

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
SEPTEMBER 2, 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 September 2, 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 Rick Schneider, Councilmembers Jon Nowaczek, Sharon Ridgway, Bob Kamps and Dan Johnson.

Members absent: None.

Others present: City Administrator Mike McGuire, Attorney Tim Kelley, City Engineer Barry Peters and Mike Darrow of Northwest Associated Consultants (NAC), Finance Officer John Nash.

PROCLAMATIONS/COMMENDATIONS/PETITIONS

Mayor Schneider announced the recycling winners for the month of August.

OPEN FORUM

Mayor Schneider thanked Police Chief Gannaway and everyone involved in putting together National Night Out on August 5, 2003. It was a great success and everyone had excellent comments.

Mayor Schneider also wanted to remind everyone that the Bayport Community Action League is having a street dance on Saturday, September 6, 2003 just north of the Greystone Bar. Everyone is invited to attend.

CONSENT AGENDA

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

Councilmember Ridgway introduced the following resolution and moved its adoption:

Res. 03-60

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RESOLUTION #03-60 APPROVING CONSENT AGENDA ITEMS A, B, C, AND D
FROM THE SEPTEMBER 2, 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

2004 BUDGET

City Administrator Mike McGuire made a presentation on budget and explained process of budget preparation.

Mayor Schneider thanked Mike McGuire for giving the presentation and thanked department heads for coming up with an acceptable levy and taxation process in relatively tough times.

Councilmember Bob Kamps thanked all of the department heads for their hard work in preparing the budget.

Councilmember Jon Nowaczek stated that the City is in a good position financially.

Councilmember Johnson introduced the following resolution and moved its adoption:

Res. 03-62

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ADOPTING THE PRELIMINARY CITY BUDGET FOR 2004.

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

Mayor Schneider stated he would like to leave the preliminary levy as prepared.

Councilmember Nowaczek introduced the following resolution and moved its adoption:

Res. 03-63

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR
THE CITY'S GENERAL, DEBT SERVICE AND LIBRARY SPECIAL FUND AT
\$1,033,768.00.

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

COUNCIL LIAISON REPORTS

Sharon Ridgway stated there was a very short meeting of the Cable Commission just to approve the budget that was sent on to the various cities for approval. The next meeting will be held on October 15, 2003 at River Heights Plaza at 7:00 p.m.

Jon Nowaczek stated there was a Library Board meeting at the Library the previous Thursday at the Public Library but he was unable to attend so he has no report. The next scheduled Library Board meeting is on Thursday, October 30, 2003 at 6:00 p.m. at the Library. Those meetings are open to the public.

Dan Johnson stated he attended a meeting of the Lower St. Croix Partnership which is the organization funded by the National Park Service in the states of Minnesota and Wisconsin. Anything that Bayport does on the east side of 95, particularly where it impacts the St. Croix River is reviewed by that organization. Dan Johnson further stated he hopes there will be a DNR representative at the next Planning Commission meeting.

Bob Kamps stated there have been a couple of meetings of the Middle St. Croix Watershed Commission. There were a few problems that needed to be addressed – one of them was an underground well was found on the northwest corner of the prison property where the pipe was going to be run through. It was decided to drill the well, draw enough of the water out to lay the pipe down, cover it and cap the wells. The vote was unanimous for the expenditure, money was set aside as a contingency. There was also a request from the prison to tap into the Middle St. Croix Watershed pipe. It was okayed with the hope that the City will get the third stage funding next year to recoup any monies the City spends on allowing the prison to tap into the pipe.

CITY CONSULTANT REPORTS

1. City Attorney Report – Tim Kelley stated that Council was provided with an easement agreement and temporary license agreements reached between his office and Excel Energy. Tim Kelley stated that he is recommending that the Council approve the easement and temporary license agreement for the work on the Perro Pond project.

Barry Peters explained what the Perro Pond project consists of.

Tim Kelley explained the changes in the easement and temporary license agreement.

Mike McGuire stated he has not read the final agreement, but has been involved in it for about a month and recommends approval.

Bob Kamps moved, seconded by Sharon Ridgway, to accept the easement agreement and licensing agreement with NSP/Excel for the Middle St. Croix Watershed Commission. Motion passed unanimously.

2. City Engineer Report – Nothing that is not on the agenda.

Jon Nowaczek inquired to Barry Peters regarding the progress of the televising of the sanitary sewer system that was initiated last spring.

Barry Peters stated it has been completed and is waiting for the reports from the televising company.

3. City Planner Report – Mike Darrow stated that the DNR discussion had to be rescheduled. Mike Darrow proposed to set the meeting with the DNR for the next Planning Commission meeting and have the Council attend – that would be October 13, 2003. Jon Nowaczek stated he would be out of town; Mayor Schneider stated he would have to get back to Mike, but maybe it should be scheduled for that day.

UNFINISHED BUSINESS

Sale of City Property on 2nd Avenue. Mike McGuire stated this is a request for approval to sell part of Mill Lot 17 – this has been before the Council previously. Mike McGuire reported on the contract details. The City is requesting authorization to sell the property and the Mayor and City Administrator entering into the agreement.

Mayor Schneider stated this has been talked about in the past and it would be a good addition to Mr. Shelton's property. Once the sale is completed, the property would need to go to the Planning Commission for options for developing it.

Mike Darrow stated the proposal was done as a concept plan and Mr. Shelton would need to bring in what he is proposing to do for the Planning Commission review for formal site plan review. At that time it could be reviewed and any recommendations made.

Further discussion regarding the property and the assessments.

Attorney Tim Kelley stated he has been negotiating with Mr. Shelton's attorney on the exact terms, what is being asked for tonight is approval of the contract price. Tim Kelley stated that Mr. McGuire and Mr. Shelton negotiated most of the terms, but he wasn't aware that the agreement was that the special assessments would be paid by the City, so the Council does not have the final draft, there will be other terms that will be changed.

Confirmation that approval is sought for approval price, terms and allowing the City Administrator and Mayor to enter into the contract.

Councilmember Johnson moved, seconded by Councilmember Nowaczek, to approve the proposed sale and purchase agreement contract of sale with the Ronald and Diane Shelton Family Limited Partnership for the property at partial Mill Lot 17 for the purchase price of \$76,500.00 with the understanding that the draft agreement will be edited to reflect that the assessments will not be paid by Mr. Shelton but will be paid out of the proceeds of the sale. Motion passed unanimously.

Montanari Property, 575-595 Lakeside Drive. Mike McGuire stated it is coming close to an agreement but is recommending that final action not be taken until both parties sign. Mike McGuire read the requirements of Mr. Montanari from the report provided in Council packet.

Mayor Schneider stated he is not happy with the way the project progressed; it needs to be moved along to get the best resolution.

Jon Nowaczek stated he would echo the Mayor's comments. This is a lesson for future projects regarding approvals and regulations.

Dan Johnson stated he was not supportive of the last recommendation was because the Council did not have enough information to act on it. Dan Johnson further stated he shared the Mayor's concerns that this is an object lesson. The recommendations are reasonable and would support them when it comes time to take formal action.

It was determined that no formal action had to be taken at this meeting.

NEW BUSINESS

Land Transfer Keyes/St. Ores. Barry Peters stated that earlier this year the City went through the vacation of a small portion of the south end of Lake Street. During those processes, the St. Ores' indicated they had some property in the middle of some property owned by the Keyes'. Both parties went through the negotiations to transfer some land – Ms. Keyes obtained a parcel in the middle of her property and she gave up to the St. Ores about 15 feet and an easement to the river property. The City has nothing more to do than approve the land transfer.

Discussion regarding why the City Council has to approve the land transfer.

Councilmember Kamps moved, seconded by Councilmember Johnson, to accept the land transfer between Jane Keys and the St. Ores'. Motion passed unanimously.

COMMUNICATIONS/REQUESTS

Charles Kaiser – Re: Driveway. Charlie Kaiser explained the situation that occurred between the Kaisers and the City back in 2000.

Charlie Kaiser provided pictures as evidence of his new drainage problem after the road was re-done.

Mayor Schneider asked Charlie Kaiser why he never asphalted his driveway. Charlie Kaiser stated he wanted to see how the City was going to fix the drainage problem before he fixed his driveway.

Charlie Kaiser stated that the road was done improperly, the drain should be before his driveway, the curb drop angles down the driveway, there is zero trough for water to go across the driveway to get to the drain. Charlie Kaiser further stated he signed the letter thinking it was constructed properly and not knowing that additional material would be dumped on the road which goes down his driveway. Charlie Kaiser stated he just wants to the drainage problem fixed.

Further discussion regarding the driveway issue.

Attorney Tim Kelley stated he reviewed the file – the City paid an amount around \$4,000 to correct the problem and avoid litigation. It doesn't sound like Mr. Kaiser did the work to correct the problem. Tim Kelley further stated that from a legal standpoint the City has done enough twice.

Barry Peters reported on a possible solution to the problem.

Further discussion by Charlie Kaiser regarding water and drainage problems. Charlie Kaiser showed a videotape of a rainstorm and where the water goes onto his property.

Discussion regarding money Charlie Kaiser was paid and improvements not being done.

Further discussion regarding the Kaiser driveway.

Councilmember Johnson stated that the City may need a policy that the City builds a curb so that when the street is raised the water doesn't run into someone's driveway, which means a bigger special assessment against the affected property owners.

Mel Horak stated he and Barry Peters could get together with Charlie Kaiser and try to figure out some options.

Mike McGuire stated it would be looked at and brought back in a month.

Councilmember Kamps moved, seconded by Councilmember Nowaczek, to continue the discussion of the Kaiser driveway until the next meeting. Motion passed unanimously.

COUNCIL ITEMS/ANNOUNCEMENTS

Mike McGuire handed out the final version of the community survey – a postcard has been ordered and will go out tomorrow. The actual interviewing will be done between September 9, 2003 and September 20, 2003.

A question was brought up about how it would come up on Caller ID. Mayor Schneider stated this survey is very important and true opinions are needed. People who are called, please answer.

Mike McGuire stated that the Highway Department has agreed to put one fire sign on the west side and the City is trying to talk them into a second one, along with a flashing device. The City may have to pay for that, but the actual sign showing a fire station or fire truck will be put up. The parts for the fire siren are here and will going up in the next week or so.

Mike McGuire stated that Public Works is jetting the sanitary sewer lines to clean them out. The sewage spill in Perro Pond – there was a plug in the prison at Oak Park Heights and approximately 300,000 gallons flowed in – this information was released to the newspapers – the main concern are kids swimming in the creek, they should be staying out of it. There will be another test on Wednesday, September 3, 2003, it takes about two days to get the results.

STAFF REPORTS

ADJOURN

Mayor Schneider moved, seconded by Councilmember Nowaczek, to adjourn the meeting at 9:06 p.m. Motion passed unanimously.

Respectfully submitted,

Mike McGuire
City Administrator