

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 4, 2004
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of October 4, 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, Public Works Supervisor Horak, Engineer Peters, and Attorney Vierling

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced \$30.00 recycling awards for the month of September were given to Eileen Brinkman, Rebecca York, and Dale Carlson.

OPEN FORUM

Representative Andree Aronson thanked everyone involved with the successful Derby Days community event on September 17 and 18, 2004. She noted that the Bayport Community Action League (BCAL) is looking for additional members.

CONSENT AGENDA

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

Res. 04-28

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE OCTOBER 4, 2004
COUNCIL AGENDA**

1. September 7, 2004 City Council regular meeting minutes
2. September 20, 2004 City Council special meeting minutes
3. September payables and receipts lists
4. September building, plumbing and mechanical permits
5. Street vacation policy
6. 2005-2007 labor agreement with Local 320 (Public Works Department)
7. Accept donation from Hugh J. Andersen Foundation to purchase a vehicle for the police department
8. Authorization to purchase a new laptop computer for the police department

Councilmember Ridgway recognized the Hugh J. Andersen Foundation for their grant that will enable the Bayport Police Department to purchase a new patrol vehicle. 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
Dan Johnson – aye
Sharon Ridgway – aye

Bob Kamps – aye
Jon Nowaczek – aye

COUNCIL LAISON REPORTS

Councilmember Ridgway reported that the Cable Commission did not meet in September. The next meeting is scheduled for October 20, 2004, 7:00 p.m.

Councilmember Nowaczek reported that the Bayport Public Library Board met on September 30, 2004. The wireless access service at the library is operational and there has been a great response by students. The Andersen Foundation was recognized and thanked for their \$56,000.00 grant for 2004 operating expenses. The next meeting is scheduled for Thursday, October 28, 2004, 6:00 p.m., at the library.

Councilmember Kamps reported the Middle St. Croix Watershed Management Organization (WMO) reviewed the water management plan at their last meeting. Nothing has been finalized with the Washington County Board with regards to a change in tax levy authority.

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. Contact Councilmember Johnson or Chris Hayner, Bayport's alternate member, to forward topics for discussion by the organization.

UNFINISHED BUSINESS

NEW BUSINESS

Consider a zoning ordinance text amendment to section 507 – Planned Unit Development (PUD): Consultant Darrow reported an error was found in section 507.03 (13) regarding setbacks while preparing documents for the proposed development Inspiration. When the ordinance was revised in April 2003, the word “increase” was erroneously used in the text instead of “decrease.” The Planning Commission held a public hearing on September 20, 2004 to consider the text amendment, and the Planning Commission unanimously recommended approval of the text revision. Discussion followed on allowing for greater flexibility through the use of a more generic term in the text amendment, i.e., “alter.”

Councilmember Nowaczek introduced the following ordinance and moved its adoption, with the amendment that the last sentence shall read, “As appropriate, the City may alter these standards.”:

ORDINANCE NO. 765

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING THE CITY CODE BY AMENDING SECTION 507.03(13) OF THE BAYPORT ZONING ORDINANCE REGARDING SETBACKS WITHIN A PLANNED UNIT DEVELOPMENT

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
Dan Johnson – aye
Rick Schneider – aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Consider a comprehensive plan amendment, rezoning, preliminary plat, and general development plan for the conservation development Inspiration: Consultant Darrow recapped the development proposal and Planning Commission and City Council action to date. Discussion followed on public versus private maintenance of the alley system, as well as the pros and cons of including Outlot M in the conservation easement or designating it for future city use. The alternative of placing a dated conservation easement on a portion of the outlot, e.g., a 10-year easement restriction on one of the five acres, was discussed.

Councilmember Johnson introduced the following resolution and moved its adoption:

Res. 04-29

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF BAYPORT COMPREHENSIVE PLAN RELATED TO LAND OWNED BY CONTRACTOR PROPERTY DEVELOPERS COMPANY FOR THE “INSPIRATION” DEVELOPMENT REGARDING THE LAND USE FROM INDUSTRIAL TO MIXED DENSITY RESIDENTIAL

The motion for adopting the foregoing resolution 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	

Councilmember Johnson introduced the following ordinance and moved its adoption:

ORDINANCE NO. 766

AN ORDINANCE AMENDING SECTION 10 OF THE BAYPORT ZONING ORDINANCE TO PROVIDE A CHANGE IN ZONING CLASSIFICATION FROM I-INDUSTRIAL TO R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT

The motion for adopting the foregoing resolution 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	

Councilmember Johnson introduced the following resolution, amending the draft condition of approval #28 to read, *Outlot M: The City shall have the right to reserve in the conservation easement the right to acquire up to two acres of Outlot M for public use, on such terms and conditions as the staff and developer may agree.*

Res. 04-30

A RESOLUTION ESTABLISHING FINDINGS OF FACT AND RESOLUTION OF THE CITY COUNCIL THAT THE REQUEST BY CONTRACTOR PROPERTY DEVELOPERS COMPANY (CPDC) FOR PRELIMINARY PLAT AND GENERAL DEVELOPMENT PLAN, PLANNED UNIT DEVELOPMENT FOR A DEVELOPMENT OF ROUGHLY 245 ACRES AND CONSISTING OF 328 RESIDENTIAL UNITS BE APPROVED WITH CONDITIONS

The motion for adopting the foregoing resolution was duly seconded by Councilmember Kamps, with a wording revision in condition #36 to reflect the Middle St. Croix Watershed Management Organization, not “District.” Councilmember Ridgway further noted the words “east” and “west” were interchanged in the property description listed on pages 1 and 4. Discussion followed on the differences between the Bayport West and Inspiration proposals, the amount of land reserved for the city in Outlot M, and the current fence ordinance applying to the development. Mayor Schneider invited residents to comment.

Ron Van Zee, 470 South 5th Street, feels this is a pretty good plan, however he is concerned with any development of the property.

William McManus, 516 South 4th Street, believes Inspiration is basically the same as Bayport West and will be the end of Bayport as a small town. He expressed his concern that Andersen Corporation would be getting \$40 million from this proposal instead of bringing economic development to the area.

Debbie Gregory, 223 South 5th Street, questioned whether the 70% open space would be maintained in perpetuity, or if additional phases of the development would be possible. Attorney Vierling indicated that by putting the open space into a conservation easement it would effectively lock up the area, if properly done. Councilmembers reiterated that it is their intent to maintain the open space.

Mel Horak, 226 South 3rd Avenue, Public Works supervisor, inquired if there would be curbing on the 20 and 26 foot wide streets. Engineer Peters noted some areas would have the regular barrier-type 6" high curb, but the majority of the streets will have a concrete ribbon to protect the edge of the pavement.

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

Mayor Schneider noted this has been a long process and encouraged everyone to pull together as Inspiration is developed.

Consider establishment and appointments to a citizen advisory board to assist in the development of a city park plan: Administrator McGuire reviewed the staff recommendation to establish a citizen advisory board to work with Westwood Engineering who is in the process of completing a park plan for the City of Bayport. It was noted there would be substantial park dedication fees received from CPDC as part of the Inspiration development. Residents were encouraged to contact City Hall if they are interested in serving on the board. It was moved by Councilmember Nowaczek, and seconded by Councilmember Johnson, to continue the discussion to the November meeting. Motion carried.

Review options for blending city water and consider authorization to complete plans and specifications for blending: Administrator McGuire stated that at the September 20, 2004 special City Council meeting it was recommended by the parties in attendance that a proposal for blending water from the city's three wells should be submitted for action at the October City Council meeting. SEH was asked to submit a proposal for the engineering work to accomplish the blending, and the estimated project cost is in the \$25,000.00-\$30,000.00 range. Engineer Peters reviewed his memo dated October 4, 2004, which detailed the blending process. He indicated SEH could complete the required sketch plan, material specifications, and shop drawing reviews for less than \$1,500.00. Public Works Supervisor Horak stated the Minnesota Department of Health (MDH) is in favor of this short-term solution to address the trichloroethene (TCE) contamination in the Bayport water supply. The city is exploring long-term alternatives. The level of TCE can be controlled through the blending process and will be uniform throughout the city. The next testing results will be

available in 1-2 weeks. If the TCE is above the 5.0 maximum contaminant limit, immediate steps will be taken to begin the blending.

It was moved by Councilmember Kamps to authorize SEH to prepare the sketch plan and material specifications for submittal to the MDH and to solicit quotes for consideration at the next meeting. Councilmember Nowaczek seconded the motion with the amendment that the SEH cost for the work will not exceed \$1,500.00. Motion carried.

PUBLIC HEARINGS

Curb rehabilitation program assessment hearing: Engineer Peters reviewed the curb rehabilitation project. The total cost of the project was \$15,733.92, of which \$5,175.96 was assessed to property owners. Objections to the assessment must be made in writing at this meeting. Staff recommends the City Council adopt the assessment roll as presented, at which time residents would have 30 days from this date to pay their assessments in full without interest. Public Work Supervisor Horak noted that planting of replacement trees would begin this fall. It was moved by Councilmember Johnson, and seconded by Councilmember Ridgway, to close the public hearing. It was moved by Councilmember Kamps, and seconded by Councilmember Ridgway, to adopt the assessment roll as presented. Motion carried.

Sidewalk improvement project: Engineers Peters reviewed the project. The total project cost was \$49,892.48, with \$21,592.89 assessed to property owners. Objections to the assessment must be made in writing at this meeting. Staff recommends the City Council adopt the assessment roll as presented, at which time residents would have 30 days from this date to pay their assessments in full without interest. Staff clarified that the total assessment for property owners with multiple parcels was listed in the unnamed column prior to the city cost column. It was moved by Councilmember Nowaczek, and seconded by Councilmember Ridgway, to close the public hearing. It was moved by Councilmember Johnson, and seconded by Councilmember Kamps, to adopt the assessment roll as presented. Motion carried.

COMMUNICATIONS/REQUESTS

COUNCIL ITEMS/ANNOUNCEMENTS

Councilmember Ridgway reminded everyone that property taxes are due on October 15th.

ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS

1. The Bayport Community Action League (BCAL) is sponsoring a candidate's forum on October 12, 2004 at City Hall.
2. Election Day is Tuesday, November 2, 2004.
3. The next City Council meeting will be held on Monday, November 8, 2004, at 7:00 p.m. due to setup for Election Day.

ADJOURN

It was moved by Councilmember Kamps, and seconded by Councilmember Nowaczek, to adjourn the meeting at 7:46 p.m. Motion carried.