

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MAY 3, 2004  
7:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of May 3, 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, Attorney Kelley, Administrative Assistant/Planner Dietsche, Fire Chief Bell, Police Chief Gannaway, and Engineer Peters

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. Mayor Schneider announced \$30 recycling awards for the month of April were given to Carl Bliss, Alis DeLisle, and Ozile Sanford.
2. Mayor Schneider recognized members of the public in attendance.

**OPEN FORUM**

Julie Klink, Veterans Memorial committee member, explained the Veterans Memorial project and invited Councilmembers to the memorial dedication at Third and Pine Streets, Stillwater, Minnesota, on Memorial Day, May 31, 2004, at 2:00 p.m.

**CONSENT AGENDA**

Mayor Schneider read the list of items on the consent agenda. Councilmember Johnson requested that Items M (concept plan for Inspiration) and N (EAW preparation for Inspiration) be removed from the consent agenda approval and entered as Items 5 and 6 of New Business. Due to the importance of this proposed conservation development, he believed the items should be considered individually.

Councilmember Kamps introduced the following resolution, as amended by Councilmember Johnson, and moved its adoption:

**Res. 04-10**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS A THROUGH L FROM THE MAY 3,  
2004 COUNCIL AGENDA**

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

Bob Kamps – aye

Jon Nowaczek – aye

Dan Johnson – aye

Sharon Ridgway – aye

Rick Schneider - aye

**PUBLIC HEARINGS** - None

## **COUNCIL LIAISON REPORTS**

Councilmember Ridgway reported the Cable Commission met on April 21, 2004, and discussed a new 24-hour NBA station, DVR recorder, Victory Sports Channel, free classes on operation of digital equipment, and approval of amended budget. The next meeting is scheduled for June 16, 2004, 7:00 p.m., at the Access Studios located in Valley Ridge Mall.

Councilmember Nowaczek reported the Bayport Public Library Board met on April 22, 2004. Discussion continued on the Internet filtering policy, the meeting room policy was amended, and administrative issues were addressed. The residency wrap-up of Judy Land has been changed from May 10<sup>th</sup> to the evening of May 22<sup>nd</sup> at the library. The board is seeking a grant to install wireless network access at the library; it is their hope that wireless access and meeting room improvements will be in place by July. The next meeting is scheduled for Thursday, May 27, 2004, at 6:00 p.m.

Councilmember Kamps reported he and Administrator McGuire have been reviewing the watershed management plan that will be presented for review at the Watershed Management Organization meeting next week. He also referenced a letter from Ed Cain on the status of the Phase 3 Bayport State Storm Sewer Project with the Legislature and stated that a resident is still needed to sit on the Andersen Community Action Committee that is a partnership with the community to address environmental issues. If interested, residents should contact Kirk Hogberg, Andersen Corporation, Councilmember Kamps, or Administrator McGuire.

Councilmember Johnson reported that the Lower St. Croix Partnership would meet at Wednesday, May 19, 2004, 7:00 p.m., at the Hudson Government Center and encouraged residents to contact him with concerns.

## **UNFINISHED BUSINESS**

Consider bids for southeast quadrant sanitary sewer repair improvements: Engineer Peters reported that the bid opening for referenced project was held Thursday, April 29, 2004. Four bids were received ranging from approximately \$100,000.00 to \$109,000.00, which was considerably lower than the engineer's projected cost of \$199,000.00. The low bidder was Infratech, Infrastructure Technologies, Inc., Rogers, Minnesota, at \$100,890.50. Based upon past positive experience with this company, SEH recommended that the bid be awarded to this contractor in the amount of \$100,890.50. Substantial completion of the project is scheduled for August 15, 2004. The contractor will have 30 days to complete the work from the start date.

It was moved by Councilmember Nowaczek to award the contract for the southeast quadrant sanitary sewer repair improvements to Infratech, Infrastructure Technologies, Inc., in the amount of \$100,890.50.

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

Bob Kamps – aye

Jon Nowaczek – aye

Dan Johnson – aye

Sharon Ridgway – aye

Rick Schneider - aye

Consider adopting final text of pawnbroker ordinance: Attorney Kelley noted the pawnbroker ordinance was amended as directed by the City Council at the last meeting. He stated the most significant change was mandating the use of the Automated Pawn System effective January 1, 2005, for all pawnbrokers in the city. Staff recommended adopting the ordinance and the summary for publication.

Mayor Schneider introduced the following ordinance and moved its adoption:

**ORDINANCE NO. 761**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, AMENDING CHAPTER 22, OF THE BAYPORT CITY CODE, BY ADDING ARTICLE V. PAWNBROKERS.**

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

Bob Kamps – aye	Jon Nowaczek – aye
Dan Johnson – aye	Sharon Ridgway – aye
Rick Schneider - aye	

Consider adopting summary of pawnbroker ordinance: Attorney Kelley stated the summary would be used for publication purposes.

It was moved by Councilmember Johnson to adopt the summary of the pawnbroker ordinance as submitted.

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

Bob Kamps – aye	Jon Nowaczek – aye
Dan Johnson – aye	Sharon Ridgway – aye
Rick Schneider - aye	

**NEW BUSINESS**

Consider a rezoning request from B-2 General Business to B-3 Central Business, together with an amendment to the existing conditional use permit, variances, and site plan review for auto sales at 120 South Third Street: Planner Dietsche summarized the staff report. On April 19, 2004, the Planning Commission recommended approval of the application, subject to staff conditions of approval, and the following conditions:

- a solid wood fence along the west portion of the property to be installed prior to any new construction on the site
- lighting plan to be submitted for review for the installation of any additional lighting on site
- methods to preserve water quality as suggested by the NEMO philosophy are encouraged and should be explored by the applicant in development of a grading and drainage plan.

Applicant, Charlie Kaiser, 120 South Third Street, reviewed a new landscape plan, noting that additional flowering shrubs would be installed on the west side of the lot instead of arbor vitae.

Mayor Schneider noted that applicant has spoken with neighboring property owner Mary Gilbertson regarding installation of the solid wood fence. Mr. Kaiser stated Ms. Gilbertson requested a 6-foot fence.

The City Council discussed parking, removal of the house from the city tax base, and criteria of a hardship. Councilmember Johnson commented on the current conditional use permit allowing 15 cars at this location and reasonable use of the property. He noted that the property would be removed from the River Bluffland and Shoreland district when the DNR's boundary change takes place and stated he is in favor of the application to provide necessary off street parking for cars and staff. Mayor Schneider questioned whether applicant could be denied reasonable use of the property.

Attorney Kelley stated it would be difficult to deny applicant's request to rezone and that the variance requests will improve the property by bringing it into compliance with the number of cars per 300 square feet and will provide additional screening to minimize the application of the variances.

Councilmember Nowaczek questioned whether auto sales spaces could be placed only along Highway 95 and not wrap around the corner towards residences. Mr. Kaiser explained his desire to keep display spaces together and allow for convenient customer parking. Councilmember Nowaczek asked for further clarification on a lighting plan relative to intrusion into residential area. Mr. Kaiser stated he has no immediate plans for additional lighting and will explore the need before investigating a lighting plan. Discussion followed on rezoning the property to B-3 Central Business district designation to allow more flexibility with the lot area, lot coverage, and setback requirements. It was also noted that the property is in a transition area and rezoning to B-3 would extend the central business district further south.

Attorney Kelley suggested the following clarifications for the proposed resolution:

1. Paragraph F, bullet point 4, addition: *Landscaping plan shall be subject to the approval of city staff.*
2. Paragraph F, bullet point 8, addition: *Lighting plan shall be subject to the approval of city staff.*

Councilmember Johnson introduced the following resolution with Attorney Kelley's revisions relative to landscaping and lighting plans and moved its adoption:

**RESOLUTION 04-11**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CHARLIE KAISER'S REZONING, CUP AMENDMENT, VARIANCE,  
AND SITE PLAN APPLICATION**

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

Bob Kamps – nay	Jon Nowaczek – aye
Dan Johnson – aye	Sharon Ridgway – aye
Rick Schneider - aye	

Consider a proposal for a water system modeling and analysis study: Mayor Schneider noted that this study is a necessary part of the proposed Inspiration development and would be paid for by the developers, CPDC. Engineer Peters reported there was modeling done on the system in the late 1980's and a number of improvements were recommended, some of which were completed. As the development plans for Inspiration are being considered at the west city limits, another examination and review of the existing water system is needed to insure adequate fire flows and pressures. The study will also help evaluate alternatives for dealing

with contamination of well #2. Administrator McGuire noted he had received a preliminary draft of the PCA study done by Terracon Engineering, and that a final draft would be available in a week. The proposed study would fit in well with the PCA study to compare the alternatives for addressing the issues with well #2.

It was moved by Councilmember Nowaczek, and seconded by Councilmember Ridgway, to authorize SEH to proceed with the water system modeling and analysis study, with a cost not to exceed \$15,000.00. Motion carried.

Consider authorization for tax feasibility study for Inspiration development: Administrator McGuire reported this would be basically a new study since the proposed development has changed considerably. It will look at both the revenue and expense sides. He stated the study results would be available well in advance so that additional information could be requested, if necessary. He recommended approval of the tax feasibility study by Northland Securities for a fee not to exceed \$1,000.00, with the cost borne by the developer. Councilmember Nowaczek questioned the credentials of Northland Securities. Administrator McGuire stated he is comfortable recommending Northland Securities as he has worked with the firm previously, and they currently serve as Bayport's fiscal consultant. He also noted that city staff chose the firm, not the developer.

It was moved by Councilmember Nowaczek, and seconded by Councilmember Kamps, to authorize the tax feasibility study for the Inspiration development at a cost not to exceed \$1,000.00 from Northland Securities. Motion carried.

Consider Police Department purchase of a taser: Police Chief Gannaway reviewed the X26 Taser, which is a less lethal option for law enforcement in threatening situations. He noted all officers would be certified prior to using the device and its use will drastically reduce the city's liability as it minimizes risk for officers and suspects. Funding for the taser would come from the forfeiture fund.

It was moved by Mayor Schneider, and seconded by Councilmember Nowaczek, to authorize the purchase of a taser for the City of Bayport Police Department. Motion carried.

Concept plan for the conservation development Inspiration: The Inspiration concept plan was approved by the Planning Commission at the joint meeting of the Planning Commission and City Council on April 14, 2004. In the absence of the developers, Councilmember Johnson reviewed the details of the conservation development concept plan. Administrator McGuire noted that comments from the April 14<sup>th</sup> meeting are part of the public record and City Council action is necessary to approve the concept plan. Discussion followed on request for resident input and process for final plan approval.

It was moved by Councilmember Johnson, and seconded by Mayor Schneider, to approve the concept plan for the conservation development Inspiration. Motion carried.

Environmental Worksheet Assessment (EAW) preparation for the conservation development Inspiration: Councilmember Johnson reviewed the background of the Inspiration EAW preparation request as part of the planned unit development process. The assessment would identify areas that need further study, i.e., drinking water, traffic, water runoff, and density.

It was moved by Councilmember Nowaczek, and seconded by Councilmember Johnson, to approve the EAW preparation for the conservation development Inspiration. Motion carried.

## **COMMUNICATIONS/REQUESTS**

Donation request by Hesley Jensen American Legion Post 491 to support the annual Bayport Memorial Day parade: Administrator McGuire reported that the American Legion is requesting funds to support its annual parade and is requesting an increase from the \$250.00 donated the past 2 years. Attorney Kelley advised that state statutes prohibit the city from contributing more than \$300.00. The city budgeted \$250.00 for this line item in its 2004 budget; however, Administrator McGuire stated an increase to \$300.00 would be feasible.

It was moved by Mayor Schneider, and seconded by Councilmember Ridgway, to donate \$300.00 towards the American Legion Post 491 annual Memorial Day Parade. Motion carried.

## **COUNCIL ITEMS/ANNOUNCEMENTS**

Councilmember Kamps reiterated the need for a citizen representative to sit on the Andersen Community Action Committee, which will be meeting in three weeks. Interested citizens should contact Councilmember Kamps or Kirk Hogberg.

Mayor Schneider reminded everyone of the Veterans Memorial dedication on May 31<sup>st</sup> at 2:00 p.m. at Third and Pine Streets, Stillwater, Minnesota. Mayor Schneider also encouraged anyone interested in viewing the tape on nonpoint source pollution to contact City Hall for a copy.

## **ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS**

Administrator McGuire reported on the following:

- Vehicle noise signs have arrived and MnDOT will have the signs posted within a week.
- Public Works staff will have the trailer parking signs at Lakeside Park posted by Memorial Day, or sooner.
- The city newsletter is being revived and will be out by the end of May.
- Most of the issues related to the installation of the new phone system have been resolved. He noted the City Hall phone number remains 439-2530, but that it will be switched to the new number of 275-4403 at some point as a cost-savings measure.

## **ADJOURN**

It was moved by Councilmember Ridgway, and seconded by Mayor Schneider, to adjourn the meeting at 8:39 p.m. Motion carried.