

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 3, 2006  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of April 3, 2006, 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 (arrived at 6:10 p.m.) 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 March 2006 were given to Charles Schwartz, Christine Utecht, and Pamela Ford.

**OPEN FORUM**

1. Councilmember Carlson announced there would be a city-wide garage sale the weekend of June 2-3, 2006, prior to the city-sponsored cleanup day on June 10<sup>th</sup>. Interested parties should contact City Hall or Ginny Peulen at 439-9653.
2. Mayor Schneider announced that today the city executed its agreement with the MPCA to build an air stripping treatment plant for Bayport municipal well #2 to treat the contaminant TCE.
3. The City Council offered their congratulations to Administrative Assistant/Planner Sara Dietsche who will be married April 8<sup>th</sup> to Niles Taylor.

**CONSENT AGENDA**

Mayor Schneider read items 1-11 on the consent agenda.

1. March 6, 2006 City Council regular meeting minutes
2. March payables and receipts
3. March building, plumbing and mechanical permits
4. Designating Dave Ness, Jr., as Bayport citizen representative to Cable Commission
5. Andersen waterline easement agreement
6. Annual step increase for Secretary/Receptionist
7. Special event application for Filson Family Fun Run
8. Acceptance of grant from The Saint Paul Foundation for general operating support for the Bayport Fire Department
9. Renewal quote for 2006 workers compensation
10. Annual fund transfers for 2005
11. Special event application for Bethlehem Lutheran Church fundraiser at Village Green

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 06-12**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE APRIL 3, 2006 CITY COUNCIL  
AGENDA**

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

Jon Nowaczek – aye

Connie Carlson – aye

Sharon Ridgway – aye

Dan Johnson – aye

**PUBLIC HEARINGS** – None

**COUNCIL LIAISON REPORTS**

Councilmember Ridgway reported the Cable Commission did not meet this month. The next meeting is scheduled for April 19, 2006, 7:00 p.m. at the Valley Ridge Mall.

Councilmember Nowaczek reviewed the Bayport Public Library Board's meeting of March 23, 2006. The block grant from Washington County that provided funds for the wheelchair access has been received. He announced the library is celebrating National Library Week, April 2-8, 2006, with a number of events, including an open house at the library on April 5<sup>th</sup> from noon to 5:00 p.m. The next meeting is scheduled for April 27, 2006, 6:30 p.m., at the library.

Councilmember Carlson reported the Middle St. Croix Watershed Management Organization (MSCWMO) met on March 30, 2006. Discussion focused on the MSCWMO proposed easement agreement with Andersen Corporation, an April 13, 2006 workshop for city engineers and administrators, and the situation with Baytown resident Chris Nass and the Inspiration development.

Councilmember Johnson had no report on the Lower St. Croix Partnership.

**UNFINISHED BUSINESS**

Discuss painting of the municipal water storage tank: Engineer Peters indicated he would have detailed information available for discussion at the May City Council meeting.

Discuss lawful gambling ordinance: Administrator McGuire reported a lack of interest from other local municipalities in developing a county-wide lawful gambling policy that would define a local trade area. Attorney Domagala reviewed the changes to the proposed Bayport ordinance since the last discussion. Discussion followed on the percentage of funds the city wants used or donated locally, defining the local trade area, specifically including Stillwater, as well as implementing changes effective January 1, 2007, or with the establishment's next renewal period thereafter. The ordinance will be revised incorporating the City Council's recommendations and brought back for approval at the May meeting.

Renewal of agreement with Andersen Corporation for boat launch parking in the lot on 4<sup>th</sup> Avenue North: Administrator McGuire noted he continues to work toward finalizing the agreement with Andersen Corporation and hopes to bring the agreement to the May meeting for discussion and approval.

## **NEW BUSINESS**

Consider adoption of a peddler and solicitor ordinance: Police Chief Gannaway reviewed the need to regulate peddlers/solicitors doing business within the city. City staff was directed to draft an ordinance for consideration at the May meeting.

Consider MSCWMO easement agreement: MSCWMO Chair Dave Beaudet reviewed the background of the project to build an alternate outlet for Perro Creek during heavy rains. He noted that an easement agreement with Andersen Corporation had not been obtained, and if acquired could not be finalized in time to permit construction this year. Mr. Beaudet also reviewed an alternate route considered by the MSCWMO if the easement is not obtained. The cost for the alternate route now exceeds the available State of Minnesota funds by approximately \$400,000.00. Councilmember Johnson suggested utilizing the city's 4<sup>th</sup> Avenue North right-of-way for the storm sewer project, to coincide with repaving/widening of 4<sup>th</sup> Avenue, as a way to keep costs down. Discussion followed on Andersen Corporation's current position on the easement, and councilmembers expressed their concern with the conditions set forth by Andersen. Administrator McGuire suggested that SEH, which also serves as the MSCWMO's project engineer, be authorized to do a feasibility study for street improvements to 4<sup>th</sup> Avenue North, east of the railroad tracks. Discussion followed on improvements to other city streets that would be affected by the storm sewer route.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to authorize SEH to prepare a feasibility study, at a cost not to exceed \$5,000.00, for a project to resurface and widen 4<sup>th</sup> Avenue North, east of Maine Street and the railroad tracks. Motion carried.

Consider approving plans and specifications and authorizing bids for the sewer and water extension to a south portion of the city: Engineer Peters reported SEH has completed the plans and specifications for the South Minnesota Street Utility Improvements, and the engineer's estimated construction cost is \$458,700.00, lower than originally projected. He recommended approval of the plans and specifications and authorization to advertise for bids, with a bid opening of April 27, 2006. Bid results would be presented at the May meeting.

It was moved by Councilmember Nowaczek and seconded by Councilmember Ridgway to accept the plans and specifications for the South Minnesota Street Utility Improvements and authorize SEH to advertise the project for bid. Motion carried.

Discuss requiring commercial and industrial properties to dedicate a designated percentage of funds toward landscaping and/or mitigation of impervious coverage for development or redevelopment projects: Administrator McGuire reviewed the staff recommendation to investigate the benefits of amending city code to require commercial and industrial projects to dedicate a designated percentage of funds for landscaping and/or mitigation of impervious coverage. Staff has encountered resistance when requesting this type of funding for projects. Discussion followed on the benefits and the percentage that other cities require. Staff will draft a sample ordinance for review at a future meeting.

**COUNCIL ITEMS/ANNOUNCEMENTS – None**

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

Water Update: The grant agreement has been completed with the MPCA to build an air stripping treatment plant for Bayport's municipal well #2. A timetable will be presented at the next meeting.

## **ADJOURNMENT**

It was moved by Councilmember Johnson and seconded by Councilmember Ridgway to adjourn the meeting at 7:30 p.m. Motion carried.