

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
February 3, 2003
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Rick Schneider called the regular City Council meeting of February 3, 2003, to order at 7:02 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 Jon Nowaczek, Sharon Ridgway and Bob Kamps.

Members absent: None.

Others present: Acting Administrator Wendi Lindquist, City Attorney Jim Lammers, City Engineer Barry Peters, Police Chief John Gannaway, Fire Chief Mike Bell, Jeff Davis – SEH and Mike Darrow of Northwest Associated Consultants (NAC).

PETITIONS/INDIVIDUALS/DELEGATIONS & COMMENDATIONS

None.

OPEN FORUM

None.

INTERVIEW/FILL VACANT CITY COUNCIL SEAT

Mayor Schneider read a letter of resignation from former Councilmember Corrigan. Schneider asked Acting Administrator Lindquist if it is necessary to take a roll call vote for Resolution 03-19, Lindquist confirmed that a roll call vote is necessary.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-19

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-19 DECLARING A CITY COUNCIL SEAT VACANT.

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

| | |
|----------------------|----------------------|
| Sharon Ridgway – aye | Rick Schneider – aye |
| Bob Kamps – aye | Jon Nowaczek - aye |

Mayor Schneider then asked the declared candidates to step forward and share their qualifications with the City and Councilmembers.

Candidate Jim Connors withdrew his application for the open seat.

Candidate Dan Johnson addressed the Council and citizens by giving a short history of his educational background, qualifications and family.

Candidate Jim Menard addressed the Council and citizens by reading a letter giving a short history of his years serving as a former Councilmember including his qualifications.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-20

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-20 APPOINTING DAN JOHNSON TO THE VACANT CITY
COUNCIL SEAT.

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

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

Following three failed motions on Resolution 03-20, City of Bayport Mayor Rick Schneider appointed Dan Johnson to the vacant City Council seat according to State Statutes.

CONSENT AGENDA

Councilmember Schneider pulled item C from Consent Resolution #03-18 for later discussion under New Business.

Councilmember Nowaczek introduced the following resolution and moved its adoption as amended:

Res. 03-14; 03-15; 03-17 and 03-18

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-18 APPROVING CONSENT AGENDA ITEMS A, C AND D FROM
JANUARY 13, 2003 COUNCIL AGENDA.

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Johnson.

Councilmember Schneider apologized for overlooking the appointment of Joe Reding to the Library Board at the January regular Council meeting.

Moved by Member Nowaczek, seconded by Member Johnson to Appoint Joe Reding to the Library Board.

The motion passed unanimously.

PUBLIC HEARINGS

EIS Scoping Meeting

Councilmember Schneider opened the EIS Scoping Meeting. City Planner Mike Darrow explained that due to the uncertainty of the applications from Contractor Property Developer Company ("CPDC") it is necessary to continue the EIS meeting until March 3, 2003.

Councilmember Schneider ask for discussion on the issue and explained that at a workshop session several weeks ago Councilmembers were trying to get finding of facts together but prior to that meeting Councilmember Nowaczek met with Homer Tompkins from CPDC and at that time there was a sort of verbal agreement that CPDC would withdraw the PUD Application and Preliminary Plat. Schneider further explained that the EIS should be tabled at this time.

Councilmember Nowaczek stated that City Attorney Jim Lammers is still working out the details of an agreement between the City and CPDC to withdraw those applications.

Moved by Councilmember Johnson, seconded by Councilmember Nowaczek to continue the public hearing for the EIS Scoping Meeting to the regular March 3, 2003.

Dan Vick, 652 5th Street, addressed Councilmembers with his concerns that building houses may not bring in enough business to Bayport. Vick suggested bringing in small industry, warehousing and possibly a trucking firm or factories to bring jobs into Bayport.

Upon roll call being taken, the following voted via voice:

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

Jane Keyes Street Vacation – Resolution #03-16

Councilmember Schneider opened the meeting for public hearing comments.

City Engineer Barry Peters explained the location of the street and easements for the requested vacation from Jane Keyes.

Susan St. Ores, 345 Lake Street South, pointed out that the tip of the Lake Street Point is under deed to her and husband Phil St. Ores. St. Ores expressed some concerns with language in the proposed resolution stating “a vacation to occur without any future easement constraints” and pointed out that this sort of language may mean losing access to the property if the City vacates easements to said property. St. Ores further suggested negotiating an agreement with the Keyes to secure future access/easements to her family’s property.

Barry Peters pointed out that Resolution 03-16 does not contain certain language that would prohibit any future easement constraints. The language is contained in a memo to Councilmembers that accompanied Resolution 03-16 but does agree that an agreement should be reached prior to vacating this portion of the street and easements.

St. Ores requested a delay in the decision in order to negotiate a private easement agreement with Jane Keyes and bring the issue back to an upcoming Council meeting.

Moved by Councilmember Johnson, seconded by Councilmember Kamps to continue the public hearing for the Keyes Street Vacation to the regular City Council meeting on March 3, 2003 and directed St. Ores to answer two questions for Councilmembers at the next meeting which are 1) How do you access the property and 2) is the vacation going to cut that access off.

Motion passed unanimously.

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the St. Croix Valley Joint Cable Communications Commission meeting was cancelled. The next meeting is scheduled for February 19, 2003 at 7:00 p.m. at the Valley Access Studio.

Councilmember Nowaczek reported the Library Board met on January 30, 2003, and asked citizens to mark their calendars on March 13, 2003 at 7:30 p.m. The Bayport Public Library and Bayport Parent Group is sponsoring an “Author and Residents” for an Open House at the Bayport Public Library. Furthermore, the Bayport Public Library will hold their next regular meeting on February 27, 2003 at 7:00 p.m. at the Library.

Councilmember Ridgway suggested that Dan Johnson be appointed to former Councilmember Corrigan’s vacant committee seats.

Moved by Councilmember Schneider, seconded by Councilmember Ridgway to appoint Dan Johnson to take over the committee liaison positions vacated by Sheryl Corrigan.

Motion passed unanimously.

CITY CONSULTANT REPORTS

1. City Attorney Report – none.
2. City Engineer Report – none.
3. City Planner Report – Mike Darrow stated he would like to remind Councilmembers and public watching that there will be a public hearing on February 10, 2003, at 7:00 p.m. to discuss the City's Subdivision Ordinance to get additional input on design from the community.

UNFINISHED BUSINESS

Discuss Phase III of Storm Sewer Project and authorize contract on behalf of the MSCWMO.

Acting Administrator Lindquist invited Jeff Davis – SEH, to give a brief history of the project as well as explain the request to authorize a contract for the phase III study.

Jeff Davis thanked the Councilmembers for allowing him to give tonight's presentation. Davis explained that SEH as well as the MSCWMO would like to be able to tie the phase III study into a previous contract signed in 1998 and use remaining grant funds from phase II to secure phase III study funding. Davis pointed out that the grant money will go back to the State of Minnesota if not used by June or July of 2003.

Moved by Councilmember Johnson, seconded by Councilmember Nowaczek to approve a contract on behalf of MSCWMO for SEH to perform the design study for Phase III of the State Storm Sewer Project .

Motion passed unanimously.

NEW BUSINESS

Set a date for a Public Hearing on Bayport West

After brief discussion surrounding a proposed arrangement by which the City and CPDC would enter into a new agreement Councilmember Nowaczek suggested scheduling a public hearing for public input and suggestions as far as a plan that Bayport residents can live with.

City Attorney Jim Lammers suggested holding a workshop meeting with CPDC prior to the public hearing to discuss some of the major issues surrounding the current applications.

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Councilmembers tentatively set a workshop meeting date for February 24, 2003 at 7:00 p.m.

Moved by Councilmember Nowaczek, seconded by Councilmember Johnson to schedule a public hearing for March 17, 2003 at 7:00 p.m. at the Bayport Public Library.

Motion passed unanimously.

Moved by Councilmember Ridgway, seconded by Councilmember Kamps, to authorize and direct City Planner Mike Darrow and staff to prepare documentation paperwork for Finding of Facts regarding the developers' current applications and additionally to send a letter to the EQB, Met Council, CPDC and Neighboring Communities informing them of current status and the date for the public hearing.

Motion passed unanimously.

Discuss/Approve Item C from Consent Agenda Resolution 03-18

Councilmember Schneider directed Staff to ensure the monthly Payables & Receipts report is ready and included in the original packets distributed to Councilmembers the Friday prior to the regular meeting for review. Schneider directed staff to prepare and distribute a monthly report of each department's year-to-date budget.

Moved by Councilmember Johnson, seconded by Councilmember Schneider to amend Resolution 03-18 to include the December Payables and Receipts List.

Motion passed unanimously.

COMMUNICATIONS/REQUESTS

None.

COUNCIL REQUEST ITEMS

Discuss open City Administrator position

Councilmember Ridgway questioned where staff is at with resumes for the open City Administrator position. Acting Administrator Lindquist stated it is the staff's intention to copy current resumes on file and distribute to Council for review. Lindquist suggested setting up a subcommittee to determine the process for filling the position and to interview final candidates.

Councilmember Johnson suggested adding this issue to the Workshop agenda for February 24, 2003.

STAFF REPORTS

Presentation on 800 MHZ Radio System

Police Chief Gannaway referred to Council packets with information to help the council make a decision for establish a Radio Replacement Fund to upgrade current emergency radio systems for police and fire by the year 2007-2008. Gannaway explained that the system is very expensive and the City is completely dependant upon Washington County's radio system. Once Washington County upgrades the surrounding Cities will have to do the same. Gannaway suggested that the City would be negligent in not preparing ahead of time for the upgrade by at least establishing a separate fund to put money in to each year but has no clear idea of how much to request at this time. Gannaway suggested that Washington County may be able to assist Cities with some of the cost of the radios – but again that is no guarantee.

Councilmember Ridgway suggested waiting until March or so when the City and Auditor's close out the 2002 Budget to see how much (if any) money is left to transfer in to a radio replacement fund.

Discuss/Approve the Middle St. Croix Watershed Management Organization Annual Fees

Acting Administrator explained that she had a brief discussion with former Councilmember Schultz to get a history from him. Lindquist explained that the State suggested the watershed develop and management plan that would take them through the 2020. The watershed is asking member cities to share in the expense and the City's portion would be \$8,486.38. Lindquist pointed out that the yearly membership fee will return to the 2002 levels (\$4,243.18) next year. However, Lindquist explained that when the former Councilmember and Administrator adopted/approved the 2003 budget there was a significant cut to the line item which pays for this membership fee...somewhere around \$2,500.00 was approved - which is not enough to cover the basic membership fee. If approved the funds would have to be taken from the "emergency fund."

Councilmember Nowaczek stated this may be premature to spend the money simply because this seems like a discretionary item for the watershed and not a mandatory option right now.

Lindquist suggested having Councilmember Kamps attend his first meeting as a liaison to the watershed and report back on their findings to support such an expense on the Cities behalf.

Moved by Councilmember Nowaczek, seconded by Councilmember Johnson to table discussion and approval until Councilmember Kamps attends the next watershed meeting to bring back findings to support authorization of the expense.

Motion passed unanimously.

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ADJOURN

Councilmember Schneider moved, seconded by Councilmember Kamps, to adjourn at 9:45 p.m. Motion passed unanimously.

Respectfully submitted,

Wendi Lindquist
Acting Administrator