

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
FEBRUARY 2, 2004
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of February 2, 2004, to order at 7:04 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 Kamps, Johnson, Nowaczek, and Ridgway.

Members absent: None.

Others present: Administrator McGuire, Attorney Kelley, Engineer Peters, Fire Chief Bell and Administrative Assistant/Planner Dietsche.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced the recycling participants for the month of January.

OPEN FORUM

Dave Corbo, Acting Warden at Stillwater Prison, discussed a presentation given to the governor on a bonding initiative for a 150-bed segregation unit. The cost estimate is \$19 Million. Councilmember Johnson moved, Councilmember Nowaczek seconded, to communicate with the governor, and any other governmental units, Bayport City Council's support for the new 150-bed segregation unit at the Stillwater Facility. Motion carried.

Mayor Schneider stated that there is a new proposal meeting with CPDC, the developer of Bayport West on February 9, 2004 at 5:30 p.m. at the Bayport Library. Also, Mayor Schneider commented on the TCE in our water supply and discussed the new sample that had come in, which was less than the sample that was taken three months ago. He stated the city would keep a close watch on this.

CONSENT AGENDA

Mayor Schneider read the list of items on the consent agenda. Administrator McGuire explained the H.R. Green Contract agenda item. Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 04-04

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #04-04 APPROVING CONSENT AGENDA ITEMS A THROUGH K
FROM THE FEBRUARY 2, 2004 COUNCIL AGENDA.

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

Bob Kamps – aye
Dan Johnson – aye
Rick Schneider - aye

Jon Nowaczek – aye
Sharon Ridgway – aye

COMMUNICATIONS/REQUESTS - None

PUBLIC HEARINGS - None

COUNCIL LIAISON REPORTS

Councilmember Ridgway stated that the next scheduled meeting for the Cable Commission is February 18, 2004 at 7:00 p.m. at Valley Ridge. She also stated that the cable studio is making modular updates at the churches so they can get a clear signal.

Councilmember Nowaczek stated that the Library Board met on Thursday, January 29, 2004. The final circulation statistics for 2003 have been compiled and confirm record year. The circulation is 77,918, which is 3 % higher than last year, and close to the circulation of some of the larger Washington County Branches, such as Oakdale, which is in the 80,000 range. The Library Board is going to apply for a grant, which is available from U.S. Department of Housing and Urban Development, to improve handicap access to the front and the back of the Library.

Councilmember Kamps commented that the St. Croix Watershed reviewed plans for two developments, one in West Lakeland Township and Oak Park Heights at the last meeting. Also, they have been looking for a new attorney for the organization, due to a possible conflict of interest.

Councilmember Johnson stated that there was a meeting of the Lower St. Croix Partnership on January 21, 2004. They will start meeting the third Wednesday, every other month. The time at the last meeting was spent on the protocol of non-governmental groups and votes with the Lower St. Croix Partnership. The Lower St. Croix Partnership advises the Lower St. Croix Management Commission. All meetings are open to the public. All future meetings will be at the Hudson Government Center.

CITY CONSULTANT REPORTS

Attorney Kelley stated at the last city council meeting, Engineer Peters presented SEH's report that the water tank had problems with the coating and rusting and the council had requested that his office take a look at the original contracts to see if the city had any potential claims against the contractor or paint supplier. In reviewing the contract and SEH's report, it is Attorney Kelley's opinion that the city would have difficult time pursuing plans against either party. The city would need to show that that party's conduct was a direct and approximate cause of damage. The report done by SEH was an estimation of the likely cause of the problem, not forming an opinion on what was done properly. At the completion of the project, the city engineer inspected the project and stated that the

work looked fine. There is no warranty or any agreement that would expose the contractor's liability under the present facts. With regards to the paint supplier, Engineer Peters stated that this type of coating was state of the art technology. Attorney Kelley did not see anything in the file that there was any warranty that would extend the life of it to this date, therefore litigation would not be worthwhile. Engineer Peters stated that the level of inspection requested by the city was limited. The dust and material findings on the plates, prior to the primer coat, was not something that you would see on this level of inspection. Attorney Kelley directed the city to pursue informal action with the contractor and paint supplier stating the problems and, what the city thinks is the cause, and see what kind of response is received. Councilmember Johnson moved, Councilmember Kamps seconded to continue this matter at the March meeting. Motion carried.

UNFINISHED BUSINESS

Administrator McGuire discussed the workshop details. Mayor Schneider moved, and Councilmember Ridgway seconded to set Monday, March 1, 2004 at 6:00 p.m., before the regular City Council meeting, for the City Council Workshop. Motion carried.

NEW BUSINESS

Attorney Kelley stated that in the packets there is a draft ordinance for the council's consideration, regarding large and excessive truck noise, in response to citizen complaints. Attorney Kelley explained a noise ordinance in detail. Councilmember Ridgway requested putting up a sign stating, "Vehicle noise laws enforced", instead of passing an ordinance that may be impossible to enforce. Attorney Kelley stated that if MNDOT does give approval for the signs, then the city needs to pass a resolution to put signs up and there does not need to be an ordinance. Attorney Kelley will look into more general and detailed noise ordinances for next month's meeting. Councilmember Nowaczek moved, and Councilmember Ridgway seconded to erect signs which advise individuals that vehicle noise laws are enforced within the City of Bayport. Motion carried. Mayor Schneider directed Administrator McGuire to refer to the state highway department for suggested wording of signs. This will be discussed at the March 2004 meeting.

COMMUNICATIONS/REQUESTS - None

COUNCIL ITEMS/ANNOUNCEMENTS - None

ADMINISTRATOR ITEMS/ANNOUNCEMENTS

Administrator McGuire explained that the interviews for the Planning Commission vacancies will be held February 17, 2004.

ADJOURN

Councilmember Kamps moved, and Councilmember Johnson seconded to adjourn the meeting at 8:42 p.m. Motion carried.