

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 7, 2005
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of February 7, 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 Schneider, Councilmembers Carlson, Johnson, and Nowaczek

Members Absent: Councilmember Ridgway

Others Present: Administrator McGuire, Administrative Assistant/Planner Dietsche, Attorney Domagala, Public Works Supervisor Horak, and Engineer Peters

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced \$30.00 recycling awards for the month of January were given to Jeremy Payne, Audrey Kelly, and James Pilz.

OPEN FORUM

Administrator McGuire noted a request from People's Congregational Church to hold a broomball tournament on February 20, 2005, from 6-8 p.m. at the municipal hockey rink. The City Council directed staff to authorize this request.

CONSENT AGENDA

Mayor Schneider read the list of items on the consent agenda. Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-05

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1- 5 FROM THE FEBRUARY 7, 2005 CITY
COUNCIL AGENDA**

1. January 18, 2005 City Council regular meeting minutes
2. January payables and receipts lists
3. January building, plumbing and mechanical permits
4. Replacement of full-time police officer
5. Replacement of part-time police officers

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

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

Mayor Schneider administered the oath of office to new police officers Laura Eastman, John Weber, and David Wynia.

PUBLIC HEARINGS - None

COUNCIL LIAISON REPORTS

Councilmember Nowaczek reviewed the Bayport Public Library Board's meeting of January 27, 2005. Board member Jack Young was recognized for his two years of service to the library board, noting he has submitted his resignation. The next meeting is scheduled for Thursday, February 24, 2005 at 6:30 p.m.

Councilmember Carlson reported that the Middle St. Croix Watershed Management Organization (MSCWMO) has not met since the last City Council meeting.

Councilmember Johnson had no report on behalf of the Lower St. Croix Partnership.

UNFINISHED BUSINESS

Consider authorizing a feasibility study to expand sanitary sewer/water to the south portion of Bayport: The City Council considered two proposals to complete a feasibility study for expanding sewer and water to the southern portion of the city. SEH proposed a not-to-exceed fee of \$23,000.00 to complete the study, and BDM proposed an estimated fee of \$9,700.00, with a not-to-exceed fee of \$11,000.00.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to award the contract for a feasibility study for the South Minnesota Street Improvement Project to BDM Consulting Engineers at a not-to-exceed fee of \$11,000.00. Motion carried.

NEW BUSINESS

Discuss proposed Baytown Township residential development: Administrator McGuire reviewed the City of Bayport's issues with a proposed development in Baytown Township, adjacent to Bayport's proposed Inspiration development. Discussion followed on Bayport's lack of opportunity to comment to the Metropolitan Council on the proposal and the need for an Environmental Assessment Worksheet (EAW) as part of the approval process. Administrator McGuire will set up a meeting with city staff, City Council liaison Nowaczek and Baytown Township representatives to discuss regional coordination of the Baytown proposed development. A report will be given at the March City Council meeting.

Consider accepting a resignation and making an appointment to the Library Board: Jack Young has resigned from the Bayport Public Library Board and Dr. Carroll "Hap" Jenson has submitted an application to serve on the board. Beth Hogberg was recognized as the new chairperson for the board.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to appoint Dr. Carroll Jenson to the Bayport Public Library Board to fill the term of Jack Young, ending on December 31, 2007. Motion carried.

Consider a variance to allow expansion of a non-conforming structure with a rear addition to the existing house located at 260 – 4th Street South, with a variance from the side yard setback requirement: Administrative Assistant/Planner Dietsche reviewed the variance request, noting the Planning Commission recommended approval of the variance request at its January 18, 2005 meeting. Staff recommended approval in accordance with suggested findings of fact and conditions of approval as stated in the staff report. Discussion followed on administratively approving minor variance requests.

It was moved by Councilmember Johnson to adopt the following resolution:

Resolution 05-06

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING JIM SWANSON/EVAN AND JENNIFER SARGENT VARIANCE APPLICATION TO EXPAND A NON-CONFORMING STRUCTURE WITH A REAR ADDITION AND A VARIANCE FROM THE NORTH SIDE YARD SETBACK FOR THE ADDITION

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

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

Consider adopting a gas fume odor ordinance: In response to numerous calls and complaints regarding gas vapors emanating from the Oasis Market, Attorney Domagala reviewed a proposed ordinance that would require Stage I vapor recovery systems for all new gasoline storage tanks at fillings station, as well as the conversion to this system for existing tanks by January 1, 2006.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance 771

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING CHAPTER 26 OF THE CITY CODE REGARDING “ENVIRONMENTAL NUISANCES” BY REQUIRING VAPOR RECOVERY SYSTEMS FOR FILLING STATIONS AND BULK OIL PLANTS

The motion for adopting the foregoing ordinance 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

Consider an increase in industrial water and sewer utility rates: Administrator McGuire explained the city is proposing an increase in industrial utility rates to help defray the cost of anticipated repairs to the aging utility system, as well as possible corrective action to address the TCE issue in the city’s water. After researching other local municipal rates, staff is recommending an increase in industrial rates as stated in the staff report, with residential rates remaining the same. The proposed changes would be effective in the second quarter 2005 billing period.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-07

RESOLUTION OF THE BAYPORT CITY COUNCIL AMENDING WATER AND SEWER RATES FOR INDUSTRIAL USES

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

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

Consider results of water study: SEH representatives Barry Peters and Craig Kurtz summarized the findings and recommendations of the Bayport Ground Water Study, noting SEH worked collaboratively with the Minnesota Department of Health (MDH) on this study. The study was commissioned because of potential new homes associated with the proposed Inspiration development, as well as to gather new data, interpret the local groundwater conditions, and provide recommendations to the city on how to proceed with altering and/or enhancing the city's public water supply system in response to the trichloroethylene (TCE) contamination detected in well #2. Discussion followed on the Minnesota Correctional Facility (MCF) multi-aquifer well, benefits of adding a new well near well #2, and radium and TCE treatment/blending options. Chad Kolstad, MDH, indicated a November 2004 sampling of the MCF well indicated a radium concentration just below the maximum allowable level for drinking water. The city will continue to pursue its discussions with the MCF regarding well usage and MCF water study, reinforcing the timeliness of these discussions to prison representatives.

It was moved by Councilmember Johnson and seconded by Councilmember Nowaczek to accept the Bayport Ground Water Study report; direct city staff/engineers to send copies of the report to the Minnesota Department of Health, Minnesota Department of Natural Resources (DNR), Minnesota Pollution Control Agency, and other interested agencies; and to take the necessary steps to begin discussions with these agencies. Mayor Schneider questioned the effect the proposed Baytown residential development would have on our water source options. Discussion followed on community water supplies for large developments. Motion carried.

It was moved by Councilmember Nowaczek and seconded by Mayor Schneider to direct staff to begin negotiations with the Minnesota DNR to determine whether the City of Bayport will be allowed to utilize the Mount Simon aquifer for its public water supplies. Motion carried.

COMMUNICATIONS/REQUESTS

1. State Representative Mike Charron provided an update on the MCF stormwater project and MCF segregation unit expansion project.
2. Consider funding a monitoring system in conjunction with the Middle St. Croix Watershed Management Organization (MSCWMO), as well as creating a special taxing district for the management organization: Dave Beudet, Chair of the MSCWMO, addressed the City Council on funding a monitoring device and a proposal to directly levy taxes on properties in the MSCWMO district, rather than from each community's general fund.

MSCWMO is requesting that the City of Bayport split the \$4,000.00 installation cost for the monitoring device with the City of Oak Park Heights and Baytown Township. Mr. Beudet will bring back cost estimates and a formal request for this funding to the March City Council meeting.

Mr. Beudet reviewed a proposed resolution to create a special taxing district for the MSCWMO to allow for direct levying of taxes for yearly MSCWMO budget costs. Discussion followed on the pros and cons of separating the taxing authority for the WMO, new Board of Water and Soil Resources regulations, and MSCWMO projects.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adopt the draft resolution encouraging the Minnesota State Legislature to create a special taxing district for the Middle St. Croix Water Management Organization. Upon roll call being taken, the following voted via voice:

Rick Schneider – nay
Dan Johnson – aye

Connie Carlson – aye
Jon Nowaczek – nay

Motion failed.

3. Dave Ness, Jr., 232 North 4th Street, addressed the City Council regarding the city's noise ordinance and drinking water issues.

4. Becky Johnson, 9th Street, expressed concern with the city's snowplowing system.

COUNCIL ITEMS/ANNOUNCEMENTS - None

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS - None

ADJOURN

It was moved by Councilmember Nowaczek and seconded by Councilmember Johnson to adjourn the meeting at 8:36 p.m. Motion carried.