

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

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of September 6, 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, Engineer Barry Peters, and Finance Officer Tom Westling

Mayor Schneider offered sympathies on behalf of the city to the two Bayport families who recently lost a young family member.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. Mayor Schneider announced \$30.00 recycling awards for the month of August were given to Warren and Pat Bovee, Doug and Barb Trenda, and Stacy and Penny Nelson.

**OPEN FORUM**

1. Jon Reich, Derby Days committee member, requested use of city property at Barker's Alps or Lakeside Park to hold a garden tractor pull, in conjunction with Derby Days, on Saturday, September 17, 2005. Councilmembers were concerned whether the event had the endorsement of the Derby Days committee and directed Mr. Reich to report back to the City Council later in the meeting after discussing the City Council's concerns with the Derby Days committee.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to add this agenda topic to the end of New Business. Motion carried.

2. Jack Broughton, Director of Marketing and Environmental Policy for Contractor Property Developers Company (CPDC), reviewed a series of free, family-friendly weekend events to be held at Inspiration during September and October. Residents were encouraged to continue using the trails and natural areas in the development.

**CONSENT AGENDA**

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

**Resolution 05-21**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE SEPTEMBER 6, 2005 CITY  
COUNCIL AGENDA**

1. August City Council regular meeting minutes
2. August payables and receipts lists
3. August building, plumbing and mechanical permits
4. Appoint election judges for the 2005 primary and general election
5. Plat correction for Inspiration street names and distance along Lot 1, Block 4
6. Central St. Croix Valley Cable Commission annual budget
7. Police Department grant agreement for *Safe & Sober Communities* project
8. Inspiration Nature Education Center events calendar
9. Refund landscape escrow for Twin Homes of Bayport, Second Addition

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	Jon Nowaczek – aye
Connie Carlson – aye	Sharon Ridgway – aye
Dan Johnson – aye	

Councilmember Ridgway introduced the following resolutions from items 10-12 of the consent agenda and moved their adoption:

**Resolution 05-22**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AUTHORIZING THE TRANSFER OF \$106,000.00 FROM THE GENERAL FUND, TO THE REFUNDING BONDS OF 2001 DEBT SERVICE FUND**

**Resolution 05-23**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AUTHORIZING THE TRANSFER OF \$27,545.00 FROM THE TAX INCREMENT FINANCING DISTRICT #2, TO THE TAX INCREMENT FINANCING DISTRICT #1**

**Resolution 05-24**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, CLOSING THE MUNICIPAL BUILDING BOND FUND AND TRANSFERRING RESIDUAL ASSETS OF \$3,576.04 TO THE GENERAL FUND**

The motion for adopting the foregoing resolutions was duly seconded by Councilmember Carlson 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	

**PUBLIC HEARINGS** – None

**COUNCIL LIAISON REPORTS** - None

**UNFINISHED BUSINESS**

Consider joint powers agreements to extend municipal water to Baytown Township:  
 Administrator McGuire provided an update on discussions since the last meeting and recommended approval of the two agreements. Attorney Domagala reviewed Baytown Township’s ownership concerns regarding equipment and maintenance issues. The water service would become the joint property of Baytown and Bayport; however, Bayport would have the exclusive rights for repair and maintenance of the system.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to authorize the mayor and city administrator to execute a joint powers agreement with Baytown Township to extend municipal water to Baytown Township. Attorney Domagala noted Baytown Township officials were meeting tonight to consider the agreement and had not yet approved it. Councilmember Nowaczek amended his motion to indicate the motion was contingent upon Baytown Township's approval of the joint powers agreement as written. Councilmember Carlson seconded the amended motion. Motion carried.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to authorize the mayor and city administrator to enter into an agreement with MBM Developers, LLC; Contractor Property Developers Company; DCCI Investments, LLC; and Jon Wesley Investments, Inc., contingent upon Baytown Township's approval of the joint powers agreement referenced above. Motion carried.

Consider approving plans and specifications and authorize bids for a ground storage reservoir in Baytown Township: Engineer Peters reported that the plans and specifications for a 300,000 gallon ground storage reservoir, to be located in Baytown Township, have been completed. The City Council was requested to approve the plans and specifications and to authorize advertisement for bids. If approved, the bid award would be considered at the October City Council meeting. It is projected to have the reservoir in place by mid-May 2006.

It was moved by Councilmember Johnson to approve the plans and specifications and authorize advertisement for bids for the 300,000 gallon ground storage reservoir project. Attorney Domagala recommended making Bayport's motion contingent upon approval by Baytown Township. Councilmember Johnson amended his motion to indicate the motion was contingent upon Baytown Township approval of the project. Councilmember Carlson seconded the motion. Motion carried.

Consider approving plans and specifications and authorize bids for a water booster station: Engineer Peters reviewed plans for a water booster station to serve the Inspiration and Baytown Township developments. The City Council was requested to approve the plans and specifications and to authorize advertisement for bids, contingent upon Baytown Township approval. If approved, the bid award would be considered at the October City Council meeting.

It was moved by Councilmember Carlson and seconded by Councilmember Nowaczek to approve the plans and specifications and authorize bids for a water booster station, contingent upon Baytown Township approval. Motion carried.

Discuss extension of municipal water and sewer to the south portion of Bayport: Administrator McGuire recommended that a public hearing be held on October 3, 2005, for the South Minnesota Street portion of the project and that the St. Croix Bluff (Osprey Boulevard) area be excluded, based on a petition submitted by the homeowners in the area.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to hold a public hearing on Monday, October 3, 2005, at the regular City Council meeting, to discuss the extension of water and sewer service to the south portion of Bayport, excluding the St. Croix Bluff addition. Motion carried.

Discuss pedestrian safety program and authorization to purchase additional equipment:  
Administrator McGuire stated the city has received favorable feedback on the program instituted August 1, 2005, with requests to expand the program. Councilmembers indicated they have also received positive feedback and would like the flag program to continue beyond the end of the Stillwater bridge project, which increased traffic through Bayport.

It was moved by Councilmember Ridgway and seconded by Councilmember Carlson to designate the \$1,000.00 anonymous donation to fund the initial startup costs of the pedestrian safety program and to continue the safety program. Motion carried.

## **NEW BUSINESS**

Discuss and consider adoption of the 2006 preliminary budget, capital improvement projects (CIP), and tax levy: Administrator McGuire reviewed the process and detail of the 2006 budget, including capital improvement projects and tax levy. A 10% Bayport levy decrease is proposed. A full-time building official will be included in the 2006 budget.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

### **Resolution 05-25**

#### **RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING THE PRELIMINARY CITY BUDGET FOR 2006**

The motion for adopting the foregoing resolutions 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

Councilmember Nowaczek introduced the following resolution and moved its adoption:

### **Resolution 05-26**

#### **RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR THE CITY'S GENERAL, DEBT SERVICE AND LIBRARY SPECIAL FUND AT \$930,391.00**

The motion for adopting the foregoing resolutions 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

Councilmember Nowaczek introduced the following resolution and moved its adoption:

### **Resolution 05-27**

#### **RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING THE PRELIMINARY CAPITAL IMPROVEMENT PLAN FOR 2006 THROUGH 2010**

The motion for adopting the foregoing resolutions 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

Garden tractor pull for Derby Days: Discussion resumed regarding a garden tractor pull being held at a city park. Mr. Reich was unable to return to the meeting to discuss the matter further. Councilmembers discussed the pros and cons of the issue and agreed that the event may not be in the best interests of the city because of potential damage to city parks.

Dan Ridgway, 337 North 5<sup>th</sup> Street, suggested the prison farm site across from Barker's Alps as an option for the event. It was recommended that if the Derby Days committee supported the event, they should pursue having the tractor pull at the prison farm site.

### **COUNCIL ITEMS/ANNOUNCEMENTS**

1. Cable Commission Support: Discussion occurred on federal anti-cable franchising legislation. City Council liaison Ridgway encouraged the City Council to support our local cable commission. Administrator McGuire stated he would draft a letter in support of a strong local cable commission.
2. Hurricane Katrina support: Mayor Schneider encouraged Bayport residents to support the hurricane relief efforts.

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

1. Update on water system and latest test results: The latest test results for well #2 were over the maximum contaminant level of 5.0 parts per billion set by the Minnesota Pollution Control Agency (MPCA). The MPCA estimates the bid documents for an air-stripping water treatment system for well #2 would be ready by May 2006. This timeframe is much longer than city staff anticipated, based on previous discussions with the MPCA.

### **ADJOURN**

It was moved by Councilmember Ridgway and seconded by Councilmember Johnson to adjourn the meeting at 8:07 p.m. Motion carried.