

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JULY 12, 2004  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Schneider called the regular City Council meeting of July 12, 2004, to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag. Mark Vierling and Laura Domagala were introduced as the city's new legal representatives, replacing Tim Kelley.

**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, Public Works Supervisor Horak, Engineer Peters, and Attorney Vierling

**EAW OPEN FORUM – INSPIRATION**

Mayor Schneider opened the public hearing related to the need for an Environmental Assessment Worksheet (EAW) for the proposed development Inspiration.

Dick Beberg, 237 North 5<sup>th</sup> Street, stated that in reviewing the current documents for Inspiration he did not find any major differences between the Bayport West development proposal submitted in 2000. Councilmember Johnson reviewed the EAW process, noting that it would identify environmental concerns that the City Council would like studied further. CPDC consultant Steve Apfelbaum summarized the current plan, and CPDC representatives Mike Waldo and Homer Tompkins reviewed changes from the original plan. These changes include reduction in the number of units (900 to 328), street realignment, more open space and trails, and an improved stormwater system. Mr. Beberg also raised a concern that the report done by the Citizen's Advisory Commission was not looked at. Councilmember Johnson stated the work of the commission was reviewed which resulted in the new plan now under discussion. CPDC reaffirmed that the concerns in the original study were reviewed with city staff prior to submission of the current proposal.

Robert McManus, 516 South 4<sup>th</sup> Street, questioned the function of highway setbacks and green spaces. Mr. Apfelbaum explained that the setbacks were for stormwater management, esthetic, and habitat considerations. The village green areas are primarily open space for the homes to provide play and gathering areas, as well as some stormwater management and landscaping features. Mr. McManus believes the rural esthetics would be better served by more clustering near County Road 21, and that an additional buffer would help management of the Scientific & Natural Area (SNA). He questioned coordination efforts with the SNA related to controlled burns. Mr. Apfelbaum stated there have been several meetings with DNR SNA staff to address their concerns and reviewed outcomes of these discussions.

Bill Metcalf, 7 Point Road, expressed concern regarding the financial implications of the City of Bayport taking on a large development. He indicated the Federal Reserve is concerned about communities moving forward rapidly with commercial development and never recovering the costs invested, and that there is little difference between housing and commercial developments. The Federal Reserve has a computer program, Federal Reserve Impact Tool, to help analyze fiscal impacts, and Mr. Metcalf requested that the city form a committee to take on this study that would provide sound financial information to help guide staff and City Council. Councilmember Nowaczek noted his concerns with the tax impact analysis results presented at last month's City Council meeting. Administrator McGuire noted that further analysis is being considered, and that later in this meeting the City Council will address whether the property should be rezoned for residential use.

Sandy Metcalf, 7 Point Road, questioned whether the previously identified concerns with wells and streams on the property had been addressed. Engineer Peters noted this type of development does a good job of controlling runoff, and another well would not be required for the proposed development. A draft report on the contamination in Well #2 located near the site has been received, but a formal presentation has not been made by Terracon, the company hired to do the study. In conjunction with the proposed development and a possible request from the prison for city water service, a new well could be added outside of the plume area.

Bob Kamps, 137 North 5<sup>th</sup> Street, liaison for the Watershed Management Organization (WMO), stated the WMO unanimously approved the EAW for Inspiration at their last meeting and reviewed their findings, specifically regarding the stormwater runoff. Councilmember Johnson noted that the WMO findings are typical of what the city will receive from other government organizations that were asked to comment on the EAW.

Jennifer Schneider, 1 Lakeside Drive, expressed concerns regarding the traffic study done for the EAW. Concerns included the low percentage of projected truck traffic, delays/impact related to the railroad crossing, accumulative impacts related to neighboring developments, and Andersen Corporation shift change and school hours traffic. She noted the study was done by Westwood Engineering who was contracted by CPDC. Staff clarified that SEH, the city's engineering firm, and Washington County reviewed the study. She recommended an independent source be hired to perform a thorough study to obtain the true impact on traffic. Ms. Schneider commented on the amount of water that the development could potentially use and the possible need for a new municipal well to service the area. The EAW projects the development's water usage at 83,600 gallons per day, or approximately 30.5 million gallons per year. The city is authorized to pump 172 million gallons per year under the DNR permit, and the city's highest yearly use rate to date is 102 million gallons. She recommends this issue be reviewed now looking at a worst-case scenario so the city does not have to incur the expense of a new well. Administrator McGuire stated a written response would be provided on the above-stated traffic and water concerns.

Ron Van Zee, 470 South 5<sup>th</sup> Street, questioned whether the proposed development would bring the City of Bayport the economic return promised in the 5-10 year construction period and beyond, specifically with city staff needs to accommodate the increased growth. He questioned what Inspiration would bring to the City of Bayport, financially and culturally, and does not want the development forced upon the city. He believes the current plan is an improvement over past plans, however there are a number of issues that should be considered prior to EAW approval.

Dave Ness, Jr., 232 North 4<sup>th</sup> Street, stated he is totally opposed to the development and believes the area would become “new Bayport” or “East Woodbury.” He believes the land should be returned to the City of Bayport, the citizens of Washington County, and the State of Minnesota. He questioned the affect on the plume and the potential cost of filtering the well water.

Councilmember Nowaczek noted the EAW is open for comment until July 21, 2004, and that letters submitted to the City of Bayport in that timeframe would be included as part of the public record. By statute, all comments will be included, with official responses, in the city’s final analysis of the EAW.

### **PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. Mayor Schneider announced \$30.00 recycling awards for the month of June were given to Matthew Larkins, Sharon Swager, and Julie Olson.

### **OPEN FORUM**

Rob McManus, 516 South 4<sup>th</sup> Street, made additional comments on the proposed development Inspiration. He encouraged the City Council to preserve as much open space as possible and to consider a buyout of some of the development rights. He would like to see the number of houses decreased and the development pushed further into the northwest corner. He stated there might be several options for funding trails and preserving open space that would allow for a partial buyout from CPDC.

### **CONSENT AGENDA**

Mayor Schneider read the list of items on the consent agenda. Councilmember Nowaczek indicated he would like to see a more consistent format for the monthly payables and receipts reporting, specifically showing progress against the budget expressed as a percentage of the year. Administrator McGuire indicated this information would be available going forward.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

**Res. 04-17**

### **RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS A-F FROM THE JULY 12, 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

### **COUNCIL LIAISON REPORTS**

Councilmember Ridgway had no Cable Commission report. The next meeting is scheduled for July 21, 2004, 7:00 p.m.

Councilmember Nowaczek reported the Bayport Public Library Board met on June 24, 2004. Their grant application to install wireless network access and additional meeting room equipment at the public library was approved by the Hugh J. Andersen Foundation. He noted the Bayport Library is the first library in the area to have the wireless network access capability. On behalf of the Library Board and the City of Bayport, Councilmember Nowaczek thanked the foundation for their generous support. Library Director Kathy

MacDonald will be notifying Oakland Junior High students of this new capability and plans to provide workshops on using the new technology. The new meeting room equipment will make the meeting rooms more attractive to potential renters, especially corporate clients. The next Library Board meeting is scheduled for Thursday, July 29, 2004, at 6:00 p.m. Councilmember Kamps reported the Watershed Management Organization (WMO) approved the EAW for Inspiration. He distributed the WMO Annual Report to councilmembers.

Councilmember Johnson reported the Lower St. Croix Partnership is scheduled to meet on July 21, 2004, 7:00 p.m., in Hudson. He requested that residents forward any comments or concerns to him.

## **PUBLIC HEARINGS**

### Consider a request to vacate ten feet of First Avenue North that abuts Lot 1, Block 62:

Petitioner Josh Corrigan provided background on his request and indicated he had decided to withdraw his vacation request and pursue a variance for the 50-foot lot he owns on 5<sup>th</sup> Street. He requested the City Council consider whether an 80-foot avenue is needed, as 60-feet seems to be the standard. He recommended granting 10 feet to everyone living on 5<sup>th</sup> Street. Engineer Peters indicated most city east-west avenues are platted as 80-foot right-of-ways and most north-south city streets are 60-foot right-of-ways. He stated many avenues have been vacated down to 60 feet. Discussion followed on drainage issues and utilities in the area, as well as the need for uniformity of streets in the city. Councilmember Johnson indicated he would like the city to adopt a policy on street width to ensure adequate planning for future sidewalks, curb, gutter, and drainage issues. He stated areas not needed by the city could then be vacated. Councilmember Ridgway stated she is opposed to any street vacations unless absolutely needed. She noted that until last year, any land vacated was not required to go back on the tax roll. Administrator McGuire stated that city staff would respond to the issues raised and bring back further information for discussion at a future meeting.

Mary Goulette, 204 North 5<sup>th</sup> Street, submitted a letter signed by residents affected by Mr. Corrigan's street vacation request. Residents are requesting that their concerns be resolved prior to City Council action. (The letter and signature page will be entered as part of the public record.)

Dick Beberg, 237 North 5<sup>th</sup> Street, stated he is against building on the lot in question, specifically noting traffic concerns due to limited site lines. Discussion followed on past City Council action on the property in question and the property owner's rights.

## **UNFINISHED BUSINESS**

### Consider an amended agreement for final sale of public property to Mr. Ron Shelton:

Administrator McGuire noted that at the last meeting staff was asked to clarify whether the city had the authority to sell the property. Attorney Kelley provided an opinion that the city does have the authority to sell the property. Engineer Peters reviewed the property sale request. Staff recommendation is that the city enters into an agreement to sell the property to Mr. Shelton for \$90,469.84, plus 50% of the surveying costs.

It was moved by Councilmember Johnson, and seconded by Councilmember Kamps, to approve the amended agreement for a total purchase price of \$90,469.84, plus 50% of the surveying costs, and authorize city staff to finalize the sale with Ron Shelton. Motion carried.

Consider accepting feasibility report, plans, and specifications, and order quotes for the sidewalk improvement project: At the last meeting, staff was directed to research whether entire blocks of sidewalks are to be repaired at one time. Administrator McGuire stated that no resolution to this effect was found; however, a motion from the May 1, 1995 City Council meeting was discovered stating this. Due to financial implications, common practice has been to repair sidewalks one block at a time only when feasible. He recommended that the City Council adopt a resolution if they would prefer entire blocks be repaired at a single time. Engineer Peters distributed an updated memorandum and reviewed the feasibility report for the 2004 Sidewalk Reconstruction Project that includes sidewalks only at this time. The estimated project costs are less than \$50,000, and the city will waive the formal bidding process and obtain quotes for the project. Total project cost is estimated at \$55,100, which includes construction costs plus engineering, legal, and administrative costs. Engineer Peters recommended that the City Council accept the feasibility report, order the project, authorize preparation of the plans and specifications as presented, and authorize staff to obtain quotes. It is further recommended that the public improvement hearing for this action be set for August 2, 2004.

Discussion followed on the feasibility of replacing entire blocks. Public Works Superintendent Horak stated he did the inspection and marking for the sidewalk project and that in many areas only part of the block needs to be replaced. He further stated that sugar maple trees present the greatest problem with root heave.

It was moved by Councilmember Johnson, and seconded by Councilmember Nowaczek, to accept the feasibility report, order the 2004 sidewalk improvement project, authorize preparation of the plans and specifications as presented, and authorize staff to obtain quotes. Motion carried.

Set public hearing to consider sidewalk improvement project: Minnesota Statutes require that a public improvement hearing be held for the project to discuss the proposed improvements, estimated costs, and cost recovery.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

**Res. 04-18**

**RESOLUTION RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON IMPROVEMENTS FOR 2004 SIDEWALK REPLACEMENT PROJECT**

The motion for adopting the foregoing resolution 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 authorizing a feasibility report for curb rehabilitation project: Administrator McGuire stated this is separate from the sidewalk project and that staff is recommending that the City Council authorize SEH to prepare a feasibility report for the 2004 curb rehabilitation project at a cost not to exceed \$600.00. Discussion followed on alternatives to curb and gutters for stormwater management, including rain gardens as presented by NEMO earlier this year. Engineer Peters indicated this would be difficult as there is very limited storm sewer on the west side of Highway 95, and a plan would be needed for stormwater management to size storm sewers to get to the areas cited for curb rehabilitation. It was noted that city planners

might have installed the 80-foot right-of-ways for stormwater management purposes. Administrator McGuire noted staff would bring back comments on future implementation of rain gardens. Bill Huhnke, son of resident William Huhnke, indicated the area at First Avenue North considered earlier in the meeting would be an excellent location for a rain garden. He believes there are many opportunities in the city to incorporate rain gardens.

It was moved by Councilmember Nowaczek, and seconded by Councilmember Johnson, to approve the expenditure of up to \$600.00 to prepare a feasibility report related to curb replacements, and guiding staff to consider the NEMO option as part of the process. Motion carried 4-0, with Councilmember Kamps voting nay.

### **NEW BUSINESS**

Consider a retirement health savings plan: Administrator McGuire reviewed the benefits of a retirement health savings plan, noting this as an alternative to the city paying for retirees' medical benefits. This would provide a tax savings of approximately 12% for both the city and employee. Staff looked at several of these plans and recommended adopting a resolution creating the VantageCare Retirement Health Savings Plan made available by the ICMA Retirement Corporation. The city would have a slight cost of administering the plan through payroll deduction.

Councilmember Kamps introduced the following resolution and moved its adoption:

**Res. 04-19**

### **RESOLUTION FOR ADOPTION OF THE VANTAGECARE RETIRMENT HEALTH SAVINGS (RHS) PROGRAM**

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

Rick Schneider - aye

Sharon Ridgway - aye

Jon Nowaczek - aye

Bob Kamps - aye

Dan Johnson - aye

Consider recommendation of a comprehensive plan amendment to the Metropolitan Council to reguide the property designated for the proposed conservation development Inspiration from industrial to residential use: Administrator McGuire noted the Planning Commission held a public hearing on this matter on June 21, 2004, and recommended approval to the City Council. Planning Consultant Darrow reviewed the project timelines and noted that the Metropolitan Council typically takes 45-60 days to act on these requests. If the recommendation is approved, Mr. Darrow suggested the City Council should direct staff to prepare letter a to the developer extending the timeline past the 9/29/04 review period deadline.

Mr. Darrow reviewed the request and resolution to recommend to the Metropolitan Council reguiding of the property from industrial to mixed density residential uses. If approved by the Metropolitan Council, this item would be brought back to the City Council for formal action. He noted this would be an addendum to the city's comprehensive plan, identified as Planning District 1.

Councilmember Nowaczek expressed concern that there are some significant issues yet to be worked out, as identified at the last Planning Commission meeting, specifically preservation of the open space. He believes the City Council should not act on this piece until the Planning Commission has issued their report on the full development. Mayor Schneider voiced agreement with Councilmember Nowaczek's comments, noted residents' concerns, and

indicated he would like to have the full package together prior to recommending this to the Metropolitan Council.

CPDC representative Mike Waldo responded that the requested action would move the timeline along to get the Metropolitan Councils' comments on the comprehensive plan amendment. He reaffirmed that the City Council action requested tonight would have no binding affect on CPDC moving forward with the plan. Homer Tompkins, CPDC, indicated that CPDC staff is meeting with city staff to respond to the issues addressed by the Planning Commission and reviewed recent discussions. Councilmember Johnson agreed that the final approval of the plan should occur as a package, however he noted that this step takes some time and recommended approval to move the process along. Attorney Vierling noted that this resolution does not need a 4/5-majority approval, and the findings of fact are those of the Planning Commission, not the City Council.

Councilmember Johnson introduced the following resolution and moved its adoption:

**Res. 04-13A**

**A RESOLUTION PURSUANT TO MINN. STAT. 473.175 FORWARDING THE PLANNING COMMISSION'S RECOMMENDATION FOR A COMPREHENSIVE PLAN AMENDMENT TO THE METROPOLITAN COUNCIL RELATED TO LAND OWNED BY CONTRACTOR PROPERTY DEVELOPER'S COMPANY FOR THE "INSPIRATION" DEVELOPMENT REGUIDING THE LAND USE FROM INDUSTRIAL TO MIX DENSITY RESIDENTIAL**

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Ridgway and upon roll call being taken thereon, the following voted via voice:

Rick Schneider - nay  
Jon Nowaczek - nay  
Dan Johnson - aye

Sharon Ridgway - aye  
Bob Kamps - aye

**COMMUNICATIONS/REQUESTS – None**

**COUNCIL ITEMS/ANNOUNCEMENTS**

- Councilmember Ridgway announced that the Bayport Community League (BCL) would be applying for a liquor license for a street dance in Bayport. Administrator McGuire noted that he has spoken with BCL representatives regarding submission of materials for City Council approval.
- Councilmember Ridgway stated she would be absent from the August 2004 City Council meeting.

**ADMINISTRATOR/STAFF ITEMS AND ANNOUNCEMENTS**

- Administrator McGuire requested that the August and September 2004 City Council meetings begin at 6:00 p.m. due to budget discussions.

It was moved by Councilmember Ridgway, and seconded by Councilmember Kamps, to begin the August 2, 2004, and September 7, 2004 City Council meetings at 6:00 p.m. Motion carried.

- Election judges are still needed for the 2004 primary and general elections. Please contact City Hall at 651-275-4404 if interested.

- The Department of Natural Resources has offered to present a general information session to the City Council on Scientific and Natural Areas (SNA). Administrator McGuire will coordinate a one-hour session at the beginning of an upcoming meeting.

**ADJOURN**

It was moved by Councilmember Kamps, and seconded by Councilmember Johnson, to adjourn the meeting at 8:55 p.m. Motion carried.