

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MAY 7, 2007
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of May 7, 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, Acting Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Assistant City Administrator Sara Taylor, Attorneys Nick Vivian and Mark Vierling, and Engineer Matt Zitzow

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Nowaczek reported that the recycling award for April went to David Walters.
2. A citizen representative is needed to serve on the Central St. Croix Valley Joint Cable Commission. Contact City Hall if interested.
3. Application forms are available at City Hall for a \$500.00 recycling scholarship through Allied Waste. Deadline for applications is June 1, 2007.
4. The Bayport Police Department will be holding a Safety Camp on June 18-19, 2007, at Lakeside Park for children entering grades 3-5. Registrations forms are available at City Hall.
5. The spring newsletter will be in homes mid-May.
6. The Public Works department will be flushing fire hydrants the week of May 7, 2007.
7. The first test results from water treated by the new air stripping treatment plant indicate that well water entering the plant with a 5.9 ppb level of TCE shows no detectable TCE in the treated water.

OPEN FORUM

1. Sandy Ness, representing the U. S. Postal Service, encouraged residents to participate in the food drive on Saturday, May 12th. Food can also be dropped off at the Post Office this week.
2. Bill Huhnke, 164 4th Street North, spoke against the proposed parking ordinance changes.
3. Richard Hayner, 239 1st Avenue South, offered to donate some historical ice equipment to the city.

CONSENT AGENDA

Mayor Nowaczek read items 1-16 on the consent agenda.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 07-12

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING
CONSENT AGENDA ITEMS 1-16 FROM THE MAY 7, 2007 CITY COUNCIL AGENDA**

1. April 2, 2007 City Council regular meeting minutes
2. April payables and receipts
3. April building, plumbing and mechanical permits
4. Grant agreement for Safe and Sober Communities Project – alcohol enforcement
5. Grant agreement for Safe and Sober Communities Project – seat belt and child seat enforcement
6. Hiring a part-time police officer
7. Katherine B. Andersen – St. Paul Foundation grant for fire department

8. Lakeside Park to be used for YMCA Summer Programs
9. Special event application for “A Night at Dane’s Place” to be held at Perro Park
10. Special event application for Memorial Day Parade
11. Donation request for Memorial Day Parade
12. Refuse hauler licenses
13. Fund transfers – budgeted and unbudgeted
14. Renewal of insurance brokerage agreement with A. J. Gallagher
15. Approval of Workers Compensation invoice
16. Change order #1 for air stripper

The motion for adopting the foregoing resolution was duly seconded by Councilmember Ridgway 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 met on April 18, 2007, and that the next regularly scheduled meeting will be held June 20, 2007, 7:00 p.m. at the Valley Ridge Mall. The commission’s revised budget was passed at the April meeting.

Councilmembers Kraftson and Carlson reviewed the Middle St. Croix Watershed Management Organization (MSCWMO) meeting of April 5, 2007, noting there were no major items relating to Bayport.

Councilmember Johnson reviewed the April 26, 2007 meeting of the Bayport Public Library Foundation Board. He noted that library records will be purged every 5 years, and the new mission statement developed by the long-range planning committee was read. Volunteers are welcome to help with the landscaping project on May 12th. The annual author’s luncheon raised \$700.00, and the Bayport Community Action League recently donated \$100.00.

Councilmember Johnson reviewed the Andersen Corporation’s Project XL Citizen Advisory Committee (CAC) meeting of April 12, 2007. In accordance with Andersen’s XL Permit, the amount of pollutants being released has shown drastic reductions, and the new boilers are in place and being tested. The CAC meets quarterly and meetings are open to the public. Meeting minutes and notices are posted via a link on the Andersen Corporation website.

Councilmember Carlson reported the Lower St. Croix Partnership group would be meeting on May 16, 2007, 7:00 p.m., at the St. Croix Government Center in Hudson.

UNFINISHED BUSINESS

Review of new and existing play equipment at Lakeside Park: As directed by councilmembers at the last meeting, staff has researched the condition and possible retention of the existing playground equipment. A subsequent loss control survey by the League of Minnesota Cities (LMC) has revealed multiple items needing correction. Larry Wacker, of Sanders, Wacker, Bergly, reviewed the current recommendations for the playground area, noting an important goal is to install a wood fiber safety surface throughout the play area. Discussion followed on the color of the new equipment, saving money by retaining the current swings, the advantages of using wood fiber versus wood chips, relocating the slide, and installing the safety surface on the entire area.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve the design concept for the Lakeside Park play area and authorize bids, amending the proposal to eliminate the new swings/retain the current ones, reorient the slide, and install the safety surface over the entire area. Motion carried.

Consider amending the city's offenses and miscellaneous provision ordinance regarding weapons and illegal posting: Acting Police Chief Eastman and Attorney Vivian reviewed the changes to the proposed ordinance since the last meeting. Discussion followed on broadening the definition of general weapons, discharging firearms/weapons, allowing responsible use of general weapons, and concealment issues.

Paul Goulette, 204 5th Street North, questioned why the ordinance was being changed. Chief Eastman explained it was in response to previous BB and paintball gun complaints.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to revise the ordinance based on discussion by the City Council and continue this matter to the next meeting. Motion carried.

Consider amending the city's traffic and vehicle ordinance regarding parking: Chief Eastman reviewed the proposed changes. She reiterated that police officers use common sense when enforcing parking ordinances. Discussion followed on the proposed "odd-even" seasonal parking regulations. The City Council noted there has been considerable opposition to the proposed change from residents and businesses. Public Works Supervisor Horak stated the proposed changes would make snowplowing more efficient; however the majority of residents currently make an effort to move their vehicles to accommodate the snowplows. Councilmembers recommended concentrating on the residents who do not move their vehicles after a snowfall, rather than generating a city-wide system.

Councilmember Ridgway introduced the following ordinance, eliminating Sec. 54-32 Seasonal and snow emergency parking, and moved its adoption:

Ordinance #789

**ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 54, SECTIONS 54-27, 54-30, 54-52, 54-57 OF THE BAYPORT CITY
CODE REGARDING TRAFFIC AND VEHICLES**

The motion for adopting the foregoing ordinance was duly seconded by Councilmember Johnson 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	

Continue discussion on cemetery cremains area and replatting project: Public Works Supervisor Horak reviewed staff recommendations to create a cremains area in Hazelwood Cemetery, noting the cost for the proposed 30" x 30" sites would need to be determined. He stated the soil condition in this area of the cemetery is very poor and should be corrected before proceeding with the cremains area. In addition, the soil in the entire west portion of the cemetery is poor and at this time there are limited burials in this portion of the cemetery. Funding for these projects was discussed, and Administrator McGuire recommended postponing a decision until September to see how much of the \$75,000.00 contingency funds remain. The condition of the cemetery fence was also discussed.

It was moved by Councilmember Carlson and seconded by Councilmember Ridgway to continue discussion on the Hazelwood Cemetery projects until the September meeting. Motion carried.

Discuss providing building inspection services to the City of Lakeland, et. al: Administrator McGuire stated the city's building official can handle this sharing of services and will help offset costs. He recommended approval of the contract. Discussion followed on proposed fees and the indemnification language. Attorney Vivian disclosed that he is also the attorney for the City of Lakeland. He indicated the agreement, in its entirety, covers each city's responsibilities and liability issues and he does not see a need for additional language. Administrator McGuire indicated he would ensure the city's insurance carrier is comfortable with the liability language before executing the contract.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the proposed agreement with the City of Lakeland for building inspection services, subject to review with the city's insurance carrier. Motion carried.

NEW BUSINESS

Consider authorization for a scout to complete an Eagle Scout Leadership Service Project at Lakeside Park: Colin Goulette, 204 5th Street North, requested permission to construct and place an informational display at Lakeside Park to complete his Eagle Scout Leadership Service Project. The historical display would feature information on a button factory that operated in the early 1900's at the site of the current park. He is requesting city funding for materials to complete the project. Discussion followed on the possibility of incorporating the donated ice equipment with this project.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve Colin Goulette's Eagle Scout Leadership Service Project at Lakeside Park and \$546.00 in funding to complete the project. Motion carried.

OSHA Audit: Administrator McGuire stated the city received a surprise OSHA audit last month. The inspection results were relatively good; however some violations were cited at the Public Works building, resulting in \$840.00 in fines, reduced from \$1,200.00. The violations have been corrected and the city's Safety Committee will be addressing ongoing safety concerns.

It was moved by Councilmember Johnson and seconded by Councilmember Kraftson to approve the proposed OSHA settlement of \$840.00 and direct staff to pay the assessed penalty. Motion carried.

Consider options for assessing 2006 improvement projects: Administrator McGuire stated that the special assessments for three 2006 city projects (sidewalk/curb improvements, alley improvements and South Minnesota Street utility project) were not reported to Washington County in time to be added to the 2007 property tax rolls. Options for assessing residents were reviewed and discussed.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to approve invoicing residents for the 2007 portion of special assessments, plus interest, and that payment of the 2007 assessment can be deferred until 2008, at which time two year's principal plus interest would be added to the property taxes. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Carlson reminded residents to sign up at City Hall for the June 1-2, 2007 citywide garage sale. Deadline for sign-up is Friday, May 25th.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Recess to closed session to discuss pending litigation:

It was moved by Councilmember Ridgway and seconded by Councilmember Kraftson to recess to closed session to discuss pending litigation at 8:10 p.m. Motion carried.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to resume the normal session of the May 7, 2007 Bayport City Council meeting at 8:25 p.m.. Motion carried.

Discuss Tax Increment Financing (TIF): Attorney Vierling noted that the City Council, acting pursuant to the motion passed by the City Council under Minnesota Statute 13D went into closed session at the request of the city attorney to review issues with regard to the State of Minnesota Audit Report of May 12, 2006. Present at the closed session were all Councilmembers, City Administrator Mike McGuire, Assistant City Administrator Sara Taylor, and City Attorneys Vierling and Vivian. The purpose of the meeting was for the City Council to review the issues in the May 12th letter from the State Auditor with the city attorney's office and to review issues of strategy and negotiation relative to those issues. The City Council took no action within the course of the closed session and reserved action until the normal session was resumed.

Attorney Vierling recommended that a motion be passed by the Bayport City Council authorizing the Mayor and City Clerk to execute an agreement with the Washington County Attorney's Office relative to the issues of the State Auditor's Report of May 12, 2006, which deal with the City of Bayport's Tax Increment Financing (TIF) districts and the bonds of those TIF districts going back to 1990.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to authorize the Mayor and City Clerk to negotiate and execute a settlement with the Washington County Attorney's Office resolving the issues in the May 12, 2006 letter from the State Auditor regarding the Tax Increment Financing bonds, along the terms discussed in the closed session. Motion carried.

Councilmembers noted that the terms of the settlement would be made public if an agreement is achieved and subsequently executed.

Workshop to discuss police chief position: Mayor Nowaczek recommended that the City Council schedule a workshop with city staff to discuss the overall course of the city's police force. The date of June 18, 2007 was set.

It was moved by Councilmember Carlson and seconded by Councilmember Ridgway to schedule a workshop on June 18, 2007, at 4:00 p.m. to discuss the police department and position of police chief. Motion carried.

ADJOURNMENT

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