

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 5, 2009
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor-elect Nowaczek called the regular City Council meeting of January 5, 2009 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

SWEARING IN OF MAYOR JON NOWACZEK

City Administrator McGuire administered the Oath of Office to Mayor Nowaczek.

SWEARING IN OF CITY COUNCILMEMBERS CONNIE CARLSON AND JUDY

SEEBERGER. Mayor Nowaczek administered the Oath of Office to Councilmembers Connie Carlson and Judy Seeberger. Councilmember Seeberger was welcomed as a new Bayport City Councilmember.

ROLL CALL

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

Members Absent: None

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

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The December 2008 recycling award went to Tyler Bagley.
2. Police Chief Eastman introduced Police Officer Zach Lund as a new full-time officer with the Bayport Police Department. Officer Lund previously served as a police reserve and a part-time officer.

OPEN FORUM – None

CONSENT AGENDA

Mayor Nowaczek read items 1-13 on the consent agenda.

Administrator McGuire explained that the 2009 pay equity report (item #12) relates to internal equity and comparable pay schedules for male-female employees.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 09-01

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING
CONSENT AGENDA ITEMS 1-13 FROM THE JANUARY 5 2009 CITY COUNCIL AGENDA**

1. December 1, 2008 City Council regular meeting minutes
2. December payables and receipts
3. December building, plumbing and mechanical permits
4. Safe and Sober “Operation NightCAP” resolution and grant agreement

5. Fire protection and rescue service contracts
6. Annual step increase for Assistant City Administrator
7. Lawful gambling application for pull-tabs by VFW Post 323 at Captain's Corner
8. Acceptance of a laptop computer from the Minnesota Chiefs of Police Association
9. Acceptance of grant from the Fred C. and Katherine B. Andersen Foundation and authorization to purchase related equipment
10. Quarterly K-9 donations report
11. Request by John David Koller to transfer gravesites in Hazelwood Cemetery
12. Pay Equity Report for 2009
13. Authorization to purchase a document scanner

The motion for adopting the foregoing resolution was duly seconded by Councilmember Seeberger 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 - None

COUNCIL LIAISON REPORTS

Councilmember Kraftson reported the Middle St. Croix Watershed Management Organization (MSCWMO) did not meet in December. The next meeting is scheduled for Thursday, January 8, 2009, 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson reported on the December 18, 2008 meeting of the Library Board. The Board reaffirmed the non-resident family fee at \$45.00. The next meeting is scheduled for Thursday, January 22, 2009, 6:00 p.m., at the library.

Councilmember Carlson reported the Lower St. Croix Partnership did not meet in December.

UNFINISHED BUSINESS

Consider actions to proceed with the Perro Creek Outlet – Bayport Storm Sewer project: Dave Beaudet, Chairperson of the MSCWMO, reviewed the final phase of the storm sewer project that will install a culvert to divert storm water directly into the St. Croix River during a large rain event and alleviate flooding in the area. Mayor Nowaczek reviewed the three motions to be considered, to move the project forward. Attorney Vivian stated discussions continue with Andersen Corporation regarding the required easement agreement between the City of Bayport and Andersen Corporation, and this motion should be revised to direct the City Attorney and City Administrator to conclude negotiations on the easement agreement and bring the easement for approval at the February meeting. Engineer Peters updated the City Council on the Engineer's Estimate for the project costs at between \$1,200,000.00-\$1,300,000.00, which is less than the \$1,700,000.00 appropriated by the State of Minnesota. Discussion followed on Andersen Corporation's request to waive the municipal liability caps as part of the easement agreement.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to approve the construction documents for the Perro Creek Outlet project and authorize advertising for bids. Motion carried.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to authorize the City Administrator to provide information to the State of Minnesota with respect to the grants authorized in the 2005 and 2008 Bonding Bill Appropriations for the Bayport Storm Sewer project, authorize the City Attorney to review and approve the appropriations forms and grant documents, and authorize the

City Administrator and Mayor to sign the appropriations forms and grant documents. Motion carried.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to authorize the City Attorney and City Administrator to conclude negotiations regarding the easement agreement for the Perro Creek Outlet project with Andersen Corporation, with approval at the next meeting. Motion carried.

Chairperson Beaudet noted that the State of Minnesota requires that the easement agreement be signed before the project grant can be signed and monies released. He anticipates the bids being awarded at the March meeting, with construction beginning within 30 days or when the road restrictions are lifted.

NEW BUSINESS

Set City Council meeting dates for 2009: The 2009 meeting dates were discussed.

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to approve the 2009 City Council meeting dates as presented. Motion carried.

Consider appointments, designations, and assignments for 2009:

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to adopt the following appointments, designations and assignments for 2009. Motion carried.

Position

Planning Commission Liaison	Judy Seeberger	Torry Kraftson, alternate
Library Board Liaison	Dan Johnson	Connie Carlson, alternate
Cable Commission Liaison	Dan Johnson	Torry Kraftson, alternate
Middle St. Croix Watershed Liaison	Torry Kraftson	Connie Carlson, alternate
Lower St. Croix Partnership	Connie Carlson	Dan Johnson, alternate
Andersen Citizen Advisory Liaison	Judy Seeberger	Dan Johnson, alternate
Deputy Mayor	Dan Johnson	
City Attorney	Eckberg Law Firm (Nick Vivian)	
City Engineer	SEH (Barry Peters)	
City Planning Consultant	SEH (Mike Darrow)	
City Auditor	Abdo Eick & Meyers, LLP	
Deputy City Clerk	Assistant City Administrator (Sara Taylor)	
Emergency Preparedness	Fire Chief (Mike Bell)	
Deputy Fire Chief	Matt Bell	
Weed Inspector	Mayor (Jon Nowaczek)	
Assistant Weed Inspector	Public Works Supervisor (Mel Horak)	
Animal Control	Police Chief (Laura Eastman)	
Financial Advisor	Northland Securities	
Assessor	Washington County	
Official Depository	First State Bank	
Official Newspaper	Stillwater Gazette	
Animal Impound Agency	St. Croix Animal Shelter-Woodbury	
On Site Septic Inspection	Washington County	

Consider appointments to the Library Board and Planning Commission:

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to appoint Joseph Reding to the Library Board for a three-year term. Motion carried.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to appoint Pam Hoye to the Planning Commission for a three-year term. Motion carried.

A one-year term to fill a vacant seat on the Planning Commission remains open and residents are encouraged to visit the city's website for more information and an application form.

Consider a donation request from the Washington County Historical Society: Administrator McGuire reviewed a request from the Washington County Historical Society for a donation to assist in keeping the society's collections available to the public. Multiple items from Bayport are part of the collection, and he recommended a small donation be considered.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to donate \$200.00 to the Washington County Historical Society. Motion carried.

Discuss reduction in local government aid (LGA) for 2008-2009: Administrator McGuire stated the city received notice from the State of Minnesota in late December that the city's LGA would be unallotted in the amount of \$58,325.00 for the current year, which represents approximately 26% of the 2008 budgeted LGA. There is \$93,612.50 in the 2008 contingency reserve fund, and he recommended using these funds to make up for the shortfall. He also anticipates a decrease in LGA for 2009 of approximately \$116,000.00, and staff is reviewing options for cutting expenses. He recommended holding a City Council workshop in the next few months to discuss which items could be cut from the 2009 budget, as needed.

COUNCIL ITEMS AND ANNOUNCEMENTS

1. Mayor Nowaczek noted that the Minnesota Department of Health's latest monitoring results of the city's water supply indicate a trichloroethene (TCE) level of 6.2 ppb as it enters the air stripper and 0.0 ppb in water emerging from the water treatment system.
2. Councilmember Kraftson acknowledged a \$32,573.00 grant donation to the Bayport Police Department from the Fred C. and Katherine B. Andersen Foundation for equipment needed for the new 800 megahertz radio system.
3. Councilmember Kraftson thanked city staff for maintaining the skating rinks at Perro Creek Park and noted the rinks are heavily used and appreciated by residents.

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

1. Safety concerns: Police Chief Eastman reminded residents of the importance of locking their vehicles, as there have been several attempted vehicle thefts and items stolen from vehicles in Bayport and surrounding communities recently. Residents are asked to contact the Bayport Police Department to report any suspicious activity.
2. Closed session to discuss pending litigation: It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn to closed session at 7:19 p.m. to discuss pending litigation. Motion carried.

Mayor Nowaczek resumed the regular meeting at 8:04 p.m.

ADJOURNMENT

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