

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JULY 11, 2005
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of July 11, 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 June were given to Kermit Brown, Pete Clements, and Robert Weiss, Jr.

OPEN FORUM

1. Councilmember Johnson, 3 Point Road, reviewed the scheduled events for Bayport Derby Days to be held September 16 and 17, 2005, and noted a need for volunteers.
2. Mayor Schneider announced the Bayport Women's Open would be held August 5, 2005, at the Stillwater Country Club.

CONSENT AGENDA

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

Resolution 05-17

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1- 11 FROM THE JULY 11, 2005 CITY
COUNCIL AGENDA**

1. June 6, 2005 City Council regular meeting minutes
2. June payables and receipts lists
3. June building, plumbing and mechanical permits
4. Bethlehem Lutheran Church Fall Fest
5. DNR Waters Agreement for Monitoring Point – Well #1
6. Accept donation from Jack and Adelle Young
7. Temporary directional sign policy
8. Accept Paul Vogel's resignation from Planning Commission and advertise vacancy
9. Release escrow to Acron Construction from Lake Street Utility and Street Improvement Project
10. Demolition of south utility building located at Village Green Park
11. Wellhead Protection Plan

Paul Vogel was recognized for his service to the Planning Commission, and Jack and Adelle Young were thanked for their donation.

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
Sharon Ridgway – aye

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission met on June 15, 2005. Dave Nyberg, cable company representative, has left the company and may not be replaced. The revised budget was approved. The next meeting will be held August 17, 2005, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Carlson (alternate) reviewed the Bayport Public Library Board meeting of June 23, 2005. She reported half of the funds donated by the Pearl Fischer estate have been used for the purchase of outdoor furniture and new Bayport Library patron cards. Other items discussed were the 2006 budget and a donation request to the Andersen Foundation. The next meeting is scheduled for July 28, 2005, 6:30 p.m., at the library.

Councilmember Carlson reported the Middle St. Croix Watershed Management Organization (MSCWMO) met on June 9, 2005. Items discussed were an algae problem in Lake McCusick, Baytown Township and Oak Park Heights approval for additional monies for the Perro Creek water monitoring system, and recertification of a fiscal agent for the bonding bill that is in limbo until the 2006 session. Bayport will be certified as the bonding bill's fiscal agent. The next meeting is scheduled for July 14, 2005, 6:30 p.m., at Valley Ridge Mall.

Councilmember Johnson attended a meeting of the Citizen's Advisory Committee for the Andersen Project XL. Two citizens have applied to serve on the committee, in addition to City Council representation. He encouraged residents to contact Andersen Corporation directly regarding offensive odors.

UNFINISHED BUSINESS

Consider feasibility study to expand sanitary sewer/water to south portion of Bayport:

Administrator McGuire reviewed the next steps in expanding sewer and water to the southern portion of Bayport.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to accept the *Feasibility Study for Utility and Street and/or Right-of-Way Reconstruction of South Minnesota Street*, prepared by BDM Consulting Engineers, and direct staff to schedule another neighborhood meeting. Motion carried.

NEW BUSINESS

Accept anonymous cash donation: Administrator McGuire noted there is no restriction on the use of this \$1,000.00 donation and suggested several options. Councilmembers voiced their appreciation for this gift.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to accept the \$1,000.00 anonymous cash donation. Motion carried.

Consider a request to expand the playground area and fence at Andersen Elementary to encroach onto city property, and a variance for the height of the fence: Administrative Assistant/Planner Dietsche reviewed the Stillwater Area School District's request to expand the playground area at Andersen Elementary School by approximately 3,000 square feet, and a variance to allow an extension of the fence to exceed 4 feet in height to enclose the new space. The city is anticipating the demolition of a utility building next to Andersen Elementary, and the proposed expansion would be planned in this area, on city property. The City of Bayport approved a similar request in 1996 to allow the existing playground to encroach onto public property, as well as a variance for the existing fence height in 2000. The Planning Commission recommended approval on June 20, 2005, with the conditions as stated in the staff report, as well as the supplementary condition that extra landscaping be installed along the west side of the playground to serve as a buffer for surrounding residential properties.

Discussion followed on potential development restrictions within the deed for Village Green Park, public use of the playground, and the landscaping buffer on the west side.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-18

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING ANDERSEN ELEMENTARY SCHOOL PLAYGROUND AND FENCE
EXPANSION ONTO CITY PROPERTY AND VARIANCE APPLICATION FOR
309 4TH STREET NORTH**

The motion was amended by Councilmember Johnson to state it is subject to the city attorney confirming the action does not contravene any restrictions of the original deed. The motion for adopting the foregoing resolution was duly seconded by Councilmember Ridgway. 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 concept plan for Inspiration sales/nature center: Mike Waldo, Contractor Property Developers Company (CPDC), explained the plan for a temporary sales center/nature education center as previously approved in section 3.2.b of the conservation easement. He answered questions relative to CPDC's future intent for the building, its location in the development, potential future cost to the city, building size and architectural plans, parking lot surface, open space considerations, and protecting the burial mounds.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the proposed sales/nature education center office according to the submitted plans per section 3.2.b of the conservation easement, with construction at the expense of the developer, and that at such time the developer tenders ownership to the city pursuant to section 3.2.b of the conservation easement, the developer will either bear the expense to remove the structure, or for city ownership. Motion carried.

Consider amendment to personnel policy: Administrator McGuire reviewed the amendment and recommended approval.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance No. 774

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, AMENDING CHAPTER 2, ARTICLE 8, PERSONNEL POLICY, OF THE
BAYPORT CITY CODE**

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

Rick Schneider – aye

Jon Nowaczek – aye

Connie Carlson – aye

Sharon Ridgway – aye

Dan Johnson – aye

Consider pedestrian crosswalk flags for Highway 95: Administrator McGuire and Public Works Supervisor Horak reviewed options the city has explored to improve pedestrian safety on Highway 95, specifically the use of pedestrian crosswalk flags. City staff recommended approval of up to \$1,000.00 to implement a crosswalk flag program at various Highway 95 crossings.

It was moved by Councilmember Ridgway and seconded by Councilmember Carlson to approve the expenditure of up to \$1,000.00 for a pedestrian crosswalk flag program on Highway 95. Motion carried.

Consider plans for the paving of Lakeside Park parking lot by Andersen Corporation:

Administrator McGuire reviewed the background and action to date of the Andersen Corporation request to lease the northwest parking area of Lakeside Park for a period of 10 years. The lease payment of \$15,000.00 per year would assist with upkeep of the lot. The current plan is smaller than originally requested, 127 versus 156 parking stalls. Bill Moore, Andersen Corporation, addressed the City Council's previous concerns regarding incorporating a rain garden and pervious surfaces and answered questions regarding the current design plan. Discussion followed on boat trailer parking, pervious versus impervious surfaces, lighting options, and parking availability for park users.

It was moved by Councilmember Johnson and seconded by Councilmember Nowaczek to continue this agenda item to the next meeting. Public Works Supervisor Horak spoke to the increased maintenance issues associated with a pervious surface, and discussion followed on the surface to be used.

Councilmember Johnson amended his motion to approve the Lakeside Park Parking Project with the traditional bituminous surface with concrete curbs for 127 stalls, paving of the south drive and a rain garden, a lighting plan to be agreed upon by the city, and authorize the city staff to enter into an agreement with Andersen Corporation for maintenance and usage of the parking lot. Councilmember Nowaczek withdrew his second of the original motion. Councilmember Ridgway seconded the amended motion. Motion carried.

COUNCIL ITEMS/ANNOUNCEMENTS – None

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. Update on citywide clean-up day: The clean-up day was well received and will cost the city approximately \$6,000.00.
2. Update on water system: Official monitoring results for TCE in the city's water system have not been received, however Chad Kolstad of the Minnesota Department of Health verbally informed the city that preliminary results at well #2 remained the same and went down substantially at Andersen Elementary School.

ADJOURN

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to adjourn the meeting at 7:53 p.m. Motion carried.