

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 5, 2005
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor Schneider called the regular City Council meeting of December 5, 2005, 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 Rick Schneider, Councilmembers Connie Carlson, Jon Nowaczek, and Sharon Ridgway

Members Absent: Councilmember Dan Johnson

Others Present: : Administrator Mike McGuire, Administrative Assistant/Planner Sara Dietsche, Attorney Laura Domagala, Police Chief John Gannaway, Public Works Supervisor Mel Horak, Engineer Barry Peters

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Schneider announced \$30.00 recycling awards for the month of November were given to Jason Koch, Brandon Wilde, and Ralph Larson.
2. Residents were reminded of the 5th Annual Christmas Party with Santa, sponsored by Valley Access Studios, that will be held Saturday, December 10th, from 12:00 noon-2:30 p.m., at Valley Ridge Mall. Doors open at 11:30 a.m.

OPEN FORUM

1. Police Chief Gannaway announced that the Bayport Police Department is participating in Toys for Tots in conjunction with the Marine Corps. Toys can be dropped off at City Hall, Croixdale, or Oasis Market.
2. Mayor Schneider recognized the volunteer efforts of those involved with the holiday kick-off event at the Village Green and library on December 1st.
3. Mayor Schneider announced that John Buckley has been hired as the City of Bayport's full-time building official beginning January 3, 2006. Office hours will be announced at a future meeting.

CONSENT AGENDA

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

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Resolution 05-34

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE DECEMBER 5, 2005 CITY
COUNCIL AGENDA**

1. November 7, 2005 City Council regular meeting minutes
2. November payables and receipts
3. November building, plumbing and mechanical permits
4. Non-unionized holidays for 2006
5. City Council meeting dates for 2006

6. Tobacco license renewals for 2006
7. Liquor license renewals for 2006
8. Fire protection and rescue service contracts
9. Special event application for Lakeside Park
10. Middle St. Croix River Watershed Management Organization Joint Powers Agreement
11. National Incident Management System and promotion of Intrastate Mutual Aid Agreements

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	Jon Nowaczek – aye
Connie Carlson – aye	Sharon Ridgway – aye

PUBLIC HEARINGS – None

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the Cable Commission had not met since the last City Council meeting, and the next regularly scheduled meeting is set for February 15, 2006, 7:00 p.m., at the Valley Ridge Mall. She invited everyone to the Cable Commission’s annual Christmas party to be held Saturday, December 10th, from 12:00 noon to 2:30 p.m., at the Valley Access studios in the Valley Ridge Mall.

Councilmember Nowaczek reviewed the November 17, 2005 meeting of the Bayport Public Library Board. He noted that the Bayport Public Library Foundation would be holding a silent auction on 100 Santa items donated by Mary Gasser. Bids may be made at the library during regular business hours, with bidding closing at 6:30 p.m. on December 15th. The next meeting of the library board is scheduled for Thursday, December 22, 2005, 6:30 p.m., at the library.

Councilmember Carlson reported on the Middle St. Croix Watershed Management Organization (MSCWMO) meeting of November 10, 2005. She reported the MSCWMO was reviewing Chris Nass’s driveway issue, and that the joint powers agreement between the participating communities was approved. The next meeting is scheduled for Thursday, December 8th, 7:00 p.m., at the Valley Ridge Mall; Councilmember Ridgway will cover the meeting for Councilmember Carlson.

UNFINISHED BUSINESS

Consider designating an engineering firm and authorize plans and specifications for the extension of water and sewer to a south portion of Bayport: Administrator McGuire reviewed the background of the requested action to designate an engineering firm and recommended that SEH be engaged to provide engineering services for the final plans, specifications and construction services at a cost of \$61,900.00. The SEH price would increase by an estimated \$6,000.00 if the survey done by BDM cannot be used; however, city staff does not anticipate this to be needed. Engineer Peters clarified that \$20,400.00 of their proposal was for design and bidding documents, and \$41,500.00 for construction services. Discussion followed on the pros and cons of proceeding with the project, given the projected \$400,000.00 city cost and the residents who would benefit and/or are in favor of the utility extension. Engineer Peters stated the project could still be completed in 2006, if engineering design approval is postponed to the January City Council meeting, when Councilmember Johnson would be in attendance.

It was moved by Councilmember Nowaczek and seconded by Mayor Schneider to continue the discussion of designating an engineering firm and authorizing plans and specifications for the extension of water and sewer to a south portion of Bayport to the January 17, 2006 City Council meeting. Motion carried.

Consider appraisal quotes for the extension of water and sewer to a south portion of Bayport: It was moved by Councilmember Nowaczek and seconded by Mayor Schneider to continue the consideration of appraisal quotes for the extension of water and sewer to a south portion of Bayport to the January 17, 2006 City Council meeting. 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 recommended that the City Council adopt the resolution authorizing the grant agreement with the MPCA to fund and install an air stripping treatment facility. He stated he will work with MPCA staff, the city attorney, and the city engineer to finalize the agreement. Discussion followed on the longevity of the treatment facility.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 05-35

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, AUTHORIZING A GRANT AGREEMENT WITH THE MINNESOTA
POLLUTION CONTROL AGENCY (MPCA) TO FUND AND INSTALL AN AIR
STRIPPING TREATMENT FACILITY FOR WELL NO. 2 OF THE CITY'S
MUNICIPAL WATER SYSTEM**

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

Jon Nowaczek – aye
Sharon Ridgway – aye

NEW BUSINESS

Consider a request for a conditional use permit to utilize the existing house on the property at 252-268 State Street South as a two-family dwelling, which is located in a single-family zoning district: Administrative Assistant/Planner Dietsche reviewed the request for a conditional use permit (CUP) to utilize the house at 252-268 State Street South as a two-family dwelling. She reviewed the history of the CUP for this property, noting that the conditions of the CUP issued in 1986 required that one of the units be owner occupied. The property has not been utilized as a two-family dwelling in over 120 days, and city code requires that the CUP be reinstated in order for the house to be used or sold as a two-family dwelling. The Planning Commission recommended approval of the CUP at their November 21, 2005 meeting, with the condition that one of the units did not have to be owner-occupied, and that significant improvements listed in the staff report must be made by September 1, 2006.

Property owner Jim Connors, 252-268 State Street South, requested that the language of the CUP be kept to a minimum and that the conditions of approval be dropped to facilitate the sale.

Brian Roeller, 218 State Street South, stated he lives next door to the property under discussion and is the party interested in purchasing the home to use as a duplex. He plans to improve the property and keep it in good condition.

Administrator McGuire stated that the conditions of approval relating to the fix-up items recommended by the Planning Commission and staff are reasonable and were made for the wellbeing of the neighborhood. The building official will work with the property owner to determine which improvements are necessary.

Kris Kawohl, 360 Greenway Avenue, Oakdale, Minnesota, stated she is Brian Roeller's realtor and is confident that he will improve the property, as he has done with other rental units.

Councilmember Nowaczek introduced the following resolution and moved its adoption, with the text changes that the owner-occupied requirement be removed and the exterior improvements be completed by September 1, 2006:

Resolution 05-36

RESOLUTION APPROVING JIM CONNORS CONDITIONAL USE PERMIT (CUP) APPLICATION AT 252-268 STATE STREET SOUTH, LEGALLY DESCRIBED AS THE EAST ONE HALF OF LOTS 4 AND 5 OF BLOCK 77, BAYPORT, WASHINGTON COUNTY, MINNESOTA

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

Jon Nowaczek – aye
Sharon Ridgway – aye

Consider a request to amend a variance approval to include reconstruction of the house on the existing building footprint located at 194 6th Street North: Administrative Assistant/Planner Dietsche reviewed the request to amend Resolution 05-33, to include reconstruction of the house on the existing building footprint in order to make the house a safe and habitable environment. The Planning Commission members were notified of this amendment request. City staff did not receive any objections from the Planning Commission members, and Commissioner Tom Mabie encouraged the City Council to approve the request.

Property owner Tim Curran detailed the damage discovered once the remodeling project began and the need for the amendment to the original variance to allow reconstruction of the house.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 05-33 (Revised)

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 adopting the foregoing resolution was duly seconded by Mayor Schneider and upon roll call being taken, the following voted via voice:

Rick Schneider – aye
Connie Carlson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Consider approving plans and specifications and authorize advertising for bids for a water booster station: Engineer Peters reviewed the background of the previous water booster station bid process in September of 2005 and the revised bid packet that includes an extended completion date. The bid opening for the revised project will be Thursday, January 12, 2006, to allow for comparative bids to be considered at that meeting. Staff recommended approval of the plans and specifications and authorization to advertise for bids for the water booster station.

It was moved by Councilmember Nowaczek and seconded by Councilmember Carlson to approve the plans and specifications and authorize advertising for bids for a water booster station, with a bid opening set for the Thursday, January 12, 2006. Motion carried.

Consider bids and award contract for a ground storage reservoir in Baytown Township: Engineer Peters reviewed the previous bid process in September 2005. The project was revised and re-bid, and two bids were received on December 1, 2005. Staff recommended that the project be awarded to the Natgun Corporation, Wakefield, Massachusetts, who submitted the low bid. The \$608,250.00 bid was below the engineer's estimated bid price of \$620,000.00, and is acceptable to the developers who will be paying the costs to construct the ground reservoir.

It was moved by Councilmember Carlson and seconded by Councilmember Ridgway to award the contract for a ground storage reservoir in Baytown Township to Natgun Corporation, Wakefield, Massachusetts, for \$608,250.00. Motion carried.

Consider amending the fee schedule ordinance to reflect 2006 fees: Administrator McGuire reviewed the proposed changes to the fee schedule and recommended adoption of the 2006 fee schedule ordinance. He indicated staff is looking into an honor box system for boat trailer parking at Lakeside Park and will have recommendations at a future meeting.

Councilmember Nowaczek introduced the following ordinance and moved its adoption:

Ordinance No. 775

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING APPENDIX D, FEE SCHEDULE, OF THE BAYPORT CITY CODE.

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

Jon Nowaczek – aye

Connie Carlson – aye

Sharon Ridgway – aye

Consider appointments, designations, and assignments for 2006: Administrator McGuire noted that Councilmember Johnson had suggested that City Council liaison positions be reviewed on a two-year cycle, in conjunction with City Council elections. Discussion followed and it was decided to retain the same appointments as designated in 2005.

Councilmember Ridgway introduced the following resolution and moved its adoption:

Resolution 05-37

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING APPOINTMENTS, DESIGNATIONS, AND ASSIGNMENTS FOR 2006**

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
Connie Carlson – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Consider appointment to the Library Board: Councilmember Nowaczek, Library Board liaison, spoke in favor of Joe Reding's reappointment to the board.

It was moved by Councilmember Carlson and seconded by Mayor Schneider to appoint Joe Reding to the Bayport Public Library Board for a three-year term.

COUNCIL ITEMS/ANNOUNCEMENTS

1. Mayor Schneider recognized the efforts of city staff and the City Council in the past year.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

ADJOURN

It was moved by Mayor Schneider and seconded by Councilmember Ridgway to adjourn the meeting at 7:25 p.m. Motion carried.