

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 5, 2010  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of April 5, 2010 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, Torry Kraftson and Judy Seeberger

Members Absent: Councilmember Dan Johnson

Others Present: Administrator Mitch Berg, Fire Chief Mike Bell, Police Chief Laura Eastman , Public Works Supervisor Mel Horak, Finance Officer Wanda Madsen, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, Attorney Nick Vivian

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. The March recycling award given to Bill and Kathy Conley.
2. Police Chief Eastman encouraged anyone interested in the department's new Citizen's Academy program to complete an application as soon as possible. The sessions will be held on May 5, 11, 25 and 26, 2010, from 6-8 p.m.
3. Police Chief Eastman presented a Certificate of Appreciation to the Minnesota Department of Corrections – Stillwater Prison for their assistance during the recent flood event. She also acknowledged the teamwork and efforts of the city's Public Works staff.
4. Mayor Nowaczek read a proclamation designating April 11-17, 2010 as National Library Week.

**OPEN FORUM**

1. Harold Radke, 521 Mariner Drive, expressed concerns with the proposed easement over the Waterford Condominium property, specifically with the language regarding South Maine Street as an unopened street and the use of the term "ice road."

**CONSENT AGENDA**

Mayor Nowaczek read items 1-14 on the consent agenda.

1. March 1, 2010 City Council regular meeting minutes
2. March payables and receipts
3. March building, plumbing and mechanical permit report
4. Sale of the Lakeside Park log cabin
5. Appointment of Nancy Aderman as the citizen representative to the Central St. Croix Valley Cable Commission
6. Temporary on-sale liquor license for the Bayport Marina on Saturday, May 8, 2010
7. Annual step increase for Police Chief
8. Acknowledgement of Anderson Race Management Ragnar Relay Race on Saturday, August 21, 2010
9. Final approval of the city's Comprehensive Plan Update required by the Metropolitan Council
10. Special event application for Andersen Corporation Quarter Century Picnic on Friday, August 13 and Saturday, August 14, 2010 at Lakeside Park

11. Special event application for BCAL Farmer's Market Seeds and Seedlings Fair, Monday, May 17, 2010 at Perro Park
12. LMC Liability Coverage Waiver form approval
13. Change order for Public Works Ventilation Improvement Project rain hoods
14. Renewal of boat trailer parking agreement with Andersen Corporation

Administrator Berg noted that the March building report includes permits for three new residential homes. Mayor Nowaczek thanked Andersen Corporation for their continued boat trailer parking program that provides residents with convenient access and parking to the river from 4<sup>th</sup> Avenue North. Councilmember Kraftson acknowledged the satisfactory resolution to the log cabin removal at Lakeside Park.

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 10-08**

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-14 FROM THE  
APRIL 5, 2010 CITY COUNCIL AGENDA**

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

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

**PUBLIC HEARINGS - None**

**COUNCIL LIAISON REPORTS**

Councilmember Seeberger stated the March and April Planning Commission meetings were cancelled due to lack of business. The next meeting is scheduled for May 17, 2010.

Councilmember Kraftson reported on the March 11, 2010 Middle St. Croix Watershed Management Organization (MSCMWO) meeting. A storm water audit is being conducted by the Washington Conservation District for the homeowners along Perro Creek, noting that the survey is a tool to promote education and exchange of information, and encouraged residents to participate. The next meeting is scheduled for Thursday, April 8, 2010, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Carlson reported the Cable Commission's next meeting is scheduled for Wednesday, April 21, 2010, 7:00 p.m., at the Valley Ridge Mall.

**ADDITIONAL AGENDA ITEM**

Mayor Nowaczek noted that Bayport serves as the fiduciary agent for the Perro Creek Outlet-Bayport Storm Sewer Project, and the MSCWMO requested that a change order for the project be considered at tonight's meeting. The MSCWMO Board has approved the change order. This request will be added to New Business.

**RIVERFRONT ADVISORY COMMISSION REPORT**

Update by the Riverfront Advisory Commission and request to consider adoption of the recommended bylaws and expenditure of \$1,000.00 to hire a facilitator: Lecia Kluver, rotating liaison for the Riverfront Advisory Commission, reviewed the first meeting of the commission. She requested that the commission's bylaws be approved by the City Council, as well as consideration of hiring a facilitator to assist the commission, at a cost not to exceed \$1,000.00. The next meeting will be held Tuesday, April 6, 2010, followed by a May 18, 2010 meeting. In June, a regular schedule of meetings will begin on the

second Tuesday of each month. Meetings will be held at City Hall, beginning at 6:00 p.m. She indicated the commission is looking forward to defining the scope of the projects to be examined.

It was moved by Councilmember Seeberger and seconded by Councilmember Carlson to approve the proposed Riverfront Advisory Commission Bylaws as presented. Motion carried.

Ms. Kluver stated the appropriation request of \$1,000.00 would assist the commission through 2010, at which time the commission would reassess the need for continued facilitator assistance. Mark Nagel has been contacted to provide the facilitator services. Administrator Berg indicated funding for this request is available in the professional services line item in the 2010 administration budget.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve the \$1,000.00 request by the Riverfront Advisory Commission to hire a facilitator. Motion carried.

### **UNFINISHED BUSINESS**

Consider adoption of an easement and vacation agreement for the ice road and a resolution setting a public hearing on an easement vacation: Administrator Berg explained that since the January City Council meeting, the Waterford Condominium Association has provided an updated survey and legal description as part of their efforts to correct the easement for the roadway providing access to the St. Croix River. He reviewed revisions to the easement agreement, including removing seasonal limitations, as agreed upon by Waterford. Attorney Vivian noted the complexity of correcting a situation that has been unresolved for over 20 years and stated no City Council action would be required on the easement approval until a public hearing is held on the matter. Administrator Berg noted that there is some question whether Department of Natural Resources (DNR) approval is required for the proposed vacation, and he recommended the public hearing be held in July instead of May, to allow sufficient response time from the DNR, if needed. It would also allow the condominium homeowner's association time to vote on the matter. Scott McDonald, attorney for the Waterford Condominium Association, reviewed the association's goals in resolving the discrepancy with the easement issue. Attorney Vivian stated that the easement agreement could be approved prior to the public hearing, contingent upon approval by the Waterford Condominium Association membership. Discussion followed on including language regarding seasonal use of the roadway, and the general consensus was to delete any seasonal restrictions on use of the roadway and support approval of the easement agreement.

Councilmember Seeberger introduced the following resolution, moving the public hearing date to July 6, 2010, and moved its adoption:

#### **Resolution 10-09**

#### **RESOLUTION SETTING A PUBLIC HEARING ON AN EASEMENT VACATION**

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	Torry Kraftson – aye
Connie Carlson – aye	Judy Seeberger – aye

It was moved by Councilmember Seeberger and seconded by Councilmember Carlson to authorize conditional approval of the easement agreement as set forth, with the corrections provided by City Attorney Vivian regarding Exhibits A and B, and retaining the deleted language as noted, contingent upon approval of the Waterford Condominium Association and unit owners. Motion carried.

Administrator Berg stated that he anticipates a call from Bayport Estates regarding their easement with the city, but he would not take any action until a written request was received from them and/or the City Council directed staff to proceed.

## **NEW BUSINESS**

Update on Local Government Aid (LGA) unallotment and discuss recommendations to amend the 2010 city budget: Administrator Berg reported the 2009 audit would be reviewed at the May meeting; however he felt a recap of 2009 was pertinent at this time. General fund spending was only 3.77% (\$69,000) higher than budget; however revenues fell short by \$231,000 in the general fund and \$100,000 in other funds (a total revenue shortfall of 10.84%), due largely to the current economy. He reviewed 2010 reductions in state aid and projected revenue shortfalls, resulting in a 10-15% revenue reduction. He proposed meeting this general fund shortfall through transfers in, cuts to the general fund, and less transfers out. Library cuts, including a Wednesday closing, will result in a transfer of \$16,500 in library property tax back into the general fund. A total of \$143,000 in cuts will come from the day-to-day operations of the city. He reviewed the proposed cuts, including a 72-hour furlough for all nonunion staff, resulting in a 38-hour work week, beginning April 12, 2010. City Hall hours will be reduced to 7:30 a.m.-4:30 p.m., Monday-Thursday. Additionally, the beach house concession stand will not be staffed with a city employee this season. The projected LGA unallotment is expected to be reduced by \$70,000, and Administrator Berg proposed restoring \$20,000 into the contingency fund. Additional measures to meet the full deficit were reviewed for 2010 and into 2011. He noted the City Council and city staff will be holding a strategic planning session in the next month. He also noted that staff is looking into a resident survey for comments on solving the city's budget crisis, staff is exploring opportunities to partner with other units of government for revenues and sharing of services, and the City Administrator is proposing a modified biennium budget process for the 2011-2012 budget. Mayor Nowaczek asked residents to bring their ideas and concerns to city staff and/or councilmembers. Councilmembers thanked Administrator Berg and staff for their effort and sacrifice to align the 2010 budget.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to approve the 2010 amended budget, with \$20,000 going back into the contingency reserve line item. Motion carried.

MSCWMO change order request for Perro Creek Outlet-Bayport Storm Sewer Project: The State of Minnesota and the MSCWMO have approved a revision to the trash racks for the outlet structures to allow a 4-inch horizontal opening at the bottom.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve the change order request in the amount of \$2,100 for the Perro Creek Outlet-Bayport Storm Sewer Project. Motion carried.

## **COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Councilmember Carlson clarified that the SCVAA's request to use the city's fields for ball and soccer games. She stated the SCVAA considers these fields to be the "home fields" for Bayport youth teams. Councilmember Kraftson suggested that councilmembers periodically monitor usage of the fields at Barker's Alps to help determine scheduling requests in the future.
2. Councilmember Kraftson announced that he would not be seeking a second term on the City Council when his term expires on December 31, 2010.
3. Councilmember Seeberger invited everyone to attend a community event, Beyond the Yellow Ribbon, on Thursday, May 6, 2010, 7-9 p.m., at the Bayport American Legion. The event supports deployed military personnel and their families.

**CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS**

City Administrator update: The city spent approximately \$3,500 on flood mitigation efforts and constructed a temporary levy to protect several properties; fortunately, the river did not reach the levy. Including in-kind expenses for city staff time, the city submitted a request to Washington County Emergency Services for flood expenses in the amount of \$8,000.00-\$11,000.00, and hoped to qualify for reimbursement through the Federal government; however, it appears Washington County will not qualify for flood relief through Federal programs.

The audit for the Fireman’s Relief Association shows assets over liability at 109%, which is one of the highest funding levels in the state.

**ADJOURNMENT**

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to adjourn the meeting at 7:50 p.m. Motion carried.

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City Administrator/Clerk