

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 4, 2010
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of January 4, 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, Dan Johnson, Torry Kraftson and Judy Seeberger

Members Absent: None

Others Present: Administrator Mitch Berg, Public Works Supervisor Mel Horak, Engineer Barry Peters, Assistant City Administrator/ Planner Sara Taylor, Attorney Nick Vivian, and Molly Shodeen, Minnesota Department of Natural Resources (DNR)

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. The December 2009 recycling award went to John Reid

OPEN FORUM - None

CONSENT AGENDA

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

1. December 7, 2009 City Council regular meeting minutes
2. December payables and receipts
3. December building, plumbing and mechanical permit report
4. Payment to Sanders, Wacker, Bergly for coordinating rubble and contaminated soil remediation at Barker's Alps Park
5. Special event application from the BCAL for a Community Skating Party at Perro Park on February 19, 2010
6. Animal impound agreement for 2010
7. Purchase of equipment for Public Works vehicle
8. Final MSCWMO Perro Creek project pay request
9. Consider an appointment to the Library Board
10. Consider renewal of safety consulting and training services for city employees
11. PERA declaration for part-time police officer Keith Frank (*Resolution 10-02*)

The following items were moved from the consent agenda to new business:

- #7. Purchase of equipment for Public Works vehicle
- #9. Consider an appointment to the Library Board

Councilmember Carlson introduced the following revised resolution, removing items #7 and #9, and moved its adoption:

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE
JANUARY 4, 2010 CITY COUNCIL AGENDA**

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

COUNCIL LIAISON REPORTS

Councilmember Seeberger had no report due to cancellation of the December Planning Commission meeting.

Councilmember Kraftson had no report, as he had a conflict and could not attend the last meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). The next meeting is scheduled for January 14, 2010 at 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson reported on the December 17, 2009 meeting of the Library Board. Items of discussion included recognition of Beth Hogberg’s service on the Library Board, approval of a recent grant, retirement of Library Clerk Jody Bystrom, approval of the 2010 operating budget, and acceptance and recommended approval of Corey Mohan’s application to fill Beth Hogberg’s seat on the Library Board.

Councilmember Carlson had no report, as there was no meeting of the Lower St. Croix Partnership.

UNFINISHED BUSINESS

1. Consider amendments to Appendix E, Floodplain Management Ordinance, of the Bayport City Code, to be consistent with the National Flood Insurance Program (NFIP), including adoption of the effective Flood Insurance Rate Map (FIRM): Assistant Administrator/Planner Taylor stated that at the December meeting, the City Council indicated they would like to receive some clarification on the language included in section 11.13, which is optional for the city to adopt. Staff discussed this section with the DNR, and proposed some alternate language, which would allow homeowners more flexibility with alterations/additions to structures within the floodplain. Discussion followed on the pros and cons of including this language in the ordinance. Molly Shodeen indicated that most other floodplain communities were choosing to amend section 11.13 to allow tracking of alterations/additions to structures within a 365 day period, rather than over the life of the structure, or to delete this section entirely. After further discussion, it was decided not to include the additional language in section 11.13, as the City Council felt the restrictions on alterations/additions to structures were adequately addressed in other sections of the ordinance.

Administrator Berg questioned whether the City Council is in favor of including the Planning Commission recommendation to amend the first sentence of section 5.51 to read “All new structures, with the exception of accessory structures, must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation.” Councilmember Johnson stated that since principal and accessory structures were clearly defined within the definition section of the ordinance, he did not feel the amendment recommended by the Planning Commission was necessary.

Councilmember Johnson introduced the following ordinance, with the deletion of section 11.13, and moved its adoption:

Ordinance #813

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING APPENDIX E, FLOODPLAIN MANAGEMENT ORDINANCE,
OF THE BAYPORT CITY CODE**

The motion for adopting the foregoing ordinance 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
Dan Johnson – aye	

2. Consider amendments to Chapter 58, Utilities Ordinance, of the Bayport City Code related to the city’s sewer system: Engineer Peters stated that these revisions were discussed at the November and December meetings. He reviewed the proposed changes to the city’s sanitary sewer ordinance relating to sanitary sewers located on private property, and stated the intent of the revisions is to help identify and correct issues where clear water from private systems may be infiltrating or discharging into the city’s sanitary sewer. Engineer Peters stated that the draft ordinance includes all revisions presented and discussed at the December City Council meeting, including inspections of private systems, mitigation, and surcharge fees for non-compliant systems.

Administrator Berg stated that the city will work with property owners to correct non-compliant systems, prior to implementing surcharges or fines, as the intent is to correct the infiltration of clear water into the city’s sanitary sewer system.

Councilmember Kraftson introduced the following ordinance and moved its adoption:

Ordinance #814

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING CHAPTER 58 – UTILITIES, ARTICLE IV, OF THE BAYPORT CITY CODE
RELATED TO SEWER SYSTEMS**

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

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

3. Discuss options related to the Lakeside Park log cabin: Administrator Berg stated that since the last City Council meeting, he had contacted a few organizations who had experience preserving historic structures, but neither organization expressed an interest, on the merit that the log cabin was in too poor of a condition. The city also obtained a quote from a restoration contractor to repair the structure, which was estimated at approximately \$24,000.00. Based on this information, Administrator Berg provided three options for the City Council to consider, but recommended the city proceed with option #3 delineated in the staff memo, which would include offering the structure to a non-profit organization. If no organizations are interested, the city would offer the building for sale through a sealed bid process, or

if no sale is accepted, the city would remove the structure by June 1, 2010.

The City Council was in agreement that the log cabin was beyond repair, and expressed disappointment that efforts to restore the structure were not pursued 20 or 30 years ago. As such, the City Council was in agreement that option #3 was the best way to proceed.

It was moved by Councilmember Kraftson and seconded by Councilmember Seeberger to proceed with option #3, first offering the structure to an interested non-profit organization which would retain the building for historic purposes. If no organizations are interested in the structure, the building would be offered up for sale through a sealed bid process. If no offers are received by June 1, 2010, the city would demolish the structure. Motion carried.

4. Employee health insurance: Administrator Berg stated that he had met with all active full-time employees to discuss options for health insurance for 2010. In order to realize an 11% cost savings to the city, the employee's contribution toward their health savings account would increase from \$200.00 to \$350.00 for single coverage and from \$400.00 to \$700.00 for family coverage effective January 1, 2010. Mayor Nowaczek stated that this seemed to be the best option for 2010, but was hopeful that national healthcare reform will help address the ongoing increases in healthcare in the near future.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve the employee health insurance plan presented by staff for 2010, which increases the employee's contribution toward their health savings account from \$200.00 to \$350.00 for single coverage and from \$400.00 to \$700.00 for family coverage, effective January 1, 2010. Motion carried.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to schedule a workshop for the insurance subcommittee of the Bayport City Council, which consists of Mayor Nowaczek, Councilmember Johnson, and Councilmember Seeberger, at 5:00 p.m. on Monday, February 1, 2010 at Bayport City Hall to review and discuss options for the employee health insurance plan for 2011. Motion carried.

NEW BUSINESS

1. Consider amendments to the existing ice road easement: Attorney Vivian reviewed a request to vacate the existing ice road easement, which was received by the Waterford Condominium Association, and rededicate the easement to reflect the actual location of the ice road. He explained the discrepancy of the easement and reviewed the actual location of the existing road. As a result of the request, the city has put together an easement agreement for City Council consideration and a resolution setting a public hearing for vacation of the existing easement at the February City Council meeting. Attorney Vivian noted that additional surveying may be required to delineate the actual location of the road, should the existing easement be vacated, as well as to clarify other discrepancies involving Bayport Estates Association. Discussion followed on the width of the easement, traffic and parking concerns, the importance of correcting the easement, and the intended use of the ice road.

Steve Prusha, Bayport Estates Association, stated that residents were concerned with traffic volumes generated by uses other than ice fishing, summer use, and the liability involved with the easement encroaching onto their property. He stated he would like to work with the city to resolve these issues at a future meeting.

Harold Radke, a resident of the Waterford Condominium Association, questioned the definition and intent of the term "ice road" and whether this term was appropriate, considering the intended use and width.

Al Sawczuk, encouraged the City Council to move forward with the rededication of the easement, so Waterford can move forward with approval by their board.

Councilmember Johnson stated he did not feel comfortable acting on the vacation of the current easement before seeing the proposed location of the new easement. Discussion followed on the preferred process for handling the easement agreement.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to adopt a resolution setting a public hearing on an easement vacation for the ice road at the March 1, 2010 regular City Council meeting. After further discussion, the City Council agreed that it may be in the best interest for the city to work with Waterford Condominium Association on an easement and vacation agreement, prior to holding a public hearing on the matter. As such, Councilmember Carlson withdrew her motion.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to direct staff to work with Waterford Condominium Association on an easement and vacation agreement, which would be presented to the City Council at the February 1, 2010 meeting for consideration, and address the concerns raised by the Bayport Estates Association at a future meeting. Motion carried.

2. Consider a resolution establishing a municipal street improvement district: Administrator Berg commented on the purpose and intent of the district, stating that it is a tool which would allow cities to spread the cost of street improvements over a broader area of properties who may also benefit from the improvement, rather than only assessing properties that abut the street.

Councilmember Kraftson commented that he was familiar with the intent of the proposed district and ongoing legislature to support it. He feels that it would benefit the city to support this legislature, as it is a good tool and possible means to fund projects. It would also encourage staff to examine the needs of the city and establish a 5-year plan for street improvements.

Councilmember Kraftson introduced the following resolution, requesting the legislature to consider this topic in the upcoming session, and moved its adoption:

Resolution 10-03

**A RESOLUTION REQUESTING AUTHORITY
TO ESTABLISH A MUNICIPAL STREET IMPROVEMENT DISTRICT**

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
Dan Johnson – aye	

3. Consider a proposal from Brimeyer Group-Global Synergy to provide professional consulting services for a staff and City Council joint team building and goal setting session: Administrator Berg explained the intent and purpose of the proposed team building and goal setting session. He stated that he had contacted the League of Minnesota Cities to obtain a list of recommended consultants that could facilitate a team building and goal setting session with staff and the City Council. He stated that city staff met with Brimeyer Group-Global Synergy and that staff was confident this firm could provide the necessary services at a cost not to exceed \$5,000.00. Discussion followed on the value this type of session could bring to the organization, as well as what the primary focus of the session should be.

Administrator Berg stated that the initial assessment of the organization would be conducted in January or February, and the actual work session that was anticipated to take place sometime in March.

It was moved by Councilmember Carlson and seconded by Councilmember Kraftson to enter into an agreement for consulting services with Global Synergy, for a cost not to exceed \$5,000.00, for the purpose of conducting a joint team building and goal setting session with the City Council and city staff. Motion carried.

4. Consider the purchasing of equipment for a Public Works vehicle: Public Works Supervisor Horak reviewed the purpose of the proposed equipment, noting that the specifications for the pedestal crane have been revised, because it has been determined that the original equipment proposed is insufficient for lifting pumps from lift stations. The revised equipment is a ET8K Venturo pedestal crane priced at \$7,840.00, plus tax, making the total proposed equipment purchase price from Stone Brooke Equipment, Inc. to be \$26,988.11.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to authorize the purchase of the snowplow package and other related equipment from Stone Brooke Equipment, Inc. for a total price of \$26,988.11. Motion carried.

5. Consider an appointment to the Library Board: Administrator Berg stated that the city received an application on December 4, 2009 from Corey Mohan, who would like to be considered for appointment. After reviewing Mr. Mohan's application at the December 17, 2009 meeting, the Library Board voted to recommend that the City Council appoint him to the position. Administrator Berg stated that it should be noted that the city did receive a second application on December 30, 2010, as the position was advertised as "open until filled." However, since the Library Board has not had a chance to review this application, and has already made their recommendation, staff recommends appointing Corey Mohan for a three year term.

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

COUNCIL ITEMS AND ANNOUNCEMENTS – None

CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS

1. City Administrator update: Administrator Berg stated that the city has received six applications for the Riverfront Advisory Commission, which will be discussed at the February meeting. Mayor Nowaczek encouraged residents who are interested in serving on the commission to contact City Hall and agreed to extend the application deadline, in hope of receiving additional applications.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adjourn the meeting at 8:10 p.m. Motion carried.

City Administrator/Clerk