

CITY OF BAYPORT  
BAYPORT CITY COUNCIL WORKSHOP MEETING MINUTES  
BAYPORT CITY COUNCIL CHAMBERS  
January 23, 2003  
7 P.M.

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Rick Schneider called the special Workshop City Council meeting of January 23, 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: Sheryl Corrigan – for the record let it show that Councilmember Corrigan resigned on January 22, 2003.

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

**BUSINESS**

**Discuss Finding of Facts for Bayport West Development Denial**

- A. Amendment to the Comprehensive Plan**
- B. Rezoning of the Bayport West Property**
- C. PUD Application**
- D. Preliminary Plat Application**

City Planner Mike Darrow explained how Councilmembers had requested staff to establish Find of Facts for denial of Bayport West Application – CPDC. Darrow further explains a memo from Tori Dupre – Metropolitan Council, briefly outlining the Met Council's findings and pending decisions.

Darrow points out a prepared document regarding a working list Finding of Facts based on the meetings between staff and Councilmembers. Darrow stated that staff will take direction from the Council in determining which findings have merit.

City Attorney Jim Lammers recommended enacting a Moratorium Ordinance in order to give the Council time to get a handle on the current situation. As a part of that ordinance Lammers suggests some 20 possible findings to support use of such an ordinance.

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Lammers also suggests incorporating these findings into the findings for denial of the Comprehensive Plan in or order to support the decision to use a moratorium.

Councilmember Nowaczek stated that the community needs to create a vision and come to grips with what they can handle and what they want. Another possibility would be a survey to gather that information but should be one that gets us to some kind of conclusion by using broad categories of development maybe even by working with the developer.

Lammers cautioned Councilmembers that by denying the application and saying “that’s it we’re done” it would in all probability end up in court. If it does there is never any guarantee as to how that will work out. The judge may or may not go along with the list of findings unless there is a broader scope of findings and some other possible suggestions as to what the developer could do with the use of the land.

Darrow pointed out that as the Planning Commission goes through the application for Bayport West and determining what did and didn’t work – the Planning Commission felt strongly about not totally seeing a concept plan. If members of the Planning Commission were here they would like to see a new concept plan to look at specifically what type of businesses the developer intends to put up there. The intent in November was to take an opportunity for the City to amend those ordinances in hope of the Developer coming back and meeting these new guidelines.

Lindquist states from a staff perspective it seems to make the most sense to come up with a development plan going forward to deal with these applications.

Darrow states that one of the major frustrations is that there has been reaction to the current plans rather than proactive plan with the developer which may stem from no “formal” concept plan that was ever formally approved by the City. He points out that the PUD Ordinance it never talks about a concept plan.

Schneider asked Jonathan Nowaczek to speak about a meeting he had earlier this same day with the developer. Nowaczek stated that he had met with Homer Tompkins of CPCD to discuss the current plan and applications. Nowaczek gave two tapes to Acting Administrator Lindquist to have transcribed into minutes. The meeting and conversation consisted of a proposal to withdraw the PUD and Preliminary Plat on the current plan in order to work with the new council along with community input to come up with a new plan. Nowaczek goes on to state that the developer discussed a new plan with a period 6-8 months were the City could go through a process to determine what the Comprehensive Plan should look like.

Lammers indicated that something along these lines could be done and if the developer would agree to withdraw the PUD and Preliminary Plat it would give the City an appropriate amount of time to work on the Comprehensive Plan and rezoning.

Nowaczek stated he was puzzled as to why it was important for the developer to keep his current Comprehensive Plan Amendment and rezoning alive. Lammers explained that if the developer gave the City a twelve (12) month extension on the Comprehensive Amendment the City could not rezone it until the Comprehensive Plan is amended.

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Schneider questioned why the developer wouldn't be willing to give up the amendment to the Comprehensive Plan and the rezoning.

Lammers advised that what the City should do is resolve what they want the development to be up there and that's going to be done with an amendment to the Comprehensive Plan. Lammers further states that as a part of this agreement the City could require him to proceed as a PUD to retain control of the development.

Darrow suggested that the developer would need to resubmit and escrow to the City for consulting fees.

Councilmember Ridgway supported the current discussions of the Council to show good faith on both sides and start from scratch. She states the City and Council should approach this new plan aggressively.

Councilmember Kamps said the only problem he has with the whole thing is on the backend that 12 months from now the Council could end up denying it and that would cost the developer more money and still have nothing to show for it.

Nowaczek stated that the developer attached no conditions during that period of time of an extension agreement.

Schneider pointed out that this development has to be a sustainable thing for the City.

Nowaczek stated that one of the details needing further clarification from the conversation with the developer is the time period for extension.

Darrow offered to work in coordination with other staff to help the Planning Commission come up with a timeline to guide the developer going forward.

Darrow reminded Councilmembers there would be a public hearing to discuss Subdivision Ordinances on February 10, 2003 – 7:00 p.m. at Bayport City Hall.

**ADJOURN**

Mayor Schneider adjourned the meeting at 8:21 p.m.

Respectfully submitted,

Wendi Lindquist  
Acting Administrator