

CITY OF BAYPORT
CITY COUNCIL WORKSHOP MEETING
CITY COUNCIL CHAMBERS
February 24, 2003
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Rick Schneider called the Workshop City Council meeting of February 24, 2003, to order at 7:04 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, Bob Kamps and Dan Johnson.

Members absent: None

Others present: Acting Administrator Wendi Lindquist, City Engineer Barry Peters, Police Chief John Gannaway, Finance Officer John Nash, Public Works Supervisor Mel Horak and Mike Darrow of Northwest Associated Consultants (NAC).

BUSINESS

Discussion with Homer Tompkins – Developer for Bayport West. Homer Tompkins stated that CPDC was withdrawing their applications for PUD General Development Plan, Preliminary Plat, Rezoning and Amendment to Comprehensive Plan. He went on to explain his reasoning for the withdrawal. Tompkins stated they tried to push the process along because of the significant financial investment in the property and stated the costs of the process for his company. Tompkins stated he didn't think they were going to get anywhere with their plans without having the site properly guided and felt a decision needed to be made on the City's behalf as to what they had envisioned as a proper use in the best interest of the City for the site. Tompkins further explained that he was hoping by withdrawing the applications that discussion could begin on what the City would envision and determine the proper use of the land.

Mayor Schneider asked Acting Administrator Wendi Lindquist to read Homer Tompkins' letter and she did so.

Mayor Schneider thanked Homer for his letter and stated that it clears a lot of issues for everyone. He went on to state that the "ball is back in our court" and the City will pursue this in an expeditious fashion to get something that everyone can live with.

Councilmember Dan Johnson stated that in conversations with Homer Tompkins he stated he had no "anti-development agenda" and didn't think the proposal that CPDC had on the table was a good fit for Bayport for a number of reasons. Johnson explained some of the

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reasons – it had private streets, did not connect up with Bayport, it seemed too dense, structured as a separate community with a separate zoning system and city ordinances, it would have little in common with the City of Bayport. Johnson stated it was a good plan for a stand-alone community or for grafting on to a much larger community. Johnson further stated that he told Tompkins that he didn't think the City had confidence in the way the process was handled the first time around and the best way to make sure there's an open and honest process is just to start over again. Johnson stated that the City has economic considerations to address and explained several options for the City. Johnson went on to state that he would like to find out how the community would like to proceed with this process and commended Homer Tompkins for taking the plan off the table to make it easier to move forward with a process that everyone is comfortable with.

Jon Nowaczek stated to Homer Tompkins that it was a "courageous" step for him to take and it shows how far we've come since the election last fall. Nowaczek stated this sets the stage to find something that works for everyone in a cooperative way.

Sharon Ridgway thanked Homer Tompkins stating he offered a "peace branch" to the City and she hopes the City does their part now and follows through.

Mayor Schneider again commended Homer Tompkins on his decision and stated it showed good faith on Tompkins part – its nice to clear the air of threats of lawsuits and legal bantering. Schneider stated it would be a pleasure to work with Tompkins and now the City has to find something that will work for everyone. Schneider questioned where it goes from here.

Dan Johnson stated he thought it should be included in the next Council meeting on March 3. Maybe the Council members can come up with some suggestions as to how to continue with the process. Some possibilities are having a survey or re-instituting a citizen's commission – both have been discussed before. Johnson stated that he thought they are good suggestions but it depends on how they're formulated and Homer Tompkins should be a part of that process.

Homer Tompkins stated that a recommendation his company had was to hire a consultant to help guide cities in their comprehensive plans to determine the proper land use that they want to see happen with the city and they interact and get the community involved in that process. Tompkins further stated that if the City wanted to pursue that option with a consultant of the City's choice, CPDC would pay half of the cost for that process because he thought that might help expedite the information that needs to be assembled and presented to the public.

Dan Johnson stated that sounded like a fair offer as long as the City is paying its fair share and can expect fair advice that would be an appropriate thing to do. Johnson further stated that the City needs to see some scenarios and also to be mindful that the City will be losing some of the local government assistance.

Homer Tompkins stated they would be happy to present any scenarios the City would request.

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Mayor Schneider stated one of the first things on the docket would be to decide if it needs to be rezoned.

Dan Johnson stated a comp plan amendment process needs to be started; the rezoning would follow from whatever amendments are made and the development proposal would follow whatever the rezoning turns out to be.

Dan Johnson inquired to Mike Darrow as to when the last time a comp plan was done. Mike Darrow stated that it was '99 when it was approved.

Mayor Schneider stated that if the subdivision ordinances are in order this process should move quite rapidly.

Dan Johnson stated a timetable should be put together for the Council meeting on Monday.

Jon Nowaczek stated he wanted to take caution – as anxious as everyone is to take advantage of Mr. Tompkins' offer and to make good on the City's side of that margin – the City needs to take as much time as it takes. Nowaczek further stated that he's not saying this need be a lengthy process, but the dysfunctional outcome of the last process shows what happens if things are rushed or steps are missed. Nowaczek stated that everyone will do their part but its premature to start talking about timetables or deadlines just yet.

Mayor Schneider stated he agreed with Jon Nowaczek but CPDC has done their part to clear the air, now it's the City's turn to do theirs.

Bob Kamps inquired as to whether there was a general timeline.

Homer Tompkins stated that Bayport has not had a lot of development and comprehensive plan amendment process so he doesn't think the process should be rushed. Tompkins further stated that he wouldn't impose any restrictions as long as there is a process moving and its being productive for the City and its getting to some conclusion – he doesn't know how long that would be because the City hasn't been involved in comp plan amendments. Tompkins further stated that's why he recommended considering someone who does that for some cities who are in the process of a comprehensive plan.

Homer Tompkins stated that he didn't feel he was prepared to put a deadline on it because it's a significant undertaking for the City and we need to provide support for the City to come to a conclusion. Tompkins further stated that as long as the process is moving forward, I'm not sure we should say a fixed time frame....

Bob Kamps agreed with Homer Tompkins that the City hasn't had any expansion in quite a few years and it will be something new for this community.

Homer Tompkins stated that it's a decision whether its industrial or residential and if it becomes residential what would be the appropriate density or appropriate house types and zone it according to what that process concludes. Tompkins further stated that they bought the property because they didn't feel that the highest and best use of the property was industrial. It doesn't have the visibility, access, window, easy transportation in and out and

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he's not sure whether it doesn't create more environmental damage than residential would. Those are issues the City will want to explore in the process. Homer Tompkins went on to explain the pros and cons of residential versus industrial.

Mayor Schneider asked if anyone had any comments.

Deeon Phillippi stated that he thought a survey would be an excellent idea, but this is a small town, would it be that much more expensive to go to every registered voter. That would give everyone an opportunity to give their opinions. In terms of the Comprehensive Plan, look at what the community wants before changing the zoning.

Dan Johnson and Deeon Phillippi discussed the survey issue – pros and cons.

Another member of the audience stated she thought it was important that there be a website where people could provide input by e-mail.

Deeon Phillippi stated that was a good idea but he wants to make sure everyone has the opportunity. "The town isn't that big, get everyone's input."

Al Schulz stated the city government sent out surveys one time and only got about 70 answers out of the entire community. Every mailing address in town received them and 99 percent of the people didn't bother filling it out. "That's not covering the whole community as far as I'm concerned."

Deeon Phillippi stated that everyone had the opportunity, that's what he's looking for. If people don't answer it, that's on them, but at least they had the opportunity.

Kent Grandlienard from Baytown Township expressed his appreciation to the developer and also to the City for listening to the residents of Bayport along with some residents of Baytown. He further stated that he understands they may not have a vote in this issue, but Baytown is a major community in West Lakeland and would be impacted by any development regardless of what shape or form it falls in, because of the location up there, the way the roads are structured and Mr. Miller's gravel pit. He would appreciate and encourage the City to continue to listen to the concerns of the residents of Baytown, although they don't have the voting voice like the people down here do.

Dan Johnson stated that the City is going to be undergoing a comp plan amendment review process and part of amending the comp plan is giving surrounding municipalities notice – that's part of being in the metropolitan area, you have to give them notice of it and they have an opportunity to comment on it while its being developed. And once its submitted to the Met Council for approval, they have the right to ask for hearing before the Met Council to express concerns about whether the Met Council should approve it. The City does not review developments of other communities, the City does review their comp plans and comp plan amendments and they are required to let Bayport comment on it, just as Bayport is required to let other communities comment. By law, surrounding communities will be part of the process but our focus is really going to be what Bayport wants and the surrounding communities will be reacting to that.

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Al Schulz stated that in the six years he was on the Council, he never saw a comp plan from any community in the surrounding area.

Dan Johnson stated that the law requires the other communities give notice and when you submit your comp plan amendment to the Met Council, you certify that you have given other communities notice.

Sharon Ridgway stated that when the Council was going through the comp plan amendment process that they were advised by their attorney not to send out a survey regarding that issue.

Mike Darrow stated that the Council couldn't use the outcome of the survey to determine the use.

Dan Johnson stated that on any matter that requires Council action, the responsibility cannot be delegated to someone else. Example – if it's a rezoning application, you can't give the neighbor the power to say yes or no, you can only take that neighbor's feedback into consideration, you make the decision. A survey is just a tool to help, but it's the Council's decision. Johnson further stated that he didn't think it would be illegal to send out a survey, but the Council can't make a decision base on it.

Jon Nowaczek stated he thought everyone sees the merits of the survey as being part of the process. Some of the tools that could be used are: consultant, commission, survey, workshops – all of these things probably will come into play. Nowaczek further stated he was interested to hear if anyone in the audience would have feedback on which of those approaches would be good.

A member of the audience stated that the City could have done a better job of letting the public know what was going on through mailings, web page – the survey is up to the Council, he stated he thought it was a waste of money. More importantly right now is deciding whether the land should be zoned residential or industrial.

Mayor Schneider stated the Mr. Tompkins said that the City needs to look into that so when the City goes through the process, something can be found that everyone can live with.

Al Schulz stated that he was on the Council for years and Andersen tried to get industry, that's what the people wanted, and everyone said the same thing – how do we get on 94 – there's no access to a major freeway. He further stated no industry is going to put millions of dollars into the property when they have to go out of their way to get their finished product out of town.

Further discussion on the meaning of "industry" and examples of different companies that could be placed there.

Make Darrow stated that there is a meeting scheduled for March 13 where Al Grittsi (sp) from NAC is going to come in and run through some scenarios at the Planning Commission's request. The Planning Commission has asked NAC to look at development,

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define development, commercial, industrial, residential, cluster development, planning and development, show some aerial half section maps to people can get a visual sense of what these developments are, what accesses, traffic circulation, etc. Darrow went on to state that if people have some other things to have addressed, if there is time, they can be discussed.

Bob Kamps discussed Homer Tompkins' idea of touring other residential areas that they have built.

Homer Tompkins stated that if the City decided on residential, he would encourage and welcome the opportunity to take a tour to look at innovative ideas. He further stated that CPDC considered themselves an urbanist developer – they don't build the typical community projects.

Mayor Schneider thanked Homer Tompkins, and thought it was a good idea, but the City needs to go through the process and find something everyone can live with.

Discussion regarding the meeting on March 13 – joint meeting with the Planning Commission and the City Council.

Mayor Schneider asked for any other comments and suggestions. Hearing none, he thanked Homer Tompkins and stated that's where the City "needed to get to so we can go from here."

Discussion of Duties of the Mayor

Sharon Ridgway stated that she has issue with some of the things that the Mayor is doing, doing things without the authorization of the rest of the Council.

Mayor Schneider stated he would "certainly like specific incidents."

Bob Kamps stated that canceling overtime is a City Council decision.

Mayor Schneider stated he believes he may have suggested strongly to the Acting City Administrator about that, he didn't take any action on his own on that.

Sharon Ridgway – "Well, I would take issue with that. If you're suggesting something strongly to the Acting City Administrator, if she doesn't take that as your bidding, what position is she in?"

Mayor Schneider – "I think any council person can suggest anything to the City Administrator." "Other issues, please, make specific incidences."

Bob Kamps – "Mr. Dan Ridgway, floating around City Hall, up to the last week I have had people, citizens and City employees, saying he is making them very nervous. If he is here studying things for you, we can give him a room in back. He does not need to be behind the counter, listening to employees, interacting with other employees or citizens, interacting with City employees. I don't know what he is doing here, I have not asked

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him. I understand he is your friend, I know that, but I'd like to know why he is here basically, and...."

Mayor Schneider – "I think he is here as a citizen, and every citizen has that right."

Bob Kamps – "But four or five hours a day, I think we could find him a room if he needs to be out there. He doesn't need to be in on every...."

Sharon Ridgway – "I don't think he even should have a room. He can get what he wants and leave, like everyone else."

Mayor Schneider. "I'm not directing Mr. Ridgway to do any particular thing."

Sharon Ridgway – "Getting back to budget cuts or whatever...."

Mayor Schneider – "Yeah, if there are some specific incidences...."

Sharon Ridgway – "You should be coming to the Council and saying this is what I want and, can we agree to do this. You should not be going off all on your own...."

Mayor Schneider – "I have no authority to act on my own."

Sharon Ridgway – "Correct."

Mayor Schneider – "None whatsoever...."

Sharon Ridgway – "But you are."

Mayor Schneider – "I may make suggestions to the City Administrator. And I think we're going to have to make a lot of suggestions. When I'm signing those checks and see \$800 going to...

Sharon Ridgway – "That's another one, not signing checks. You cannot not sign checks."

Mayor Schneider – "I signed all the checks, Sharon."

Sharon Ridgway – "I, yes, I know you did...."

Mayor Schneider – "And if I have a question on a check, and this goes for any City Council member that might want to ask me, before I put my name on that check, if I have a question about it, I will ask. I will ask the City Administrator, which is exactly what I did, we set those checks aside, they all were signed the next day."

Al Schultz – "I was, listened to all this at the Council meeting. You passed your consent agenda. Every one of those checks was in the consent agenda. Once it was passed, you're obligated, Rick, to sign them."

Mayor Schneider – "I signed all those checks, Al...."

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Al Schultz – “You signed them, you signed them, but you had to run back to Wendi and John with questions.”

Mayor Schneider – “Yes I did....”

Al Schultz – “Before, wait, let me finish, before that consent agenda was ever passed, if you had a question on a check, that item should have been pulled from the consent agenda and discussed. Once you pass it, sign the check, quit your questions until the next Council meeting comes up, the same item is there, pull it from the consent agenda, but once its been passed, sign those.”

Mayor Schneider – “Thank you.”

Al Schultz – “And that’s – you passed it, you okayed the bill, you okayed the overtime, and then the next day you come in, no, I’m not gonna sign this until I check on it – wrong – you check on it before you pass it.

Mayor Schneider – “Thank you.”

Deeon Phillippi – “I just want to say I think you’re doing a damn fine job. I mean, I, and I expect you to make a few mistakes, no big deal.”

Mayor Schneider – “Thank you, Deeon. And I will question a check, when I put my signature on it, I will question it if I don’t think its right.”

Member from the audience – “I just want to (inaudible) I think you’re absolutely the right man for the job at this time. You were born to be the Mayor of Bayport. Thank you very much.”

Bev Shultz – “Have you been to the League of Minnesota Cities School?”

Mayor Schneider – “Not yet, no.”

Bev Schultz – “Okay. Well, you know, its really a good thing to do that before you get carried away with motions and all that because when I went (inaudible)... And the mayor is supposed to lead the meeting and if he wants to make a motion or second one, he’s supposed to hand the gavel to another Councilmember. And even if he talks at length about a subject, he’s supposed to hand the gavel to another Councilmember. This is all part of the League of Minnesota Cities learning for council people and the mayor. And when you go to that school, you get divided up, council people and mayor. The Mayor’s job (inaudible) ...lead and keep order and ask for (inaudible)..... They’re not supposed to make a motion unless they hand the gavel to someone else. Now I may be wrong on that, but I just read it again this afternoon (inaudible). And you learn that if you went to those, you think they’re worthless, but they aren’t, those tools. That’s what their there to teach you. If you’re ever in a court case one of the first things the lawyer will ask you, have you been to school.”

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Mayor Schneider – “Thank you, Bev, we’ll do the best we can do.” “Any other comments – Sharon?”

Sharon Ridgway – “You’re blowing my comments off.”

Mayor Schneider – “No, I’m not blowing them off.”

Sharon Ridgway – “Yeah, well, it seems to me you are acting as a one person town here, and I’m just asking, when you have ideas, I’m asking you to come to the Council and get approval from the Council before you start carrying them out.”

Bob Kamps – “Even the comment in the paper this morning by Jon that we are prepared for legal action – that can be construed as...that was never brought up in the meeting. I do not remember ever voting on legal action against CPDC. That was put in the St. Paul paper this morning.”

Dan Johnson – “That was Jon’s opinion, he’s entitled to it.”

Bob Kamps – “But as a (inaudible) mayor system and in that case, under the (inaudible) mayor system, according to the papers I have, the mayor should be the liaison to the, in a situation like that, not a Councilmember. The mayor is a liaison to the press, to visiting dignitaries and to the legislature, not a Councilperson.

Dan Johnson – “I think the press can contact whoever they want to contact. Whoever they contact can comment or not comment.”

Bob Kamps – “But that was an inappropriate statement.”

Al Schultz – “But if he was smart, he wouldn’t have talked to (inaudible – people talking over each other).

People talking all at the same time.

Sharon Ridgway – “You know, I don’t want to get nit picky here...”

Mayor Schneider – “We’re gonna close this meeting....”

Sharon Ridgway – “Its just that...”

Mayor Schneider – “I’m sorry, uh, let’s, can we vote to close this meeting?”

Jon Nowaczek – “Well, if people are just going to just chit chat or whatever, we’re not going to get anything done here.”

Bob Kamps – “I do have one other, I do have one other question, Bev said they were worthless meetings, and they’re not worthless meetings. Am I the only one signed up to go to these conferences this weekend?”

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Dan Johnson – “I haven’t heard about the conferences, what are they?”

Bob Kamps – (to Wendi) “Am I the only one you yelled at?”

Wendi Lindquist – “I didn’t yell at you even. It’s a conference for newly elected officials.”

Jon Nowaczek – (inaudible) ...I’m not able to attend.

Bob Kamps – “Yeah, I think they’re closed now. I got in Friday...”

Wendi Lindquist – “We reminded you on Friday...”

Bob Kamps – “I thought they were a week later and I signed up, they’re over in Spring Lake Park. I think I leave here...”

Wendi Lindquist – “I believe everybody except for you, Dan, was given that information.”

Bob Kamps – “So I will be there Bev, thank you.

Pete Miller (non-resident) – “I’m not a member of Bayport, City of Bayport, but I live real close by. And I deal with the City of Woodbury, Lake Elmo, Stillwater, Oak Park, Bayport. The consent agenda to me is a way of muddying the waters. If I was a Bayport Council, I would vote to rescind the consent agenda and bring everything before the Council. I had a (inaudible) permit in Woodbury, they said get there at eight o’clock. I got there at five minutes to eight, the mayor hit the gavel, the consent agenda was approved. I said when do I get on the agenda, well its all over with, it was all approved. I think that small towns like this you should bring it before the people. And the consent agenda and the school board uses the consent agenda, George Stolz says hey, we’re gonna get this thing straightened out now. They said, consent agenda said its all taken care of. He said, I didn’t hear it, I want to open it up and he forced them to open up the meeting and to rescind part of that consent agenda on some particular thing. I don’t believe in it, and I’ve been around a long time. I think, Mr. Mayor, as long as you’re responsible for the City of Bayport, you should have a right to look over certain things just like your own business, cause you are gonna get the blame for everything. So I back you up a hundred percent. Someday I’ll be in Bayport, I’ve been trying to get in Bayport for many years. Our land touches, we’re right in the triangle, we got about six inches of land (inaudible).

Mayor Schneider – “Thank you, Pete, we’re trying hard. We’ll make mistakes, but we’re trying hard.”

Member of audience – “But what the law says and what you can do, or what you do are two different (inaudible).

Sharon Ridgway – “I have one other question. Is, have we been contacted by the auditors or do we have to contact them, have they been for our yearly audit?”

Wendi Lindquist – “John Nash is right over there, he can probably answer your question.”

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Sharon Ridgway – “When do they come into our office, John?”

John Nash – “They were in the last part of January to do a preliminary, and then they’re coming back I believe in the last week in March.”

Sharon Ridgway – “Okay.”

John Nash – “That was scheduled way back in December.”

Sharon Ridgway – “I just kinda wondered if that was still in the process.”

Mrs. Phillippi - “I appreciate the fact that before you sign a check, you look at it. I can’t stand it when you have a bunch of stuff in front of you and you blindly sign away. I can see that, if you’re supposed to sign it, sure, but you better know what you’re signing before you sign the check. And I do appreciate that.”

Mayor Schneider – “Thank you. Its your money I’m trying to watch out, as much as I can, for.”

Mrs. Phillippi – “And I appreciate that.”

Mayor Schneider – “You’re welcome.”

Jon Nowaczek – “I think, Rick, it would be appropriate to point out that partly because of the concerns that you’ve raised, we’ve asked John and Wendi to present some of those bills and the receipts and also the expenditures in a little more timely fashion so we would have those in the Council packet ahead of time for review, so we avoid getting into that situation where we’ve already passed something that we’ve only had a cursory glance at.”

Mayor Schneider – “Thank you.” “Any other questions or answers or issues?”

Member of Audience – “You know, I realize that its not possible for you guys to get together (inaudible) but I’d really like to see some of the henpecking complaints – if they can be at all addressed somewhere other than a public place. I think its unfair to put people on the spot. That goes with the territory but if it can be handled a different way that would be great.”

Mayor Schneider – “Good suggestion.”

Al Schultz – “Well, I’ll tell you as they told me – that’s the chance you take when you raise your right hand and took the oath. You’re gonna get the heat, learn to like it.”

Mayor Schneider – “Well, what we need to do is all work together here. We’re gonna make a few mistakes, we’re all relatively new at this. But as time goes on, let’s try to pull together a little bit more. I think if we do that its gonna be a lot easier row for everybody to hoe and we’ll get some results.”

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Jon Nowaczek – “I think that’s going to be especially important now that we have a golden opportunity that’s been handed to us. We’ve just, we got a second chance in Bayport to do something that’s going to set the future of the town and to do it right. I think we need to move beyond a lot of the us versus them type of talk that we’ve had in town over the last six months, last year, and we’ve got to start thinking like Bayport citizens again, because that’s really all we are, that’s all we ever have been. I’m going to be doing my part to move beyond that, so I hope everybody else will join me.”

ADJOURN

Mayor Schneider – “Thank you.” “Well, with that, (inaudible) motion to adjourn.”

Jon Nowaczek – “I’ll second that.”

Mayor Schneider – “We’re adjourned.”

Mayor Schneider adjourned the meeting at 8:03 p.m.

Respectfully submitted,

Wendi Lindquist
Acting Administrator