

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

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of March 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, Nowaczek, and Ridgway

Members Absent: None

Others Present: Administrator McGuire, Administrative Assistant/Planner Dietsche, Attorney Domagala, Engineer Peters, and Attorney Vierling

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced \$30.00 recycling awards for the month of February were given to Mark Radke, Dan Speich, and Peter Moody.

OPEN FORUM

Louis Jambois, Executive Director of the Association of Metropolitan Municipalities (AMM), explained the purpose of AMM as a lobbying and advocacy organization on behalf of local communities. He stated that transportation funding, the Legacy Water Bill, and eminent domain are key focuses of AMM.

CONSENT AGENDA

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

Resolution 05-08

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1- 6 FROM THE MARCH 7, 2005 CITY
COUNCIL AGENDA**

1. February 7, 2005 City Council regular meeting minutes
2. February payables and receipts lists
3. February building, plumbing and mechanical permits
4. Authorize final partial pay estimate to Arcon Construction for Lake Street Utility and Street Improvement Project
5. Accept donation from Carl Schneider, DDS, for Village Green U.S. flag replacement
6. Accept donation from Christine Utecht for park bench

The motion for adopting the foregoing resolution was duly seconded by Councilmember Ridgway 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 the Cable Commission met on February 16, 2005, which included the annual meeting and election of officers. She updated the City Council on a rate increase complaint and new nonlinear editing equipment. The next meeting is scheduled for April 20, 2005, 7:00 p.m., at the Valley Ridge Plaza.

Councilmember Nowaczek reviewed the Bayport Public Library Board's meeting of February 24, 2005. He updated the City Council on the Bayport Library Foundation's artist residency program at Andersen Elementary, book bag donation, and Pearl Fisher estate donation. The next meeting is scheduled for Thursday, March 24, 2005 at 6:30 p.m.

Councilmember Carlson reported that discussion at the last meeting of the Middle St. Croix Watershed Management Organization (MSCWMO) focused on a monitoring system and taxing distribution. The next meeting is scheduled for Thursday, March 10, 2005, 7:00 p.m.

Councilmember Johnson reported the Lower St. Croix Partnership meets on the third Wednesday of the month at 7:00 p.m. at the Hudson Government Center. The next meeting will be held on March 16, 2005. Citizen issues/concerns should be forwarded to Councilmember Johnson or alternate Chris Hayner.

Councilmember Johnson stated he has been appointed City Council liaison to the Citizen's Advisory Committee for Andersen Corporation's XL Project, a project relating to self-regulation of environmental controls. He indicated there is a seat open on the committee for a Bayport resident.

Mayor Schneider reported that recently he and city staff had the opportunity to tour the new Croixdale Residence and was impressed by this addition to the City of Bayport.

UNFINISHED BUSINESS

Consider funding a monitoring system in conjunction with the Middle St. Croix Watershed Management Organization (MSCWMO): Dave Beaudet, Chair of the MSCWMO, provided additional information on the capital expenditure for a sediment and nutrient monitoring program for Perro Creek. The MSCWMO requested that Oak Park Heights, Bayport, and Baytown Township split the cost of the monitor, based on the sub watershed fair-share formula. Bayport's share would be \$1,172.00.

It was moved by Councilmember Nowaczek and seconded by Councilmember Johnson to approve the expenditure of \$1,172.00 towards the purchase of the monitoring equipment. Motion carried.

Discuss reconsideration of supporting a special taxing district for the Middle St. Croix Watershed Management Organization (MSCWMO):

It was moved by Councilmember Nowaczek and seconded by Mayor Schneider to reconsider City Council support of a special taxing district for the MSCWMO. Motion carried.

Discussion followed on retaining local control of these monies, the joint powers agreement, status of legislation to support the proposed resolution, and the pros and cons of directly levying taxes for MSCWMO budget costs.

It was moved by Councilmember Nowaczek and seconded by Mayor Schneider to adopt a resolution supporting a levy authority for the Middle St. Croix Watershed Management Organization, contingent upon the legislature mandating that the board of the MSCWMO be popularly elected. Discussion followed on the pros and cons of popularly electing the board.

Upon roll call being taken, the following voted via voice:

Rick Schneider – nay	Connie Carlson – nay
Dan Johnson – nay	Jon Nowaczek – aye
Sharon Ridgway – nay	

Motion failed.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-09

A RESOLUTION ENCOURAGING THE MINNESOTA STATE LEGISLATURE TO CREATE A SPECIAL TAXING DISTRICT FOR THE MIDDLE ST. CROIX WATER MANAGEMENT ORGANIZATION

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

Rick Schneider – aye	Connie Carlson – aye
Dan Johnson – aye	Jon Nowaczek – nay
Sharon Ridgway – aye	

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-10

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ENCOURAGING THE MINNESOTA STATE LEGISLATURE TO POPULARLY ELECT THE BOARD OF THE MIDDLE ST. CROIX WATER MANAGEMENT ORGANIZATION

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 – nay
Dan Johnson – aye	Jon Nowaczek – aye
Sharon Ridgway – nay	

NEW BUSINESS

Consider a citywide cleanup day for Bayport residents: Administrator McGuire reported city staff is working with BFI Waste Disposal Company to provide a cleanup day for Bayport residents in June, with an estimated cost to the city of \$6,000.00.

It was moved by Councilmember Carlson and seconded by Mayor Schneider to proceed with a proposed citywide cleanup day on Saturday, June 11, 2005. Motion carried.

Consider a minor subdivision to create two separate parcels at 370 3rd Street South, together with a variance from the side yard setback requirement for the existing house on the property:

Administrative Assistant/Planner Dietsche reviewed the request for a minor subdivision at 370

3rd Street South that would create two new lots, 75 feet x 140 feet, and would conform to zoning ordinance requirements. As a result of the proposed minor subdivision, the existing home would be set back approximately 7.5 feet from the new north side lot line. Therefore, a variance of 2.5 feet from the north side yard lot line is being requested for the existing home. The Planning Commission recommended approval of the minor subdivision and variance at its February 22, 2005 meeting. Some concern was expressed at the public hearing regarding grading and drainage issues. Staff recommended approval in accordance with the suggested findings of fact and conditions of approval as stated in the staff report. Discussion followed on surrounding lot sizes and future development plans.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-11

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING MARK AND WILLIAM SCHULTZ MINOR SUBDIVISION AND
VARIANCE APPLICATION FOR 370 3RD STREET SOUTH**

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:

Rick Schneider - aye	Sharon Ridgway - aye
Jon Nowaczek - aye	Connie Carlson - aye
Dan Johnson - aye	

Consider a financial contribution to support a project coordinator for the St. Croix Area Community Family Center project: Administrator McGuire reviewed the background on the development of a St. Croix Valley Community Family Center and the request for an expenditure of \$2,000.00 to aid in the support of a project coordinator. Discussion followed on Baytown Township and West Lakeland Township participating financially in the development of this project and the possibility of future fund requests. The City Council's comments regarding involvement of all surrounding communities in this project will be relayed to the partners of the St. Croix Valley Area Community Family Center.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-12

**A RESOLUTION BY THE PARTNERS OF THE ST. CROIX VALLEY AREA
COMMUNITY FAMILY CENTER SUPPORTING A FINANCIAL CONTRUBUTION
FOR THE POSITION OF A PROJECT COORDINATOR**

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
Sharon Ridgway – aye	

Consider appointment of a representative to a Citizen's Advisory Committee for the Middle St. Croix River Watershed Management Organization: The City of Bayport is seeking residents interested in volunteering for this advisory committee that will meet one to two times per year, with the first meeting this summer. William McManus and Ron VanZee were suggested. City staff will solicit volunteers for this position, as well as for the Andersen Corporation XL Project position, and bring back an appointment recommendations at a future meeting.

COUNCIL ITEMS/ANNOUNCEMENTS – None

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. Update on proposed Baytown Township residential development: Mayor Schneider, Councilmember Nowaczek, and city staff met with Baytown Township representatives on February 14, 2005, to discuss their proposed development. At a subsequent meeting with city staff, Engineer Peters, and the developers, various options were discussed, including extending municipal sewer and water into the area. Further information will be available at the next meeting.
2. Update on city water: Administrator McGuire reviewed a packet of materials that detailed the discussions and action taken regarding the city's drinking water since the contaminant trichloroethylene (TCE) was found in well #2 in May 2003. Charlsie Surface, GE Water Technologies, provided information on carbon filtering and other options. A previous study by Terracon indicated the most effective treatment, a carbon filter plant, would cost \$1,000,000.00, with annual upkeep costs of approximately \$100,000.00. Discussion followed on pursuing a long-term or short-term solution to the TCE issue.

Administrator McGuire will report back at the next meeting regarding Minnesota Pollution Control Agency (MPCA) funding for a carbon filter plant, as well as a timeline for implementing a long-term solution. Councilmember Nowaczek indicated the desire for a special meeting to finalize a solution for the well #2 contamination. City staff will coordinate a special meeting if pertinent information is received from the MPCA in a timely manner. Mayor Schneider reiterated that the city's water is safe to drink; however, the City Council is pursuing a solution to remove the contaminant from the city's water supply as quickly as possible.

Bill McManus, 516 South 4th Street, thanked the City Council for taking the TCE situation seriously and encouraged a comprehensive, long-term solution as there are other potential contamination problems in the surrounding areas.

3. The March 21, 2005 Planning Commission meeting has been rescheduled to Monday, April 4, 2005 at 5:00 p.m.

ADJOURN

It was moved by Councilmember Johnson and seconded by Councilmember Ridgway to adjourn the meeting at 8:04 p.m. Motion carried.