

**CITY OF BAYPORT  
CITY COUNCIL WORKSHOP MINUTES  
COUNCIL CHAMBERS  
August 3, 2009  
5:00 P.M.**

**CALL TO ORDER**

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

**ROLL CALL**

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

Members Absent: Torry Kraftson

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

**UPDATE ON CANDIDATE EVALUATION SUBCOMMITTEE (CES) AND RESUME EVALUATION PROCESS**

Administrator McGuire gave an overview of the evaluation process and the scoring system that was used to select the six candidates whose experience and qualifications best meet the needs of the city.

**REVIEW FINALIST CANDIDATES RECOMMENDED FOR THE INTERVIEW PROCESS**

Administrator McGuire gave an overview of the six candidates that were being recommended to the City Council by the CES to participate in the interview process. Discussion followed on preferred qualities of the candidates and whether the City Council should interview all recommended candidates or select less than six to participate in the interview process. The City Council decided it was in the best interest of the city to interview all six candidates.

**SELECT INTERVIEW QUESTIONS**

Administrator McGuire reviewed the 10 tentative interview questions. Discussion followed on the removal and addition of specific questions. The City Council agreed with the suggested changes, which resulted in 12 final interview questions.

**SELECT INTERVIEW DATES**

The City Council selected August 17, 2009 from 2:30 – 6:30 p.m. and August 24, 2009 from 2:00 – 6:00 p.m. to conduct interviews with the finalist candidates.

**SUMMARY AND FINAL COMMENTS**

Mayor Nowaczek summarized the workshop and thanked staff and members of the City Council for participating in the process.

**ADJOURNMENT**

Councilmember Carlson moved and Councilmember Seeberger seconded to adjourn the meeting at 5:50 p.m.

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER  
AUGUST 3, 2009  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of August 3, 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 and Judy Seeberger

Members Absent: Councilmember Torry Kraftson

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

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. The July 2009 recycling award went to Judy Morarie.
2. Mayor Nowaczek declared Tuesday, August 4, 2009 as Night to Unite (formerly National Night Out), an event coordinated by the Bayport Police Department. It will be held at Lakeside Park from 5:00 p.m. – 8:00 p.m. All residents were encouraged to attend.

**OPEN FORUM**

1. Mark Berthelsen announced that the Bayport Community Action League (BCAL) would be hosting Derby Days on September 18 and 19, 2009. He reported that community financial sponsorship is down this year and the BCAL needs an extra \$2,000.00 to cover the cost of the fireworks. Tax-deductible donations would be welcomed and can be sent to the BCAL, P. O. Box 133, Bayport, MN 55003.
2. Kristen Weslow, Development Director, announced that Community Volunteer Services and Senior Centers is now known as Community Thread. It is an independent nonprofit organization, which runs the Bayport Senior Center. She encouraged residents to take part in Community Thread activities and requested ongoing financial support by the City of Bayport.
3. Dan Dolan, President of the Washington County Agricultural Society, announced a fund raising effort to run the Washington County 4-H program next year. Washington County cut funding for the program and \$110,000.00 is needed for 2010. Mr. Dolan is hopeful that local municipalities will support the program and requested financial support from the City of Bayport, as it prepares its 2010 budget.
4. Marty Dahlin Biegler, 343 Lake Street South, expressed concerns regarding the city's interest in purchasing property at 297 Lake Street South. They included release of restricted funds for the purchase, planned use for the property, due process for the purchase, transparency of actions by city staff and the City Council, and citizen involvement.
5. Al Schultz, 580 6<sup>th</sup> Avenue North, stated it was difficult for wheelchair users to access the beach house restroom facilities when coming from the south end of Lakeside Park, and recommended that a handicap accessible satellite be available at the south end of the park.
6. Brian Shelton, owner of the Beach House Marina, stated there are no plans to sell any marina property, either to the City of Bayport or a private entity.
7. Maggie Dickinson, 307 Lake Street South, reported she had a petition from 86 residents stating they did not want a boat launch at 297 Lake Street South. She questioned the availability of funds for the

- purchase given the budget cuts made by the city, including staff furloughs and a reduction in library hours. She proposed purchasing property in an industrial part of the city for a boat launch, if needed.
8. Jane Keyes, 385 Lake Street South, stated she was upset that the City of Bayport is considering competing with the existing marinas, which have been good neighbors and pay taxes. She also expressed concern with a lack of room for the extra vehicular traffic.
  9. Jim Selmecki, 317 Lake Street South, expressed concern that he had not been notified of the pending purchase and requested transparency with the process. He stated the city needs a business plan prior to proposing a boat launch and noted he had received many negative citizen comments regarding the proposal.
  10. Dick Beberg, 237 5<sup>th</sup> Street North, encouraged the City Council to listen to the Lake Street residents and to keep Bayport residents informed on its activities.

Mayor Nowaczek stated there is currently no planned project to expand Lakeside Park or install a boat ramp, and public meetings and hearings would be held if the city decides to proceed with such a project. At this time, the city is only exploring the purchase of the property at 297 Lake Street South for investment purposes. He thanked residents for their input.

### **CONSENT AGENDA**

Mayor Nowaczek read items 1-9 on the consent agenda. Councilmember Johnson requested that consent agenda item #5, *Request by the St. Croix Valley Athletic Association to use Barker's Alps Park for the upcoming fall soccer season from August 17 – October 10, 2009*, be moved to New Business, in light of the park construction activities.

Councilmember Carlson introduced the following amended resolution, moving item #5 to New Business, and moved its adoption:

### **Resolution 09-18**

### **RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE AUGUST 3, 2009 CITY COUNCIL AGENDA**

1. July 6, 2009 City Council regular meeting minutes
2. July payables and receipts
3. July building, plumbing and mechanical permits
4. Request by The Bikery Racing Club to use Barker's Alps Park for a practice event on September 13, 2009 from 10:30 am – 12:30 pm
5. Temporary liquor license for Bayport Marina on August 8, 2009
6. Resolution denying street vacation described as that part of 5<sup>th</sup> Avenue South on the plat of Bayport Marina, lying adjacent to Outlot D, Bayport Marina and being formerly described as Lot 4, Block 108 (Resolution #09-19)
7. Pay application #2 for Barker's Alps Park improvements
8. Renewal of 2:00 am liquor license for Captain's Corner, 193 3<sup>rd</sup> St. N., Bayport, MN 55003

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
Connie Carlson – aye	Judy Seeberger – aye

**PUBLIC HEARINGS** – None

### **COUNCIL LIAISON REPORTS**

Councilmember Seeberger reported the Planning Commission did not meet in July.

Councilmember Johnson reported on the July 23, 2009 meeting of the Library Board. The proposed 2010 library budget has been accepted by the city administrator and no further cuts are necessary. The next meeting is scheduled for Thursday, August 27, 2009, 6:00 p.m., at the library, and the public is invited to attend.

Councilmember Johnson reported the Cable Commission would be meeting on Wednesday, August 19, 2009, 7:00 p.m., at the Valley Ridge Mall.

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

#### **UNFINISHED BUSINESS – None**

#### **NEW BUSINESS**

Consider amending Chapter 25, Article 3, Administrative Citations and Civil Penalties of the Bayport City Code: Administrator McGuire reported that the Police Department has received several comments regarding the administrative citation fee issued for illegal parking, especially boat trailer parking. Complainants believe the current \$45.00 fine is excessive. Surrounding cities' parking fines range from \$10.00 to \$25.00, and Chief Eastman recommends the City of Bayport fine be decreased to \$25.00. Administrator McGuire also noted that current parking signage at Lakeside Park was reviewed and appears sufficient. Mayor Nowaczek questioned lowering the fine for illegal boat trailer parking, given the nature of the illegal parking and its impact on the city. Police Officer Wynia noted that extra signage has been added and the department decided to examine the fine schedule after receiving complaints. Discussion followed on the fine schedule and having a two-level parking fine schedule, differentiating fines for vehicles and boat trailers. Staff will re-examine the fine schedule and report back at the next meeting.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to continue discussion on this subject to the next meeting. Motion carried.

Consider amending Appendix D, Fee Schedule of the Bayport City Code:

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to continue discussion on this subject to the next meeting. Motion carried.

Update on Barker's Alps Park and discuss options for purchasing play equipment: Landscape Architect Larry Wacker provided an update on the site improvements at Barker's Alps Park. He noted that playground equipment and benches/tables were not included in the original package because the cost for remediation of the rubble area and grading were unknown at the time, as well as a desire to avoid paying the general contractor's markup on the equipment. The costs for the remediation efforts have been determined and staff now recommends purchase of the equipment and furnishings. The quote for the play equipment, purchased through the U.S. Communities Government Purchasing Alliance, is \$56,492.66, and \$5,800.00 for the tables and benches, for a total of \$62,292.66. The original budget included \$50,000.00 for play equipment. The furnishings were included in the cost to finish the ball fields and did not have a separate budget. A preliminary review of the site improvement costs, including additional earthwork and the playground/furnishings, indicates all costs will fall within the \$631,000.00 budgeted for the Phase I improvements. The budget includes approximately \$21,000.00 in contingency funds. There is an eight-week delivery period for the equipment, and ordering in August would allow more time for fall installation.

It was moved by Councilmember Johnson and seconded by Councilmember Seeberger to authorize the purchase of play equipment, play equipment installation, and play surfacing (installed by city crews) in the amount of \$56,492.66 (including tax and shipping); and the purchase of three picnic tables, two benches and four player benches (all installed by city crews), in the amount of \$5,800.00 (including tax and shipping). Motion carried.

Request by the St. Croix Valley Athletic Association (SCVAA) to use Barker's Alps Park for the upcoming fall soccer season from August 17 – October 10, 2009: The SCVAA has requested use of both ball fields at Barker's Alps Park and councilmembers are concerned that field #2 may not be available due to construction activities. Landscape Architect Walker indicated the field would be seeded in late August and should be available for play in June 2010. Administrator McGuire reported that staff has notified the SCVAA that field #2 would not be available this year, and they are making alternate plans.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the SCVAA request to reserve Barker's Alps Park field #1 only for the fall soccer season. Motion carried.

### **COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Mayor Nowaczek encouraged residents to take part in the upcoming Derby Days events and to consider a donation to the BCAL to help cover the expense of the fireworks display.

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

Update on City Administrator search: A total of 85 applications were received and 41 applicants were chosen to proceed with the application process, through submittal of a supplemental application form. Six finalists were then presented to the City Council and they will be interviewed on August 17<sup>th</sup> and 24<sup>th</sup>.

Purchase of property at 297 Lake Street South: Administrator McGuire and Building Official John Buckley did a further inspection of the property last week, and the owners will be responding to the concerns raised. He anticipates further discussion at the October or November meeting.

### **ADJOURNMENT**

It was moved by Councilmember Johnson and seconded by Councilmember Seeberger to adjourn the meeting at 7:15 p.m. Motion carried.

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City Administrator/Clerk