

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
DECEMBER 1, 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 December 1, 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, Public Works Superintendent Mel Horak and Sara Dietsche, Administrative Assistant/Planner.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

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

Mayor Schneider announced that the Holiday Village Green celebration will be on Saturday, December 6th at 5:30 – the lighting of the Christmas tree will get the holiday season underway and invited everyone to attend.

OPEN FORUM

Bob Kamps stated he would like to commend the Bayport Fire Department for their volunteer Santa riding around Bayport and Oak Park Heights on the ladder truck and other activities.

Mayor Schneider stated it has been a pleasure working with everyone on the Council and he is proud of what the Council has accomplished so far.

Mayor Schneider also thanked all departments and city employees for the hard work with the budget – all departments will come in under budget for 2003.

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Mayor Schneider commended City Administrator Mike McGuire and Administrative Assistant/Planner Sara Dietsche for their hard work.

CONSENT AGENDA

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

Councilmember Kamps introduced the following resolution and moved its adoption:

Res. 03-79

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-79 APPROVING CONSENT AGENDA ITEMS A THROUGH K
FROM THE DECEMBER 1, 2003 COUNCIL AGENDA.

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
Dan Johnson – aye
Rick Schneider - aye

Jon Nowaczek – aye
Sharon Ridgway – aye

COMMUNICATIONS/REQUESTS

Councilmember Nowaczek requested that Mr. Utecht's matter be presented ahead of the public hearing instead of as number 23. No objections.

Warren Utecht stated he lives on the south end of Bayport and has a problem with jake brakes on the trucks, stating they are a nuisance and there is no need for them. Mr. Utecht stated he would like an ordinance or a sign placed to prohibit the use of engine brakes.

Mayor Schneider directed City Administrator Mike McGuire to look into the enforcement of the engine braking.

PUBLIC HEARINGS

Consider Changing On-Sale Liquor License Fees. Mayor Schneider moved to open the public hearing. Mike McGuire stated that the City has not changed the liquor license fees since 1980 or 1981; it will be raised for the first time in over 20 years and all businesses have been notified.

Jim Kyndberg from the Bayport Cookery inquired as to whether the fee changes could be raised in stages to minimize the financial impact on the businesses.

Jerome Foss from Little Rascals stated he understands there needs to be an increase but 100% increase seems extreme, maybe there should be an increase in stages instead of all at once.

Patrick from La Cocinita stated that they are a new business and a 100% increase in the fee is a hit for them with all of the other expenses of opening a business.

Mayor Schneider thanked everyone for their comments and moved to close the public hearing. Councilmember Kamps seconded Mayor Schneider's motion to close the public hearing. Motion passed unanimously.

City Administrator Mike McGuire stated that the increase could occur over a two-year period and after two years look at it again because its still on the low side.

Further discussion regarding the liquor license fees.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-81

**RESOLUTION OF BAYPORT CITY COUNCIL ESTABLISHING ON-SALE LIQUOR
LICENSE FEES**

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

Councilmember Johnson stated he has done legal work for Jerome Foss previously, but has nothing pending now and doesn't think there would be any conflict with this issue.

COUNCIL LIAISON REPORTS

Sharon Ridgway stated there was not a cable commission meeting, the next meeting will be December 17, 2003 at 7:00 p.m. at the cable studio at the Valley Ridge Mall. Sharon Ridgway further stated the 3rd Annual Christmas Party will be Sunday, December 14 from 1-3 p.m. Everyone is invited.

Jon Nowaczek stated the Library Board met on Thursday, November 20, 2003 and the majority of the meeting related to administrative matters. Jon Nowaczek stated that part of the alleyway was paved behind the library due to a joint venture with the City, Library and Bay Dental Care; the Style Show was a success and raised in excess of \$1,000 for the Bayport Library Foundation; the next Library Board meeting will be on Thursday, December 18, 2003.

Bob Kamps stated that the Andersen Community Advisory Committee did not have a meeting. The main topic at the Watershed Organization meeting was Phase III of the State Sewer Project, which will come up later in the agenda under Item 4 in New Business on the agenda.

Dan Johnson stated there was not a meeting of the Lower St. Croix Management Commission, so he has no report.

CITY CONSULTANT REPORTS

1. City Attorney Report – Nothing at this time.
2. City Engineer Report – Nothing not on the agenda.
3. City Planner Report –

Croixdale. Mike Darrow stated that Croixdale is requesting a variance, conditional use permit, and site plan approval to allow for the demolition of the existing structure and construction of a new facility on the site.

Mike Darrow briefly discussed previous public hearings for Croixdale and the Planning Commission recommendations.

Mike Darrow discussed plans, etc. shown on the overhead camera and the conditions and recommendations for approval.

Further discussion regarding conditions of approval.

Dan Johnson stated that there was discussion at the Planning Commission meeting that the first floor needed to be raised because of water issues and that isn't included in the Findings of Fact in the resolution and requested that it be included.

Councilmember Nowaczek introduced the following resolution and moved its adoption as amended to include the additional Finding of Fact:

Res. 03-82

RESOLUTION OF THE BAYPORT CITY COUNCIL APPROVING THE APPLICATION FOR VARIANCE, CONDITIONAL USE PERMIT, AND SITE PLAN SUBMITTED BY THE SENIOR HOUSING PARTNERSHIP

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

UNFINISHED BUSINESS

Approve Final Plans for the Transfer of a Portion of County State Aid Highway 28 to the City of Bayport. Barry Peters stated that the previous Council in 2001 was notified by Washington County that Pickett Street from 56th Avenue to 5th Avenue would be turned back from a county road to a city road. Barry Peters discussed the

agreement approved by the Council in 2001, and recommended approval of the plans and specifications.

Don Theison, County Engineer, discussed the history of the area, explained the jurisdictional transfer and asked for final plan approval to move ahead with the project next summer.

Further discussion regarding the road, water issues, and the transfer.

Councilmember Johnson moved, seconded by Councilmember Nowaczek, to accept the final plans and specifications for \$20,000 that was planned for the resurfacing on the condition that the county would contribute another \$30,000 to help rectify the drainage problem on Highway 28 once the City of Bayport takes possession. Motion passed unanimously.

Resolution to Approve 2004 Final Budget. Mike McGuire reviewed the past budget process and explained options regarding the levy.

Further discussion regarding the levy and budget.

Mike McGuire stated there would be a correction on the resolution for the budget and that would be adding the number five and an additional sentence which he read and recommended approval.

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

Res. 03-83

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ADOPTING THE GENERAL FUND BUDGET, SPECIAL
LIBRARY FUND BUDGET, DARE FUND BUDGET, DRUG FORFEITURE
FUND BUDGET, WATER FUND BUDGET, SEWER FUND BUDGET, TRUNK
WATER AND TRUNK SEWER UTILITY, CAPITAL IMPROVEMENT FUND
BUDGET, FIRE EQUIPMENT REPLACEMENT FUND BUDGET, TAX
STABILIZATION FUND AND PUBLIC WORKS EQUIPMENT
REPLACEMENT FUND BUDGET FOR THE YEAR 2004

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

Resolution to Approve 2004 Final Tax Levy. Mike McGuire stated there are really only two options – one is to leave it the same as 2003 or second is to reduce it \$75,000.

Discussion regarding the levy.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-84

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, CERTIFYING THE CITY OF BAYPORT'S LEVY TO
WASHINGTON COUNTY FOR THE YEAR 2004 BUDGET AT \$1,033,768.00

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

Resolution to Approve Andersen Stop Sign. Mike McGuire stated that there were issues previously that have been resolved and the city engineer is recommending approval.

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

Res. 03-85

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ADOPTING THE GENERAL FUND BUDGET, SPECIAL
LIBRARY FUND BUDGET, DARE FUND BUDGET, DRUG FORFEITURE
FUND BUDGET, WATER FUND BUDGET, SEWER FUND BUDGET, TRUNK
WATER AND TRUNK SEWER UTILITY, CAPITAL IMPROVEMENT FUND
BUDGET, FIRE EQUIPMENT REPLACEMENT FUND BUDGET, TAX
STABILIZATION FUND AND PUBLIC WORKS EQUIPMENT
REPLACEMENT FUND BUDGET FOR THE YEAR 2004

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

NEW BUSINESS

Consider La Cocinita's Application for an On-Sale and Sunday Liquor License.
Mike McGuire stated that La Cocinita has requested to upgrade their current

on-sale wine license to an on-sale and Sunday liquor license; they have submitted all necessary documents, staff is recommending approval.

Councilmember Sharon Ridgway moved, seconded by Councilmember Nowaczek, to approve La Cocinita's application for an on-sale and Sunday liquor license. Motion passed unanimously.

Liquor License Renewals for 2004. Mike McGuire read the list of applicants for liquor licenses for 2004, staff recommends approval.

Councilmember Kamps moved, seconded by Councilmember Johnson, to renew the liquor licenses for 2004. Motion passed unanimously.

Set Alternative Date for January City Council Meeting. Mike McGuire stated there was a conflict with one of the Councilmembers for January 5 meeting; recommendation to move it to January 12 unless it would create any other conflict.

Councilmember Nowaczek moved, seconded by Councilmember Kamps, to set the January meeting date for January 12, 2004. Motion passed unanimously.

Set Joint Meeting Date with Oak Park Heights. Mike McGuire stated that Oak Park Heights Mayor David Beaudet requested there not be a meeting, but approve the agreement with Legislative Associates. Mike McGuire further explained the resolution for the agreement with Legislative Associates with the City of Bayport regarding the storm sewer project.

Councilmember Ridgway introduced the following resolution and moved its adoption:

Res. 03-86

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF
BAYPORT AND LEGISLATIVE ASSOCIATES, INC. TO PROVIDE STAFF
SUPPORT FOR A LEGISLATIVE EFFORT TO SEEK STATE FUNDING FOR
THE FINAL STAGE OF THE STATE OF MINNESOTA STORM SEWER
RECONSTRUCTION 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
Dan Johnson – aye
Rick Schneider - aye

Jon Nowaczek – aye
Sharon Ridgway – aye

Consider a Building Inspection Agreement with Oak Park Heights. Mike McGuire explained the current agreement and the changes he would like to see (costs, office hours in Bayport, etc.) and recommended approval.

Discussion regarding building inspection agreement.

Councilmember Johnson moved, seconded by Councilmember Nowaczek, to approve the agreement for building inspection services with the City of Oak Park Heights. Motion passed unanimously.

COMMUNICATIONS/REQUESTS

Request from Andersen Elementary School for a drop-off and pick-up zone for students. Mike McGuire stated Andersen Elementary requested a pick-up and drop-off zone across the street from City Hall because of a concern of parents dropping off and picking up their kids and mixing with the bus traffic. Mike McGuire further stated that the request is to have no parking signs stating no parking between 7:30 and 8:30 a.m. and 2:00 and 3:00 p.m.

Further discussion regarding parking issues.

Councilmember Kamps moved, seconded by Councilmember Nowaczek, to grant the request from the Andersen Elementary for a drop off zone for students.

COUNCIL ITEMS/ANNOUNCEMENTS

Councilmember Kamps questioned raising the winter overnight parking issue again for next winter. It was decided to discuss this issue in a future workshop.

ADMINISTRATOR ITEMS/ANNOUNCEMENTS

STAFF REPORTS

ADJOURN

Councilmember Johnson moved, seconded by Councilmember Kamps, to adjourn the meeting at 9:20 p.m. Motion passed unanimously.

Respectfully submitted,

Mike McGuire
City Administrator