, eliminating a path connection to 1st Avenue North, reducing the expansion/re-grading of the ball field area, minimizing the retaining wall for the path up to the Inspiration area, and reducing the field play area of the south area. The original estimate was \$898,000.00, and the current proposed Phase 1A improvements are estimated at \$471,000.00. Councilmembers voiced general support for the new plan, with Councilmember Kraftson stressing the importance of retaining a path connection to 1st or 2nd Avenue North, for an estimated \$20,000.00. Mr. Wacker indicated this could be included in the construction documents as a bid option. The environmental assessment on the rubble area should be completed in the next few weeks and hopefully its impact on the improvements can be presented at the next meeting.

Discussion followed on the staff recommendation of funding the improvements with \$400,000.00 from the tax stabilization fund, \$30,000.00 from the park improvement fund, and \$40,000.00 from the gambling recreation fund. Councilmembers had the following comments:

- Councilmember Ridgway stated the expenditure request remains too high, is not in favor of utilizing tax stabilization funds for the project, and would support improvements for the Inspiration residents.
- Councilmember Johnson questioned whether use of the tax stabilization funds could be used as a loan and paid back as fees come in, as the city has an obligation to use park dedication fees for park projects. Administrator McGuire stated the money could be paid back and noted the city is financially healthy. Mayor Nowaczek stated the tax stabilization fund no longer serves that specific purpose, but is more of a strategic improvement fund.
- Mayor Nowaczek stated local government should invest in projects to stimulate the local economy and recommended moving ahead with the project.
- Councilmember Carlson voiced concern that park improvements are not being funded through park dedication fees, as originally planned; however, she believes park improvements are a good investment for the city.
- Councilmember Kraftson stated it is reasonable to fund park improvements from other sources and recommended focusing design plans on areas not affected by the environmental assessment.

It was moved by Councilmember Kraftson and seconded by Councilmember Johnson to approve the Phase 1A improvements to Barker's Alps Park as presented, adding a trail connection to 1st Avenue North as an add alternate, with funding sources for the improvements as recommended and presented by staff. Attorney Vivian clarified that the motion should include a directive that the tax stabilization fund loan be paid back as future park dedication fees are received. Whereupon Councilmember Johnson withdrew his second, and Councilmember Kraftson amended his motion to include that money drawn from the tax stabilization fund is considered a loan, with possible repayment as park dedication fees are received. Councilmember Johnson seconded the amended motion. The motion passed 3-2, with Councilmembers Carlson and Ridgway voting nay.

NEW BUSINESS

Consider a resolution to allow a variance from off-street parking requirements for a proposed office/retail building at 174 3rd Street South: Planner Taylor presented a variance application submitted by Jeff Hause, J.G. Hause Construction, Inc., that would allow flexibility from off-street parking requirements for a proposed new two-story office/retail building at the intersection of Highway 95 and 1st Avenue South. Because of the unique lot configuration and B-2 central business district zoning code, the applicant has encountered difficulty in meeting setback and off-street parking requirements. The applicant's proposal includes 26 off-street parking stalls for employees and customers, with the possibility of furnishing additional off-site parking, if needed. Staff estimated the required number of parking stalls for the site from 15 to 50, based on the tentative uses. Staff recommended approval of the variance to allow 26 off-street parking stalls on the site, with the potential of two additional stalls as a result of a proposed street vacation to be considered later in the meeting. The Planning Commission held the required public hearing on October 20, 2008, and recommended approval of the variance.

Discussion followed on the adjoining property owner's previous request for an eight-foot privacy fence instead of the proposed six-foot fence, adding landscaping along Highway 95 instead of additional parking to enhance the view, eliminating two stalls proposed for the southeast corner of the lot, and adding language requiring "proof of parking" stalls at a future date. Engineer Peters stated the Planning Commission had concerns with site distances at the intersection of 1st Avenue South and Highway 95 and recommended installation of shorter plants, if additional landscaping is required. Applicant Jeff Hause answered questions regarding potential tenants, MPCA testing results on the site, and whether the 24 parking stalls suggested by the City Council would provide adequate parking for the site.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 08-20

RESOLUTION APPROVING A VARIANCE FROM OFF-STREET PARKING REQUIREMENTS FOR A PROPOSED OFFICE/RETAIL BUILDING AT 174 3RD STREET SOUTH, LEGALLY DESCRIBED AS BLOCK 71, LOTS 7-9, EXCEPT TO BAYPORT FOR ROAD ON LOT 9, OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Carlson and upon a vote being taken thereon, the following voted via voice:

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

Public hearing to consider vacating a portion of 1st Avenue South to allow additional off-street parking for the proposed office/retail building at 174 3rd Street South: Engineer Peters reviewed a request by Jeff Hause to vacate the northerly ten feet of 1st Avenue South, between Highway 95 and State Street South. The request would allow the construction of two additional off-street parking spaces for the applicant’s proposed new office/retail building. The City Council discussed the benefit of allowing one parking stall to be included along the west property line of the site, for a total of 25 parking stalls. Approval of the street vacation was recommended with the stipulation that the vacation would have no effect on utility companies’ authority or right to enter the vacated property for maintenance purposes.

Mayor Nowaczek opened the public hearing and the following were heard:

Ray Valley, 151 State Street South, requested clarification on street vacations.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to close the public hearing. Motion carried.

Councilmember Kraftson introduced the following resolution and moved its adoption:

Resolution 08-21

RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF 1ST AVENUE SOUTH ALONG LOT 7 OF BLOCK 71 IN THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA

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

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

Councilmember Kraftson reminded the applicant that his project needs to be reviewed by the Middle St. Croix Watershed Management Organization.

Consider an ordinance amending Chapter 62, Vegetation, of the Bayport City Code, creating an ordinance for the management of hazardous trees: Attorney Vivian reported the proposed ordinance would delineate a process for the removal of hazardous trees within the city. Staff recommended approval of the ordinance to ensure the health and safety of Bayport residents. Councilmember Johnson believes homeowners should have the option to leave dead trees up, for bird nesting purposes, if they are not a

public nuisance/hazard or would not fall outside the owner's lot line. Councilmember Kraftson questioned whether a forester or arborist should make the determination if a tree is considered hazardous.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to continue this matter to the next meeting. Motion carried.

BUDGET DISCUSSION

Administrator McGuire reviewed the 2009 final budget, noting the preliminary budget, capital improvement plan (CIP), and tax levy were approved at the September 8, 2008 meeting. The proposed tax levy is \$1,022,533.00, a 3.8% increase over the 2008 levy. The only change in the proposed 2009 final levy is an adjustment of \$2,500.00 from the library budget for the municipal building maintenance fund to the administration budget. No impact on taxes is anticipated as a result of the levy increase. He noted that the proposed budget keeps the overall levy to a minimum, maintains the current level of city services, and provides for the future needs of the Police Department, Hazelwood Cemetery, municipal buildings and office equipment. Administrator McGuire noted that the city has been allocated \$461,000.00 in Local Government Aid (LGA), approximately 25% of the budget revenue. He stated it is unlikely that this aid would be cut for 2009, and indicated the city could handle a 10% decrease.

Discuss Bayport Library contribution to Municipal Building Maintenance Fund: It was noted that the city attorney has verified that once money is given to the Library Board it can only be spent at the direction of the Library Board, which is why the 2009 budget was adjusted, as previously explained by Administrator McGuire.

Consider an ordinance amending Chapter 2, Administration, of the Bayport City Code, regarding revisions to the Mayor and City Council compensation rate: The proposed ordinance raises the Mayor's salary to 1.5 times the annual salary of a Councilmember, effective January 1, 2009, and would automatically adjust the City Council salary based on the average change for city employee groups. Councilmember Kraftson stated that the wording in Sec.2-42, "increased similar to the average increase," is vague and should be revised to read "adjusted according to the average change."

Councilmember Kraftson introduced the following ordinance and moved its adoption:

Ordinance #802

ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION II, OF THE BAYPORT MUNICIPAL CODE REGARDING MAYOR AND CITY COUNCIL SALARIES

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

Jon Nowaczek - aye
Torry Kraftson - aye

Sharon Ridgway - aye
Connie Carlson - aye

Dan Johnson - aye

Discuss and consider a funding request for 2009 in the amount of \$2,400.00 by Belwin Athletics for the Lucy Winton Bell Athletic Field: The city funded \$2,400.00 in 2008, with a recommendation to review the request for the 2009 budget. Councilmembers generally agreed that the request is justifiable, and Bayport youth benefit from the soccer field complex. It was recommended that funding requests should be considered annually.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to contribute \$2,400.00 to Belwin Athletics for the Lucy Winton Bell Athletic Field for 2009, and to review the request for budget year 2010. Motion carried 4-1, with Mayor Nowaczek voting nay.

Discuss and consider a funding request for 2009 for Community Volunteer Service and Senior Centers:
The city has received a funding request from Community Volunteer Service and Senior Centers. The city has not contributed to this organization since 2004. Councilmembers noted that the request was thorough and demonstrated how Bayport residents benefited from its services.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the request from Community Volunteer Service and Senior Centers and make a donation of \$1,500.00 to the organization. Motion carried.

Discuss and consider a resolution adopting the 2009 budget:

Councilmember Kraftson introduced the following resolution and moved its adoption:

Resolution 08-22

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING BUDGETS FOR THE GENERAL FUND, SPECIAL LIBRARY FUND, DRUG
FORFEITURE FUND, WATER FUND, SEWER FUND, TRUNK WATER AND TRUNK SEWER
UTILITY CAPITAL IMPROVEMENT FUND, FIRE EQUIPMENT REPLACEMENT FUND,
PUBLIC WORKS EQUIPMENT REPLACEMENT FUND, TAX STABILIZATION FUND,
RECREATION CAPITAL EQUIPMENT MAINTENANCE FUND, CEMETERY CAPITAL
IMPROVEMENT FUND, POLICE EQUIPMENT REPLACEMENT FUND, OFFICE
AUTOMATION FUND, RESTRICTED INVESTMENT FUND, AND PARK IMPROVEMENT
FUND FOR THE YEAR 2009**

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

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

Torry Kraftson – aye
Sharon Ridgway – aye

Discuss and consider a resolution adopting the 2009-2013 capital improvement plan (CIP):

Councilmember Kraftson introduced the following resolution and moved its adoption:

Resolution 08-23

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING THE 2009-2013 CAPITAL IMPROVEMENT PLAN**

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

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

Torry Kraftson – aye
Sharon Ridgway – aye

Discuss and consider a resolution adopting the 2009 tax levy:

Councilmember Kraftson introduced the following resolution and moved its adoption:

Resolution 08-24

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY
FOR THE YEAR 2009 BUDGET AT \$1,022,533**

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

Jon Nowaczek – aye

Torry Kraftson – aye

Connie Carlson – aye

Sharon Ridgway – aye

Dan Johnson – aye

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Carlson reported that the Bayport American Legion would be hosting a breakfast and pictures with Santa Claus on December 7, 2008, 8:00 a.m.-11:00 a.m.
2. Councilmember Kraftson thanked Finance Officer Wanda Madsen for her efforts in preparing the 2009 budget and recognized her pay increase that was approved on the consent agenda.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn to closed session at 9:00 p.m. to discuss pending litigation. Motion carried.

Mayor Nowaczek resumed the regular meeting at 9:32 p.m.

ADJOURNMENT

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to adjourn the meeting at 9:35 p.m. Motion carried.