

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
OCTOBER 3, 2005  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of October 3, 2005, 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, Jon Nowaczek, and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, Administrative Assistant/Planner Sara Dietsche, Attorney Laura Domagala, Police Chief John Gannaway, Public Works Supervisor Mel Horak, and Engineer Barry Peters

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. Mayor Schneider announced \$30.00 recycling awards for the month of September were given to Jim Luckey, Todd Radke, and Paul Lee.

**OPEN FORUM**

1. Andree Aronson, Derby Days Committee member, thanked the City of Bayport and the community for supporting the recent Derby Days events and invited interested residents to attend the next Derby Days Committee meeting on October 17, 2005, 6:30 p.m., at the Bayport Public Library.
2. Dan Hinrichs from Andersen Corporation reviewed the background and planning for a new steam generating facility to meet future steam production needs, and answered questions related to the project. The new plant is projected to be online by March 2007.
3. Mayor Schneider thanked the Bayport Police Department and EMS personnel for their assistance with a recent family medical emergency.
4. Jack Doerr, Oak Park Heights City Councilmember, serving as the Chairman of the Planning Committee for the League of Minnesota Cities (LMC) annual conference, invited the Bayport City Council to attend the LMC conference scheduled for December 1-3, 2005, in Rochester, Minnesota.

**CONSENT AGENDA**

Mayor Schneider read items 1-9 on the consent agenda. Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 05-28**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE OCTOBER 3, 2005 CITY  
COUNCIL AGENDA**

1. September City Council regular meeting minutes
2. September payables and receipts lists
3. September building, plumbing and mechanical permits
4. Engagement letter for 2005 audit

5. Refund a portion of escrow to Senior Housing Partners for Croixdale
6. Request by auditors to amend a resolution pertaining to 2004 audit
7. Renewal of city insurance policy
8. Modifications to developers agreement for water extension to Baytown
9. Reduction in the letter of credit for CPDC

Mayor Schneider noted he would like staff to investigate the high cost of cell phone usage and discuss further at next month's meeting as part of the budget discussions.

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**

Extension of water and sewer service to a south portion of Bayport: Brian Miller of BDM Consulting Engineers, Inc., reviewed the feasibility study results for extending sewer and water service to a southern portion of Bayport. He detailed the recommended Option 3A that specifies running the sanitary sewer main on the west side of Highway 95, as well as an alternative to include replacement of the existing 45 to 50-year old watermain, which is located on the same side of the highway. He reviewed city costs and property owner's assessments, including a modified assessment method.

Bob Bean, 620 Oakwood Street South, questioned the impact on two vacant lots he owns in the subject area. Administrator McGuire stated if the City Council decides to proceed with the project, city staff would research whether the lots are buildable, as well as the benefit, for discussion at an assessment hearing.

Bill Lake, 700 Minnesota Street South, stated he has a functioning sewer and city water, does not believe there is an urgent necessity for the project, and does not support it.

Peter Reese, 602 Minnesota Street South, owns one of two properties identified as being assessed for water only and questioned whether the project included extending lines to homes, or just the watermain. Mr. Miller indicated new services would not be run to the home, but under the modified assessment method, the two properties in question would not be assessed. Mr. Reese indicated he would only support the project if the modified assessment method was used.

Tom Fons, 616 Minnesota Street South, stated he is not in favor of the project. He noted the project would go through his driveway and questioned how he would access his house and who would be responsible for restoring the driveway. Administrator McGuire stated driveway repair would be part of the restoration costs and homeowner accessibility during the project would be addressed if the project is approved.

Warren Utecht, 832 Minnesota Street South, noted that he is in favor of the project, as most of the homes have older septic systems that would need to be replaced before they could be sold. He believes the project assessment would pay for itself in 10 years. He questioned whether the City of Bayport was trying to eliminate cesspools within the city. Administrator McGuire stated there is no official policy regarding this; however, it is good practice to eliminate the number of septic systems in an urbanized area with small lots and/or near water.

Barry Lund, 768 Minnesota Street South, questioned whether he would see the assessed amount reflected positively in his property valuation. He stated he is in favor of the project if there is a cost benefit reflected in his property valuation and would like to see cost analysis figures.

Meredeth Lake, 700 Minnesota Street South, spoke to the environmental impact of sewer systems on the St. Croix River and the pros and cons of municipal versus septic systems. She stated she is opposed to the project as there is no urgent need for it at this time. Discussion followed on non-conforming septic systems and the impact of the Lower St. Croix River Bluffland and Shoreland Management ordinance on the affected properties.

Mary Jo Garay, 748 Minnesota Street South, stated she is in favor of the project because her vacant lot cannot be developed without sewer and water extension. Administrative Assistant/Planner Dietsche clarified the proposed changes to properties on the west side of Highway 95, relative to being removed from the boundaries of the riverway district.

Mary Williams, 638 Minnesota Street South, said she has been in favor of extending sewer to the southern part of Minnesota Street for many years. She indicated providing the best possible health and environmental standards were important factors in her decision.

Lowell Pederson, 720 Minnesota Street South, stated the anticipated costs for the project seem high and questioned whether there were other governmental funds to help defray the cost of the project. He stated his septic system is working properly and was against the project at this time.

Judy Smith, who owns vacant property behind 636 and 638 Minnesota Street South, indicated she was in favor of the sewer and water extension, if her lots are buildable.

Jim Luckey, 690 Minnesota Street South, stated he is in favor of the project, as he would like to replace his older septic system.

City Administrator McGuire indicated that there were letters from Audrey Kelley and Mary Jo Garay supporting the project.

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

Discussion followed on options for next steps, the need to determine if the vacant lots included in the project are buildable, the possibility of hiring an appraiser to perform a cost-benefit study on the project, and the pros and cons of proceeding with the project.

It was moved by Councilmember Nowaczek and seconded by Councilmember Johnson to continue the discussion of the South Minnesota Street extension of sewer and water to the next regularly scheduled City Council meeting. Motion carried.

### **COUNCIL LIAISON REPORTS**

Councilmember Ridgway, Planning Commission liaison, suggested the City Council hold a workshop to discuss the park improvements recommended by the Citizen Park Advisory Board. It was recommended to incorporate this discussion into a regularly scheduled City Council meeting. Councilmember Ridgway also reported the Cable Commission will meet on Wednesday, October 19, 2005, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Nowaczek reported the Bayport Public Library Board met on September 22, 2005, and the next meeting is scheduled for Thursday, October 27, 2005, 6:30 p.m., at the library.

Councilmember Carlson reported the Middle St. Croix Watershed Management Organization did not meet due to a lack of business. The next meeting is scheduled for Thursday, October 13, 2005, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson attended a recent meeting of the Andersen Project XL Committee and reported residents could get more information on the proposed boiler project on-line at the Minnesota Pollution Control Agency (MPCA) website (Andersen XL project link). He stated this significant capital improvement project will benefit the community with less pollution and noise.

### **UNFINISHED BUSINESS**

Update on municipal water supply and plan for the proposed treatment plant: Steve Thompson, MPCA supervisor with the Superfund Program, provided an update on planning for treatment of the Bayport well #2, relative to the TCE contamination. In an effort to speed up the timetable for implementing an air-stripping treatment plan, the MPCA proposed the purchase of a pre-designed unit and having the City of Bayport oversee the bidding and construction process.

Consider awarding bid for a ground storage reservoir in Baytown Township: Engineer Peters reviewed the results of the bidding process for this project. One bid was received for \$699,375.00, substantially higher than estimated. The factors affecting the bid results were reviewed. With approval from the developers and engineers involved with the project, SEH recommended that the bid be rejected and re-bid with a later completion date next year.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to reject the bid for the 300,000 gallon ground storage reservoir and authorize staff to re-bid the project. Motion carried.

Consider awarding bid for a water booster station: Engineer Peters reviewed the results of the bidding for the project. Three bids were received and were substantially higher than estimated. Engineer Peters recommended that the bids be rejected and re-bid with a later completion date. Administrator McGuire noted this will also allow the city to explore installation of the water treatment plant into or adjacent to the booster station building.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to reject the three bids for the booster station and direct staff to re-bid the project. Motion carried.

### **NEW BUSINESS**

Consider and discuss authorization to hire a full-time building official: Administrator McGuire reviewed the request to hire a full-time building official instead of continuing to contract with Oak Park Heights for part-time services. It is anticipated the new building official would start at the beginning of next year. Staff would reevaluate the need for a full-time position once Inspiration is fully developed.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to authorize the hiring of a full-time building official as budgeted, with an annual salary range of \$44,349.00-\$59,871.00. Motion carried.

Update on improvement plans for 5<sup>th</sup> Avenue North businesses: City staff met with business owners several times in the past few months to discuss options to improve the rear appearance of the properties along the west side of 5<sup>th</sup> Avenue North. Three of the businesses (Dr. Weiden, Bayport Cookery, and La Cosinita) have agreed to participate in the improvement project and signed an assessment hearing waiver to facilitate getting the improvements done this year. Blacktopping for these businesses would be done in conjunction with the city improvements, which additionally include fencing, landscaping, curbing and survey work.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to authorize the Argus Square street repair, including improvements to the 5<sup>th</sup> Avenue North business area; authorize assessment of the paving costs for the three business owners; award the paving contract to Asphalt Specialties Company, Shoreview, Minnesota at a cost of \$2.56 per square foot; and complete the entire project at a do-not-exceed cost of \$33,761.00. Motion carried.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to amend the October 3, 2005 City Council agenda to include discussion of a curbing project at Lakeside Park under New Business. Motion carried.

Consider and discuss authorization to add curbing to the south access road at Lakeside Park: As part of the Andersen Corporation parking lot project previously approved by the City Council, staff recommended that the city add curbing to the access road east of the Public Works building. Andersen Corporation will be responsible for paving costs; however, curbing for this road was not part of the approved proposal. Installation of the concrete curbing in conjunction with the bituminous paving would ensure the integrity of the road and be the most cost-effective. The cost is estimated at \$15,000.00; funding would come from the park dedication fund.

It was moved by Councilmember Johnson and seconded by Councilmember Nowaczek to authorize the city administrator to enter into a contract for the addition of curbing along the south access road at Lakeside Park, east of the Public Works building, subject to approval by the city attorney for contracting/bidding requirements, for a cost not to exceed \$20,000.00. Motion carried.

#### **COUNCIL ITEMS/ANNOUNCEMENTS**

Councilmember Carlson reminded Councilmembers to RSVP to the Croixdale grand opening celebration on Sunday, October 9, 2005.

#### **ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS**

#### **ADJOURN**

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to adjourn the meeting at 8:48 p.m. Motion carried.