

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
NOVEMBER 8, 2004
7:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of November 8, 2004, to order at 7:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members Absent: None

Others Present: Administrator McGuire, Administrative Assistant/Planner Dietsche, Attorney Domagala, Public Works Supervisor Horak, and Engineer Peters

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced \$30.00 recycling awards for the month of October were given to Michael Lamkin, Richard Norum, and Mary Kroening.

Mayor Schneider invited everyone to attend the Holiday on the Green event on the evening of December 2nd at the Village Green.

OPEN FORUM

Mayor Schneider recognized some of the issues of the recent election and asked residents to come together for the good of the city.

CONSENT AGENDA

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

Res. 04-31

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE NOVEMBER 8, 2004
COUNCIL AGENDA**

1. October 4, 2004 City Council regular meeting minutes
2. October payables and receipts
3. October building, plumbing and mechanical permits
4. Canvassing the tabulation of votes and declaring the results from the 2004 General Election
5. Lower St. Croix River Bluffland and Shoreland boundary amendment
6. Annual step increase for Administrative Assistant/Planner
7. Certification of past due water, sewer, and garbage bills to 2005 property taxes
8. Accepting Finance Officer John Nash's letter of intent to retire January 31, 2005 and authorization to replace position of finance officer
9. Establish 2005 salary step and cost of living adjustment
10. Authorization to hire new firefighters
11. Snowplowing contract with the State of Minnesota

Planner Dietsche and Councilmember Johnson explained the proposed Lower St. Croix River Bluffland and Shoreland boundary amendment, affecting approximately 90 acres within the city, which will allow affected properties more flexibility in building requirements.

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

Bob Kamps – aye

Dan Johnson – aye

Jon Nowaczek – aye

Sharon Ridgway – aye

COUNCIL LAISON REPORTS

Councilmember Ridgway announced that the Cable Commission and studio will be holding their 4th annual Christmas party on Saturday, December 11, 2004, 1:00-3:00 p.m., at Valley Ridge Plaza. Councilmember Johnson reported that the Cable Commission has purchased a state-of-the-art digital editing suite.

Councilmember Nowaczek clarified some misperceptions regarding the operation of the Bayport Public Library and provided an update on the October 28, 2004 library board meeting. He reviewed special events on November 13th and December 2nd, as well as a Santa silent auction made possible through the generous donation of Bayport resident Mary Gasser. The next meeting is scheduled for Thursday, November 18, 2004, at 6:00 p.m.

Councilmember Kamps reported the Middle St. Croix Watershed Management Organization (WMO) would be expending \$4,000.00 to fund a land cover map for the 10 communities within the WMO. When completed, approximately 70% of the seven county metropolitan area will be land mapped for use in future development, roadways, etc.

Councilmember Johnson reported the next Lower St. Croix Partnership meeting is scheduled for November 17, 2004, 7:00 p.m., at the St. Croix County Government Center in Hudson.

UNFINISHED BUSINESS

Consider establishment and appointments to a citizen advisory board to assist in the development of a city park plan: Eleven residents have applied to work with city staff and Westwood Engineering to develop a city park plan.

It was moved by Councilmember Ridgway, and seconded by Councilmember Nowaczek, to accept the 11 interested candidates to serve on a citizen advisory board to assist in developing a city park plan. Motion carried. The advisory board will be asked to keep the City Council informed as to their mission and process. It is anticipated the advisory board will have a report and recommendations for City Council action by mid-spring 2005.

Discuss blending of city water system: The level of trichloroethylene (TCE) has dropped from 4.8 ppb to 3.2 ppb since the last City Council meeting when the option of blending the water from all three city wells was discussed. The SEH groundwater modeling study report will be available by the end of December. Public Works Supervisor Horak reviewed the costs associated with this modification process, noting the lead time for the meter order would be 8-10 weeks. Councilmembers expressed concerned with the projected \$30,000-\$40,000.00 cost for this temporary solution.

It was moved by Councilmember Nowaczek, and seconded by Mayor Schneider, to authorize Mike McGuire to purchase the magnetic flow meter at a cost of \$8,945.00, and act on the blending process in an emergency situation, however, to hold action on all other expenditures pending the receipt of further water study results. Councilmember Nowaczek amended the motion to authorize Mike McGuire to act on any one, or all, of the proposal items, if necessary in an emergency situation, however to communicate the City Council's desire to hold expenditures in favor of a long-term solution. Mayor Schneider seconded the amended motion. Motion carried.

NEW BUSINESS

Consider amendment to the adult use ordinance: Attorney Domagala reviewed the request to amend Section 10-54 of the Bayport City Code relative to adult use to meet court-mandated requirements. This action is necessary due to the rezoning of the Inspiration land from industrial to residential, which resulted in the loss of designated space for adult use businesses. Discussion followed on the city's regulation of adult-use business through zoning, parcels identified for this use, and geographic limitations.

Councilmember Nowaczek introduced the following ordinance and moved its adoption:

Ordinance No. 767

**ORDINANCE OF THE CITY OF BAYPORT,
WASHINGTON COUNTY, MINNESOTA AMENDING
SECTION 10-54 OF THE BAYPORT CITY CODE
RELATIVE TO ADULT USE**

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	Bob Kamps – aye
Dan Johnson – aye	Jon Nowaczek – aye
Sharon Ridgway – aye	

Consider approval of the issuance of tax exempt loan participation notes and authorizing execution of a joint powers and allocation agreement (Presbyterian Homes of North Oaks, Inc. Project): Administrator McGuire explained this request whereby Presbyterian Homes of North Oaks would use the City of Bayport's 2004 yearly allocation of \$10,000,000.00 in tax exempt loans for a senior housing project. Presbyterian Homes would pay the City of Bayport up to \$25,000.00 for cooperating with this agreement. City staff recommends approval of the joint powers and allocation agreement, as the city does not plan on issuing any bonds for the remainder of the year.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 04-32

**A RESOLUTION APPROVING THE ISSUANCE OF TAX EXEMPT LOAN
PARTICIPATION NOTES AND AUTHORIZING EXECUTION OF A JOINT
POWERS AND ALLOCATION AGREEMENT RELATING TO BANK
QUALIFICATION OF SUCH REVENUE NOTES (PRESBYTERIAN HOMES OF
NORTH OAKS, INC. PROJECT)**

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

Bob Kamps – aye

Dan Johnson – aye

Jon Nowaczek – aye

Sharon Ridgway – aye

PUBLIC HEARINGS

COMMUNICATIONS/REQUESTS

COUNCIL ITEMS/ANNOUNCEMENTS

Mayor Schneider reiterated that the city's water supply is safe and the City Council will continue to monitor the situation closely.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

ADJOURN

It was moved by Councilmember Ridgway, and seconded by Councilmember Kamps, to adjourn the meeting at 8:24 p.m. Motion carried.