

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
May 5, 2003
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Rick Schneider called the regular City Council meeting of May 5, 2003, to order at 7:00 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 Jon Nowaczek, Sharon Ridgway, Bob Kamps and Dan Johnson.

Members absent: None.

Others present: Acting Administrator Wendi Lindquist, Attorney Jim Lammers, City Engineer Barry Peters, Public Works Supervisor Mel Horak, Police Chief John Gannaway and Mike Darrow of Northwest Associated Consultants (NAC).

PETITIONS/INDIVIDUALS/DELEGATIONS & COMMENDATIONS

None.

OPEN FORUM

CONSENT AGENDA

Mayor Schneider read the list of items A through E on the Consent Agenda.

Councilmember Ridgway introduced the following resolution and moved its adoption as read:

Res. 03-37

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-37 APPROVING CONSENT AGENDA ITEMS A, B, C, D, AND E
FROM THE MAY 5, 2003 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

PUBLIC HEARINGS

COUNCIL LIAISON REPORTS

CITY CONSULTANT REPORTS

1. City Attorney Report – none.
2. City Engineer Report – none.

City Planner Report –

Marsden Pool Variance.

Weiger Septic System Variance. (joined in progress) Mike Darrow reported that the Planning Commission stated a variance was approved right next to where Peter Weiger was proposing to build. A variance was approved for the septic system on 925 Osprey when the previous owner brought his plans to the previous administrator. The plan was to construct a 6,000 to 7,000 square foot 7 bedroom house. During the review it was determined he could not make reasonable use of the lot without a variance of the bluffland ordinance. Council approved the variance and the former administrator sent a formal letter to Molly Shodeen of the DNR requesting that she make a formal response to the City, otherwise they would assume it was approved. There was no response from the DNR, therefore, it was the City's determination that the variance was approved.

Mike Darrow stated that to his knowledge Peter Weiger is looking at modifying his plans and will be submitting new plans to the City.

Dan Johnson inquired if the variance approved was certified by the DNR. Mike Darrow stated that anytime an application is approved it is sent to the DNR and Washington County and they have 30 days to review and provide feedback; in this case none was offered so its assumed there were no issues.

UNFINISHED BUSINESS

Award Sanitary Sewer Televised Inspection. Barry Peters stated that at the last Council meeting the Council authorized to receive quotes for the 5,000 feet of clay pipe as part of the inflow/infiltration problem the City has. Requests for quotes were sent to five contractors who do that type of work in the general area, four quotes were received back. The quotes ranged from \$2,283.75 up to \$2,791.25 – the engineer's estimate was about \$5,000 on that. The low bid was received from Infrastructure Technologies in the amount of \$2,283.75. Barry Peters stated he recommends the Council awards the contract to Infrastructure Technologies in the amount of \$2,283.75.

Mayor Schneider inquired as to why the bid was lower than what Barry Peters had originally estimated. Barry Peters stated that they can do the work at a lower cost than was estimated. Mayor Schneider stated this needs to be done, it has been discussed before.

Dan Johnson moved, seconded by Jon Nowaczek, that the City award the contract for the SE area televising project to Infrastructure Technologies, Inc. in the amount of \$2,283.75 as recommended by the City Engineer. Motion passed unanimously.

Award Bid for Phase II of the State of Minnesota Storm Sewer Project. Barry Peters stated there was a bid opening on April 15 for the Phase II of the Storm Sewer Project up near the prison. Five bids were received on that project – the low bidder on that project and both the two alternates submitted had made a gross error in their estimates and asked that those bids be rejected and that was approved because of the error. The project was set up with an alternate A and alternate B – difference was alternate B was a deeper pipe which allowed Watershed more flexibility if in the future they wanted to go in and clean out, do some excavation in the pond to provide a little more storage.

Barry Peters further stated that the bids received ranged from \$695,753 up to a high of \$753,591 for the alternate A and for the alternate B the bids ranged from \$721,817 up to \$799,717. The City of Bayport has to make the award on this project. The Watershed wants the flexibility to lower the pond if they want to and they recommended the City of Bayport award the project (alternate B), the low bidder was Lametti & Sons at \$721,817. The project costs with low bid, engineering costs, legal, etc. would be just over \$1 million dollars. There will be a bit of a surplus of funds. The Minnesota Correctional Facility has asked that if there is monies left over as the project proceeds they would like to add some storm sewer.

Mayor Schneider asked Barry Peters to explain the financing. Barry Peters stated that the City of Bayport and other cities within Watershed received grant monies from the State of Minnesota to construct some storm sewer improvements. Barry Peters explained Phase I and Phase II of the improvements.

Jon Nowaczek inquired to Bob Kamps as the liaison to the Watershed if the Watershed concurs that plan B is the best approach. Bob Kamps stated that Jeff Davis presented this information at the last Watershed Commission meeting and their recommendation was to go with alternate B so they could go into the deeper water to avoid freezing or sediment problems with the pipes.

Bob Kamps moved, seconded by Sharon Ridgway, to award the contract for the Minnesota State Storm Sewer Project to Lametti & Sons for \$721,817 for alternate B. Motion passed unanimously.

Approve Resolution to Set Public Hearing Date for Lake Street Project Assessments. Wendi Lindquist stated that this is the next step in the project on Lake Street – a date needs to be set for June 2nd for a public hearing for the assessments. The purpose of this meeting would be for the homeowners and residents to voice any concerns they might have regarding the assessments.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-39

CITY OF BAYPORT RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT FOR LAKE STREET PROJECT FOR JUNE 2ND 2003.

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Ridgway 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

Discuss Ron Shelton's Proposal to Purchase Mill Lot 17 on 2nd Avenue from the City. Wendi Lindquist stated that as discussed previously, Ron Shelton wishes to purchase the lot as part of a project he is proposing. The City recently found out that lots 13 through 17 have not been split or subdivided, they are one parcel. The Council received a letter in their packets from H.R. Green asking for review. Mike Darrow pointed out the lot on a map.

Mike Darrow stated the next step would be a registered survey, this would be an administrative subdivision. The property would then need to be appraised to determine its value. These two things need to be completed to move on with the process.

Ron Shelton stated that he would like to purchase the lot for additional parking space. Mike Darrow stated the issue was brought to the Planning Commission in December or January and they approved the concept. Ron Shelton explained changes made to the original plan, showing a map to the Council.

Further discussion between Ron Shelton and Councilmembers regarding the lot.

Approve Resolution adopting and confirming Assessments for the 2002 Sidewalk and Boulevard Improvements in the Amount of \$5,406.72. Wendi Lindquist stated this was basically an administrative issue, the original resolution was approved late in the year 2002. There was a typographical error on the original resolution; the correct amount is \$5,406.72.

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Jon Nowaczek moved, seconded by Bob Kamps, to adopt the amendment to Resolution 02-98 correcting the sidewalk and boulevard improvement assessments to \$5,406.72.

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

NEW BUSINESS

City Administrator Interview Update on Candidates A, B and C. Set Date to Discuss Labor & Wage Proposal at a Closed Meeting. Wendi Lindquist stated that the Council will need to determine which of the candidates they will eliminate. Dan Johnson stated that they requested psychological profiles on the three candidates who were selected, but the background checks are not completed yet.

Chief Gannaway stated that parts of the background checks have been done, but nothing in-depth has been done yet. Dan Johnson inquired as to when a closed session could be heard. Chief Gannaway stated the process takes up to two weeks.

Sharon Ridgway suggested going into a closed session after tonight's meeting to pick the final two candidates. Attorney Jim Lammers stated that it should be done at a public meeting; the Council can go to a closed session to discuss the terms and conditions of employment; the selection can be done by letters as was previously done.

Chief Gannaway stated that some city administrator candidates might not want their police chief delving into their backgrounds considering the private information requested. Chief Gannaway explained the types of background information that can be requested.

Mayor Schneider inquired as to if everyone is comfortable with eliminating one candidate now.

Attorney Jim Lammers suggested the proper approach would be for someone to introduce a motion to nominate two and then open it for discussion, open it for discussion, take a vote, if vote doesn't carry, try it again.

Discussion regarding the three candidates and strengths and weaknesses of each.

Dan Johnson moved, seconded by Jon Nowaczek, to name Candidates B and C as finalists.

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Sharon Ridgway stated she's not happy with the motion; the Mayor stated he isn't happy with it either. Sharon Ridgway suggested doing background checks on all three candidates. Dan Johnson withdrew his motion and requested Chief Gannaway to get as much information as he can from the computer and check their references that the candidates submitted and report back to the Council on those. Based on those results, the Council could get down to a finalist and do a further background check on that person.

The Council requested that Chief Gannaway get that information back by Friday of the current week.

Wendi Lindquist inquired as to the timeline for choosing a finalist. Discussion regarding times for setting a special meeting among Council.

Dan Johnson moved to set a special meeting date for May 14 at 7:00 p.m. Jon Nowaczek seconded the motion. Motion passed unanimously.

Discuss Proposal from Decision Resources – Community Survey and Set Date for 1st Brainstorming Session. Wendi Lindquist stated that she was unsuccessful in obtaining a proposal from Decision Resources after two phone calls. The Council had asked them to prepare a proposal, Wendi followed up with them the next day and then again a few days later with no response. Dan Johnson suggested moving this item to the agenda for the special meeting on the 14th.

Routine Well Maintenance – Well Pump #4. Mel Horak stated there was a brief explanation in the packet – routine maintenance is recommended every five years. Mel Horak explained the recommended maintenance and his experience with Keys Well Drilling.

Sharon Ridgway moved to go with Keys Well Drilling considering their history and their knowledge of the aquifers that the City is dealing with. Jon Nowaczek seconded the motion. Motion passed unanimously.

Appoint Planning Commissioner to Vacant Seat. Mayor Schneider thanked everyone who had applied to be on the Planning Commission. Dan Johnson stated he was pleased by the number of people who applied for this position.

Dan Johnson moved to appoint Connie Carlson. Jon Nowaczek seconded the motion. Upon roll call being taken, the following voted via voice:

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

Jon Nowaczek – aye
Sharon Ridgway – nay

Mayor Schneider confirmed that Connie Carlson will be the new Planning Commission member.

Approve Resolution to Participate in a Multi-jurisdictional Hazard Mitigation Planning Process with Washington County. Wendi Lindquist stated that starting in November of 2004 FEMA will require that all communities have mitigation plans in order to receive funds under the hazard mitigation grant program. Wendi Lindquist further explained the program.

Discussion regarding whether there are any costs associated with the program.

Jon Nowaczek suggested continuing this item to the May 14th special meeting so the financial issue can be clarified; the Council would support the City's participation if the cost issue is clarified.

Bob Kamps moved to direct staff to clarify the cost issue and table this until May 14th. Dan Johnson seconded the motion. Motion passed unanimously.

Approve Central St. Croix Valley Cable Commission 2003 Budget Revisions. Sharon Ridgway stated that this is the budget that the Cable Commission has approved; it is then sent to Stillwater, Oak Park Heights and Bayport and each City has to approve the budget. Sharon Ridgway further stated that the revisions are due to step increases and surplus from last year.

Dan Johnson inquired as to whether the City is being asked to approve the budget or being asked to accept some responsibility for it. Sharon Ridgway stated the Council is asked to approve the budget. Further discussion regarding the Cable Commission expenses and revenue.

Sharon Ridgway moved to have Bayport approve the Cable Commission Budget and the Cable Access Budget. Jon Nowaczek seconded the motion. Motion passed unanimously.

Approve Resolution for Purchase of Asphalt Roller. Mel Horak stated that the Public Works has a 1965 Rollpac asphalt roller that was highly recommended to be scrapped and get rid of it. Mel Horak stated Public Works rented the new model requested last year and used it for a week.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-41

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, APPROVING THE REPLACEMENT PURCHASE OF A
WACKER RD11V ASPHALT ROLLER.

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Ridgway 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

Set Meeting Date for 5th Avenue Business Owners to Discuss Paving the Rear Parking Lot. Mel Horak stated there was a rough draft included in the packet. There are some issues in the back of the building complex at 5th Avenue; now that we have that nice new White Pine Building it seems like a good time to do some work on the rear of the other building to help with the drainage and the parking. Mel Horak suggested sending the letter to the business owners to set up a meeting. Mayor Schneider inquired as to whether Mel has had any discussion regarding the issue with the business owners. Mel Horak stated he has had some informal discussions; there are some compliance issues that Mike Darrow will address.

Wendi Lindquist stated that the City should send the business owners a letter similar to the rough draft Mel Horak had submitted for the packet.

Mayor Schneider moved to direct staff to send a letter to the business owners to get a date set to discuss paving the rear parking area. Jon Nowaczek seconded the motion. Motion passed unanimously.

Set Meeting Date for Council Workshop to Review 2002 Audit Report with Tautges Redpath. Discussion regarding meeting date.

Mayor Schneider suggested tabling this issue until the next regular scheduled meeting. Mayor Schneider directed Wendi to look into if that would be a problem, if not, schedule it for the next meeting.

Approve Request from Filson Dental to block 2nd Avenue North for Annual Family Fun Run. Bob Kamps moved, seconded by Sharon Ridgway, to grant the request for Filson Dental to block 2nd Avenue on Saturday May 17 from 6:30 a.m. to 10:00 a.m. Motion passed unanimously.

STAFF REPORTS

Update on Flag Lighting in Front of City Hall. Wendi Lindquist stated that staff did so some research and a resident submitted some information he found on the website. The information states that a flag may be displayed 24 hours a day if properly illuminated during hours of darkness. Proper illumination includes a light placed specifically to illuminate the flag or a light source such as a porch or streetlight sufficient to make the flag recognizable as such by casual observers. Wendi Lindquist further stated that in staff's opinion the streetlights illuminate the flag.

COMMUNICATIONS/REQUESTS

None.

COUNCIL REQUEST ITEMS

None.

ADJOURN

Councilmember Johnson moved, seconded by Councilmember Nowaczek, to adjourn at 8:50 p.m. Motion passed unanimously.

Respectfully submitted,

Wendi Lindquist
Acting Administrator