

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
NOVEMBER 7, 2005
5:30 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of November 7, 2005, to order at 5:30 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members Present: Mayor Rick Schneider, Councilmembers Connie Carlson, Dan Johnson, Jon Nowaczek, and Sharon Ridgway

Members Absent: None

Others Present: Administrator Mike McGuire, Administrative Assistant/Planner Sara Dietsche, Police Chief John Gannaway, Public Works Supervisor Mel Horak, Engineer Barry Peters, Attorney Mark Vierling, and Finance Officer Tom Westling

Discussion of Recommended Park Improvements by the Citizen Advisory Park Board:

Administrative Assistant/Planner Dietsche reviewed the plans and implementation timeline to improve the city's three parks beginning in 2006 through 2010. The improvements were developed by staff and a Citizen Advisory Park Board and would be paid for through park dedication fees generated by new construction.

Councilmember Carlson expressed concern about moving the Barker's Alps ball fields because the front field is in good condition and the new configuration would place a ball field at the bottom of a sliding hill, as well as direct hitting toward a residential area and the street. She recommended that dollars be spent to improve the outfield and add playground equipment for younger children. She also recommended revamping the current Lakeside Park beach instead of moving it and questioned whether the water quality would improve moving the beach a distance of 50 yards.

Dick Beberg, 237 5th Street North, agreed with Councilmember Carlson's comments regarding Barker's Alps Park and urged the city to repair the uneven conditions of the back field as soon as possible. He also spoke against moving the Lakeside Park beach and the importance of having lifeguards on duty.

Rebecca Kraftson, Citizen Advisory Park Board member, noted that reorienting the Barker's Alps ball fields was due to adding lights. She encouraged the City Council to keep the focus on upgrading Lakeside Park.

Councilmember Ridgway voiced support of Councilmember Carlson's comments and also questioned the need to replace all of the Lakeside Park play equipment. Administrator McGuire indicated the plan is to phase in new equipment and that the current equipment no longer meets code. She asked for clarification on the process of approving the park plans as she would like the opportunity to provide input on the projects.

Councilmember Johnson noted the City Council has accepted the Citizen Advisory Park Board report; however, this would not bind the City Council to approve the specific plans and timeline.

The purpose of tonight's meeting is to gather input and provide an outline for staff on how to proceed. He agrees with starting the improvements at Lakeside Park, specifically the bathhouse, but would like the ice rink warming house put on a faster track than recommended. He also would like to determine why the beach is underutilized and define the benefits of moving it.

Administrator McGuire indicated that the City Council would discuss each project at least one more time for bidding authorization.

Amy Zimmer, Citizen Advisory Park Board member, indicated water quality issues prompted the idea of moving the beach; however the benefits had not yet been studied. She addressed safety issues related to the playground equipment at Lakeside Park.

Carl Bliss, Citizen Advisory Park Board member, reviewed the board's recommendation to upgrade one park at a time to allow for use of the other parks.

Mayor Schneider believes Lakeside Park is the city's "shining star" and agrees with the recommendation to start with improvements at that park.

Councilmember Nowaczek would like to have the warming house project moved up to 2006, recognized the controversy surrounding upgrading Barker's Alps ball fields, and suggested moving the beach relocation to 2007 as a trade-off for moving the warming house to 2006. He also recognized the ongoing costs of providing lifeguard service. Councilmember Johnson noted it would take time to get DNR feedback regarding the beach house.

Staff stated that these recommendations would be noted and given further consideration as the park improvements are scheduled for implementation.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Schneider announced \$30.00 recycling awards for the month of October were given to Norm Shattuck, Kyle Simonson, and Dale Bonin.

OPEN FORUM

1. Chris Nass, 4703 Stagecoach Trail, Baytown Township, reported that a recent heavy rainfall caused the ponds and ditches at Inspiration to overflow, washing out a portion of his driveway. He has spoken with Administrator McGuire and Engineer Peters regarding this issue and requested the City Council work with the Middle St. Croix WMO to look into the problem. The City Council requested Mr. Nass also request assistance from Baytown Township to resolve the issue.
2. Jammi Hansen Blair, Executive Director of ArtReach Alliance, introduced herself and the organization and extended an invitation to a November 17th event fundraising event at the Grand Ballroom in Stillwater.
3. Dick Beberg, 237 5th Street North, thanked Public Works Supervisor Horak for his work in getting the pedestrian safety flags installed.
4. Mayor Schneider reminded everyone that polls would be open November 8th from 7:00 a.m. to 8:00 p.m. at City Hall for the local school board elections.
5. Mayor Schneider recognized the efforts of the Fire Department and Police Department to make Halloween a very safe and enjoyable night in Bayport.

CONSENT AGENDA

Mayor Schneider read items 1-16 on the consent agenda. Councilmember Ridgway suggested city staff look into keeping gambling funds local. Administrator McGuire indicated the topic would be slated for discussion at a future meeting. Councilmembers commented on the positive outcome of the 5th Avenue North business building improvement project.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 05-29

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS 1-16 FROM THE NOVEMBER 7, 2005 CITY COUNCIL AGENDA

1. October City Council regular meeting minutes
2. October payables and receipts lists
3. October building, plumbing and mechanical permits
4. Certification of past due water and sewer bills to 2006 property taxes
5. Snowplowing contract with the State of Minnesota
6. Annual step increase for Administrative Assistant / Planner
7. Donation request by the Youth Service Bureau
8. Special event application for fishing tournament weigh-in at Lakeside Park
9. Salary step and cost of living adjustments for 2006
10. Recreation Capital Equipment and Maintenance Fund Budget for 2005
11. Park Improvement Fund Budget for 2005
12. Lawful gambling application for Little Rascals, 193 N. 3rd Street, Bayport, MN 55003
13. Special assessments for 5th Avenue North improvements
14. Reduction in letter of credit to CPDC for Inspiration
15. Special event application for Holiday at the Village Green
16. Authorization to hire a part-time police officer

The motion for adopting the foregoing resolution was duly seconded by Councilmember Johnson 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

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

Councilmember Johnson and citizen representative Dave Ness reviewed the October 19, 2005 meeting of the Cable Commission. Due to the holidays, the December 21st meeting may be cancelled.

Councilmember Nowaczek reviewed the Bayport Public Library Board meeting of October 27, 2005. The next meeting is scheduled for Thursday, November 17, 2005, 6:30 p.m., at the library.

Councilmember Carlson reported on the Middle St. Croix Watershed Management Organization meeting of October 13, 2005. The next meeting is scheduled for November 10, 2005 at 7:00 p.m. at the Valley Ridge Mall.

UNFINISHED BUSINESS

Discuss extension of water and sewer service to a south portion of Bayport: Administrative Assistant/Planner Dietsche updated the City Council on staff's investigation into whether certain properties in the project area were buildable and/or had the potential to be split, and how this would affect the property assessments. She reviewed a map that delineated the properties in the project and how they would be assessed, taking into consideration that some of the properties are subject to the river bluffland and shoreland ordinances. Staff recommended assessments for these properties be deferred until approval for the lot split or development is approved. The city would carry the cost until the assessment is activated. Brian Miller, BDM Engineering, reviewed the proposed modified assessment method, noting the city's initial financial commitment is estimated at \$394,300.00, which includes carrying the deferred assessments. Discussion followed on next steps and the pros and cons of proceeding with the project.

Sandy Conroy, 720 Minnesota Street South, questioned the high cost of the proposed assessments and asked that the city look into grants for the work. Administrator McGuire noted grants typically are not available for this type of city project. Councilmember Johnson explained why the St. Croix Bluff development was exempted from the project at this time, and Administrator McGuire reinforced that the assessed properties on Minnesota Street South would not be paying for increased sewer pipe sizing that could also handle the St. Croix Bluffs area.

Mary Williams, 638 Minnesota Street South, questioned placement of the lines. It was explained the current proposal is the most cost effective.

Monica Gilbert, 624 Minnesota Street South, commented on the cost of the project, questioned if appraisals were going to be completed, and what the cost benefit would be for the assessed properties. Administrator McGuire stated staff is working on obtaining appraisal information and the results would be discussed. He indicated the city would work with the property owners to resolve any boundary line discrepancies.

Nicole Lund, 768 Minnesota Street South, stated she was pleased to see the DNR vacant land included in the project and questioned the assessment hearing and process. Attorney Vierling responded with an explanation of the assessment process.

It was moved by Councilmember Nowaczek to authorize the City Administrator to obtain appraisals on sample properties and move ahead with the specifications and bidding process for the South Minnesota Street Utility Project, noting that:

(1) Said improvements are necessary, cost-effective, and feasible as detailed in the feasibility report. (2) It is advisable, expedient and necessary that said improvements as described in the Notice of Hearing thereon be constructed, and the same are hereby ordered made. (3) The improvements described in said Notice of Hearing are hereby designated and shall be known as the South Minnesota Street Utility Improvement Project of 2005. (4) The consulting engineers, after the same are determined and selected by the City Council for this project, are hereby directed to prepare final plans and specifications for said improvements. (5) The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this motion ordering said improvements.

The motion was seconded by Councilmember Carlson and upon roll being taken, the following voted via voice:

Rick Schneider – nay
Connie Carlson – aye
Dan Johnson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Motion carried 4-1.

Discuss and consider adoption of 2006 budget, capital improvement plan, and tax levy:

Administrator McGuire provided an overview of the 2006 budget, capital improvement plan (CIP) and tax levy, noting that the only change since the preliminary budget package was approved in September, is the addition of a feasibility study for a Highway 95 underpass near Andersen Elementary, upon the recommendation of the Planning Commission. He noted the property tax levy would decrease 10% in 2006, with no cut in services.

Discussion followed on Andersen Elementary School's request for community playground equipment through the use of park funds.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 05-30

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING THE GENERAL FUND BUDGET, SPECIAL LIBRARY FUND BUDGET, ARE FUND BUDGET, DRUG FORFEITURE FUND BUDGET, WATER FUND BUDGET, SEWER FUND BUDGET, TRUNK WATER AND TRUNK SEWER UTILITY CAPITAL IMPROVEMENT FUND BUDGET, FIRE EQUIPMENT REPLACEMENT FUND BUDGET, PUBLIC WORKS EQUIPMENT REPLACEMENT FUND BUDGET, TAX STABILIZATION FUND BUDGET, RECREATION CAPITAL EQUIPMENT MAINTENANCE FUND BUDGET, AND PARK IMPROVEMENT FUND BUDGET FOR THE YEAR 2006

The motion for adopting the foregoing resolution was duly seconded by Councilmember Johnson 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

Councilmember Nowaczek introduced the following resolution and moved its adoption, with the amendment that an additional \$10,000.00 be added to the 2006 Five Year CIP for playground improvements at Andersen Elementary School, and that the wording of the feasibility study for a Highway 95 underpass be changed to a Safety Crossing Study:

Resolution 05-31

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING THE 2006 FIVE YEAR CAPITAL IMPROVEMENT PLAN

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
Connie Carlson – aye
Dan Johnson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-32

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY FOR
THE YEAR 2006 BUDGET AT \$930,391.00**

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
Connie Carlson – aye
Dan Johnson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Consider approving plans and specifications and authorizing advertising for bids for a ground storage reservoir in Baytown Township: Engineer Peters reviewed the request to approve the revised plans and specifications for a ground storage reservoir in Baytown Township.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to approve the plans and specifications and authorize advertising for bids for a 300,000 gallon ground reservoir in Baytown Township, with a bid opening of December 1, 2005. Motion carried.

NEW BUSINESS

Consider allowing expansion of a non-conforming structure with a rear addition and ceiling height expansion on the existing second floor, located at 194 6th Street North, with a variance from the side yard setback requirement: Administrative Assistant/Planner Dietsche reviewed the variance request to expand the home with a two-story rear addition of approximately 8 feet x 15 feet, an increase in the second floor ceiling height, and a north side yard variance of 6.5 feet. The Planning Commission recommended approval of the application request at their October 17, 2005, with conditions as stated in the staff report. She stated the lack of bathroom space is the main reason for the demonstrated hardship. Owner Tim Curran answered questions regarding previous fire damage and proposed improvements.

Councilmember Johnson introduced the following resolution and moved its adoption:

Resolution 05-33

**RESOLUTION APPROVING TIM CURRAN VARIANCE APPLICATION AT 194 6TH
STREET NORTH, LEGALLY DESCRIBED AS LOT 12 OF BLOCK 64, BAYPORT,
WASHINGTON COUNTY, MINNESOTA**

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

Rick Schneider - aye
Jon Nowaczek - aye
Dan Johnson - aye

Sharon Ridgway - aye
Connie Carlson - aye

Consider allowing a private fence to permissively encroach into the public right-of-way:

Administrative Assistant/Planner Dietsche reviewed property owner Linda Parenteau's request to erect a 6-foot fence on the city right-of-way adjacent to her property along 1st Avenue North. The fence would enclose a 14' by 38' portion of city right-of-way for private use. Staff does not recommend approval of this request because of legal complications and the possibility that the

fence could interfere with city operations and use; however, Administrative Assistant/Planner Dietsche outlined a compromise that would allow a minor fence encroachment not to exceed further than the current house addition. She also answered questions regarding the encroachment of the home on city property, and property owner Linda Parenteau stated the compromise is acceptable. Councilmember Johnson stated he is opposed to a fence on city property and recommended the homeowner's title issue be resolved prior to approving a fence request.

It was moved by Councilmember Nowaczek to approve the applicant's request to permissively encroach on the public right-of-way at 206 2nd Street North. The motion was seconded by Mayor Schneider and upon roll call being taken, the following voted via voice:

Rick Schneider - nay
Jon Nowaczek - nay
Dan Johnson - nay

Sharon Ridgway - aye
Connie Carlson - abstain

Motion failed 3-1-1.

The City Council directed staff to work with the property owner to determine the location of the south property line and whether the existing house encroached onto the 1st Avenue North public right-of-way.

Consider city consultant(s) contracts: Last year the City Council decided to reconsider request for proposals (RFPs) for the three city consultants in 2006. Discussion followed on the benefits of a competitive bid process for the city attorney, auditor and engineer consultants on a rotating basis. Councilmember Nowaczek recommended starting the process with the city attorney.

It was moved by Councilmember Nowaczek and seconded by Councilmember Johnson to direct staff to prepare and distribute a request for proposal for the position of city attorney in 2006. Motion carried.

Consider authorizing the mayor and city administrator to enter into a grant agreement with the Minnesota Pollution Control Agency (MPCA) to fund and install an air stripping treatment facility for the city's municipal water system: Administrator McGuire provided an update on a November 3rd meeting between city staff, MPCA, and Terracon. The MPCA will have information available for discussion at the December 5, 2005 City Council meeting.

COUNCIL ITEMS/ANNOUNCEMENTS

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

ADJOURN

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to adjourn the meeting at 8:55 p.m. Motion carried.