

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

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of September 7, 2004, 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 Schneider, Councilmembers Johnson, Kamps, Nowaczek, and Ridgway

Members Absent: None

Others Present: Administrator McGuire, Planning Consultant Darrow, Administrative Assistant/Planner Dietsche, Attorney Domagala, Police Chief Gannaway, Public Works Supervisor Horak, Finance Officer Nash, Engineer Peters, Fire Chief Radke, and Attorney Vierling

DISCUSS AND CONSIDER ADOPTION OF 2005 PRELIMINARY BUDGET, CAPITAL IMPROVEMENT PROGRAM (CIP), AND TAX LEVY

Administrator McGuire reviewed the preliminary budget in detail noting the formal budget would be brought for adoption in December. The funding plan was developed taking into account the expiration of the approximately \$500,000.00 Andersen Corporation payment in lieu of taxes. The proposed 2005 levy is \$1,033,768.00, which is the same as the adopted 2004 levy, resulting in an anticipated city tax decrease of 2.81%. Licenses and permits revenue is projected at \$313,400.00, 16% of the 2005 revenue, assuming 50 new homes are built as part of the proposed Inspiration development. The only bond the city has is for the Andersen Corporation street and utility improvement project taken out in 2001. The debt balance for this TIF refunding bond will be \$1,315,000.00 at the end of 2004. Administrator McGuire explained the \$53,000 levy allocation for the tax increment bond. Mayor Schneider recommended the city look into this levy allocation, stating it does not seem fair to Bayport homeowners. No increases are proposed for water and sewer fees; however, Administrator McGuire stated the city would be reviewing the commercial/industrial rates for a potential increase. Unlike most cities, Bayport does not have a substantial rate difference between residential and commercial/industrial rates.

Administrator McGuire reviewed the 5-year CIP that was prepared at the direction of the City Council. He noted it is very important that the City Council review the projects in the first year of the CIP, as they will be in the 2005 budget. The 2005 projects, totaling \$1,251,000.00, and funding sources were reviewed. Councilmember Kamps questioned the city paying for paving the alley in city block 85 and requested staff check on past practice. Councilmember Nowaczek stated that the cost of correcting the water contamination problem is a key unknown at this time and could have a serious impact on the proposed budget.

Councilmember Ridgway introduced the following resolution and moved its adoption:
Res. 04-24

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ADOPTING THE PRELIMINARY CITY BUDGET FOR 2005**

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

Councilmember Nowaczek introduced the following resolution and moved its adoption:
Res. 04-25

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION
FOR THE CITY'S GENERAL, DEBT SERVICE AND LIBRARY SPECIAL FUND AT
\$1,033,768.00**

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

It was moved by Councilmember Nowaczek, and seconded by Councilmember Ridgway, to accept the Capital Improvement Program as presented. Councilmember Johnson inquired whether this motion would bind the City Council in any way. Administrator McGuire indicated the motion would accept the CIP as a report only. Motion carried.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

1. Mayor Schneider announced \$30.00 recycling awards for the month of August were given to Dorothy Smith, Bob Laiti, and George Golike.
2. Derby Days representative Andree Aronson summarized the schedule of events for Bayport Derby Days to be held September 17 & 18, 2004. Volunteers may sign up at City Hall or the Bayport Public Library.

OPEN FORUM

Mayor Schneider thanked Pete and Marilyn Miller of Miller Excavating for the donation of the new Barker's Alps sign.

Mayor Schneider recognized State Senator Brian LeClair who was in attendance.

CONSENT AGENDA

Mayor Schneider read the list of items on the consent agenda.

Councilmember Kamps introduced the following resolution and moved its adoption:

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE SEPTEMBER 7, 2004
COUNCIL AGENDA**

1. August 2, 2004 City Council regular meeting minutes
2. August payables and receipts lists
3. August building, plumbing and mechanical permits
4. Central St. Croix Valley Cable Commission operating budget for 2005
5. Fire contract fair share allocation
6. MN Department of Public Safety grant agreement for project "Safe and Sober Communities"
7. American Red Cross "Miles for Measles" 5K Fun Run/Walk
8. 2004 audit agreement with Tautges Redpath, Ltd.
9. CDBG grant agreement with Washington County
10. Park donation from Semple Movers

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	

COUNCIL LAISON REPORTS

Councilmember Ridgway reported that the Cable Commission met on August 18, 2004. Digital video recorders will be available through Comcast for \$9.95 per month, as well as Video on Demand. She provided an update on local cable access issues. The next meeting is scheduled for October 20, 2004, 7:00 p.m., at Valley Ridge Plaza.

Councilmember Nowaczek reported that the Bayport Public Library Board met on August 26, 2004. Highlights of the meeting included an update on the rollout of wireless access service at the library and discussion on the role of the library board and its powers. The next meeting is scheduled for September 30, 2004, 6:00 p.m., at the library.

Councilmember Kamps reported that at the last meeting of the Middle St. Croix Watershed Management Organization (WMO), the final second generation water management plan was approved. The 60-day review process is similar to an Environmental Assessment Worksheet process. The review period ends October 21, 2004, and copies are available by contacting Councilmember Kamps or City Hall. He reported on WMO efforts with the Washington County Board to change their tax levying authority to allow for individual taxation as opposed to city taxation. Discussion followed on the pros and cons of this proposal. The next WMO meeting is scheduled for September 9, 2004, at 7:00 p.m.

Councilmember Johnson reported the next Lower St. Croix Partnership meeting is scheduled for September 15, 2004, 7:00 p.m., at the St. Croix County Government Center. He indicated the main focus of this meeting would be the Wisconsin DNR's recent rule governing development on the Wisconsin side of the river. Contact Councilmember Johnson or Chris Hayner, Bayport's alternate member, to forward topics for discussion by the organization.

PUBLIC HEARINGS

Consider the 2004 curb rehabilitation project: Engineer Peters summarized the project. Hearing no public comments, it was moved by Councilmember Kamps, and seconded by Councilmember Johnson, to close the public hearing. Motion carried. Councilmember Ridgway questioned the specifications for the product used under the cement. Public Works Supervisor Horak stated that the specifications follow the recommendations of Cemstone engineering staff, which is use of recycled class 5 gravel beneath the concrete. Councilmember Kamps requested that residents receive cost information with their notification of sidewalk/curb repair. Administrator McGuire indicated that the price per square foot for repairs would be included in future notices. It was moved by Councilmember Nowaczek, and seconded by Councilmember Kamps, to order the 2004 curb rehabilitation project as set forth in city documents. Motion carried.

UNFINISHED BUSINESS

Consider accepting quotes for the 2004 curb rehabilitation project: Three quotes were received for the project that includes removal and replacement of two types of concrete curb and the removal and replacement of driveway aprons. The quotes ranged from \$13,519.00 to \$22,482.27, which compared favorably with the engineer's estimate of \$16,181.50. The low quoter was Bailey Construction, Stillwater, Minnesota, and staff recommends awarding the project to this contractor in the amount of \$13,519.00. Councilmember Kamps questioned the feasibility of combining the sidewalk and curb projects. Engineer Peters stated this is the typical process, however this year the Public Works department did not have time to mark both project areas to facilitate combination of the projects. It was moved by Councilmember Nowaczek, and seconded by Councilmember Johnson, to accept the bid and award the 2004 curb rehabilitation project to Bailey Construction of Stillwater, Minnesota, in the amount of \$13,519.00. Motion carried.

Consider feasibility of vacating entire streets and adopting a street vacation policy: Engineer Peters reviewed City Council action relative to adopting a street vacation policy. At this time, City Attorney Vierling and city staff does not recommend consideration of a blanket street right-of-way vacation policy. They recommend that street vacation requests be considered on a case-by-case basis, reviewing the merits and applications specific to each lot and block affected. Applicants will be directed to contact adjacent property owners for interest in extending the vacation along the length of the block, with the goal of vacations being granted in a minimum of 10-foot increments. Criteria for vacation petitions were reviewed.

It was moved by Councilmember Nowaczek to adopt the street vacation recommendations as outlined in Engineer Peter's memorandum dated August 31, 2004, as a policy of the city. Discussion followed on the need for a resolution for this action. Administrator McGuire noted a resolution would be favorable and could be put on next month's consent agenda. Councilmember Nowaczek amended his motion to accept the recommendations and direct staff to draft a resolution for next month's meeting. Councilmember Johnson seconded the motion. Motion carried.

Consider appointing a city contact person for the railroad quiet zone report: Engineer Peters reviewed his report that recommended appointing the city administrator as the "public authority contact" to work with the Federal Railroad Administration (FRA) in the process to maintain the city's whistle ban/quiet zone. Discussion followed on how a contracted city

administrator would affect this designation. It was determined this would be satisfactory since the position, and not a specific person, is being designated.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 04-27

RESOLUTION OF THE BAYPORT CITY COUNCIL APPOINTING THE PUBLIC AUTHORITY CONTACT FOR THE NIGHTTIME BAN ON THE USE OF TRAIN HORNS

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

Assessment hearing for sidewalk improvement project and curb rehabilitation project to be held at the October 4, 2004 City Council meeting: Engineer Peters noted that Minnesota Statute 429 requires the city to hold an assessment hearing for the properties that will be assessed for a portion of the 2004 sidewalk and curb improvements. Staff recommended the assessment hearing be held at the October 4, 2004 regular City Council meeting.

It was moved by Councilmember Kamps, and seconded by Councilmember Nowaczek, to set the assessment hearing date for the 2004 sidewalk improvement project and curb rehabilitation project for the October 4, 2004 regular City Council meeting at 7:00 p.m. Motion carried.

NEW BUSINESS

Review of comprehensive plan amendment, rezoning, preliminary plat, and general development plan for the conservation development Inspiration: Consultant Darrow summarized the staff report dated September 1, 2004. The Metropolitan Council approved the comprehensive plan on August 25, 2004, so the timeline for the remaining four applications will expire on October 25, 2004. Administrator McGuire indicated the main purpose of this review was to identify any issues that have not yet been addressed, so complete information can be provided for City Council consideration at the October meeting when action will need to be taken to meet the October 25th deadline. CPDC representatives were available to answer questions.

Mayor Schneider expressed a desire for more information on the issue of private versus public alleys and the future use of Outlot M. Councilmember Nowaczek stated that his questions and concerns regarding the financial and fiscal impacts of the development have been satisfied through the new financial model provided by staff. Councilmember Kamps requested that a workshop be held in the next month to address outstanding issues, as he is not comfortable approving the plan at this point.

His concerns include small lot sizes, street widths, and parking. Administrator McGuire noted that staff has worked with the developer on resolving many of the initial issues. Discussion followed on the issues under the homeowner's association control and trail surfaces. Councilmember Johnson believes the present plan is a good compromise and does not favor increased home density for the area. Councilmember Ridgway expressed concern that 15 feet between homes is not sufficient for fire safety.

Administrator McGuire suggested that instead of debating the councilmembers' individual concerns at this meeting, perhaps it would be more beneficial if staff and the developer meet with each councilmember to discuss their individual concerns and answer questions, prior to the October meeting. Each councilmember agreed to arrange an individual meeting with staff, if they felt it was necessary. It was moved by Councilmember Nowaczek, and seconded by Mayor Schneider, to start the October meeting at 6:00 p.m. to allow additional time for discussion on the applications associated with Inspiration. Motion carried.

Consider a feasibility study for the Inspiration water connection: Engineer Peters summarized specific tasks to be completed as part of the ground water study proposal, including an aquifer pumping test, ground water flow model, coordination and communication with MDH staff, and initiate wellhead protection plan. The estimated cost of the tasks is \$27,000.00 with an estimated completion date within 3-4 months after authorization to proceed. Discussion followed on the study and if the city or developer would be responsible for costs associated with the study. It was moved by Councilmember Nowaczek, and seconded by Mayor Schneider, to authorize SEH to complete the ground water study for the Inspiration water connection, for a cost not to exceed \$27,000.00, subject to all costs being paid by Contractor Property Developer's Company (CPDC). Motion carried.

Consider assignment of agreement with Qwest Wireless, LLC: Attorney Domagala summarized the terms of the agreement and explained that consent is required to complete this assignment of the city's lease agreement to Verizon Wireless. It was moved by Councilmember Nowaczek, and seconded by Councilmember Johnson, to complete the assignment of agreement requested by Qwest Wireless, LLC. Motion carried.

COMMUNICATIONS/REQUESTS

COUNCIL ITEMS/ANNOUNCEMENTS

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

Consider RFP's for city consultants: Administrator McGuire stated that the City Council had expressed some interest in soliciting requests for proposals on the city's consulting services. The city's primary consultants include Tautges Redpath, auditor; SEH, engineer; and Eckberg, Lammers, Briggs, Wolff & Vierling, attorney. Administrator McGuire recommended that if the City Council chooses to pursue this, only one consultant is chosen on an annual basis. Discussion followed regarding the pros and cons of possibly replacing one of the city's consultants this year. The City Council agreed that since it was not imperative to pursue the item immediately, they directed staff to bring the item back for discussion in 2005.

Consider a special meeting to discuss drinking water: Due to recent test results regarding the city's water, Administrator McGuire recommended that it would be beneficial to arrange a meeting with the MPCA, MDH, and the three engineering firms that have completed or are in the process of completing studies of the city's water for discussion. The City Council agreed with Administrator McGuire's recommendation and directed staff to arrange a meeting with these agencies.

ADJOURN

It was moved by Councilmember Kamps, and seconded by Councilmember Johnson, to adjourn the meeting at 8:50 p.m. Motion carried.