

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 18, 2005
7:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of January 18, 2005, to order at 7:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

SWEARING IN OF MAYOR RICK SCHNEIDER

City Administrator McGuire gave the Oath of Office to Mayor Schneider.

SWEARING IN OF CITY COUNCILMEMBERS DAN JOHNSON, SHARON RIDGWAY, AND CONNIE CARLSON: City Administrator McGuire gave the Oath of Office to Councilmembers Johnson, Ridgway, and Carlson. New Councilmember Carlson was welcomed.

ROLL CALL

Members Present: Mayor Schneider, Councilmembers Carlson, Johnson, Nowaczek, and Ridgway

Members Absent: None

Others Present: Administrator McGuire, Administrative Assistant/Planner Dietsche, Attorney Domagala, Engineer Peters, and Finance Officer Westling

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced \$30.00 recycling awards for the month of December were given to Ralph Rothe, Anne McManus, and Greg Burns.

OPEN FORUM

Tom Westling was introduced as the city's new finance officer.

CONSENT AGENDA

Mayor Schneider read the list of items on the consent agenda. Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-01

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1- 14 FROM THE JANUARY 18, 2005
CITY COUNCIL AGENDA**

1. December 6, 2004 City Council regular meeting minutes
2. December payables and receipts lists
3. December building, plumbing and mechanical permits
4. Budgeted fund transfers
5. Non-unionized holidays for 2005
6. City employee group life, medical, and disability insurance
7. Fire protection and rescue service contracts

8. City Council meeting dates for 2005
9. Washington County sewage treatment inspection agreement
10. 2005 Joint Powers Budget for Middle St. Croix Watershed Management Organization
11. 2004 Recreation Capital Equipment and Maintenance Fund Budget
12. 2004 Park Improvement Fund Budget
13. Authorization to purchase a police vehicle
14. Authorization to purchase a new drive motor control unit for city well #4

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

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

It was clarified that City Council meetings will begin at 6:00 p.m., unless otherwise noted.

PUBLIC HEARINGS - None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission did not meet in December or January, and the next meeting is scheduled for February 16, 2005 at the Cable Access Studio. She reported the annual Christmas party for area residents was a great success.

Councilmember Nowaczek reviewed the Bayport Public Library Board's meeting of December 16, 2004. The Santa auction brought in over \$1,400.00 for the library foundation. Deb Laiti was recognized and thanked for her 3 terms (9 years) of service on the library board. The next meeting is scheduled for Thursday, January 27, 2005 at 6:00 p.m.

Councilmember Johnson indicated the Lower St. Croix Partnership had not met since the last City Council meeting.

Councilmember Carlson attended the January 13th meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). The MSCWMO has requested that the Bayport City Council discuss the purchase of a monitoring system to check phosphorous levels entering the St. Croix River from Perro Creek and McKusick at the February 7th meeting. David Baudette is the new chairperson of the MSCWMO.

UNFINISHED BUSINESS

Consider amending the noise ordinance: Administrator McGuire noted the cost of a decibel meter and training would be approximately \$2,000.00, and Police Chief Gannaway does not recommend the purchase of this non-budgeted item at this time. Staff could pursue renting a unit to determine its effectiveness. Attorney Domagala reviewed the changes to the proposed ordinance, noting the language surrounding prohibited noises is now more understandable. Discussion followed on adding language to the ordinance exempting the curfew siren and the effectiveness of and need for a decibel meter.

Councilmember Nowaczek introduced the following ordinance and moved its adoption with the addition of “#5. Curfew siren” to Sec. 26-30, (A) (2) c.

Ordinance 770

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING CHAPTER 26 OF THE CITY CODE REGARDING “ENVIRONMENTAL NUISANCES” BY NOISES SPECIFICALLY PROHIBITED

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

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Warren Utecht, 832 Minnesota Street, reported that he had spoken to Andersen Corporation and Xcel Energy regarding the use of truck jake braking on the south end of town and would like to see enforcement of the city ordinance prohibiting their use. Attorney Domagala indicated that gathering license plate information on individual trucks would be helpful as an enforcement measure. Councilmember Nowaczek suggested a preemptive call by Police Chief Gannaway to the offending trucking company might be effective. In addition, staff was directed to further review a cooperative agreement with other agencies for use of a decibel meter.

Consider authorizing a feasibility study to expand sanitary sewer/water to the south portion of Bayport: City staff met with approximately 20 property owners/residents to gauge their interest in extending city sanitary sewer and water to the south portion of Bayport. Overall, the group was in favor of moving forward with a feasibility study to explore the project. Staff recommended ordering the feasibility report. The engineering firm of Short Elliott Hendrickson has submitted a proposal, and a second proposal will be solicited. Proposals will be brought to the next meeting for action.

NEW BUSINESS

Consider a variance to allow expansion of a non-conforming structure with an addition to the existing dental office at 277 North 3rd Street, together with variances from the side and rear yard setbacks and off-street parking requirements: Administrative Assistant/Planner Dietsche reviewed the variance request, noting the Planning Commission recommended approval of the variance request at its December 20, 2004 meeting. Staff recommended approval of the expansion request to the existing dental office, a 2-foot side yard setback variance, a 10-foot rear yard setback variance, and a variance to allow a shared parking arrangement to provide nine off-street parking spaces, in accordance with the suggested findings of fact and conditions of approval as stated in sections C and D of the staff report. Discussion followed on current and future off-street parking needs and screening from the abutting residential property.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-02

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING DR. BRUCE FILSON, FILSON DENTAL, VARIANCE APPLICATION**

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

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Consider a variance to allow expansion of a non-conforming structure with an addition to the existing house located at 423 South 4th Street, together with variances from the side yard setback and impervious coverage requirements. As part of this application, the approval process of a garage expansion by the previous property owner will also be reviewed:

Administrative Assistant/Planner Dietsche reviewed the variance request, noting the Planning Commission recommended approval of the variance request and to allow the existing garage roof to remain as a legally non-conforming structure at its December 20, 2004 meeting. Staff recommended approval of the expansion to the legally non-conforming house, a 6.5' side yard setback variance, and a variance to allow 42.79% impervious coverage of the lot, in accordance with the suggested findings of fact and conditions of approval as stated in sections C and D of the staff report. It was recommended the City Council make a recommendation on resolving the non-conformity of the existing garage roof. Discussion followed on the circumstances surrounding the non-conformity of the existing garage roof and the need to follow city zoning ordinance procedures.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-03

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING ELAINE HOGBERG VARIANCE APPLICATION**

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

Rick Schneider – aye
Dan Johnson – aye
Sharon Ridgway – aye

Connie Carlson – aye
Jon Nowaczek – aye

Consider appointments, designations, and assignments for 2005: The City Council discussed appointments, designations, and assignments for 2005.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-04

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING APPOINTMENTS, DESIGNATIONS, AND ASSIGNMENTS FOR 2005**

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

Rick Schneider – aye	Connie Carlson – aye
Dan Johnson – aye	Jon Nowaczek – aye
Sharon Ridgway – aye	

Consider appointments to the Library Board and Planning Commission: Mayor Schneider's recommendations were discussed.

It was moved by Mayor Schneider and seconded by Councilmember Nowaczek to approve the following appointments: Planning Commission (3 year term) - Tom Mabie, new appointment, and Jennifer Schneider, reappointment; Library Board (3 year term) - Sandy Ness and Jack Young, reappointments; and Mark Berthelsen, new appointment. Motion carried.

COMMUNICATIONS/REQUESTS - None

COUNCIL ITEMS/ANNOUNCEMENTS - None

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. Update on city water system: The latest unofficial testing results showed a trichloroethylene level of 3.8 parts per billion. The SEH water study should be available for review at the next meeting. Repairs will be made to well #4 in the next couple of weeks. The prison's study on meeting their future water needs is expected to be completed by the end of January.
2. Update on city park plan: The Park Advisory Board meetings have been well attended and resident input has been enthusiastic and well balanced. Recommended items have been prioritized. The focus of the next meeting will be Lakeside Park. The plan is to present recommendations to the City Council in April or May.

ADJOURN

It was moved by Councilmember Nowaczek and seconded by Councilmember Johnson, to adjourn the meeting at 8:45 p.m. Motion carried.