

**CITY OF BAYPORT  
CITY COUNCIL WORKSHOP MINUTES  
COUNCIL CHAMBERS  
June 1, 2009  
5:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Nowaczek called the City Council workshop meeting of June 1, 2009 to order at 5:00 p.m.

**ROLL CALL**

Members Present: Mayor Jon Nowaczek, Councilmembers Connie Carlson, Dan Johnson, Torry Kraftson, and Judy Seeberger

Members Absent: None

Others Present: Administrator Mike McGuire, Assistant City Administrator/Planner Sara Taylor, and City Attorney Nick Vivian

**DISCUSS ADMINISTRATION STAFFING AND HIRING PROCESS FOR A NEW CITY ADMINISTRATOR**

Administrator McGuire gave an overview of the following items, related to the hiring process for the new City Administrator:

- hiring timeline
- position profile
- full job description
- salary range
- benefits
- staffing and transition of existing employees

Each of the items were discussed and the City Council followed up on the discussion with some additional questions related to the items presented. The City Council appointed a subcommittee consisting of Administrator McGuire, Assistant Administrator/Planner Taylor and Councilmembers Kraftson and Seeberger to review applicant resumes and select candidates to consider for interviews at the August 3, 2009 workshop at 5:00 p.m.

**ADJOURNMENT**

Mayor Nowaczek adjourned the workshop at 5:55 p.m.

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER  
June 1, 2009  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of June 1, 2009 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 Jon Nowaczek, Councilmembers Connie Carlson, Dan Johnson, Torry Kraftson and Judy Seeberger

Members Absent: None

Others Present: Administrator Mike McGuire, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, and Attorney Nick Vivian

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. The May 2009 recycling award went to Philip and Ebba Holladay.

**OPEN FORUM**

1. Bill Huhnke, 164 4<sup>th</sup> Street North, expressed concern with the cost of operating the city's street sweeper. Public Works Supervisor Horak explained that the spring sweeping cleans up winter residue (salt, sand, leaves), and staff has received multiple compliments from residents on the city's street cleaning efforts. He anticipates future mandates from the watershed district regarding removal of street residue. Mayor Nowaczek noted the city would conserve operations resources whenever possible, but it must address issues as they arise.
2. Washington County Commissioner Gary Kriesel and representatives of the Yellow Ribbon Network of Washington County encouraged the City of Bayport to join area communities in supporting the initiative that supports active duty troops and their families. Councilmembers voiced support for the project. A formal resolution of support will be brought to the July meeting, and staff was directed to explore shared efforts with surrounding communities.

**CONSENT AGENDA**

Mayor Nowaczek read items 1-11 on the consent agenda. Councilmember Kraftson recommended moving item #9, *Consider conducting a water rate study*, to New Business item #4 to discuss the possibility of including sewer rates to the study.

Councilmember Carlson introduced the following amended resolution, moving item #9, *Consider conducting a water rate study*, to New Business, and moved its adoption:

**Resolution 09-10**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE JUNE 1, 2009 CITY COUNCIL AGENDA**

1. May 4, 2009 City Council regular meeting minutes
2. May 4, 2009 Fire Department workshop meeting minutes
3. May 18, 2009 City Council special meeting minutes
4. May payables and receipts
5. May building, plumbing and mechanical permits

6. Appointment of part-time police officers
7. Payment request #2 to Minnesota Public Facilities Authority for the Storm Sewer Phase 3 Perro Creek Outlet Project
8. Ordinance amendment to Appendix B-Zoning, Section 7 of the Bayport City Code related to small bird and fowl
9. Purchase of a new grounds lawn mower for the Public Works Department
10. Authorization to add a new member to the fire department

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

Jon Nowaczek – aye	Dan Johnson – aye	Judy Seeberger – aye
Connie Carlson – aye	Torry Kraftson – aye	

**PUBLIC HEARINGS**

Public improvement hearing for the 2009 Sidewalk Improvement Project: Engineer Peters reviewed the feasibility report for the sidewalk project, which is required under the Minnesota Statute Chapter 429 process. In addition to the sidewalks identified, the city will also be replacing deficient pedestrian ramps, the cost of which will be paid for by the city. The estimated cost for the project is \$18,044.00, with the city recovering approximately 50% of project costs through special assessments against benefited properties.

It was moved by Councilmember Seeberger and seconded by Councilmember Carlson to approve the feasibility report for the 2009 Sidewalk Improvement Project. Motion carried.

Mayor Nowaczek opened the public improvement hearing, and no public comments were heard.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to close the public improvement hearing. Motion carried.

Councilmember Johnson introduced the following resolution and moved its adoption:

**Resolution 09-11**

**RESOLUTION ORDERING IMPROVEMENTS AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS**

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

Jon Nowaczek – aye	Dan Johnson – aye	Judy Seeberger – aye
Connie Carlson – aye	Torry Kraftson – aye	

Councilmember Johnson introduced the following resolution and moved its adoption:

**Resolution 09-12**

**RESOLUTION CALLING HEARING ON ASSESSMENTS FOR 2009 SIDEWALK IMPROVEMENT PROJECT**

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

Jon Nowaczek – aye	Dan Johnson – aye	Judy Seeberger – aye
Connie Carlson – aye	Torry Kraftson – aye	

## **COUNCIL LIAISON REPORTS**

Councilmember Seeberger reported the Andersen Citizen Advisory Committee (CAC) met on May 19, 2009. There are three open positions on the committee. The next meeting will be scheduled in September.

Councilmember Kraftson reported on the May 14, 2009 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). The administrator was asked to review the projected budget and fund balances as the MSCWMO prepares for its 2010 budget. He noted the MSCWMO has a Best Management Practices Cost Share Program whereby it will pay for up to 50% of project costs for water improvements that benefit the watershed, e.g., rain gardens. The MSCWMO approved the plan submitted by J.G. Hause Construction for an office/commercial building in Bayport, off Highway 95. The next MSCWMO meeting is scheduled for Thursday, June 11, 2009, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson reported on the May 28, 2009 meeting of the Library Board. It was noted the library is collecting fines now, the Washington County Master Gardeners have donated plants for the library grounds, and the library has several online subscriptions to journals. Residents are encouraged to take advantage of the summer programs offered by the library. The next meeting is scheduled for Thursday, June 25, 2009, 6:00 p.m., at the library, and the public is invited to attend.

Councilmember Carlson reported the Lower St. Croix Partnership will meet in July at the St. Croix County Government Center. "A View from the River: A guided tour of the St. Croix River," will take place on Wednesday, June 17, 2009, aboard the Grand Duchess. The cruise departs from the Hudson Cruise Line dock in Hudson at 5:00 p.m. and returns at 9:30 p.m. Tickets are \$15.00 each and reservations are due by June 5<sup>th</sup>. Register online at [www.extension.umn.edu/stormwater](http://www.extension.umn.edu/stormwater).

## **UNFINISHED BUSINESS**

Consider awarding bid for Barker's Alps Park Phase I improvements: Landscape Architect Larry Wacker reported eight bids were received May 26<sup>th</sup> for the project, which were favorable for the city. He stated there is \$631,675.00 of funding available for the project. The Beard Group, the current Inspiration development group, has agreed to proceed with the 429 assessment process for the unimproved outlots. The low bidder was Miller Excavating, Inc., Stillwater, Minnesota, and staff initially recommended awarding the contract in the amount of \$454,081.40, which included all items except the bid alternate to construct the bituminous trail connection to the water treatment facility, asphalt paths near the play area and the bituminous basketball court. This alternate was removed to assure there were sufficient contingency funds available for the rubble area/soil contamination remediation efforts. Since preparation of the initial recommendation report, staff determined that the bid alternate to construct the aglime infield in the central area of the park and related fencing, backstop and dugout options, would be a better option for the city to withhold at this time. He reviewed a revised award memo (handout) that recommends awarding the bid to Miller Excavating in the amount of \$464,179.90, that includes bid alternate #3 instead of #1. He clarified there were unit price items on Miller Excavating's original bid that were not included in the award amount. As a cost-savings measure, the playground equipment will be bid separately. There is \$62,496.10 in contingency funds available for the rubble area/soil contamination remediation and topsoil amendments. This amount should be sufficient for the remedial efforts, based on previous testing of the area. However, cleanup costs could increase significantly if additional contaminated soil is discovered. Discussion followed on funding the cleanup of the debris area separately from the park improvements to allow award of all bid alternates, including improvement of the north ball field (bid alternate #1). A contingency fund of approximately \$20,000.00 would remain, and Architect Wacker stated the Minnesota Pollution Control Agency (MPCA) would most likely be paying the monitoring costs for the cleanup efforts (estimated at \$10,000.00-\$20,000.00).

Councilmember Kraftson introduced the following resolution, amending the award amount to include all the bid alternates, totaling \$505,879.90, and moved its adoption:

**Resolution 09-13**

**RESOLUTION ORDERING IMPROVEMENTS, RECEIVING BIDS AND AWARDING CONTRACT FOR BARKER'S ALPS PARK PHASE I IMPROVEMENTS**

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

Jon Nowaczek – aye  
Connie Carlson – aye

Dan Johnson – aye  
Torry Kraftson – aye

Judy Seeberger – aye

**NEW BUSINESS**

Consider hiring PEER Engineering to provide services related to the Barker's Alps Site Improvement Project and solicit bids for environmental engineering monitoring for the project: Landscape Architect Wacker stated the Minnesota Pollution Control Agency (MPCA) requires completion of two tasks by a licensed environmental engineer for the cleanup of the rubble and contaminant area, prior to construction beginning on the park improvements. He recommended hiring PEER Engineering, Inc., Golden Valley, Minnesota, for a fee not to exceed \$3,500.00, to complete the services because they are familiar with the project, having performed the Phase I and II environmental studies of the area. He stated the MPCA has expressed interest in engaging PEER Engineering to provide monitoring services for the project, with Environmental Protection Agency (EPA) funds available to cover the monitoring costs. EPA grant money is not available to cover the \$3,500.00 cost to prepare the required documents.

It was moved by Councilmember Johnson and seconded by Councilmember Kraftson to approve the proposal submitted by PEER Engineering, Inc., dated May 19, 2009, for the services specified in the proposal, for a fee not to exceed \$3,500.00. Motion carried.

Consider appraisal of property at 297 Lake Street South, Bayport, MN: An appraisal completed three years ago indicated the property was valued at \$620,000.00; however the city and owners did not pursue a sale at that time. The owners recently inquired if the city was still interested in buying the property, and an updated appraisal was completed. The current appraisal indicates a value of \$650,000.00. The City Council had previously discussed purchasing this property, adjacent to Lakeside Park, using money from the restricted investment fund. Discussion followed on pursuing the purchase, and Administrator McGuire was directed to negotiate a price with the owners. An update will be presented at the July City Council meeting.

PERA Phased Retirement Agreement for City Administrator and review timeline and hiring process for new City Administrator: Administrator McGuire summarized the City Council workshop held prior the regular meeting. The timeline for hiring a new administrator was reviewed and it is anticipated a new administrator would begin in October 2009. Attorney Vivian reviewed the Phased Retirement Agreement between PERA and Administrator McGuire and recommended approval of the agreement. He recommends extending the current contract with McGuire Management Services, which includes a 90-day termination clause. Attorney Vivian and Administrator McGuire indicated the contract could be amended to include a mutually-agreed upon termination date, as the hiring and transition process proceeds. It was recommended to memorialize this amendment to the notice of resignation clause, and Attorney Vivian will draft a document for consideration at the July City Council meeting. A separate contract with McGuire Management Services would be drafted for transition services, as needed.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to authorize Finance Officer Wanda Madsen to execute the Phased Retirement Agreement, dated June 1, 2009, for the phased retirement position of Michael McGuire. Motion carried.

Mayor Nowaczek indicated that a subcommittee consisting of Administrator McGuire, Assistant Administrator/Planner Taylor and Councilmembers Kraftson and Seeberger would be reviewing applicant resumes and selecting five candidates for interviews.

It was moved by Councilmember Seeberger and seconded by Councilmember Johnson to begin the search process for a new City Administrator as discussed at the City Council workshop. Motion carried.

Consider conducting a water rate study: Councilmember Kraftson suggested the city include a sewer rate study, along with the proposed water rate study. Per Administrator McGuire, the recommended consultant for the water rate project indicated he would include the sewer rate study for an additional \$1,500.00. Staff recommended contracting with Ralph Teschner, Eden Prairie, Minnesota, to conduct a water and sewer rate study for a fee not to exceed \$4,500.00.

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to authorize Ralph Teschner, Eden Prairie, Minnesota, to conduct a water and sewer rate study for the City of Bayport, at a fee of \$4,500.00. Motion carried.

#### **COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Councilmember Johnson requested that Administrator McGuire explore options for a process to provide City Council feedback to the new City Administrator. He also asked Administrator McGuire to evaluate communication between councilmembers and administration.
2. Councilmember Kraftson suggested looking at ways the City Council could operate at a higher plane, possibly establishing a mission, vision and goals, instead of reacting to facts and figures.

#### **CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS**

#### **ADJOURNMENT**

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to adjourn the meeting at 8:04 p.m. Motion carried.