

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
NOVEMBER 3, 2003
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Rick Schneider called the regular City Council meeting of November 3, 2003, to order at 7:00 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members present: Mayor Schneider, Councilmember Kamps, Councilmember Johnson, Councilmember Nowaczek and Councilmember Ridgway

Members absent: None.

Others present: City Administrator Mike McGuire, Attorney Tim Kelley, City Engineer Barry Peters, Mike Darrow of Northwest Associated Consultants (NAC), Fire Chief Mike Bell, Police Chief John Gannaway and Sara Dietsche, Administrative Assistant/Planner.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced the recycling participants for the month of October.

OPEN FORUM

Mayor Schneider welcomed Sara Dietsche as the new Administrative Assistant/Planner. Mayor Schneider also reminded everyone that the following day, Tuesday, is voting day and encouraged everyone to vote.

Mayor Schneider further stated that the phone survey was completed and if anyone would like a copy of the survey, feel free to stop at City Hall to get a copy. Mayor Schneider summarized a couple of the main issues of the survey.

Mayor Schneider thanked Fire Chief Bell and the Fire Department for the excellent job they did on Halloween for the open house; Mayor Schneider also thanked Police Chief Gannaway for participating with the police department.

Councilmember Dan Johnson welcomed the Stillwater high school students from the government class attending the meeting.

CONSENT AGENDA

Mayor Schneider read the list of items on the Consent Agenda.

Councilmember Kamps introduced the following resolution and moved its adoption:

Res. 03-75

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-75 APPROVING CONSENT AGENDA ITEMS A THROUGH H
FROM THE NOVEMBER 3, 2003 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
Dan Johnson – aye
Rick Schneider - aye

Jon Nowaczek – aye
Sharon Ridgway – aye

PUBLIC HEARINGS

Croixdale Public Hearing

Mayor Schneider opened the public hearing on Croixdale to consider the resolution to establish a T.I.F. (Tax Increment Financing) District.

City Administrator Mike McGuire stated the purpose of the resolution.

John Mehrkens, representing Croixdale Residence, gave a brief overview of the existing facility and explained the process of building the new facility.

Mayor Schneider asked John Mehrkens to explain what a T.I.F. District is and how they are established. John Mehrkens explained the T.I.F. District.

Mayor Schneider moved to close the public hearing, seconded by Councilmember Johnson. Motion passed unanimously.

Councilmember Johnson introduced the following resolution and moved its adoption:

Res. 03-76

**RESOLUTION ESTABLISHING DEVELOPMENT DISTRICT NO. 2 AND
APPROVING THE DEVELOPMENT PROGRAM THEREFOR AND ESTABLISHING
TAX INCREMENT DISTRICT NO. 2-1 AND APPROVING THE TAX INCREMENT
FINANCING PLAN THEREFOR WITHIN DEVELOPMENT DISTRICT NO. 2**

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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
Dan Johnson – aye
Rick Schneider - aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Croixdale Public Hearing

Mayor Schneider moved to open the public hearing for Croixdale to consider the resolution giving preliminary approval for the housing finance program and issuance of revenue bonds on behalf of Croixdale, Inc.

City Administrator Mike McGuire introduced Jenny Boulton from Briggs & Morgan, who are the legal counsel for bonding purposes for the City. Jenny Boulton summarized the financing process for the Croixdale project.

Mayor Schneider moved, seconded by Councilmember Johnson, to close the public hearing. Motion passed unanimously.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-77

RESOLUTION RECITING A PROPOSAL FOR A HOUSING FINANCE PROGRAM
TO FINANCE A SENIOR HOUSING DEVELOPMENT PROJECT AND GIVING
PRELIMINARY APPROVAL TO THE PROJECT AND THE ISSUANCE OF
REVENUE BONDS PURSUANT TO MINNESOTA LAW
(CROIXDALE, INC. PROJECT)

The motion for adopting the foregoing resolution 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

Brennan Cox Public Hearing

City Administrator Mike McGuire stated this public hearing has been cancelled because Brennan Cox signed a waiver of public hearing and there should be a motion to cancel the public hearing and ratify Brennan Cox's assessment at \$5,419.74.

Councilmember Nowaczek moved, seconded by Councilmember Ridgway, to cancel the public hearing regarding Brennan Cox's sewer assessments and assess Brennan Cox's property at \$5,419.74 as he agreed in his waiver.

Councilmember Johnson congratulated Brennan Cox on handling the matter in this manner – he has been very responsible and as asset to the community in agreeing to this assessment. Mayor Schneider agreed with Councilmember Johnson's comments.

Motion passed unanimously.

COUNCIL LIAISON REPORTS

Councilmember Sharon Ridgway stated she was unable to attend the last Cable Commission meeting so she has no report, but the next meeting will be December 17, 2003 at 7:00 p.m. at Valley Ridge Mall. Sharon Ridgway further stated that the Christmas party is tentatively scheduled for December 14 and everyone is invited to attend. Sharon Ridgway stated she would have more information at the next meeting.

Councilmember Jon Nowaczek stated the Library Board met on Thursday, October 30th and summarized a few of the highlights. The next meeting for the Library Board will be on Thursday, November 20th and the meetings are open to the public.

Councilmember Bob Kamps stated the main topic of the Watershed Commission has been the overflow from the prison pond and the water runoff in the City of Bayport off of impervious surfaces. Bob Kamps stated the Watershed Commission discussed ways to lower the level of the creek during major rainfalls, indicating areas on an overhead map. Bob Kamps further stated that it will not cost the City anything, it is strictly an overflow pipe, it will not deter the natural flow of the Bayport Creek.

Councilmember Dan Johnson stated he is the City's delegate to the Lower St. Croix Partnership, which provides input to the National Park Service and the DNR's of Wisconsin and Minnesota about governing the lower St. Croix. There was a public hearing regarding possible boating regulation which would include extending a no wake zone north of the Prescott bridge to the city limits of Prescott, south from the Hudson bridge and possibly across the river at Sunnyside Marina and also to establish speed limits of 40 miles per hour during the daytime and 20 miles per hour at night. The public hearing was held at Oakland Junior High and was well attended.

Councilmember Johnson further stated that he was unable to attend the last meeting in mid October and there is no alternate for the City of Bayport. Dan Johnson further stated that if there is anyone interested in being the alternate, contact the City and that person could be appointed at the December Council meeting.

Further discussion regarding the meeting at Oakland Junior High School.

Councilmember Sharon Ridgway announced on November 8 the Bayport Library Foundation Style Show will be held at Clydes in Bayport. Lunch is at 11:30 and the style show is afterwards – anyone interested can get tickets at the Library.

CITY CONSULTANT REPORTS

1. City Attorney Report – Nothing at this time.
2. City Engineer Report –

Change Order #3 Lametti & Sons RE: State of MN Storm Sewer. Barry Peters stated that the work was delayed for a significant amount of time while the Watershed worked to acquire an easement. The contractor was down for six weeks and is requesting funds for down time in the amount of \$36,346 – SEH has reviewed it and believes it is a legitimate cost to the contractor on the project. There are sufficient funds in the grant to cover the change order and recommended approval of Change Order #3 in the amount of \$36,346.

Discussion regarding why the plan didn't include obtaining any easements or permits for the work.

Councilmember Nowaczek moved, seconded by Councilmember Kamps, to approve Change Order #3 in the amount of \$36,346 to the State Storm Sewer Project. Motion passed unanimously.

Petition from residents of South Third Street and 2nd Avenue Requesting Stop Sign and No Thru Truck Sign. Barry Peters stated there were two petitions received by the City for the installation of a stop sign and no thru truck sign at 3rd Street and Second Avenue South. Barry Peters explained the road widths, surfaces and amount of traffic and does not recommend installing a stop sign at that intersection.

Barry Peters stated that the truck traffic was due to the significant construction done this year and that area was the access to the construction zone. Barry Peters stated he would not recommend putting any no truck signs on that road because there will be decreased truck usage when the construction is finished.

Barry Peters discussed the request for a 25-mile per hour sign, discussed the state procedure and would not recommend the study to change the posted speed limit.

Barry Peters stated he would not recommend any action on any of these items.

Councilmember Nowaczek suggested having this discussion tabled for a future meeting and if the people who signed the petition would like to attend the meeting and discuss their concerns, it could be considered at that time.

Police Chief John Gannaway stated that when this issue first arose, the police department conducted quite a bit of traffic enforcement in the area and did not observe any violations – mostly while the trucks were going and at various times of the day.

Councilmember Nowaczek moved, seconded by Councilmember Kamps, to postpone this discussion to a future date when the petitioners would like to come forward to voice their concerns. Motion passed unanimously.

Stop sign at Andersen Windows. Councilmember Dan Johnson stated this relates to an issue involving the access from Andersen Windows onto Point Road. Councilmember Johnson spoke with Maureen McDonough of the Andersen Corporation who could not attend the meeting and asked the Council to postpone any consideration of this matter until the next meeting when she could attend.

Councilmember Johnson moved, seconded by Mayor Schneider, to continue this item to the next Council meeting. Motion passed unanimously.

3. City Planner Report –

UNFINISHED BUSINESS

Montanari Property 575-595 Lakeside Drive. Attorney Tim Kelley stated this issue has been going on for a while due to negotiations between the Conservation District and Mr. Montanari. The Conservation District is asking the Council to approve the recommendations included in the Council packet.

Mayor Schneider stated that communications between the agencies was not working and this is probably the best solution to this issue.

Councilmember Nowaczek stated he agreed with the Mayor's comments and indicated he would vote "nay" on this resolution to demonstrate his displeasure with the process.

Councilmember Johnson discussed the history of this issue.

Further discussion regarding the issue of the Montanari property.

Councilmember Kamps introduced the following resolution and moved its adoption:

Res. 03-78

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BAYPORT
APPROVING THE REPLACEMENT PLAN-FINDINGS AND DECISION FOR
THE MONTANARI PROPERTY**

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

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Further discussion regarding the process and the agencies involved in the Montanari issue.

Bob Kamps – aye
Dan Johnson – aye
Rick Schneider - nay

Jon Nowaczek – nay
Sharon Ridgway – aye

NEW BUSINESS

Sale of 1976 Ford/LTI Ladder Truck. Fire Chief Mike Bell stated this was the truck replaced in November 2001 and it has been for sale since that time with little or no interest from advertisements. Fire Chief Mike Bell recommended accepting the offer for the ladder truck.

Councilmember Kamps moved, seconded by Councilmember Johnson, to accept the offer of \$3,500 from Fire Unlimited for the sale of the 1976 Ford ladder truck and pay the \$500 commission fee to Firetec. Motion passed unanimously.

COMMUNICATIONS/REQUESTS

COUNCIL ITEMS/ANNOUNCEMENTS

ADMINISTRATOR ITEMS/ANNOUNCEMENTS

STAFF REPORTS

ADJOURN

Councilmember Nowaczek moved, seconded by Councilmember Kamps, to adjourn the meeting at 8:09 p.m. Motion passed unanimously.

Respectfully submitted,

Mike McGuire
City Administrator