

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 6, 2004
7:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of December 6, 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, Police Chief Gannaway, Finance Officer Nash, Engineer Peters, and Attorney Vierling

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced \$30.00 recycling awards for the month of November were given to Jeff Haviland, Paul Warner, and Richard Casperson.

Mayor Schneider recognized the successful Holiday on the Green event held December 2nd and encouraged residents to attend next year.

Police Chief Gannaway publicly recognized the good work of all Bayport police officers, with specific commendations for Officers Logan, Fortier, Jackson, and Vierling.

OPEN FORUM

Oak-Land Jr. High School students Heather Kamps, Kendall Beadleson, Kate Barclay, and Kaitlyn Godbout addressed the City Council relative to a school project investigating the addition of a stoplight near Andersen Elementary School. Their findings will be submitted for the Christopher Columbus Award that awards up to \$25,000.00 to put the winning plan into action.

CONSENT AGENDA

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

Res. 04-33

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1- 7 FROM THE DECEMBER 6, 2004
COUNCIL AGENDA**

1. November 8, 2004 City Council regular meeting minutes
2. November payables and receipts
3. November building, plumbing and mechanical permits
4. Tobacco license renewals for 2005
5. Liquor license renewals for 2005
6. Pawnbrokers license for 2005 – Bayport Pawn and Gun
7. Lawful gambling application for Greystone Bar

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

Bob Kamps – aye

Dan Johnson – aye

Jon Nowaczek – aye

Sharon Ridgway – aye

COUNCIL LAISON REPORTS

Councilmember Ridgway invited residents to the Cable Commission's 4th annual Christmas party on Saturday, December 11, 2004, 1:00-3:00 p.m., at Valley Ridge Plaza.

Councilmember Nowaczek reviewed the Bayport Public Library Board's meeting of November 18, 2004. There is a vacancy on the board; the application deadline is December 15th. The silent auction for the Santa collection has been extended to December 15th. He recognized the Bayport Foundation's generous donation of \$50,000.00. The next meeting is scheduled for Thursday, December 16, 2004, at 6:00 p.m.

Councilmember Kamps reported the Middle St. Croix Watershed Management Organization (WMO) did not meet in November. Correspondence has been received regarding 2005 lobbying fees for phase III of the state storm sewer project; this topic will be moved to the end of this meeting's New Business.

Councilmember Johnson reported on the Lower St. Croix Partnership meeting of November 17, 2004, noting that the main topic of discussion was the new Wisconsin DNR rules for docks and setbacks. Redefining the riverway boundary as it goes through Bayport was also discussed.

UNFINISHED BUSINESS

Consider 2005 final budget and levy: Administrator McGuire reviewed in detail the 2005 budget process and proposed budget and levy. Discussion followed on the \$53,000.00 levy assessment for the tax increment financing (TIF) refunding bond, and Administrator McGuire was directed to contact Andersen Corporation regarding this bond shortfall, as they were the beneficiaries of the TIF bond. Staff was directed to review the industrial water and sewer rates for a possible increase and bring back for discussion at a future meeting. Staff will explore creating an institutional rate at a later date.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 04-34

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING THE GENERAL FUND BUDGET, SPECIAL LIBRARY FUND
BUDGET, DARE 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, TAX STABILIZATION FUND
AND PUBLIC WORKS EQUIPMENT REPLACEMENT FUND BUDGET FOR THE
YEAR 2005**

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

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 04-35

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
CERTIFYING THE CITY OF BAYPORT’S LEVY TO WASHINGTON COUNTY
FOR THE YEAR 2005 BUDGET AT \$1,033,768.00**

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

NEW BUSINESS

Consider amending the noise ordinance: Attorney Vierling reviewed the recommendations to amend the noise ordinance to strengthen the definitions of excessive vehicle noise and to further define and provide specifics on environmental nuisances affecting neighborhoods, specifically construction, domestic power equipment, and recreational vehicle noise. City staff recommends adoption of the proposed ordinances.

Tom Dusbabek, 144 – 4th Avenue North, who lives near the Andersen Corporation, stated his concern with excessive vehicle noise as employees exit the parking lots, especially during the night hours. Currently, the City of Bayport Police Department does not have a decibel meter, thus precluding enforcement of truck jake braking or other excessive noise levels. Police Chief Gannaway indicated staff is looking into the purchase of a decibel meter, as well as pursuing a grant to purchase a traffic-warning device.

Lowell Peterson, 720 South Minnesota Street, explained the safety benefits of using jake brakes. Discussion followed on the restrictive hours for construction activities and use of recreational vehicles, cost of enforcing the proposed noise ordinance, and use of train whistles.

It was moved by Councilmember Nowaczek, and seconded by Councilmember Kamps, to continue this topic a future meeting. Motion carried.

Consider alternate date for January City Council meeting: Due to conflicts, staff recommended moving the January 2005 City Council meeting to Tuesday, January 18, 2005. The Planning Commission is tentatively scheduled to meet just prior to the City Council meeting.

It was moved by Councilmember Johnson, and seconded by Mayor Schneider, to set the regular January City Council meeting for Tuesday, January 18, 2005 at 7:00 p.m. Motion carried.

Consider amending the fee schedule ordinance to reflect 2005 fees: Administrator McGuire reviewed the changes to the 2005 fee schedule and recommended adopting the proposed fee schedule. He noted the building permit fees would be incorporated within the fee schedule rather than within the building code ordinance. Mayor Schneider requested that staff look into the adjusting the non-resident park shelter fees for 2006.

Councilmember Kamps introduced the following ordinance and moved its adoption:

Ordinance No. 768

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 Johnson 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 amending the ordinance adopting the state building code to reflect updates: Staff recommended approval of the ordinance amendment.

Councilmember Nowaczek introduced the following ordinance and moved its adoption:

Ordinance No. 769

AN AMENDMENT TO THE ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE; PROVIDING FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES WITHIN THE CITY OF BAYPORT AND FURTHER PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES RELATED THERETO.

FURTHER, REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith AND PROVIDING FOR THE PENALTIES OF VIOLATIONS OF THIS ORDINANCE.

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 authorization of a feasibility study for the installation of sewer and water utilities and street reconstruction for South Minnesota Street: Engineer Peters reviewed a memo regarding providing sanitary sewer for residents on the south end of the City of Bayport and the need for a feasibility study for this project. Discussion followed on current and proposed service, and resident interest based on projected costs.

It was moved by Councilmember Nowaczek, and seconded by Councilmember Kamps, to direct staff to organize a neighborhood meeting, including Osprey Boulevard residents, to assess interest in the project prior to further City Council action, and bring back for discussion at a future meeting. Motion carried.

Discuss lobbying costs for phase III state storm sewer project: The past and proposed lobbying fees and efforts were discussed, noting that the cities of Oak Park Heights and Bayport fund the majority of the lobbying efforts. Administrator McGuire recommended authorizing continued funding, estimated at \$4,000.00, subject to Oak Park Heights also approving the lobbying fees.

It was moved by Councilmember Kamps, and seconded by Councilmember Ridgeway, to support the lobbying fees for the state storm sewer project for 2005, subject to similar support from the City of Oak Park Heights. Motion carried 4-1, with Mayor Schneider opposed.

PUBLIC HEARINGS

COMMUNICATIONS/REQUESTS

COUNCIL ITEMS/ANNOUNCEMENTS

1. Councilmember Nowaczek expressed concern regarding the detail of financial reporting and establishing standardized reporting to get a better sense of the city's financial status. Administrator McGuire noted staffs' willingness to work with the City Council to provide additional detail, but noted his concerns about the additional staff time that may be needed, and if it became too lengthy, most people would not read it. It was decided that when the new Finance Officer starts he may have some ideas and they would be discussed at a later date.
2. Mayor Schneider thanked Councilmember Kamps for his service to the city while serving on the City Council the past two years.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. The latest unofficial testing results of the city's water showed the TCE level at 4.4 parts per billion, which is at approximately the same level as the last two testing periods. Administrator McGuire reported that the meter and equipment for blending the city's water could be returned within 45 days with a 35% restocking charge. City staff will closely monitor the water supply testing and take appropriate action as needed.
2. There are openings on the Planning Commission and Bayport Public Library Board and residents are encouraged to apply.

ADJOURN

It was moved by Councilmember Kamps, and seconded by Councilmember Johnson, to adjourn the meeting at 9:00 p.m. Motion carried.