

**CITY OF BAYPORT  
CITY COUNCIL MEETING  
Council Chambers, 294 North 3<sup>rd</sup> Street  
January 4, 2010**

**WORKSHOP (Police Department Review)**

**5:00 P.M.**

**REGULAR MEETING**

**6:00 P.M.**

**CALL TO ORDER**

**ROLL CALL** (Mayor Nowaczek and City Councilmembers Carlson, Johnson, Kraftson and Seeberger)

**PROCLAMATIONS, COMMENDATIONS, PETITIONS, AND ANNOUNCEMENTS**

1. December recycling award to John Reid

**OPEN FORUM**

The open forum is a portion of the meeting to address the City Council on subjects that are not a part of the meeting agenda. The City Council may take action or reply at the time of the statement or may give direction to staff regarding investigation of the concerns expressed. *A total of 15 minutes is allotted for the public comment period (not 15 minutes per person).*

- 1.
- 2.

**CONSENT AGENDA**

**TAB #**

**Consider a resolution adopting items 1 through 11**

*Approval is recommended.*

- |   |    |
|---|----|
| 1. December 7, 2009 City Council regular meeting minutes  | 1  |
| 2. December payables and receipts   | 2  |
| 3. December building, plumbing and mechanical permit report   | 3  |
| 4. Payment to Sanders, Wacker, Bergly for coordinating rubble and contaminated soil remediation at Barker's Alps Park | 4  |
| 5. Special event application from the BCAL for a Community Skating Party at Perro Park on February 19, 2010           | 5  |
| 6. Animal impound agreement for 2010  | 6  |
| 7. Purchase of equipment for Public Works vehicle   | 7  |
| 8. Final MSCWMO Perro Creek project pay request   | 8  |
| 9. Consider an appointment to the Library Board   | 9  |
| 10. Consider renewal of safety consulting and training services for city employees                                    | 10 |
| 11. PERA declaration for part-time police officer Keith Frank   | 11 |

**COUNCIL LIAISON REPORTS**

**TAB #**

**UNFINISHED BUSINESS**

1. Consider amendments to Appendix E, Floodplain Management Ordinance, of the Bayport City Code, to be consistent with the National Flood Insurance Program (NFIP), including adoption of the effective Flood Insurance Rate Map (FIRM) 12
2. Consider amendments to Chapter 58, Utilities Ordinance, of the Bayport City Code related to the city's sewer system 13
3. Discuss options related to the Lakeside Park log cabin 14
4. Employee health insurance 15
  - Update on renewal of 2010 policy
  - Establish a meeting for City Council committee to discuss 2011 policy

**NEW BUSINESS**

1. Consider amendments to the existing ice road easement 16
2. Consider a resolution establishing a municipal street improvement district 17
3. Consider a proposal from Brimeyer Group-Global Synergy to provide professional consulting services for a staff and City Council joint team building and goal setting session 18

**COUNCIL ITEMS AND ANNOUNCEMENTS**

**CITY ADMINISTRATOR ITEMS AND ANNOUNCEMENTS**

1. City Administrator update 19

**ADJOURNMENT**

**RESOLUTION NO. 10-**

**EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE CITY OF BAYPORT,  
WASHINGTON COUNTY, MINNESOTA HELD  
JANUARY 4, 2010**

Pursuant to due call and notice therefore, a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at Bayport City Hall in said municipality on the 4<sup>th</sup> day of December 2010, at 6:00 p.m.

The following members were present:

The following members were absent:

Councilmember \_\_\_\_\_ introduced the following resolution and moved its adoption:

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE  
JANUARY 4, 2010 CITY COUNCIL AGENDA**

1. December 7, 2009 City Council regular meeting minutes
2. December payables and receipts
3. December building, plumbing and mechanical permit report
4. Payment to Sanders, Wacker, Bergly for coordinating rubble and contaminated soil remediation at Barker's Alps Park
5. Special event application from the BCAL for a Community Skating Party at Perro Park on February 19, 2010
6. Animal impound agreement for 2010
7. Purchase of equipment for Public Works vehicle
8. Final MSCWMO Perro Creek project pay request
9. Consider an appointment to the Library Board
10. Consider renewal of safety consulting and training services for city employees
11. PERA declaration for part-time police officer Keith Frank

The motion for adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_ and upon roll call being taken thereon, the following vote via voice:

Jonathan Nowaczek –	Torry Kraftson –
Connie Carlson –	Judy Seeberger –
Dan Johnson –	

WHEREUPON, said Resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Administrator. Passed by the City Council, City of Bayport, Washington County, Minnesota this 4<sup>th</sup> day of January 2010.

ATTEST:

\_\_\_\_\_  
Mitch Berg, City Administrator

\_\_\_\_\_  
Jon Nowaczek, Mayor

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBER  
DECEMBER 7, 2009  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor Nowaczek called the regular City Council meeting of December 7, 2009 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

**ROLL CALL**

Members Present: Mayor Jon Nowaczek, Councilmembers Connie Carlson, Dan Johnson, Torry Kraftson and Judy Seeberger

Members Absent: None

Others Present: Administrator Mitch Berg, Public Works Supervisor Mel Horak, Finance Officer Wanda Madsen, Former City Administrator Mike McGuire, Engineer Barry Peters, Molly Shodeen, Minnesota Department of Natural Resources (DNR), Assistant City Administrator/ Planner Sara Taylor, and Attorney Nick Vivian

**PROCLAMATIONS/COMMENDATIONS/PETITIONS**

1. The November 2009 recycling award went to Gary Lorence.
2. Mayor Nowaczek announced that new, unwrapped gifts for the annual Toys for Tots program, coordinated by the Bayport Police Department, can be dropped off at City Hall, Bayport Library, Holiday gas station and 1<sup>st</sup> State Bank and Trust through December 20, 2009.

**OPEN FORUM**

1. Al Schultz, 580 6<sup>th</sup> Avenue North, expressed disappointment with the plans to remove the historic log cabin at Lakeside Park and the condition of the area around it where a new volleyball court is being placed.

**SPECIAL PRESENTATION AND DISCUSSION**

Consideration of amendments to the city's Floodplain Management Ordinance, to be consistent with the National Flood Insurance Program (NFIP), including adoption of the effective Flood Insurance Rate Map (FIRM): Assistant Administrator/Planner Taylor provided a summary of the updates the city needs to adopt as part of its floodplain ordinance and maps in order to participate in the National Flood Insurance Program, as mandated by the Federal Emergency Management Agency (FEMA). The majority of the revisions are mandatory text amendments, with a few sections of optional text. A public hearing was held at the November Planning Commission meeting, with the Planning Commission recommending adoption of all optional sections of the ordinance, with the exception of revising section 5.51 to exempt accessory structures from certain elevation requirements. Molly Shodeen, DNR, explained the elevations in the maps did not change, but the maps are now more accurate and easier to use. Commissioner Seeberger reviewed the Planning Commission discussion and recommendations on the optional sections, and discussion followed on the pros and cons of the optional sections. Ms. Shodeen indicated the DNR should be able to have clarification on section 11.13 by the next City Council meeting, and it was recommended that adoption of the ordinance be tabled to the next meeting, which would provide sufficient time to adopt a final ordinance by the February 2010 deadline.

It was moved by Councilmember Seeberger and seconded by Councilmember Carlson to defer adoption of the revised ordinance to the next meeting. Motion carried.

### **CONSENT AGENDA**

Mayor Nowaczek read items 1-21 on the consent agenda.

1. November 2, 2009 City Council regular meeting minutes
2. November payables and receipts
3. November building, plumbing and mechanical permit report
4. Amendment to cemetery ordinance related to headstone height
5. Annual adjustment to the city employee salary step schedule
6. Refuse hauling license renewals for 2010
7. Tobacco license renewals for 2010
8. Liquor license renewals for 2010 and compliance check fines
9. Certification of past due water bills to 2009 property taxes
10. Certification of past due waste collection bills to 2009 property taxes
11. Annual step increase for Assistant City Administrator/City Planner
12. Special event application from BCAL for Lighting of the Village Green
13. Budgeted fund transfers for 2009
14. Non-union employee holidays for 2010
15. Reappointments to the Planning Commission
16. Municipal Utility Identity Theft Policy required by the Federal Trade Commission
17. Hiring Keith Frank as a part-time police officer
18. Approval of Police Department Operation Nightcap grant agreement
19. Purchase of Public Works replacement pickup truck and related equipment
20. Payment application for Barker's Alps Park site improvements
21. Change order with Minnesota/Wisconsin Playground for Barker's Alps Park play equipment

The following items were moved from the consent agenda to other business as follows:

- #4. Amendment to cemetery ordinance related to headstone height was moved to Old Business
- #14. Non-union employee holidays for 2010 was moved to New Business
- #19. Purchase of Public Works replacement pickup truck and related equipment was moved to New Business

Councilmember Carlson introduced the following revised resolution, removing items #4, #14 and #19, and moved its adoption:

**Resolution 09-28**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS 1-18 FROM THE  
DECEMBER 7, 2009 CITY 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:

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Judy Seeberger – aye
Dan Johnson – aye	

### **PUBLIC HEARINGS**

Truth in Taxation: Former City Administrator McGuire reviewed the proposed 2010 final budget, noting the preliminary budget, capital improvement plan (CIP), and tax levy were approved at the September 8, 2009 meeting. The proposed tax levy is \$1,041,975, which is a 1.9% increase over the

2009 levy. He noted the property tax impact on city taxes assumes a - 5.8% change in market value from 2009 to 2010, and no impact on taxes is anticipated as a result of the levy increase. The proposed budget represents a \$66,137.00 (3.1%) decrease from 2009, while maintaining the current level of services.

Mayor Nowaczek opened the Truth in Taxation Public Hearing and the following persons were heard:

Al Schultz, 580 6<sup>th</sup> Avenue North, believes the police department could provide better service in the residential areas and checking business doors. He also expressed concern with the recent contracted sewer cleaning services.

Jeremy and Jennifer Gazdik, owners of the Panache salon at 241 3<sup>rd</sup> Street North, stated their 2010 proposed taxes have tripled since buying the building in 2004, yet the estimated market value has increased only \$50,000.00. Administrator Berg encouraged the Gazdiks to contact City Hall for information on presenting their concern at the Board of Appeals and Equalization meeting in the spring, which is the proper venue to address this subject.

It was moved by Councilmember Kraftson and seconded by Councilmember Seeberger to close the public hearing. Motion carried.

Discuss and consider a resolution adopting the 2010 budget:

Councilmember Kraftson introduced the following resolution and moved its adoption:

**Resolution 09-29**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING BUDGETS FOR THE GENERAL FUND, SPECIAL LIBRARY FUND, DRUG FORFEITURE FUND, WATER FUND, SEWER FUND, TRUNK WATER AND TRUNK SEWER UTILITY CAPITAL IMPROVEMENT FUND, FIRE EQUIPMENT REPLACEMENT FUND, PUBLIC WORKS EQUIPMENT REPLACEMENT FUND, TAX STABILIZATION FUND, RECREATION CAPITAL EQUIPMENT MAINTENANCE FUND, CEMETERY CAPITAL IMPROVEMENT FUND, POLICE EQUIPMENT REPLACEMENT FUND, OFFICE AUTOMATION FUND, RESTRICTED INVESTMENT FUND, AND PARK IMPROVEMENT FUND FOR THE YEAR 2010**

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

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Judy Seeberger – aye
Dan Johnson – aye	

Discuss and consider a resolution adopting the 2010-2014 capital improvement plan (CIP):

Councilmember Seeberger introduced the following resolution and moved its adoption:

**Resolution 09-30**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING THE 2010-2014 CAPITAL IMPROVEMENT PLAN**

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

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Judy Seeberger – aye
Dan Johnson – aye	

Discuss and consider a resolution adopting the 2010 tax levy:

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 09-31**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY FOR THE  
YEAR 2010 BUDGET AT \$1,041,975.00**

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

Jon Nowaczek – aye                      Torry Kraftson – aye  
Connie Carlson – aye                  Judy Seeberger – aye  
Dan Johnson – aye

**COUNCIL LIAISON REPORTS**

Councilmember Seeberger reported on the November 16, 2009 Planning Commission meeting. Recommendations were made on the city's Floodplain Management Ordinance.

Councilmember Kraftson reviewed the November 12, 2009 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO). The MSCWMO budget was approved, with Bayport's share at 12.1% (\$12,426.00). The next meeting is scheduled for Thursday, December 10, 2009, at 7:00 p.m., at the Valley Ridge Mall.

Councilmember Johnson reported on the November 19, 2009 meeting of the Library Board. The Girl's Night Out fundraising event raised approximately \$2,000.00. The next meeting is scheduled for Thursday, December 17, 2009, 6:00 p.m., at the library, and the public is invited to attend.

Councilmember Johnson reported the Central St. Croix Valley Joint Cable Communications Commission did not meet in November. A Breakfast with Santa event will be held at the Valley Ridge Mall on Saturday, December 12, 2009, 9:00 a.m.-12 noon.

Councilmember Carlson had no report on the Lower St. Croix Partnership.

**UNFINISHED BUSINESS**

Consider amending Chapter 58 – Utilities of the Bayport City Code to adopt Chapter 4 of the Washington County Development Code related to Subsurface Sewage Treatment System Regulations: Administrator Berg summarized the proposed changes. Councilmember Johnson added that the proposed changes include a requirement that all septic systems must be checked and certified when a house is sold and that owners would be given 30 days to bring the system into compliance if any issues were identified during the inspection.

Councilmember Kraftson introduced the following ordinance and moved its adoption:

**Ordinance #811**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AMENDING CHAPTER 58 – UTILITIES, ARTICLE IX, OF THE BAYPORT CITY CODE  
RELATED TO INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

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

Jon Nowaczek – aye                      Torry Kraftson – aye

Connie Carlson – aye  
Dan Johnson – aye

Judy Seeberger – aye

Consider preliminary draft of updates to the city’s sanitary sewer ordinance: Engineer Peters reviewed proposed changes to the city’s sanitary sewer ordinance relating to sanitary sewers located on private property. Attorney Vivian added that the changes are consistent with League of Minnesota Cities model ordinances and recommended approval. Outside footing drains, rooftop, and sump pump drainage are the main sources of clear water discharge. Discussion followed on the amount of monthly surcharges to be assessed for properties not in compliance. Staff recommended the fee schedule be updated to include an inflow/infiltration compliance surcharge of \$100.00 per month for residential properties and \$500.00 per month for commercial properties.

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to direct staff to prepare the sanitary sewer ordinance amendment for consideration at the January 2010 meeting. Motion carried.

Amendment to cemetery ordinance related to headstone height:

Councilmember Johnson introduced the following ordinance, with the text amendment changing the wording “unless” to “or if” and moved its adoption:

**Ordinance #810**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AMENDING CHAPTER 24 – CEMETERIES, OF THE BAYPORT CITY CODE RELATED TO  
HEADSTONE HEIGHT**

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

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Judy Seeberger – aye
Dan Johnson – aye	

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to approve the request of Bob and Adrian Johnson to place their proposed monument in Hazelwood Cemetery, as presented at the November meeting. Motion carried.

**NEW BUSINESS**

Consideration of a water and sewer rate increase: Administrator Berg stated that the forecasted sewer and water funds indicate an operational deficit, with expenditures exceeding revenue. He reviewed four options for a change in the rate structure. Kirk Hogberg, Andersen Corporation Manager of Energy and Environmental, stated the company believes there is a large disparity between Bayport’s industrial rates when compared to neighboring communities. Andersen currently pays approximately \$35,000.00 annually for city water and \$200,000.00 for sewer charges for the main plant. He believes the city’s sewer and water rate structure should follow the practices of the Minnesota Public Utility Commission and be fair with the rates charged for the different customer classifications. Mayor Nowaczek noted that the city has a smaller customer base than the surrounding communities mentioned by Mr. Hogberg and is looking for a fair way to cover the cost of providing municipal water and sewer to all its customers. Administrator Berg recommended option #4, as it is the most equitable increase for residential and commercial users, as well as authorizing another rate study after two or three years.

It was moved by Councilmember Kraftson and seconded by Councilmember Seeberger to adopt the increased water and sewer rates as outlined in option #4 in the utility rate analysis memo dated December 1, 2009. Motion carried.

Renewal of employee health/dental insurance policy: Administrator Berg reported the city received a 27% premium increase for health insurance, while the city budgeted for an 8-10% increase for 2010. He reviewed options for cost savings, including unblending the active and non-active employee insurance premium costs, whereby employees would pay for their actual costs of insurance. This alternative would result in the greatest cost savings with a 3% increase. He noted the city is bound by union contracts in place. Discussion followed on the options and cost savings. Administrator Berg stated a non-active employee has raised a concern that unblending the premium costs is unfair, as it was his understanding he would receive the blended rate premium upon retirement. Attorney Vivian stated the League of Minnesota Cities' position is that cities can choose how premiums are decided, as long as all employees, active and non-active, are treated equally. Finance Officer Madsen clarified that a decision must be made by January 1, 2010, otherwise the increased premium rates would take effect. Councilmember Johnson stated he believes the 2010 budget should have been revised to reflect the increased premium cost. Councilmember Kraftson believes the City Council, not staff, should determine which alternative should be selected to affect a reduction in the health insurance premium.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to authorize the city to enter into the renewal of its existing health insurance policy that would not exceed an 11% premium increase. Motion carried 4-1, with Councilmember Kraftson voting nay.

Councilmember Johnson stated the insurance renewal should be done in the future as part of the budgeting process.

It was moved by Councilmember Johnson and seconded by Councilmember Carlson to appoint a three-person committee to explore health care options for city employees. Motion carried.

Members of the committee are Dan Johnson, Jon Nowaczek and Judy Seeberger. Councilmember Kraftson recognized the sensitivity of employee health care benefits and encouraged good communication between councilmembers and staff during this process.

It was moved by Councilmember Kraftson and seconded by Councilmember Carlson to approve a 3% premium increase for the employee dental insurance plan for 2010. Motion carried.

Consider amending Appendix D – Fee schedule of the Bayport City Code: Mayor Nowaczek reviewed the proposed fee schedule updates for 2010. Engineer Peters noted the inflow/infiltration compliance surcharges should be added to the fee schedule, and Attorney Vivian indicated the fees could be adopted prior to passage of the amended sewer ordinance. The revised utility rate changes approved tonight will also be added.-

Councilmember Kraftson introduced the following ordinance, with the addition of the inflow/infiltration compliance surcharges, and moved its adoption:

**Ordinance #812**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AMENDING APPENDIX D, FEE SCHEDULE, OF THE CITY CODE**

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

Jon Nowaczek – aye	Torry Kraftson – aye
Connie Carlson – aye	Judy Seeberger – aye
Dan Johnson – aye	

Set City Council meeting dates for 2010: Administrator Berg recommended adopting the meeting dates as presented, with the addition of 5:00 p.m. workshops in January, April, July, and October, to cover department reviews. The Police Department would present at the January 4<sup>th</sup> workshop.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adopt the 2010 City Council meeting schedule as presented, with the addition of 5:00 p.m. workshops on January 4<sup>th</sup>, April 5<sup>th</sup>, July 6<sup>th</sup>, and October 4<sup>th</sup>. Motion carried.

Consider appointments, designations, and assignments for 2010: The following changes will be implemented: Cable Commission Liaison-Connie Carlson; Lower St. Croix Partnership-Dan Johnson, with Connie Carlson, alternate. It was noted a citizen representative from Bayport is needed for the Cable Commission. Additionally, volunteers to serve on the Library Board and Riverfront Advisory Commission are needed. Residents interested in any of the positions were encouraged to contact City Hall or visit the city's website.

It was moved by Councilmember Carlson and seconded by Councilmember Johnson to adopt the appointments, designations and assignments for 2010, with the changes noted above. Motion carried.

Non-union employee holidays for 2010: Councilmember Johnson questioned approving 10 paid hours for the recognized holidays and believes holiday pay should be at 8 hours. Administrator Berg explained the proposed schedule is based on 96 hours, which is based on the past practice of 12 holidays at 8 hours each. Attorney Vivian suggested the city may wish to designate the actual number of paid holiday hours versus the actual holiday itself.

It was moved by Commissioner Kraftson and seconded by Commissioner Seeberger to approve the employee paid holiday hours for 2010. Motion carried.

Purchase of Public Works replacement pickup truck and related equipment: Councilmember Carlson questioned purchase of a new truck given the state of the current economy and cutbacks. Public Works Supervisor Horak stated the new vehicle would replace the fleet's only 4-wheel drive truck, which is needed to access remote locations and plow snow. The current truck is 15 years old and experiencing maintenance issues. There is a 90-day order time for the vehicle, and approval for additional equipment to outfit the truck with a snowplow package, crane, and other appurtenances will be presented at the January meeting.

It was moved by Councilmember Seeberger and seconded by Councilmember Carlson to approve the purchase of a 2010 Chevrolet Silverado pickup truck, model CK30903, through the Minnesota Cooperative Venture Program/Polar Chevrolet, White Beak Lake, Minnesota, for \$23,158.35, plus \$1,565.29 tax and license, for a grand total price of \$24,723.64.

## **COUNCIL ITEMS AND ANNOUNCEMENTS – None**

## **CITY ADMINISTRATOR STAFF ITEMS AND ANNOUNCEMENTS**

### City Administrator update:

1. In addition to resident openings on the Library Board, Cable Commission, and Riverfront Advisory Commission, the Andersen Citizen Advisory Committee also has a position for resident representation.
2. Administrator Berg has been asked to become involved with the planning process for the St. Croix River Bridge Project. The project has applied for stimulus money funds, which if granted, would allow work to begin next year.

3. The log cabin at Lakeside Park has been slated for removal since adoption of the Lakeside Park Master Park Plan in 2005. Since approval of a recent Eagle Scout project to remove the log cabin and construct a volleyball court at that location, City Hall received a number of calls regarding the historic value of the structure, and the project was put on hold. The city contacted two foundations who had previously expressed interest in the log cabin, but they were not interested in the structure, due to its deteriorated condition. As part of the city's due diligence, a restoration company estimated a cost of \$24,000.00+ to restore the log cabin. Public Works Supervisor Horak believes the structure is beyond repair, and the volleyball court was partially completed in the area of the log cabin. Councilmember Carlson stated several residents have verbalized their objection to the removal of the log cabin and did not want to rush a decision on raising the structure. Attorney Vivian recommended discussion on the log cabin be deferred to the next meeting.

#### **ADJOURNMENT**

It was moved by Councilmember Carlson and seconded by Councilmember Seeberger to adjourn the meeting at 9:53 p.m. Motion carried.

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City Administrator/Clerk

REVENUE SUMMARY YTD THRU 12/31/09

FUND	FUND Descr	2009 Budget	2009 YTD Amt	2009 % of Budget	2009 % of Budget Remain
		\$0.00	\$0.00	0.00%	0.00%
101	GENERAL	\$2,135,878.00	\$1,989,320.42	93.14%	6.86%
102	STREET RECONSTRUCTION	\$0.00	\$13,267.30	0.00%	0.00%
103	GO TIF BD FUND 1990 CAP PROJ	\$0.00	\$0.00	0.00%	0.00%
106	TIF ECON DEV DIST 2	\$0.00	\$43,668.44	0.00%	0.00%
107	TIF REDEVELOPMENT DISTRICT 2-1	\$0.00	\$0.00	0.00%	0.00%
200	FIRE EQUIPMENT REPLACEMENT FUN	\$0.00	\$91,050.00	0.00%	0.00%
202	DRUG FORFEITURE	\$0.00	\$1,768.78	0.00%	0.00%
203	PUBLIC WORKS EQUIPMENT REPL	\$0.00	\$180,400.00	0.00%	0.00%
204	RECREATION CAP EQUIP & MAINT	\$0.00	\$4,179.10	0.00%	0.00%
205	TAX STABILIZATION FUND	\$0.00	\$0.00	0.00%	0.00%
206	WATER/SEWER IMPROVEMENT FUND	\$0.00	\$75,633.68	0.00%	0.00%
207	PARK IMPROVEMENT FUND	\$0.00	\$5,000.00	0.00%	0.00%
208	PRISON SEWER PROJECT	\$0.00	\$0.00	0.00%	0.00%
209	DEVELOPER REIMBURSED PROJECTS	\$0.00	\$0.00	0.00%	0.00%
210	K-9 UNIT	\$0.00	-\$8,999.79	0.00%	0.00%
211	LIBRARY	\$286,447.00	\$209,039.41	72.98%	27.02%
303	GO TIF BOND 1990 DEBT SERVICE	\$0.00	\$16,809.26	0.00%	0.00%
412	CEMETERY CAPITAL IMPROV	\$0.00	\$0.00	0.00%	0.00%
413	POLICE EQUIPMENT FUND	\$0.00	\$16,850.00	0.00%	0.00%
414	OFFICE AUTOMATION	\$0.00	\$9,959.00	0.00%	0.00%
415	MUNICIPAL BLDGS MAINT	\$0.00	\$10,000.00	0.00%	0.00%
601	WATER	\$432,649.00	\$251,888.34	58.22%	41.78%
602	SEWER	\$641,750.00	\$629,941.49	98.16%	1.84%
800	INVESTMENTS-POOLED	\$0.00	\$178,876.84	0.00%	0.00%
803	P & Z ESCROWS	\$0.00	\$738,263.98	0.00%	0.00%
851	NON EXP TRUST	\$0.00	\$0.00	0.00%	0.00%
		\$3,496,724.00	\$4,456,916.25	127.46%	-27.46%

MONTHLY RECEIPTS

Period Name: DECEMBER

FUND	Tran Date	Amount	Refer Comments	Account Descr
<b>FUND 101 GENERAL</b>				
101	12/3/2009	\$509,846.63	16136 DISTRIBUTION ESTIMATED COLLECTIO	R 101-00000-31000 GENERAL
101	12/28/2009	\$19,239.80	16192 MARKET VALUE CREDIT REAL	R 101-00000-31001 MARKET
101	12/3/2009	\$35.00	16135 DAN ASMUS - NSF SERVICE CHG.	R 101-00000-33100 ADMINIST
101	12/29/2009	\$496.86	16188 REIMBURSEMENT FOR M. BERG TIME -	R 101-00000-33100 ADMINIST
101	12/28/2009	\$206,225.00	16192 LOCAL GOVERNMENT AID	R 101-00000-33401 LOCAL G
101	12/28/2009	\$1,330.00	16192 PERA RATE INCREASE AID	R 101-00000-33402 PERA RA
101	12/3/2009	\$0.50	16119 PHYLLIS - COPIES	R 101-00000-34105 USER FE
101	12/16/2009	\$17.50	16147 DIANE LEGATO - WATERFORD UTILITIE	R 101-00000-34105 USER FE
101	12/16/2009	\$6.00	16150 LESIDESTT - FLOODPLAIN MAPS	R 101-00000-34105 USER FE
101	12/22/2009	\$990.00	16168 ANN MARTENS - SIDEWALK IMPROVEM	R 101-00000-36102 SPECIAL
101	12/22/2009	\$13,044.00	16179 2009 PROPERTY/CASUALTY DIVIDEND	R 101-00000-36250 REFUND -
101	12/28/2009	-\$5,500.00	63 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$54,900.00	64 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$10,100.00	65 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$15,000.00	66 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$90,000.00	67 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$475.00	68 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$2,844.00	69 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$2,370.00	70 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$2,370.00	71 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$475.00	72 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$475.00	73 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$500.00	77 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$3,500.00	78 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$1,000.00	79 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$2,500.00	80 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/28/2009	-\$500.00	81 2009 YRLY BUDGET TRANSFERS	G 101-10100 CASH
101	12/9/2009	\$20,229.00	53 ADJUSTMENT	G 101-20101 A/P GEN
101	12/3/2009	\$0.50	16104 MASTER GAS FITTERS - GAS FIREPLAC	G 101-20104 STATE SURCHA
101	12/3/2009	\$1.00	16109 GENZ - RYAN PLUMBING - PLB & HEATI	G 101-20104 STATE SURCHA
101	12/16/2009	\$0.50	16144 CHAMPION PLB. - PLB. PERMIT	G 101-20104 STATE SURCHA
101	12/16/2009	\$0.50	16152 SPRINGBORN HEATING - 2010 LIC & ME	G 101-20104 STATE SURCHA
101	12/16/2009	\$0.80	16153 CRAFTMASTER REMODELING - BLD PE	G 101-20104 STATE SURCHA
101	12/22/2009	\$0.50	16164 KARYL WALCHER - MECH PERMIT	G 101-20104 STATE SURCHA
101	12/22/2009	\$0.50	16165 AIR MECHANICAL - MECH PERMIT	G 101-20104 STATE SURCHA
101	12/29/2009	\$0.50	16189 AUTOMATIC GARAGE & FIREPLACE - M	G 101-20104 STATE SURCHA
101	12/3/2009	\$30.00	16098 AUTOMATIC DOOR & FIREPLACE - 2010	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16099 REPUBLIC SERVICES	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16100 SHAMROCK DISPOSAL - 2010 REFUSE	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16103 DSM EXCAVATING - 2010 CONTRACTO	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16104 MASTER GAS FITTERS - GAS FIREPLAC	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16107 2010 CONTRACTOR LICENSE	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16108 ANDERSEN HEATING - 2010 CONTRACT	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16109 GENZ - RYAN PLUMBING - PLB & HEATI	G 101-22102 DEFERRED REV
101	12/3/2009	\$50.00	16111 PARKOS CONST. 2010 CONT. LIC	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16112 WASTE TECHNOLOGY - 2010 WASTE H	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16113 2010 WASTEHULER LIC.	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16116 WASTEMANAGEMENT - 2010 REFUSE H	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16118 LEROUX EXCAVATING, INC. - 2010 CON	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16120 UMR GEOTHERMAL - 2010 CONTR. LIC.	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16121 MARONEYS SANITATION - 2010 REFUS	G 101-22102 DEFERRED REV
101	12/3/2009	\$10.00	16122 MELVIN REED JR. - DOG LIC.	G 101-22102 DEFERRED REV
101	12/3/2009	\$30.00	16130 FIRESIDE HEARTH & HOME - 2010 CON	G 101-22102 DEFERRED REV
101	12/3/2009	\$200.00	16131 RAY ANDERSON & SONS - 2010 REFUS	G 101-22102 DEFERRED REV
101	12/16/2009	\$30.00	16145 ASSOCIATED MECHANICAL - BUSINESS	G 101-22102 DEFERRED REV
101	12/16/2009	\$30.00	16146 2010 CONTRACTOR LIC.	G 101-22102 DEFERRED REV
101	12/16/2009	\$20.00	16149 LINDA KASCHT 2010 PET LICENSE	G 101-22102 DEFERRED REV
101	12/16/2009	\$30.00	16151 RAY WELTER HEATING - 2010 CONTRA	G 101-22102 DEFERRED REV
101	12/16/2009	\$30.00	16152 SPRINGBORN HEATING - 2010 LIC & ME	G 101-22102 DEFERRED REV
101	12/16/2009	\$30.00	16159 ASPHALT DRIVEWAY - 2010 CONTRACT	G 101-22102 DEFERRED REV

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101	12/16/2009	\$30.00	16160 2010 CONTRACTOR LIC	G 101-22102 DEFERRED REV
101	12/16/2009	\$191.63	16161 JAN. 2010 HEALTH SAVING ACCT.	G 101-22102 DEFERRED REV
101	12/16/2009	\$416.49	16162 JAN. 2010 HEALTH SAVING	G 101-22102 DEFERRED REV
101	12/16/2009	\$37.10	16162 JAN. 2010 HEALTH SAVING	G 101-22102 DEFERRED REV
101	12/22/2009	\$200.00	16166 SHAMROCK DISPOSAL - 2010 LICENSE	G 101-22102 DEFERRED REV
101	12/22/2009	\$30.00	16170 SEDGWICK HTG & A/C - 2010 CONTRAC	G 101-22102 DEFERRED REV
101	12/22/2009	\$25.00	16172 JUDY SEEBERGER - 2010 SMALL BIRD	G 101-22102 DEFERRED REV
101	12/29/2009	\$50.00	16193 GEO SIEGFRIED CONST. - 2010 CONTR	G 101-22102 DEFERRED REV
101	12/29/2009	\$10.00	19194 SUSAN GULBRANSON - 2010 PET LIC.	G 101-22102 DEFERRED REV
101	12/22/2009	\$1,283.49	16167 2010 SAFE & SOBER # 1 BELTS/CHILD S	G 101-27102 MINN STATE WI
101	12/3/2009	\$37.10	16102 DEC. 09 HEALTH & DENTAL INS.	G 101-27107 DELTA DENTAL
101	12/3/2009	\$416.49	16102 DEC. 09 HEALTH & DENTAL INS.	G 101-27109 MEDICA
101	12/3/2009	\$48.58	16123 HEALTH INS.	G 101-27109 MEDICA
101	12/3/2009	\$191.63	16101 DEC. 09 HEALTH SAVINGS ACCT.	G 101-27122 H S A
101	12/9/2009	-\$3.00	53 ADJUSTMENT	E 101-41200-201 OFFICE SU
101	12/9/2009	-\$834.00	53 ADJUSTMENT	E 101-41200-300 PROF SER-
101	12/9/2009	-\$598.00	53 ADJUSTMENT	E 101-41200-301 PROF SER-
101	12/9/2009	-\$438.00	53 ADJUSTMENT	E 101-41200-306 PROF SER-
101	12/9/2009	-\$1.00	53 ADJUSTMENT	E 101-41200-350 PRINTING &
101	12/28/2009	\$475.00	68 2009 YRLY BUDGET TRANSFERS	E 101-41200-438 TRANSFER
101	12/28/2009	\$500.00	77 2009 YRLY BUDGET TRANSFERS	E 101-41200-439 TRANSFER
101	12/9/2009	-\$172.00	53 ADJUSTMENT	E 101-41240-302 CONTRACT
101	12/9/2009	-\$16.00	53 ADJUSTMENT	E 101-41400-201 OFFICE SU
101	12/9/2009	-\$1,601.00	53 ADJUSTMENT	E 101-41400-302 CONTRACT
101	12/9/2009	-\$23.00	53 ADJUSTMENT	E 101-41400-402 CONFEREN
101	12/3/2009	\$167.63	16134 DAN ASMUS - NSF CK	E 101-41400-430 MISC
101	12/28/2009	\$2,844.00	69 2009 YRLY BUDGET TRANSFERS	E 101-41400-438 TRANSFER
101	12/28/2009	\$3,500.00	78 2009 YRLY BUDGET TRANSFERS	E 101-41400-439 TRANSFER
101	12/9/2009	-\$13.00	53 ADJUSTMENT	E 101-41910-201 OFFICE SU
101	12/9/2009	-\$99.00	53 ADJUSTMENT	E 101-41910-212 MOTOR FU
101	12/9/2009	-\$1,429.00	53 ADJUSTMENT	E 101-41910-302 CONTRACT
101	12/22/2009	\$30.00	16164 KARYL WALCHER - MECH PERMIT	R 101-41910-32100 BUSINES
101	12/16/2009	\$60.75	16153 CRAFTMASTER REMODELING - BLD PE	R 101-41910-32210 BUILDING
101	12/29/2009	\$75.00	16189 AUTOMATIC GARAGE & FIREPLACE - M	R 101-41910-32210 BUILDING
101	12/3/2009	\$75.00	16109 GENZ - RYAN PLUMBING - PLB & HEATI	R 101-41910-32220 PLUMBIN
101	12/16/2009	\$75.00	16144 CHAMPION PLB. - PLB. PERMIT	R 101-41910-32220 PLUMBIN
101	12/3/2009	\$75.00	16104 MASTER GAS FITTERS - GAS FIREPLAC	R 101-41910-32230 MECHANI
101	12/3/2009	\$75.00	16109 GENZ - RYAN PLUMBING - PLB & HEATI	R 101-41910-32230 MECHANI
101	12/16/2009	\$75.00	16152 SPRINGBORN HEATING - 2010 LIC & ME	R 101-41910-32230 MECHANI
101	12/22/2009	\$75.00	16164 KARYL WALCHER - MECH PERMIT	R 101-41910-32230 MECHANI
101	12/22/2009	\$75.00	16165 AIR MECHANICAL - MECH PERMIT	R 101-41910-32230 MECHANI
101	12/22/2009	\$235.52	16169 BUILDING INSPECTIONS	R 101-41910-34103 LAKELAN
101	12/28/2009	\$2,370.00	70 2009 YRLY BUDGET TRANSFERS	E 101-41910-438 TRANSFER
101	12/16/2009	\$113.04	16158 WAL-MART(OAK PARK HGTS) CHAD JO	E 101-42100-103 SPECIAL D
101	12/9/2009	-\$13.00	53 ADJUSTMENT	E 101-42100-201 OFFICE SU
101	12/9/2009	-\$53.00	53 ADJUSTMENT	E 101-42100-201 OFFICE SU
101	12/9/2009	-\$19.00	53 ADJUSTMENT	E 101-42100-202 UNIFORMS -
101	12/28/2009	\$550.00	16190 POLICE VEST REIMBURSTMENT	E 101-42100-202 UNIFORMS -
101	12/9/2009	-\$248.00	53 ADJUSTMENT	E 101-42100-212 MOTOR FU
101	12/9/2009	-\$907.00	53 ADJUSTMENT	E 101-42100-212 MOTOR FU
101	12/9/2009	-\$543.00	53 ADJUSTMENT	E 101-42100-300 PROF SER-
101	12/9/2009	-\$2,080.00	53 ADJUSTMENT	E 101-42100-300 PROF SER-
101	12/16/2009	\$30.00	16154 LAURA EASTMAN - DEC CELL CHGS	E 101-42100-321 COMMUNIC
101	12/3/2009	\$20.00	16133 KATHLY GRAB - 2 PET LIC. 2010	R 101-42100-32240 ANIMAL F
101	12/16/2009	\$10.00	16140 LINDA WALTERS - PET LIC.	R 101-42100-32240 ANIMAL F
101	12/22/2009	\$0.25	16185 MARK BRACHMANN - POLICE REPORT	R 101-42100-34105 USER FE
101	12/3/2009	\$1.25	16106 RICHARD KRANZ - POLICE REPORTS	R 101-42100-34201 POLICE A
101	12/3/2009	\$1.50	16114 KAT TYRRELL - POLICE REPORT	R 101-42100-34201 POLICE A
101	12/3/2009	\$0.50	16115 MIKE LAMKIN - POLICE REPORT	R 101-42100-34201 POLICE A
101	12/3/2009	\$125.00	16117 TOMSCHE, SONNESYN & TOMSCH - DI	R 101-42100-34201 POLICE A
101	12/16/2009	\$5.00	16157 AUTO OWNERS INS. - AUTO REPORT	R 101-42100-34201 POLICE A

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101	12/22/2009	\$1.25	16171 ANDREW ALM - POLICE REPORT	R 101-42100-34201 POLICE A
101	12/29/2009	\$0.75	16186 CARL NELSON - POLICE REPORT	R 101-42100-34201 POLICE A
101	12/16/2009	\$50.00	16148 LINDA LARSON - INPOUNDING ANIMAL	R 101-42100-35101 COURT FI
101	12/28/2009	\$1,876.41	16191 NOV 09 WASH CO. FINES	R 101-42100-35101 COURT FI
101	12/22/2009	\$100.00	16178 HAROLD RADKE TRUST - DONATION T	R 101-42100-36231 DONATIO
101	12/9/2009	-\$3,825.00	53 ADJUSTMENT	E 101-42100-403 POLICE TR
101	12/9/2009	-\$595.00	53 ADJUSTMENT	E 101-42100-403 POLICE TR
101	12/28/2009	\$15,000.00	66 2009 YRLY BUDGET TRANSFERS	E 101-42100-437 TRANSFER
101	12/28/2009	\$2,370.00	71 2009 YRLY BUDGET TRANSFERS	E 101-42100-438 TRANSFER
101	12/28/2009	\$1,000.00	79 2009 YRLY BUDGET TRANSFERS	E 101-42100-439 TRANSFER
101	12/9/2009	-\$249.00	53 ADJUSTMENT	E 101-42100-444 COMMUNIT
101	12/9/2009	-\$935.00	53 ADJUSTMENT	E 101-42200-140 UNEMPLOY
101	12/9/2009	-\$110.00	53 ADJUSTMENT	E 101-42200-202 UNIFORMS -
101	12/9/2009	-\$279.00	53 ADJUSTMENT	E 101-42200-220 OPERATING
101	12/9/2009	-\$27.00	53 ADJUSTMENT	E 101-42200-306 PROF SER-
101	12/16/2009	\$20.00	16138 DONALD DORNFELD - BURNING PERMI	R 101-42200-32200 NONBUSI
101	12/16/2009	\$20.00	16139 ALLEN KROENING - BURN PERMIT	R 101-42200-32200 NONBUSI
101	12/16/2009	\$45.33	16156 NOV. FIRE PERMITS	R 101-42200-32200 NONBUSI
101	12/9/2009	-\$13.00	53 ADJUSTMENT	E 101-42200-323 RADIOS-RE
101	12/22/2009	\$100.00	16178 HAROLD RADKE TRUST - DONATION T	R 101-42200-36232 DONATIO
101	12/9/2009	-\$106.00	53 ADJUSTMENT	E 101-42200-412 REP & MAIN
101	12/28/2009	\$90,000.00	67 2009 YRLY BUDGET TRANSFERS	E 101-42200-437 TRANSFER
101	12/28/2009	\$2,500.00	80 2009 YRLY BUDGET TRANSFERS	E 101-42200-439 TRANSFER
101	12/9/2009	-\$3.00	53 ADJUSTMENT	E 101-43100-201 OFFICE SU
101	12/9/2009	-\$1,131.00	53 ADJUSTMENT	E 101-43100-212 MOTOR FU
101	12/9/2009	-\$268.00	53 ADJUSTMENT	E 101-43100-212 MOTOR FU
101	12/9/2009	-\$57.00	53 ADJUSTMENT	E 101-43100-225 SALT & SAN
101	12/9/2009	-\$1,754.00	53 ADJUSTMENT	E 101-43100-225 SALT & SAN
101	12/9/2009	-\$175.00	53 ADJUSTMENT	E 101-43100-240 SMALL TOO
101	12/9/2009	-\$108.00	53 ADJUSTMENT	E 101-43100-412 REP & MAIN
101	12/28/2009	\$54,900.00	64 2009 YRLY BUDGET TRANSFERS	E 101-43100-437 TRANSFER
101	12/28/2009	\$10,100.00	65 2009 YRLY BUDGET TRANSFERS	E 101-43100-437 TRANSFER
101	12/28/2009	\$475.00	72 2009 YRLY BUDGET TRANSFERS	E 101-43100-438 TRANSFER
101	12/28/2009	\$500.00	81 2009 YRLY BUDGET TRANSFERS	E 101-43100-439 TRANSFER
101	12/9/2009	-\$332.00	53 ADJUSTMENT	E 101-43160-419 REPAIR & M
101	12/9/2009	-\$20.00	53 ADJUSTMENT	E 101-43200-212 MOTOR FU
101	12/9/2009	-\$965.00	53 ADJUSTMENT	E 101-43200-412 REP & MAIN
101	12/9/2009	-\$119.00	53 ADJUSTMENT	E 101-43200-420 R & M BLDG
101	12/28/2009	\$475.00	73 2009 YRLY BUDGET TRANSFERS	E 101-43200-438 TRANSFER
101	12/9/2009	-\$68.00	53 ADJUSTMENT	E 101-43300-212 MOTOR FU
101	12/3/2009	\$300.00	16132 HEAD STONE DEPOSIT	R 101-43300-34940 CEMETE
101	12/3/2009	\$100.00	16132 SATURDAY SURCHARGE	R 101-43300-34940 CEMETE
101	12/3/2009	\$700.00	16132 GRAVE OPENING	R 101-43300-34940 CEMETE
101	12/16/2009	\$400.00	16163 THOMAS ROWLAND - 2 CREMANINS SIT	R 101-43300-34940 CEMETE
101	12/28/2009	\$5,500.00	63 2009 YRLY BUDGET TRANSFERS	E 101-43300-437 TRANSFER
FUND 101 GENERA		\$761,767.78		
<b>FUND 102 STREET RECONSTRUCTION</b>				
102	12/28/2009	-\$10,100.00	65 2009 YRLY BUDGET TRANSFERS	R 102-00000-37301 TRANSFE
102	12/28/2009	\$10,100.00	65 2009 YRLY BUDGET TRANSFERS	G 102-10100 CASH
FUND 102 STREET		\$0.00		
<b>FUND 200 FIRE EQUIPMENT REPLACEMENT FUN</b>				
200	12/28/2009	-\$90,000.00	67 2009 YRLY BUDGET TRANSFERS	R 200-00000-37301 TRANSFE
200	12/28/2009	\$90,000.00	67 2009 YRLY BUDGET TRANSFERS	G 200-10100 CASH
FUND 200 FIRE EQ		\$0.00		
<b>FUND 202 DRUG FORFEITURE</b>				
202	12/3/2009	\$140.25	16137 ICR#109500418	R 202-42102-36249 DRUG FO

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<b>FUND 203 PUBLIC WORKS EQUIPMENT REPL</b>				
203	12/28/2009	-\$5,000.00	61 2009 YRLY BUDGET TRANSFERS	R 203-00000-37301 TRANSFE
203	12/28/2009	-\$115,000.00	62 2009 YRLY BUDGET TRANSFERS	R 203-00000-37301 TRANSFE
203	12/28/2009	-\$5,500.00	63 2009 YRLY BUDGET TRANSFERS	R 203-00000-37301 TRANSFE
203	12/28/2009	-\$54,900.00	64 2009 YRLY BUDGET TRANSFERS	R 203-00000-37301 TRANSFE
203	12/28/2009	\$5,000.00	61 2009 YRLY BUDGET TRANSFERS	G 203-10100 CASH
203	12/28/2009	\$115,000.00	62 2009 YRLY BUDGET TRANSFERS	G 203-10100 CASH
203	12/28/2009	\$5,500.00	63 2009 YRLY BUDGET TRANSFERS	G 203-10100 CASH
203	12/28/2009	\$54,900.00	64 2009 YRLY BUDGET TRANSFERS	G 203-10100 CASH
FUND 203 PUBLIC		\$0.00		
<b>FUND 206 WATER/SEWER IMPROVEMENT FUND</b>				
206	12/29/2009	\$19.50	0 UB AR Surc 3 TRUNK WATER	R 206-00000-37106 TRUNK W
206	12/29/2009	\$34.67	0 UB AR Surc 23 TRUNK SEWER	R 206-00000-37106 TRUNK W
206	12/16/2009	\$70.70	0 UB AR Surc 23 TRUNK SEWER	R 206-00000-37106 TRUNK W
206	12/3/2009	\$106.51	0 UB Receipt Serv 26 TRUNK W/RESI	G 206-12103 A/R GEN BILLIN
206	12/3/2009	\$61.84	0 UB Receipt Serv 36 TRUNK S/RESI	G 206-12103 A/R GEN BILLIN
206	12/16/2009	\$37.34	0 UB Receipt Serv 26 TRUNK W/RESI	G 206-12103 A/R GEN BILLIN
206	12/16/2009	\$33.87	0 UB Receipt Serv 36 TRUNK S/RESI	G 206-12103 A/R GEN BILLIN
206	12/16/2009	\$9.26	0 UB Receipt Surc 23 TRUNK SEWER	G 206-12103 A/R GEN BILLIN
206	12/14/2009	\$3.90	0 UB AR Serv 26 TRUNK W/RESI	R 206-41900-37106 TRUNK W
206	12/29/2009	\$1.20	0 UB AR Serv 26 TRUNK W/RESI	R 206-41900-37106 TRUNK W
206	12/29/2009	\$3,527.86	0 UB AR Serv 26 TRUNK W/RESI	R 206-41900-37106 TRUNK W
206	12/29/2009	-\$20.10	0 UB AR Serv Adj 26 TRUNK W/RESI	R 206-41900-37106 TRUNK W
206	12/29/2009	\$76.20	0 UB AR Serv 21 TRUNK/W COMB	R 206-41900-37107 TRUNK W
206	12/29/2009	\$369.30	0 UB AR Serv 27 TRUNK W/COMM	R 206-41900-37107 TRUNK W
206	12/29/2009	\$1,113.90	0 UB AR Serv 28 TRUNK W/IND	R 206-41900-37108 TRUNK W
206	12/14/2009	\$4.05	0 UB AR Serv 36 TRUNK S/RESI	R 206-41900-37206 TRUNK S
206	12/29/2009	\$3,037.93	0 UB AR Serv 36 TRUNK S/RESI	R 206-41900-37206 TRUNK S
206	12/29/2009	\$1.20	0 UB AR Serv 36 TRUNK S/RESI	R 206-41900-37206 TRUNK S
206	12/29/2009	-\$10.20	0 UB AR Serv Adj 36 TRUNK S/RESI	R 206-41900-37206 TRUNK S
206	12/29/2009	\$195.00	0 UB AR Serv 37 TRUNK S/COMM	R 206-41900-37207 TRUNK S
206	12/29/2009	\$7.12	0 UB AR Serv 41 TRUNK SEWER 1ST	R 206-41900-37207 TRUNK S
206	12/29/2009	\$69.33	0 UB AR Serv 31 TRUNK/S COMB	R 206-41900-37207 TRUNK S
206	12/29/2009	\$277.78	0 UB AR Serv 38 TRUNK S/IND	R 206-41900-37208 TRUNK S
FUND 206 WATER/		\$9,028.16		
<b>FUND 207 PARK IMPROVEMENT FUND</b>				
207	12/9/2009	\$2,360.00	54 ADJUSTMENT	G 207-20101 A/P GEN
207	12/9/2009	-\$2,360.00	54 ADJUSTMENT	E 207-44100-306 PROF SER-
FUND 207 PARK IM		\$0.00		
<b>FUND 209 DEVELOPER REIMBURSED PROJECTS</b>				
209	12/9/2009	\$33.00	55	G 209-20101 A/P GEN
209	12/9/2009	-\$33.00	55	E 209-41912-300 PROF SER-
FUND 209 DEVELO		\$0.00		
<b>FUND 210 K-9 UNIT</b>				
210	12/16/2009	\$829.14	16155 JAY JACKSON - K-9 DONATION	R 210-42103-36231 DONATIO
<b>FUND 211 LIBRARY</b>				
211	12/9/2009	\$1,374.00	56	G 211-20101 A/P GEN
211	12/9/2009	-\$999.00	56	E 211-45500-217 MATERIALS
211	12/3/2009	\$67.00	16125 LIBRARY - SERVICE CHG'S	R 211-45500-34760 LIBRARY
211	12/22/2009	\$56.50	16181 LIBRARY - SERVICE CHARGES	R 211-45500-34760 LIBRARY

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211	12/22/2009	\$130.00	16184 LIBRARY - SERVICE CHGS	R 211-45500-34760 LIBRARY
211	12/3/2009	\$690.00	16124 LIBRARY - RENTAL INCOME	R 211-45500-36220 RENTAL I
211	12/22/2009	\$104.00	16180 LIBRARY - RENTAL	R 211-45500-36220 RENTAL I
211	12/3/2009	\$50.00	16126 WOMANS READING CLUB - DONATION	R 211-45500-36230 DONATIO
211	12/22/2009	\$45,000.00	16183 FOUNDATION GRANT - LIBRARY	R 211-45500-36233 GRANTS
211	12/22/2009	\$237.69	16182 2009 REFUND SUMMER PROGRAM SUP	R 211-45500-36240 REFUND
211	12/9/2009	-\$61.00	56	E 211-45500-391 SHARED AU
211	12/9/2009	-\$314.00	56	E 211-45500-420 R & M BLDG
FUND 211 LIBRARY		\$46,335.19		
<b>FUND 303 GO TIF BOND 1990 DEBT SERVICE</b>				
303	12/28/2009	\$1,559.00	16192 MARKET VALUE CREDIT TIF	R 303-00000-31001 MARKET
303	12/28/2009	-\$62.64	16192 PRIOR YEAR MARKET VALUE CR	R 303-00000-31001 MARKET
FUND 303 GO TIF		\$1,496.36		
<b>FUND 413 POLICE EQUIPMENT FUND</b>				
413	12/28/2009	-\$15,000.00	66 2009 YRLY BUDGET TRANSFERS	R 413-00000-37301 TRANSFE
413	12/28/2009	\$15,000.00	66 2009 YRLY BUDGET TRANSFERS	G 413-10100 CASH
FUND 413 POLICE		\$0.00		
<b>FUND 414 OFFICE AUTOMATION</b>				
414	12/28/2009	-\$475.00	68 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$2,844.00	69 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$2,370.00	70 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$2,370.00	71 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$475.00	72 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$475.00	73 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$475.00	74 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	-\$475.00	75 2009 YRLY BUDGET TRANSFERS	R 414-00000-37301 TRANSFE
414	12/28/2009	\$475.00	68 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$2,844.00	69 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$2,370.00	70 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$2,370.00	71 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$475.00	72 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$475.00	73 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$475.00	74 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
414	12/28/2009	\$475.00	75 2009 YRLY BUDGET TRANSFERS	G 414-10100 CASH
FUND 414 OFFICE		\$0.00		
<b>FUND 415 MUNICIPAL BLDGS MAINT</b>				
415	12/28/2009	-\$500.00	77 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	-\$3,500.00	78 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	-\$1,000.00	79 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	-\$2,500.00	80 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	-\$500.00	81 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	-\$1,000.00	82 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	-\$1,000.00	83 2009 YRLY BUDGET TRANSFERS	R 415-00000-37301 TRANSFE
415	12/28/2009	\$500.00	77 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
415	12/28/2009	\$3,500.00	78 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
415	12/28/2009	\$1,000.00	79 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
415	12/28/2009	\$2,500.00	80 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
415	12/28/2009	\$500.00	81 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
415	12/28/2009	\$1,000.00	82 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
415	12/28/2009	\$1,000.00	83 2009 YRLY BUDGET TRANSFERS	G 415-10100 CASH
FUND 415 MUNICIPAL		\$0.00		
<b>FUND 601 WATER</b>				
601	12/28/2009	-\$5,000.00	61 2009 YRLY BUDGET TRANSFERS	G 601-10100 CASH
601	12/28/2009	-\$475.00	74 2009 YRLY BUDGET TRANSFERS	G 601-10100 CASH

MONTHLY RECEIPTS

Period Name: DECEMBER

FUND	Tran Date	Amount	Refer Comments	Account Descr
601	12/28/2009	-\$1,000.00	82 2009 YRLY BUDGET TRANSFERS	G 601-10100 CASH
601	12/3/2009	\$887.63	0 UB Receipt Serv 1 WATER	G 601-14601 WATER BILLING
601	12/3/2009	\$11.48	0 UB Receipt Surc 19 STATE SER CH	G 601-14601 WATER BILLING
601	12/16/2009	\$361.10	0 UB Receipt Serv 1 WATER	G 601-14601 WATER BILLING
601	12/16/2009	\$5.85	0 UB Receipt Surc 19 STATE SER CH	G 601-14601 WATER BILLING
601	12/16/2009	\$17.68	0 UB Receipt Serv Pen 1 WATER	G 601-14601 WATER BILLING
601	12/3/2009	\$32.44	0 UB Receipt Serv Pen 1 WATER	G 601-14601 WATER BILLING
601	12/9/2009	\$1,976.00	57	G 601-20101 A/P GEN
601	12/29/2009	\$918.24	0 UB AR Surc 20 STATE TAX	G 601-20603 SALES TAX PAY
601	12/29/2009	\$0.29	0 UB AR Surc 21 SALES TAX	G 601-20603 SALES TAX PAY
601	12/9/2009	-\$3.00	57	E 601-46120-201 OFFICE SU
601	12/9/2009	-\$94.00	57	E 601-46120-212 MOTOR FU
601	12/9/2009	-\$30.00	57	E 601-46120-216 CHEMICALS
601	12/9/2009	-\$1,258.00	57	E 601-46120-302 CONTRACT
601	12/9/2009	-\$19.00	57	E 601-46120-307 GOPHER ST
601	12/29/2009	\$1,000.00	16187 YORWAY CUSTOM HOME BLD. - WATE	R 601-46120-34601 WATER H
601	12/29/2009	\$200.00	16187 YORWAY CUSTOM HOME BLD. - WATE	R 601-46120-34602 WATER M
601	12/29/2009	\$100.00	16187 YORWAY CUSTOM HOME BLD. - WATE	R 601-46120-34603 WATER H
601	12/29/2009	\$366.00	0 UB AR Serv 4 COMM W/COMB	R 601-46120-37110 WATER R
601	12/29/2009	\$55.00	0 UB AR Serv 6 WATER METER2	R 601-46120-37110 WATER R
601	12/29/2009	\$9,390.00	0 UB AR Serv 3 INDUSTRIAL	R 601-46120-37110 WATER R
601	12/29/2009	\$90.63	0 UB AR Serv 8 SAFE WTR FE	R 601-46120-37110 WATER R
601	12/29/2009	\$613.00	0 UB AR Serv 9 INSTITUTION	R 601-46120-37110 WATER R
601	12/14/2009	\$32.50	0 UB AR Serv 1 WATER	R 601-46120-37110 WATER R
601	12/29/2009	-\$167.50	0 UB AR Serv Adj 1 WATER	R 601-46120-37110 WATER R
601	12/29/2009	\$10.00	0 UB AR Serv 1 WATER	R 601-46120-37110 WATER R
601	12/29/2009	\$3,085.00	0 UB AR Serv 5 COMM WATER	R 601-46120-37110 WATER R
601	12/29/2009	\$30,972.81	0 UB AR Serv 1 WATER	R 601-46120-37110 WATER R
601	12/16/2009	\$86.82	0 UB UR Receipt Group 01 CITY WIDE	R 601-46120-37110 WATER R
601	12/3/2009	\$7.00	0 UB UR Receipt Group 01 CITY WIDE	R 601-46120-37110 WATER R
601	12/16/2009	\$25.00	16142 RECONNET UTILITY SERVICE @ 110 N	R 601-46120-37110 WATER R
601	12/29/2009	-\$5.00	0 UB AR Serv Pen Adj 1 WATER	R 601-46120-37111 LATE CH
601	12/29/2009	\$901.66	0 UB AR Surc 19 STATE SER CH	R 601-46120-37120 STATE S
601	12/14/2009	\$2.52	0 UB AR Surc 19 STATE SER CH	R 601-46120-37120 STATE S
601	12/29/2009	-\$3.87	0 UB AR Surc Adj 19 STATE SER CH	R 601-46120-37120 STATE S
601	12/29/2009	\$0.19	0 UB AR Surc 19 STATE SER CH	R 601-46120-37120 STATE S
601	12/9/2009	-\$572.00	57	E 601-46120-419 REPAIR & M
601	12/28/2009	\$5,000.00	61 2009 YRLY BUDGET TRANSFERS	E 601-46120-437 TRANSFER
601	12/28/2009	\$475.00	74 2009 YRLY BUDGET TRANSFERS	E 601-46120-438 TRANSFER
601	12/28/2009	\$1,000.00	82 2009 YRLY BUDGET TRANSFERS	E 601-46120-439 TRANSFER
FUND 601 WATER		\$48,996.47		
<b>FUND 602 SEWER</b>				
602	12/28/2009	-\$115,000.00	62 2009 YRLY BUDGET TRANSFERS	G 602-10100 CASH
602	12/28/2009	-\$475.00	75 2009 YRLY BUDGET TRANSFERS	G 602-10100 CASH
602	12/28/2009	-\$1,000.00	83 2009 YRLY BUDGET TRANSFERS	G 602-10100 CASH
602	12/3/2009	\$32.44	0 UB Receipt Serv Pen 10 SEWER	G 602-14602 SEWER BILLIN
602	12/16/2009	\$282.37	0 UB Receipt Serv 10 SEWER	G 602-14602 SEWER BILLIN
602	12/16/2009	\$17.68	0 UB Receipt Serv Pen 10 SEWER	G 602-14602 SEWER BILLIN
602	12/16/2009	\$77.20	0 UB Receipt Serv 13 NSP SEWER	G 602-14602 SEWER BILLIN
602	12/3/2009	\$515.47	0 UB Receipt Serv 10 SEWER	G 602-14602 SEWER BILLIN
602	12/16/2009	\$1.20	0 UB Receipt Serv 25 COMM SEWER	G 602-14602 SEWER BILLIN
602	12/9/2009	\$1,931.00	58	G 602-20101 A/P GEN
602	12/9/2009	-\$3.00	58	E 602-46200-201 OFFICE SU
602	12/9/2009	-\$138.00	58	E 602-46200-212 MOTOR FU
602	12/9/2009	-\$1,258.00	58	E 602-46200-302 CONTRACT
602	12/29/2009	-\$85.00	0 UB AR Serv Adj 10 SEWER	R 602-46200-37210 SEWER R
602	12/29/2009	\$10.00	0 UB AR Serv 10 SEWER	R 602-46200-37210 SEWER R
602	12/14/2009	\$33.75	0 UB AR Serv 10 SEWER	R 602-46200-37210 SEWER R
602	12/29/2009	\$26,841.56	0 UB AR Serv 10 SEWER	R 602-46200-37210 SEWER R
602	12/29/2009	\$58.09	0 UB AR Serv 14 SEWER METER	R 602-46200-37210 SEWER R

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MONTHLY RECEIPTS

Period Name: DECEMBER

FUND	Tran Date	Amount	Refer Comments	Account Descr
602	12/29/2009	\$59.60	0 UB AR Serv 15 1ST SEWER	R 602-46200-37210 SEWER R
602	12/29/2009	\$97.00	0 UB AR Serv 20 SEWER ONLY	R 602-46200-37210 SEWER R
602	12/29/2009	\$2,318.90	0 UB AR Serv 23 INDUSTRI SEW	R 602-46200-37210 SEWER R
602	12/29/2009	\$425.40	0 UB AR Serv 24 SEWER COMMER	R 602-46200-37210 SEWER R
602	12/29/2009	\$1,603.20	0 UB AR Serv 25 COMM SEWER	R 602-46200-37210 SEWER R
602	12/29/2009	\$220.50	0 UB AR Serv 29 INSTIT SEWER	R 602-46200-37210 SEWER R
602	12/29/2009	-\$5.00	0 UB AR Serv Pen Adj 10 SEWER	R 602-46200-37211 SEWER L
602	12/16/2009	\$16,541.25	0 UB AR Serv 19 PRISON SEWER	R 602-46200-37220 PRISON S
602	12/16/2009	\$589.20	0 UB AR Serv 13 NSP SEWER	R 602-46200-37230 NSP COL
602	12/9/2009	-\$532.00	58	E 602-46200-419 REPAIR & M
602	12/28/2009	\$115,000.00	62 2009 YRLY BUDGET TRANSFERS	E 602-46200-437 TRANSFER
602	12/28/2009	\$475.00	75 2009 YRLY BUDGET TRANSFERS	E 602-46200-438 TRANSFER
602	12/28/2009	\$1,000.00	83 2009 YRLY BUDGET TRANSFERS	E 602-46200-439 TRANSFER
FUND 602 SEWER		\$49,634.81		
<b>FUND 803 P &amp; Z ESCROWS</b>				
803	12/9/2009	\$51,413.00	59	G 803-20101 A/P GEN
803	12/9/2009	-\$4.00	59	E 803-80012-300 PROF SER-
803	12/9/2009	-\$306.00	59	E 803-80018-300 PROF SER-
803	12/9/2009	-\$50,623.00	59	E 803-80018-301 PROF SER-
803	12/9/2009	-\$352.00	59	E 803-80019-301 PROF SER-
803	12/9/2009	-\$92.00	59	E 803-80019-350 PRINTING &
803	12/9/2009	-\$36.00	59	E 803-80020-350 PRINTING &
FUND 803 P & Z ES		\$0.00		
		\$918,228.16		

EXPENSE SUMMARY YTD THRU 12/31/09

12 Month = 100.08

DEPT	DEPT Descr	2009 Budget	2009 YTD Amt	Balance	2009 % of Budget Remain
<b>FUND 101 GENERAL</b>					
00000	GENERAL GOVERNMENT	\$0.00	\$0.00	\$0.00	0.00%
141100	ELECTIONS	\$1,000.00	\$856.00	\$144.00	14.40%
141200	MAYOR & COUNCIL	\$144,846.00	\$163,935.62	-\$19,089.62	-13.18%
141240	RECYCLING	\$9,495.00	\$5,194.84	\$4,300.16	45.29%
141400	ADMINISTRATION	\$152,887.54	\$147,882.43	\$5,005.11	3.27%
141903	DEBT SERVICE	\$0.00	\$0.00	\$0.00	0.00%
141910	PLANNING & ZONING	\$210,168.00	\$196,649.80	\$13,518.20	6.43%
141940	MUNICIPAL BUILDINGS	\$46,591.00	\$38,522.29	\$8,068.71	17.32%
142100	POLICE	\$669,684.34	\$650,925.60	\$18,758.74	2.80%
142200	FIRE PROTECTION	\$393,893.00	\$380,081.74	\$13,811.26	3.51%
143100	STREET MAINT	\$293,172.00	\$321,757.25	-\$28,585.25	-9.75%
143160	STREET LIGHTING	\$22,400.00	\$24,556.24	-\$2,156.24	-9.63%
143200	PARKS	\$88,676.00	\$89,796.89	-\$1,120.89	-1.26%
143300	CEMETERY	\$11,100.00	\$8,386.58	\$2,713.42	24.45%
44100	PROJECT	\$50,000.00	\$0.00	\$50,000.00	100.00%
44200	TRANSFER OUT-DEBT SERVIC	\$0.00	\$0.00	\$0.00	0.00%
<b>FUND 101 GENERAL</b>		<b>\$2,093,912.88</b>	<b>\$2,028,545.28</b>	<b>\$65,367.60</b>	<b>3.12%</b>
<b>FUND 208 PRISON SEWER PROJECT</b>					
44100	PROJECT	\$0.00	\$0.00	\$0.00	0.00%
<b>FUND 209 DEVELOPER REIMBURSED PROJECTS</b>					
141911	BAYTOWN DEVELOPMENTS	\$0.00	\$0.00	\$0.00	0.00%
141912	INSPIRATION	\$0.00	\$467.09	-\$467.09	0.00%
141913	EMERALD FALLS	\$0.00	\$74.25	-\$74.25	0.00%
<b>FUND 209 DEVELOPER REIMBURSED PR</b>		<b>\$0.00</b>	<b>\$541.34</b>	<b>-\$541.34</b>	<b>0.00%</b>
<b>FUND 210 K-9 UNIT</b>					
142103	K - 9 UNIT	\$0.00	\$432.88	-\$432.88	0.00%
<b>FUND 210 K-9 UNIT</b>		<b>\$0.00</b>	<b>\$432.88</b>	<b>-\$432.88</b>	<b>0.00%</b>
<b>FUND 211 LIBRARY</b>					
45500	LIBRARY	\$272,124.65	\$241,654.08	\$30,470.57	11.20%
<b>FUND 211 LIBRARY</b>		<b>\$272,124.65</b>	<b>\$241,654.08</b>	<b>\$30,470.57</b>	<b>11.20%</b>
<b>FUND 413 POLICE EQUIPMENT FUND</b>					
41900	CAPITAL IMPROVEMENTS	\$0.00	\$27,925.78	-\$27,925.78	0.00%
142100	POLICE	\$0.00	\$32,622.30	-\$32,622.30	0.00%
<b>FUND 413 POLICE EQUIPMENT FUND</b>		<b>\$0.00</b>	<b>\$60,548.08</b>	<b>-\$60,548.08</b>	<b>0.00%</b>
<b>FUND 601 WATER</b>					
146110	WATER-PUMPHOUSE	\$43,814.00	\$27,524.19	\$16,289.81	37.18%
146120	WATER	\$395,147.00	\$272,989.46	\$122,157.54	30.91%
<b>FUND 601 WATER</b>		<b>\$438,961.00</b>	<b>\$300,513.65</b>	<b>\$138,447.35</b>	<b>31.54%</b>
<b>FUND 602 SEWER</b>					
44100	PROJECT	\$0.00	\$0.00	\$0.00	0.00%
146200	SEWER - OPERATING	\$375,438.00	\$320,364.27	\$55,073.73	14.67%
46990	SEWER - NON-OPERATING	\$290,000.00	\$317,486.62	-\$27,486.62	-9.48%
<b>FUND 602 SEWER</b>		<b>\$665,438.00</b>	<b>\$637,850.89</b>	<b>\$27,587.11</b>	<b>4.15%</b>
<b>FUND 800 INVESTMENTS-POOLED</b>					
00000	GENERAL GOVERNMENT	\$0.00	\$0.00	\$0.00	0.00%
47000	INTEREST EXP	\$0.00	\$0.00	\$0.00	0.00%

EXPENSE SUMMARY YTD THRU 12/31/09

12 Month = 100.08

DEPT	DEPT Descr	2009 Budget	2009 YTD Amt	Balance	2009 % of Budget Remain
FUND 800	INVESTMENTS-POOLED	\$0.00	\$0.00	\$0.00	0.00%
FUND 803 P & Z ESCROWS					
41910	PLANNING & ZONING	\$0.00	\$0.00	\$0.00	0.00%
41912	INSPIRATION	\$0.00	\$423.90	-\$423.90	0.00%
80001	ANDERSEN ESCROW	\$0.00	\$0.00	\$0.00	0.00%
80003	BAYTOWN ANNEXATION	\$0.00	\$0.00	\$0.00	0.00%
80006	OSTERTAG VARIANCE	\$0.00	\$248.02	-\$248.02	0.00%
80008	CHARLES LUTZ STREET VACA	\$0.00	\$0.00	\$0.00	0.00%
80010	JERRY PETERSON ESCROW	\$0.00	\$0.00	\$0.00	0.00%
80011	CAPTAINS CORNER	\$0.00	\$0.00	\$0.00	0.00%
80012	FRIENDS OF ST. CROIX PREP.	\$0.00	\$3.00	-\$3.00	0.00%
80013	BAYPORT MARINA	\$0.00	\$1,618.85	-\$1,618.85	0.00%
80014	GROUP 41 (MIKE SCHALON	\$0.00	\$1,626.75	-\$1,626.75	0.00%
80015	GARY SWAGER	\$0.00	\$0.00	\$0.00	0.00%
80016	Pete Miller - Feasi Study	\$0.00	\$0.00	\$0.00	0.00%
80017	AMERICAN LEGION POST 491	\$0.00	\$441.20	-\$441.20	0.00%
80018	MSCWM PERRO CREEK OUTL	\$0.00	\$582,677.66	-\$582,677.66	0.00%
80019	JG HAUSE CONSTRUCTION	\$0.00	\$108,893.28	-\$108,893.28	0.00%
80020	HYNNEK CUP APPLICATION	\$0.00	\$231.02	-\$231.02	0.00%
80021	GORDON TELLINGHUISEN	\$0.00	\$167.35	-\$167.35	0.00%
80022	DUANCE JOHNSON	\$0.00	\$201.74	-\$201.74	0.00%
80023	MI-TECH SERVICES, INC.	\$0.00	\$554.83	-\$554.83	0.00%
80024	RICK PARENT	\$0.00	\$128.12	-\$128.12	0.00%
FUND 803 P & Z ESCROWS		\$0.00	\$697,215.72	-\$697,215.72	0.00%
FUND 999 ACCRUED INT PAYABLE					
41000	DEPRECIATION EXP - GEN GO	\$0.00	\$0.00	\$0.00	0.00%
42000	PUBLIC SAFE CAPITAL OUTLA	\$0.00	\$0.00	\$0.00	0.00%
43000	DEPRECIATION EXP - PUBLIC	\$0.00	\$0.00	\$0.00	0.00%
43100	STREET MAINT	\$0.00	\$0.00	\$0.00	0.00%
43200	PARKS	\$0.00	\$0.00	\$0.00	0.00%
43300	CEMETERY	\$0.00	\$0.00	\$0.00	0.00%
44000	DEPRECIATION EXP - LIBRARY	\$0.00	\$0.00	\$0.00	0.00%
45000	DEPRECIATION EXP - PARKS	\$0.00	\$0.00	\$0.00	0.00%
47000	INTEREST EXP	\$0.00	\$0.00	\$0.00	0.00%
FUND 999 ACCRUED INT PAYABLE		\$0.00	\$0.00	\$0.00	0.00%
		\$3,470,436.53	\$3,967,301.92	-\$496,865.39	-14.32%

MONTHLY EXPENSES

Period Name: DECEMBER

FUND Search Name	Tran Date	Act Amount Typ	DEPT	OBJ Comments	OBJ Descr
<b>FUND 101 GENERAL</b>					
<b>DEPT 41200 MAYOR &amp; COUNCIL</b>					
101	12/20/2009	\$1,274.63 E	41200	101 Labor Distribution	WAGES AND SAL
101	12/20/2009	\$79.03 E	41200	122 Labor Distribution	CONT TO RET., S
101	12/20/2009	\$18.48 E	41200	170 Labor Distribution	MEDICARE
101	12/9/2009	-\$3.00 E	41200	201 ADJUSTMENT	OFFICE SUPPLIE
101	12/22/2009	\$6.61 E	41200	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101	12/22/2009	\$5.74 E	41200	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101	12/7/2009	\$7.66 E	41200	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
101	12/22/2009	\$1,620.00 E	41200	300 GENERAL FILE	PROF SER-LEGAL
101	12/22/2009	\$67.50 E	41200	300 GROUP 41 LITIGATION	PROF SER-LEGAL
101	12/22/2009	\$135.00 E	41200	300 TWIN HOMES OF BAYPORT	PROF SER-LEGAL
101	12/22/2009	\$1,356.75 E	41200	300 EISINGER TERMINATION	PROF SER-LEGAL
101	12/22/2009	\$144.45 E	41200	300 PROFESSIONAL SERVIES	PROF SER-LEGAL
101	12/9/2009	-\$834.00 E	41200	300 ADJUSTMENT	PROF SER-LEGAL
101	12/3/2009	-\$475.00 E	41200	300 PROSECUTION	PROF SER-LEGAL
101	12/22/2009	\$448.98 E	41200	301 STAFF MEETINGS	PROF SER-ENGIN
101	12/22/2009	\$72.50 E	41200	301 COUNCIL MTG	PROF SER-ENGIN
101	12/9/2009	-\$598.00 E	41200	301 ADJUSTMENT	PROF SER-ENGIN
101	12/22/2009	\$166.39 E	41200	301 ANITARY SEWER ORDINANCE	PROF SER-ENGIN
101	12/22/2009	\$866.80 E	41200	303 ACCOUNTING ASSISTANCE	PROF SER-AUDIT
101	12/22/2009	\$437.50 E	41200	306 MAINT. PLAN - NOVEMBER 2009	PROF SER-OTHE
101	12/9/2009	-\$438.00 E	41200	306 ADJUSTMENT	PROF SER-OTHE
101	12/22/2009	\$46.00 E	41200	350 RESOLUTION DOC # 3768850	PRINTING & PUBL
101	12/28/2009	\$19.65 E	41200	350 ORDINANCE SUMMARY	PRINTING & PUBL
101	12/9/2009	-\$1.00 E	41200	350 ADJUSTMENT	PRINTING & PUBL
101	12/29/2009	\$7.00 E	41200	402 CASH REPLENISHMENT	CONFERENCES &
101	12/29/2009	\$24.49 E	41200	402 CASH REPLENISHMENT	CONFERENCES &
101	12/22/2009	\$25.00 E	41200	402 MAMA MEETING	CONFERENCES &
101	12/22/2009	\$50.60 E	41200	416 MTHLY SECURENCE	REPAIR/MAINT O
101	12/28/2009	\$475.00 E	41200	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/28/2009	\$500.00 E	41200	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
<b>DEPT 41200 MAYOR &amp; COUNCIL</b>		<b>\$5,506.76</b>			
<b>DEPT 41240 RECYCLING</b>					
101	12/30/2009	\$75.67 E	41240	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$96.45 E	41240	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$93.45 E	41240	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$6.31 E	41240	121 Labor Distribution	P E R A
101	12/11/2009	\$6.51 E	41240	121 Labor Distribution	P E R A
101	12/30/2009	\$4.69 E	41240	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$5.96 E	41240	122 Labor Distribution	CONT TO RET., S
101	11/27/2009	\$5.78 E	41240	122 Labor Distribution	CONT TO RET., S
101	11/27/2009	\$2.66 E	41240	126 Labor Distribution	H S A
101	12/11/2009	\$2.66 E	41240	126 Labor Distribution	H S A
101	11/27/2009	\$12.46 E	41240	131 Labor Distribution	CONT TO EMPLO
101	11/27/2009	\$1.36 E	41240	170 Labor Distribution	MEDICARE
101	12/30/2009	\$1.09 E	41240	170 Labor Distribution	MEDICARE
101	12/11/2009	\$1.40 E	41240	170 Labor Distribution	MEDICARE
101	12/9/2009	-\$172.00 E	41240	302 ADJUSTMENT	CONTRACT SERV
101	12/28/2009	\$30.00 E	41240	370 RECYCLING RECIPIENT	RECYCLING INCE
<b>DEPT 41240 RECYCLING</b>		<b>\$174.45</b>			
<b>DEPT 41400 ADMINISTRATION</b>					
101	12/30/2009	\$2,764.45 E	41400	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$3,101.49 E	41400	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$3,120.44 E	41400	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$210.63 E	41400	121 Labor Distribution	P E R A
101	12/30/2009	\$138.94 E	41400	121 Labor Distribution	P E R A
101	11/27/2009	\$209.36 E	41400	121 Labor Distribution	P E R A

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101	11/27/2009	\$190.77	E	41400	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$191.94	E	41400	122 Labor Distribution	CONT TO RET., S
101	12/30/2009	\$171.40	E	41400	122 Labor Distribution	CONT TO RET., S
101	11/27/2009	\$184.01	E	41400	126 Labor Distribution	H S A
101	12/11/2009	\$184.01	E	41400	126 Labor Distribution	H S A
101	11/27/2009	\$680.09	E	41400	131 Labor Distribution	CONT TO EMPLO
101	12/11/2009	\$44.88	E	41400	170 Labor Distribution	MEDICARE
101	11/27/2009	\$44.62	E	41400	170 Labor Distribution	MEDICARE
101	12/30/2009	\$40.10	E	41400	170 Labor Distribution	MEDICARE
101 OFFICE SUPPLY CONNECTI	12/22/2009	\$34.47	E	41400	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101	12/9/2009	-\$16.00	E	41400	201 ADJUSTMENT	OFFICE SUPPLIE
101 BUSINESS FORMS & ACCOU	12/7/2009	\$45.97	E	41400	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
101 QUILL	12/22/2009	\$39.68	E	41400	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101	12/9/2009	-\$1,601.00	E	41400	302 ADJUSTMENT	CONTRACT SERV
101	12/9/2009	-\$23.00	E	41400	402 ADJUSTMENT	CONFERENCES &
101 TR COMPUTER SALES LLC	12/22/2009	\$181.23	E	41400	416 COMPUTER CONSULTING	REPAIR/MAINT O
101 TR COMPUTER SALES LLC	12/22/2009	\$226.04	E	41400	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
101	12/28/2009	\$2,844.00	E	41400	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/28/2009	\$3,500.00	E	41400	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
DEPT 41400 ADMINISTRATION		\$16,508.52				
DEPT 41910 PLANNING & ZONING						
101	12/30/2009	\$4,375.05	E	41910	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$5,054.40	E	41910	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$5,017.28	E	41910	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$338.68	E	41910	121 Labor Distribution	P E R A
101	12/30/2009	\$252.76	E	41910	121 Labor Distribution	P E R A
101	12/11/2009	\$341.18	E	41910	121 Labor Distribution	P E R A
101	12/30/2009	\$271.25	E	41910	122 Labor Distribution	CONT TO RET., S
101	11/27/2009	\$309.28	E	41910	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$311.58	E	41910	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$331.75	E	41910	126 Labor Distribution	H S A
101	11/27/2009	\$331.75	E	41910	126 Labor Distribution	H S A
101	11/27/2009	\$1,090.86	E	41910	131 Labor Distribution	CONT TO EMPLO
101	11/27/2009	\$72.34	E	41910	170 Labor Distribution	MEDICARE
101	12/11/2009	\$72.88	E	41910	170 Labor Distribution	MEDICARE
101	12/30/2009	\$63.45	E	41910	170 Labor Distribution	MEDICARE
101 BUSINESS FORMS & ACCOU	12/7/2009	\$38.31	E	41910	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
101 QUILL	12/22/2009	\$33.06	E	41910	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101 OFFICE SUPPLY CONNECTI	12/22/2009	\$28.72	E	41910	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101	12/9/2009	-\$13.00	E	41910	201 ADJUSTMENT	OFFICE SUPPLIE
101	12/9/2009	-\$99.00	E	41910	212 ADJUSTMENT	MOTOR FUELS &
101 HOLIDAY FLEET	12/14/2009	\$114.37	E	41910	212 FUEL - VEHICLE	MOTOR FUELS &
101 PETTY CASH	12/29/2009	\$5.34	E	41910	217 CASH REPLENISHMENT	MATERIALS & PR
101 S E H	12/22/2009	\$366.69	E	41910	301 CERTIFICATE OF SURVEY - INS	PROF SER-ENGIN
101	12/9/2009	-\$1,429.00	E	41910	302 ADJUSTMENT	CONTRACT SERV
101 TIREPROZ	12/28/2009	\$500.52	E	41910	412 TIRES - BUILDING VEHC	REP & MAINT VE
101 TR COMPUTER SALES LLC	12/22/2009	\$151.03	E	41910	416 COMPUTER CONSULTING	REPAIR/MAINT O
101 TR COMPUTER SALES LLC	12/22/2009	\$188.36	E	41910	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
101	12/28/2009	\$2,370.00	E	41910	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
DEPT 41910 PLANNING & ZONING		\$20,489.89				
DEPT 41940 MUNICIPAL BUILDINGS						
101 COMCAST	12/29/2009	\$34.95	E	41940	321 ADM - HIGHSPEED INTERNET	COMMUNICATION
101 NOVA COMMUNICATIONS	12/22/2009	\$30.00	E	41940	321 PHONES	COMMUNICATION
101 XCEL	12/3/2009	\$819.35	E	41940	380 ELECTRIC & GAS	ELECTRIC SERVI
101 XCEL	12/3/2009	\$374.51	E	41940	381 ELECTRIC & GAS	FUEL FOR HEAT
101 SERVICEMASTER	12/22/2009	\$432.00	E	41940	420 CLEANING SERVICE FOR DEC.0	R & M BLDGS, ST
101 MINNESOTA ELEVATOR	12/22/2009	\$144.50	E	41940	420 SERVICE BILLING	R & M BLDGS, ST

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DEPT 41940 MUNICIPAL BUILDINGS		\$1,835.31				
DEPT 42100 POLICE						
101	12/30/2009	\$2,212.69	E	42100	050 Labor Distribution	SEASONAL/PART
101	11/27/2009	\$958.13	E	42100	050 Labor Distribution	SEASONAL/PART
101	12/11/2009	\$1,456.34	E	42100	050 Labor Distribution	SEASONAL/PART
101	12/30/2009	\$10,437.97	E	42100	101 Labor Distribution	WAGES AND SAL
101	12/8/2009	\$8,460.00	E	42100	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$11,955.07	E	42100	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$11,397.12	E	42100	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$163.05	E	42100	102 Labor Distribution	OVERTIME
101	12/30/2009	\$97.83	E	42100	102 Labor Distribution	OVERTIME
101	12/11/2009	\$2,008.35	E	42100	102 Labor Distribution	OVERTIME
101	12/11/2009	\$573.21	E	42100	103 Labor Distribution	SPECIAL DUTIES
101	11/27/2009	\$487.97	E	42100	103 Labor Distribution	SPECIAL DUTIES
101	12/30/2009	\$492.12	E	42100	103 Labor Distribution	SPECIAL DUTIES
101	12/8/2009	\$1,192.85	E	42100	121 Labor Distribution	P E R A
101	11/27/2009	\$1,766.27	E	42100	121 Labor Distribution	P E R A
101	12/11/2009	\$1,986.23	E	42100	121 Labor Distribution	P E R A
101	12/30/2009	\$1,475.17	E	42100	121 Labor Distribution	P E R A
101	11/27/2009	\$68.70	E	42100	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$87.93	E	42100	122 Labor Distribution	CONT TO RET., S
101	12/30/2009	\$42.96	E	42100	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$628.12	E	42100	126 Labor Distribution	H S A
101	11/27/2009	\$628.12	E	42100	126 Labor Distribution	H S A
101	11/27/2009	\$2,774.56	E	42100	131 Labor Distribution	CONT TO EMPLO
101	12/8/2009	\$122.68	E	42100	170 Labor Distribution	MEDICARE
101	12/11/2009	\$223.02	E	42100	170 Labor Distribution	MEDICARE
101	11/27/2009	\$195.86	E	42100	170 Labor Distribution	MEDICARE
101	12/30/2009	\$191.98	E	42100	170 Labor Distribution	MEDICARE
101 QUILL	12/22/2009	\$33.06	E	42100	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101	12/9/2009	-\$53.00	E	42100	201 ADJUSTMENT	OFFICE SUPPLIE
101 RIVER VALLEY PRINTING	12/29/2009	\$261.86	E	42100	201 CASE FILE JACKETS - PD DEPT	OFFICE SUPPLIE
101	12/9/2009	-\$13.00	E	42100	201 ADJUSTMENT	OFFICE SUPPLIE
101 OFFICE SUPPLY CONNECTI	12/22/2009	\$28.72	E	42100	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101 BUSINESS FORMS & ACCOU	12/7/2009	\$38.31	E	42100	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
101 UNIFORMS UNLIMITED	12/22/2009	\$999.99	E	42100	202 BODY ARMOR - ZACH LUND	UNIFORMS - MISC
101 STREICHERS	12/3/2009	\$295.18	E	42100	202 UNIFORMS KEITH FRANK - PD	UNIFORMS - MISC
101	12/9/2009	-\$19.00	E	42100	202 ADJUSTMENT	UNIFORMS - MISC
101	12/9/2009	-\$907.00	E	42100	212 ADJUSTMENT	MOTOR FUELS &
101	12/9/2009	-\$248.00	E	42100	212 ADJUSTMENT	MOTOR FUELS &
101 HOLIDAY FLEET	12/14/2009	\$1,194.48	E	42100	212 FUEL - VEHICILE	MOTOR FUELS &
101 U S BANK VISA	12/28/2009	\$22.66	E	42100	220 POLICE DEPT CREDIT CARD	OPERATING SUP
101	12/9/2009	-\$543.00	E	42100	300 ADJUSTMENT	PROF SER-LEGAL
101	12/9/2009	-\$2,080.00	E	42100	300 ADJUSTMENT	PROF SER-LEGAL
101 ECKBERG, LAMMERS, BRIG	12/3/2009	\$2,163.21	E	42100	300 PROSECUTION	PROF SER-LEGAL
101 ECKBERG, LAMMERS, BRIG	12/3/2009	\$43.52	E	42100	300 PROSECUTION	PROF SER-LEGAL
101 CAMPION BARROW & ASSO	12/14/2009	\$390.00	E	42100	306 PUBLIC SAFETY POST OFFICE	PROF SER-OTHE
101 WASHINGTON COUNTY SHE	12/3/2009	\$33.36	E	42100	306 PROPERTY DISPOSAL - PD	PROF SER-OTHE
101 VERIZON WIRELESS	12/14/2009	\$242.48	E	42100	321 PHONES - PD	COMMUNICATION
101 PETTY CASH	12/29/2009	\$0.34	E	42100	350 CASH REPLENISHMENT	PRINTING & PUBL
101 PETTY CASH	12/29/2009	\$5.34	E	42100	350 CASH REPLENISHMENT	PRINTING & PUBL
101 PETTY CASH	12/29/2009	\$1.73	E	42100	350 CASH REPLENISHMENT	PRINTING & PUBL
101 WASHINGTON COUNTY PUB	12/14/2009	\$333.40	E	42100	391 NOVEMBER RADIOS - PD	SHARED AUTOMA
101	12/9/2009	-\$595.00	E	42100	403 ADJUSTMENT	POLICE TRAININ
101	12/9/2009	-\$3,825.00	E	42100	403 ADJUSTMENT	POLICE TRAININ
101 CASPERSON MOTORS	12/28/2009	\$54.84	E	42100	412 2502 REPLACED HEADLIGHT -	REP & MAINT VE
101 CASPERSON MOTORS	12/22/2009	\$192.31	E	42100	412 REPLACE FT PADS - 2901	REP & MAINT VE
101 CASPERSON MOTORS	12/22/2009	\$159.37	E	42100	412 VEHICLE MAINT.	REP & MAINT VE
101 CASPERSON MOTORS	12/22/2009	\$32.67	E	42100	412 VEHICLE MAINT.	REP & MAINT VE
101 CENTURY AVENUE COLLISI	12/3/2009	\$296.49	E	42100	412 05 DODGE DURANGO - PD	REP & MAINT VE

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101 CASPERSON MOTORS	12/28/2009	\$201.29 E	42100	412 2304 REPLACED BATTERY - PD	REP & MAINT VE
101 TR COMPUTER SALES LLC	12/22/2009	\$151.03 E	42100	416 COMPUTER CONSULTING	REPAIR/MAINT O
101 MINNESOTA CHIEFS OF POL	12/3/2009	\$230.00 E	42100	433 2010 VOTING MEMBERSHIP RE	DUES & MEMBER
101	12/28/2009	\$15,000.00 E	42100	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101 TR COMPUTER SALES LLC	12/22/2009	\$188.36 E	42100	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
101	12/28/2009	\$2,370.00 E	42100	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/28/2009	\$1,000.00 E	42100	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/9/2009	-\$249.00 E	42100	444 ADJUSTMENT	COMMUNITY PRO
DEPT 42100 POLICE		\$79,516.30			
<b>DEPT 42200 FIRE PROTECTION</b>					
101	12/20/2009	\$583.33 E	42200	101 Labor Distribution	WAGES AND SAL
101	12/20/2009	\$15.50 E	42200	122 Labor Distribution	CONT TO RET., S
101	12/9/2009	-\$935.00 E	42200	140 ADJUSTMENT	UNEMPLOYMENT
101	12/20/2009	\$8.46 E	42200	170 Labor Distribution	MEDICARE
101 ASPEN MILLS INC	12/28/2009	\$743.65 E	42200	202 FIRE DEPT. UNIFORMS	UNIFORMS - MISC
101	12/9/2009	-\$110.00 E	42200	202 ADJUSTMENT	UNIFORMS - MISC
101 ASPEN MILLS INC	12/28/2009	\$44.95 E	42200	202 KARL EVENSON - FIRE DEPT.	UNIFORMS - MISC
101 HOLIDAY FLEET	12/14/2009	\$441.31 E	42200	212 FUEL - VEHICILE	MOTOR FUELS &
101 U S BANK VISA	12/3/2009	\$86.76 E	42200	220 FIRE CREDIT CARD	OPERATING SUP
101	12/9/2009	-\$279.00 E	42200	220 ADJUSTMENT	OPERATING SUP
101 U S BANK VISA	12/3/2009	\$41.17 E	42200	220 FIRE CREDIT CARD	OPERATING SUP
101 MILLER EXCAVATING	12/3/2009	\$330.00 E	42200	306 SIFT THUR BURNED HOUSE	PROF SER-OTHE
101	12/9/2009	-\$27.00 E	42200	306 ADJUSTMENT	PROF SER-OTHE
101 NEXTEL COMMUNICATIONS	12/3/2009	\$187.91 E	42200	321 PHONE	COMMUNICATION
101 NEXTEL COMMUNICATIONS	12/28/2009	\$179.93 E	42200	321 PHONES - FIRE DEPT.	COMMUNICATION
101	12/9/2009	-\$13.00 E	42200	323 ADJUSTMENT	RADIOS-REPAIR
101 LAKEVIEW MEMORIAL HOSP	12/28/2009	\$750.00 E	42200	402 FIREST RESPONDER CERTIFIC	CONFERENCES &
101 MARK OSTERTAG	12/3/2009	\$170.82 E	42200	402 MILEAGE REIMBURSEMENT TO	CONFERENCES &
101	12/9/2009	-\$106.00 E	42200	412 ADJUSTMENT	REP & MAINT VE
101 AMERICAN TEST CENTER	12/28/2009	\$450.00 E	42200	412 TEST & INSPECTION - FIRE DE	REP & MAINT VE
101	12/28/2009	\$90,000.00 E	42200	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/28/2009	\$2,500.00 E	42200	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101 ASPEN MILLS INC	12/28/2009	\$4,410.15 E	42200	530 EMS SUIT - FIRE DEPT.	CAPITAL OUTLAY
DEPT 42200 FIRE PROTECTION		\$99,473.94			
<b>DEPT 43100 STREET MAINT</b>					
101	11/27/2009	\$299.00 E	43100	050 Labor Distribution	SEASONAL/PART
101	12/11/2009	\$481.00 E	43100	050 Labor Distribution	SEASONAL/PART
101	12/30/2009	\$507.00 E	43100	050 Labor Distribution	SEASONAL/PART
101	12/30/2009	\$1,607.04 E	43100	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$1,785.60 E	43100	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$1,785.60 E	43100	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$1,217.88 E	43100	102 Labor Distribution	OVERTIME
101	11/27/2009	\$202.74 E	43100	121 Labor Distribution	P E R A
101	12/11/2009	\$120.54 E	43100	121 Labor Distribution	P E R A
101	12/30/2009	\$108.48 E	43100	121 Labor Distribution	P E R A
101	12/11/2009	\$139.82 E	43100	122 Labor Distribution	CONT TO RET., S
101	11/27/2009	\$203.95 E	43100	122 Labor Distribution	CONT TO RET., S
101	12/30/2009	\$131.07 E	43100	122 Labor Distribution	CONT TO RET., S
101	11/27/2009	\$149.74 E	43100	126 Labor Distribution	H S A
101	12/11/2009	\$132.71 E	43100	126 Labor Distribution	H S A
101	11/27/2009	\$535.57 E	43100	131 Labor Distribution	CONT TO EMPLO
101	11/27/2009	\$47.70 E	43100	170 Labor Distribution	MEDICARE
101	12/30/2009	\$30.66 E	43100	170 Labor Distribution	MEDICARE
101	12/11/2009	\$32.70 E	43100	170 Labor Distribution	MEDICARE
101	12/9/2009	-\$3.00 E	43100	201 ADJUSTMENT	OFFICE SUPPLIE
101 BUSINESS FORMS & ACCOU	12/7/2009	\$7.66 E	43100	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
101 OFFICE SUPPLY CONNECTI	12/22/2009	\$5.74 E	43100	201 OFFICE SUPPLIES	OFFICE SUPPLIE
101 QUILL	12/22/2009	\$6.61 E	43100	201 OFFICE SUPPLIES	OFFICE SUPPLIE

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101	12/9/2009	-\$1,131.00 E	43100	212 ADJUSTMENT	MOTOR FUELS &
101 HOLIDAY FLEET	12/14/2009	\$281.95 E	43100	212 FUEL - VEHICLE	MOTOR FUELS &
101	12/9/2009	-\$268.00 E	43100	212 ADJUSTMENT	MOTOR FUELS &
101 BRYAN ROCK PRODUCTS IN	12/29/2009	\$133.24 E	43100	220 LIME ROCK	OPERATING SUP
101 DVS RENEWAL	12/29/2009	\$14.50 E	43100	220 97 CHEV RENEWAL	OPERATING SUP
101 DISPLAY SALES COMPANY	12/7/2009	\$85.51 E	43100	220 XMAS DISPLAY	OPERATING SUP
101 MENARDS-STILLWATER	12/7/2009	\$207.34 E	43100	220 SNOW PLOW MARKERS	OPERATING SUP
101	12/9/2009	-\$57.00 E	43100	225 ADJUSTMENT	SALT & SAND PU
101 AGGREGATE INDUSTRIES	12/29/2009	\$58.09 E	43100	225 ROAD SAND	SALT & SAND PU
101 WASHINGTON CO TRANSP	12/29/2009	\$482.87 E	43100	225 SNOW & ICE CONTROL	SALT & SAND PU
101	12/9/2009	-\$1,754.00 E	43100	225 ADJUSTMENT	SALT & SAND PU
101 AGGREGATE INDUSTRIES	12/7/2009	\$954.95 E	43100	225 ROAD SAND	SALT & SAND PU
101	12/9/2009	-\$175.00 E	43100	240 ADJUSTMENT	SMALL TOOLS-E
101 CITY OF STILLWATER	12/29/2009	\$100.00 E	43100	402 SALT/SANDING WORKSHOP	CONFERENCES &
101 RAM HYDRAULICS	12/29/2009	\$31.17 E	43100	412 PART - PLOW	REP & MAINT VE
101 RAM HYDRAULICS	12/29/2009	\$28.89 E	43100	412 PISTON CUPS	REP & MAINT VE
101	12/9/2009	-\$108.00 E	43100	412 ADJUSTMENT	REP & MAINT VE
101 CARQUEST AUTO PARTS	12/29/2009	\$14.98 E	43100	412 VEHICLE MAINT.	REP & MAINT VE
101 CARQUEST AUTO PARTS	12/29/2009	\$37.19 E	43100	412 VEHICLE MAINT.	REP & MAINT VE
101 CARQUEST AUTO PARTS	12/29/2009	\$41.48 E	43100	412 VEHICLE MAINT	REP & MAINT VE
101 CARQUEST AUTO PARTS	12/29/2009	\$8.24 E	43100	412 VEHICLE MAINT.	REP & MAINT VE
101 TR COMPUTER SALES LLC	12/22/2009	\$30.20 E	43100	416 COMPUTER CONSULTING	REPAIR/MAINT O
101 THE TESSMAN COMPANY	12/28/2009	\$40.00 E	43100	420 BARRIER FABRIC	R & M BLDGS, ST
101	12/28/2009	\$54,900.00 E	43100	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/28/2009	\$10,100.00 E	43100	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101 TR COMPUTER SALES LLC	12/22/2009	\$37.67 E	43100	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
101	12/28/2009	\$475.00 E	43100	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
101	12/28/2009	\$500.00 E	43100	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
DEPT 43100 STREET MAINT		\$74,606.08			
DEPT 43160 STREET LIGHTING					
101 XCEL	12/3/2009	\$2,301.78 E	43160	380 ELECTRIC & GAS	ELECTRIC SERVI
101	12/9/2009	-\$332.00 E	43160	419 ADJUSTMENT	REPAIR & MAINT
DEPT 43160 STREET LIGHTING		\$1,969.78			
DEPT 43200 PARKS					
101	11/27/2009	\$87.00 E	43200	050 Labor Distribution	SEASONAL/PART
101	12/30/2009	\$140.00 E	43200	050 Labor Distribution	SEASONAL/PART
101	12/30/2009	\$859.68 E	43200	101 Labor Distribution	WAGES AND SAL
101	11/27/2009	\$955.20 E	43200	101 Labor Distribution	WAGES AND SAL
101	12/11/2009	\$955.20 E	43200	101 Labor Distribution	WAGES AND SAL
101	12/30/2009	\$58.03 E	43200	121 Labor Distribution	P E R A
101	12/11/2009	\$64.48 E	43200	121 Labor Distribution	P E R A
101	11/27/2009	\$64.48 E	43200	121 Labor Distribution	P E R A
101	11/27/2009	\$62.29 E	43200	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$56.90 E	43200	122 Labor Distribution	CONT TO RET., S
101	12/30/2009	\$61.98 E	43200	122 Labor Distribution	CONT TO RET., S
101	12/11/2009	\$44.24 E	43200	126 Labor Distribution	H S A
101	11/27/2009	\$44.24 E	43200	126 Labor Distribution	H S A
101	11/27/2009	\$189.49 E	43200	131 Labor Distribution	CONT TO EMPLO
101	11/27/2009	\$14.57 E	43200	170 Labor Distribution	MEDICARE
101	12/30/2009	\$14.50 E	43200	170 Labor Distribution	MEDICARE
101	12/11/2009	\$13.31 E	43200	170 Labor Distribution	MEDICARE
101 ARAMARK	12/29/2009	\$87.49 E	43200	204 UNIFORMS - VERN	UNIFORMS - VER
101 HOLIDAY FLEET	12/14/2009	\$76.96 E	43200	212 FUEL - VEHICLE	MOTOR FUELS &
101	12/9/2009	-\$20.00 E	43200	212 ADJUSTMENT	MOTOR FUELS &
101 FRED'S TIRE	12/7/2009	\$81.16 E	43200	412 NEW TIRE - TORO	REP & MAINT VE
101	12/9/2009	-\$965.00 E	43200	412 ADJUSTMENT	REP & MAINT VE
101 TRI STATE BOBCAT INC	12/29/2009	\$350.32 E	43200	412 PARTS - TOOL CAT	REP & MAINT VE
101 MENARDS-STILLWATER	12/29/2009	\$29.82 E	43200	414 RINK BOARDS	REPAIR & MAINT

MONTHLY EXPENSES

Period Name: DECEMBER

FUND Search Name	Tran Date	Act Amount Typ	DEPT	OBJ Comments	OBJ Descr
101 TR COMPUTER SALES LLC	12/22/2009	\$30.20 E	43200	416 COMPUTER CONSULTING	REPAIR/MAINT O
101	12/9/2009	-\$119.00 E	43200	420 ADJUSTMENT	R & M BLDGS, ST
101 RIVER FALLEY RESTORATIO	12/29/2009	\$100.00 E	43200	420 LOG CABIN ASSESMENT	R & M BLDGS, ST
101 AIR FRESH PORTABLE TOIL	12/29/2009	\$5.32 E	43200	425 SALES TAX	SATILLITIES
101 AIR FRESH PORTABLE TOIL	12/29/2009	\$78.75 E	43200	425 MTLY RENTAL	SATILLITIES
101 TR COMPUTER SALES LLC	12/22/2009	\$37.67 E	43200	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
101	12/28/2009	\$475.00 E	43200	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
DEPT 43200 PARKS		\$3,934.28			
DEPT 43300 CEMETERY					
101	12/9/2009	-\$68.00 E	43300	212 ADJUSTMENT	MOTOR FUELS &
101	12/28/2009	\$5,500.00 E	43300	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
DEPT 43300 CEMETERY		\$5,432.00			
FUND 101 GENERAL		\$309,447.31			
FUND 200 FIRE EQUIPMENT REPLACEMENT FUN					
DEPT 42200 FIRE PROTECTION					
200 GRAFIX SHOPPE	12/3/2009	\$876.00 E	42200	419 EQUIP. 2009 SILVERADO	REPAIR & MAINT
FUND 207 PARK IMPROVEMENT FUND					
DEPT 44100 PROJECT					
207	12/9/2009	-\$2,360.00 E	44100	306 ADJUSTMENT	PROF SER-OTHE
207 SANDERS WACKER BERGLY	12/22/2009	\$158.00 E	44100	444 BARKER'S ALPS	COMMUNITY PRO
207 MILLER EXCAVATING	12/16/2009	\$19,832.83 E	44100	444 BARKERS ALPS	COMMUNITY PRO
207 MINNESOTA/WISCONSIN PL	12/16/2009	\$800.00 E	44100	444 INSTALLATION OF WOOD FIBE	COMMUNITY PRO
DEPT 44100 PROJECT		\$18,430.83			
FUND 207 PARK IMPROVEMENT FUND		\$18,430.83			
FUND 209 DEVELOPER REIMBURSED PROJECTS					
DEPT 41912 INSPIRATION					
209	12/9/2009	-\$33.00 E	41912	300	PROF SER-LEGAL
209 ECKBERG, LAMMERS, BRIG	12/22/2009	\$37.80 E	41912	300 PROFESSIONAL SERVIES	PROF SER-LEGAL
DEPT 41912 INSPIRATION		\$4.80			
DEPT 41913 EMERALD FALLS					
209 ECKBERG, LAMMERS, BRIG	12/22/2009	\$74.25 E	41913	300 EMERALD FALLS FORECLOSUR	PROF SER-LEGAL
FUND 209 DEVELOPER REIMBURSED PROJECTS		\$79.05			
FUND 211 LIBRARY					
DEPT 45500 LIBRARY					
211	12/30/2009	\$1,835.70 E	45500	050 Labor Distribution	SEASONAL/PART
211	12/11/2009	\$2,483.29 E	45500	050 Labor Distribution	SEASONAL/PART
211	11/27/2009	\$2,614.11 E	45500	050 Labor Distribution	SEASONAL/PART
211	12/30/2009	\$2,468.86 E	45500	101 Labor Distribution	WAGES AND SAL
211	12/11/2009	\$2,705.10 E	45500	101 Labor Distribution	WAGES AND SAL
211	11/27/2009	\$2,705.10 E	45500	101 Labor Distribution	WAGES AND SAL
211	11/27/2009	\$340.87 E	45500	121 Labor Distribution	P E R A
211	12/11/2009	\$333.35 E	45500	121 Labor Distribution	P E R A
211	12/30/2009	\$250.90 E	45500	121 Labor Distribution	P E R A

MONTHLY EXPENSES

Period Name: DECEMBER

FUND Search Name	Tran Date	Act Amount	Typ	DEPT	OBJ Comments	OBJ Descr
211	11/27/2009	\$323.11	E	45500	122 Labor Distribution	CONT TO RET., S
211	12/30/2009	\$266.89	E	45500	122 Labor Distribution	CONT TO RET., S
211	12/11/2009	\$314.99	E	45500	122 Labor Distribution	CONT TO RET., S
211	12/11/2009	\$88.47	E	45500	126 Labor Distribution	H S A
211	11/27/2009	\$88.47	E	45500	126 Labor Distribution	H S A
211	11/27/2009	\$398.43	E	45500	131 Labor Distribution	CONT TO EMPLO
211	11/27/2009	\$75.57	E	45500	170 Labor Distribution	MEDICARE
211	12/30/2009	\$62.41	E	45500	170 Labor Distribution	MEDICARE
211	12/11/2009	\$73.67	E	45500	170 Labor Distribution	MEDICARE
211 BAKER & TAYLOR	12/28/2009	\$61.45	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$73.65	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211	12/9/2009	-\$999.00	E	45500	217	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$58.14	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$292.80	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$56.99	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$71.10	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$11.24	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$132.28	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$113.46	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$9.97	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$21.37	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 WASHINGTON COUNTY LIBR	12/28/2009	\$1,222.86	E	45500	217 REFERENCE INVOICES - JULY-	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$152.58	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 BAKER & TAYLOR	12/28/2009	\$19.18	E	45500	217 BOOKS - LIBRARY	MATERIALS & PR
211 INNOVATIVE OFFICE SOLUTI	12/28/2009	\$13.35	E	45500	220 OFFICE SUPPLIES - LIBRARY	OPERATING SUP
211 KINDER MELODIES	12/28/2009	\$675.00	E	45500	302 STORY TIME - LIBRARY	CONTRACT SERV
211 SHARON SIPPEL	12/28/2009	\$1,425.00	E	45500	302 CLEANING SERVICES - LIBRAR	CONTRACT SERV
211 COMCAST	12/28/2009	\$5.00	E	45500	321 HIGH SPEED INTERNET - LIB	COMMUNICATION
211 WASHINGTON COUNTY LIBR	12/28/2009	\$275.02	E	45500	321 DATA LINE NOV & DEC 09	COMMUNICATION
211 XCEL	12/3/2009	\$680.17	E	45500	380 ELECTRIC & GAS	ELECTRIC SERVI
211 XCEL	12/3/2009	\$162.30	E	45500	381 ELECTRIC & GAS	FUEL FOR HEAT
211	12/9/2009	-\$61.00	E	45500	391	SHARED AUTOMA
211 WASHINGTON COUNTY LIBR	12/28/2009	\$118.83	E	45500	391 SCHOLASTIC REFERENCE JAN	SHARED AUTOMA
211 WASHINGTON COUNTY LIBR	12/28/2009	\$107.80	E	45500	391 CENTER DATABASE 1-1-10-12-3	SHARED AUTOMA
211 LEAGUE OF MINNESOTA CIT	12/28/2009	\$30.00	E	45500	402 ROLE OF A SUPERVISOR - LIBR	CONFERENCES &
211 TOSHIBA BUSINESS SOLUTI	12/28/2009	\$19.00	E	45500	416 BAND - LIBRARY	REPAIR/MAINT O
211 VAN PAPER CO	12/28/2009	\$34.75	E	45500	420 WHITE TOWEL - LIBRARY	R & M BLDGS, ST
211 ECOWATER	12/28/2009	\$8.25	E	45500	420 DEC. MTLY RENTAL COLD COO	R & M BLDGS, ST
211	12/9/2009	-\$314.00	E	45500	420	R & M BLDGS, ST
211 MINNESOTA ELEVATOR	12/28/2009	\$151.41	E	45500	420 SERVICE - LIBRARY	R & M BLDGS, ST
DEPT 45500 LIBRARY		\$22,058.24				
FUND 211 LIBRARY		\$22,058.24				
FUND 601 WATER						
DEPT 46110 WATER-PUMPHOUSE						
601 XCEL	12/3/2009	\$1,368.41	E	46110	380 ELECTRIC & GAS	ELECTRIC SERVI
601 XCEL	12/3/2009	\$139.42	E	46110	381 ELECTRIC & GAS	FUEL FOR HEAT
601 DAKOTA MECHANICAL	12/29/2009	\$415.00	E	46110	419 WELL HOUSES	REPAIR & MAINT
DEPT 46110 WATER-PUMPHOUSE		\$1,922.83				
DEPT 46120 WATER						
601	12/11/2009	\$3,831.06	E	46120	101 Labor Distribution	WAGES AND SAL
601	11/27/2009	\$3,894.44	E	46120	101 Labor Distribution	WAGES AND SAL
601	12/30/2009	\$3,242.40	E	46120	101 Labor Distribution	WAGES AND SAL
601	11/27/2009	\$262.89	E	46120	121 Labor Distribution	P E R A
601	12/30/2009	\$181.43	E	46120	121 Labor Distribution	P E R A
601	12/11/2009	\$258.61	E	46120	121 Labor Distribution	P E R A
601	12/11/2009	\$230.19	E	46120	122 Labor Distribution	CONT TO RET., S
601	11/27/2009	\$234.15	E	46120	122 Labor Distribution	CONT TO RET., S

MONTHLY EXPENSES

Period Name: DECEMBER

FUND Search Name	Tran Date	Act Amount	Typ	DEPT	OBJ Comments	OBJ Descr
601	12/30/2009	\$201.03	E	46120	122 Labor Distribution	CONT TO RET., S
601	11/27/2009	\$192.44	E	46120	126 Labor Distribution	H S A
601	12/11/2009	\$200.82	E	46120	126 Labor Distribution	H S A
601	11/27/2009	\$717.65	E	46120	131 Labor Distribution	CONT TO EMPLO
601	12/30/2009	\$47.03	E	46120	170 Labor Distribution	MEDICARE
601	11/27/2009	\$54.77	E	46120	170 Labor Distribution	MEDICARE
601	12/11/2009	\$53.84	E	46120	170 Labor Distribution	MEDICARE
601 OFFICE SUPPLY CONNECTI	12/22/2009	\$5.74	E	46120	201 OFFICE SUPPLIES	OFFICE SUPPLIE
601	12/9/2009	-\$3.00	E	46120	201	OFFICE SUPPLIE
601 QUILL	12/22/2009	\$6.61	E	46120	201 OFFICE SUPPLIES	OFFICE SUPPLIE
601 BUSINESS FORMS & ACCOU	12/7/2009	\$7.66	E	46120	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
601 HOLIDAY FLEET	12/14/2009	\$299.55	E	46120	212 FUEL - VEHICILE	MOTOR FUELS &
601	12/9/2009	-\$94.00	E	46120	212	MOTOR FUELS &
601 U S BANK VISA	12/29/2009	\$10.89	E	46120	216 THE UPS STORE	CHEMICALS AND
601	12/9/2009	-\$30.00	E	46120	216	CHEMICALS AND
601 HAWKINS WATER	12/29/2009	\$15.00	E	46120	216 CHLORINE	CHEMICALS AND
601 HAWKINS WATER	12/29/2009	\$15.00	E	46120	216 CHEMICALS	CHEMICALS AND
601 MENARDS-STILLWATER	12/29/2009	\$71.56	E	46120	220 ANTIFREEZE - HYDRANTS	OPERATING SUP
601 MENARDS-STILLWATER	12/29/2009	\$44.63	E	46120	220 ANTIFREEZE - HYDRANTS	OPERATING SUP
601	12/9/2009	-\$1,258.00	E	46120	302	CONTRACT SERV
601 ONE CALL CONCEPTS	12/29/2009	\$47.85	E	46120	307 TICKETS	GOPHER STATE
601	12/9/2009	-\$19.00	E	46120	307	GOPHER STATE
601 COMCAST	12/29/2009	\$119.90	E	46120	321 PUBLIC WORKS - HIGH SPEED	COMMUNICATION
601 USAMOBILITY	12/7/2009	\$4.87	E	46120	321 OPERATIONS	COMMUNICATION
601 POSTMASTER	12/28/2009	\$95.59	E	46120	322 4TH QTR. 2009 UTILITY CARDS	POSTAGE
601 XCEL	12/3/2009	\$865.13	E	46120	380 ELECTRIC & GAS	ELECTRIC SERVI
601 XCEL	12/3/2009	\$521.95	E	46120	381 ELECTRIC & GAS	FUEL FOR HEAT
601 STILLWATER MOTORS	12/29/2009	\$30.70	E	46120	412 CTCS73609	REP & MAINT VE
601 TR COMPUTER SALES LLC	12/22/2009	\$30.20	E	46120	416 COMPUTER CONSULTING	REPAIR/MAINT O
601 BUBERL BLACK DIRT	12/29/2009	\$179.55	E	46120	419 14 YDS BLACK DIRT	REPAIR & MAINT
601 MILLER EXCAVATING	12/29/2009	\$1,448.95	E	46120	419 WATER LEAK - 7TH ST. NO.	REPAIR & MAINT
601 HYDRANT SPECIALIST INC.	12/29/2009	\$1,034.68	E	46120	419 SERVICE	REPAIR & MAINT
601	12/9/2009	-\$572.00	E	46120	419	REPAIR & MAINT
601	12/28/2009	\$5,000.00	E	46120	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
601 TR COMPUTER SALES LLC	12/22/2009	\$37.67	E	46120	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
601	12/28/2009	\$475.00	E	46120	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
601	12/28/2009	\$1,000.00	E	46120	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/

DEPT 46120 WATER \$22,995.43

FUND 601 WATER \$24,918.26

FUND 602 SEWER

DEPT 46200 SEWER - OPERATING

602	12/30/2009	\$4,102.09	E	46200	101 Labor Distribution	WAGES AND SAL
602	11/27/2009	\$4,839.59	E	46200	101 Labor Distribution	WAGES AND SAL
602	12/11/2009	\$4,786.26	E	46200	101 Labor Distribution	WAGES AND SAL
602	12/11/2009	\$323.03	E	46200	121 Labor Distribution	P E R A
602	11/27/2009	\$326.63	E	46200	121 Labor Distribution	P E R A
602	12/30/2009	\$239.41	E	46200	121 Labor Distribution	P E R A
602	12/11/2009	\$287.03	E	46200	122 Labor Distribution	CONT TO RET., S
602	11/27/2009	\$290.40	E	46200	122 Labor Distribution	CONT TO RET., S
602	12/30/2009	\$254.32	E	46200	122 Labor Distribution	CONT TO RET., S
602	12/11/2009	\$245.03	E	46200	126 Labor Distribution	H S A
602	11/27/2009	\$236.38	E	46200	126 Labor Distribution	H S A
602	11/27/2009	\$905.80	E	46200	131 Labor Distribution	CONT TO EMPLO
602	11/27/2009	\$67.88	E	46200	170 Labor Distribution	MEDICARE
602	12/11/2009	\$67.11	E	46200	170 Labor Distribution	MEDICARE
602	12/30/2009	\$59.43	E	46200	170 Labor Distribution	MEDICARE
602	12/9/2009	-\$3.00	E	46200	201	OFFICE SUPPLIE
602 QUILL	12/22/2009	\$6.64	E	46200	201 OFFICE SUPPLIES	OFFICE SUPPLIE

MONTHLY EXPENSES

Period Name: DECEMBER

FUND Search Name	Tran Date	Act Amount Typ	DEPT	OBJ Comments	OBJ Descr
602 OFFICE SUPPLY CONNECTI	12/22/2009	\$5.77 E	46200	201 OFFICE SUPPLIES	OFFICE SUPPLIE
602 BUSINESS FORMS & ACCOU	12/7/2009	\$7.69 E	46200	201 W2 LASER FORMS & ENVELOP	OFFICE SUPPLIE
602	12/9/2009	-\$138.00 E	46200	212	MOTOR FUELS &
602 HOLIDAY FLEET	12/14/2009	\$171.83 E	46200	212 FUEL - VEHICILE	MOTOR FUELS &
602 AUTOMATIC SYSTEMS CO	12/7/2009	\$98.75 E	46200	220 LIFT STATION	OPERATING SUP
602 VAN PAPER CO	12/29/2009	\$26.67 E	46200	220 SAFETY OIL ABSORBENT	OPERATING SUP
602 VAN PAPER CO	12/29/2009	\$26.67 E	46200	220 SAFETY OIL ABSORBENT	OPERATING SUP
602 S E H	12/22/2009	\$5,842.10 E	46200	301 SANITARY SEWER TV AND CLE	PROF SER-ENGIN
602 S E H	12/22/2009	\$194.31 E	46200	301 2010 MCES SURCHARGE	PROF SER-ENGIN
602	12/9/2009	-\$1,258.00 E	46200	302	CONTRACT SERV
602 POSTMASTER	12/28/2009	\$95.58 E	46200	322 4TH QTR. 2009 UTILITY CARDS	POSTAGE
602 TR COMPUTER SALES LLC	12/22/2009	\$30.24 E	46200	416 COMPUTER CONSULTING	REPAIR/MAINT O
602 AUTOMATIC SYSTEMS CO	12/29/2009	\$519.90 E	46200	419 INSPIRATION LIFT STATION	REPAIR & MAINT
602 MENARDS-STILLWATER	12/29/2009	\$27.52 E	46200	419 CONCRETE ANCHORS	REPAIR & MAINT
602 AUTOMATIC SYSTEMS CO	12/7/2009	\$339.90 E	46200	419 LIFT STATION	REPAIR & MAINT
602	12/9/2009	-\$532.00 E	46200	419	REPAIR & MAINT
602 BRAUN PUMP & CONTROLS,	12/7/2009	\$696.95 E	46200	419 INSPIRATION LIFT STATION	REPAIR & MAINT
602 MENARDS-STILLWATER	12/29/2009	\$3.53 E	46200	420 PIPE	R & M BLDGS, ST
602	12/28/2009	\$115,000.00 E	46200	437 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
602	12/28/2009	\$475.00 E	46200	438 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
602 TR COMPUTER SALES LLC	12/22/2009	\$37.70 E	46200	438 DELL VOSTRO 220 DESKTOP	TRANSFER OUT/
602	12/28/2009	\$1,000.00 E	46200	439 2009 YRLY BUDGET TRANSFER	TRANSFER OUT/
DEPT 46200 SEWER - OPERATING		\$139,706.14			
DEPT 46990 SEWER - NON-OPERATING					
602 METROPOLITAN COUNCIL (S	12/22/2009	\$28,671.17 E	46990	434 MTHLY ANNUAL FLOW	STATE FEES FOR
FUND 602 SEWER		\$168,377.31			
FUND 803 P & Z ESCROWS					
DEPT 80012 FRIENDS OF ST. CROIX PREP.					
803	12/9/2009	-\$4.00 E	80012	300	PROF SER-LEGAL
DEPT 80018 MSCWM PERRO CREEK OUTLET					
803	12/9/2009	-\$306.00 E	80018	300	PROF SER-LEGAL
803 MIDDLE ST CROIX WATERS	12/16/2009	\$8,627.38 E	80018	301 S E H	PROF SER-ENGIN
803	12/9/2009	-\$50,623.00 E	80018	301	PROF SER-ENGIN
803 GEISLINGER AND SONS, INC	12/22/2009	\$78,520.65 E	80018	306 3 PERRO CREEK OUTLET	PROF SER-OTHE
803 MIDDLE ST CROIX WATERS	12/16/2009	\$2,329.79 E	80018	306 KENNEDY & GRAVEN	PROF SER-OTHE
803 MIDDLE ST CROIX WATERS	12/16/2009	\$2,306.70 E	80018	306 KENNEDY & GRAVEN	PROF SER-OTHE
803 MIDDLE ST CROIX WATERS	12/16/2009	\$1,506.00 E	80018	306 UNION PACIFIC RAILROAD	PROF SER-OTHE
DEPT 80018 MSCWM PERRO CREEK OUTLET		\$42,361.52			
DEPT 80019 JG HAUSE CONSTRUCTION					
803	12/9/2009	-\$352.00 E	80019	301	PROF SER-ENGIN
803 S E H	12/22/2009	\$5,180.82 E	80019	301 PERRO CREEK OUTLET	PROF SER-ENGIN
803	12/9/2009	-\$92.00 E	80019	350	PRINTING & PUBL
DEPT 80019 JG HAUSE CONSTRUCTION		\$4,736.82			
DEPT 80020 HYNNEK CUP APPLICATION					
803	12/9/2009	-\$36.00 E	80020	350	PRINTING & PUBL
FUND 803 P & Z ESCROWS		\$47,058.34			

MONTHLY EXPENSES

Period Name: DECEMBER

FUND Search Name	Tran Date	Act Amount Typ	DEPT	OBJ Comments	OBJ Descr
		\$591,245.34			

## City of Bayport

294 North 3rd Street

Bayport, MN 55003

Phone: 651-275-4404

Fax: 651-275-4411

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### Building Permit Log

For: December, 2009

Printed:12/28/2009

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**Permit Number:** BP-23 BAYTOWN  
**Parcel Address:** 4335 Paris Avenue N.  
**Applicant:** YORWAY CUSTOM HOME  
YORWAY CUSTOM HOME BUILDERS, INC.

**Filing Date:** 12/23/2009  
Stillwater, MN 55082  
**Applicant Phone:** 952-226-3434

**Construction Value:**

**Total Fees:** \$1,300.00

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**Permit Number:** BP2009-83  
**Parcel Address:** 698 ARGUS Square  
**Applicant:** CRAFT MASTER REMODELING  
CRAFT MASTER REMODELING INC RESIDENTIAL

**Filing Date:** 12/16/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 651-757-4100

**Construction Value:**\$1,600.00

**Total Fees:** \$61.55

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**Permit Number:** BP2009-85  
**Parcel Address:** 970 Pickett Street N.  
**Applicant:** NORTHLAND FIRE & SECURITY  
NORTHLAND FIRE & SECURITY FIRE SUPPRESSION

**Filing Date:** 12/28/2009  
Bayport, MN 55003  
**Applicant Phone:** 952-893-0905

**Construction Value:**\$1,900.00

**Total Fees:** \$117.27

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**Permit Number:** MC2008-27  
**Parcel Address:** 321 PERIWINKLE Place  
**Applicant:** RAY N. WELTER HEATING  
RAY N. WELTER HEATING COMPANY

**Filing Date:** 12/31/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 612-825-6867

**Construction Value:**\$8,100.00

**Total Fees:** \$75.50

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**Permit Number:** MC2009-37  
**Parcel Address:** 356 MINNESOTA St. S.  
**Applicant:** SPRINGBORN HEATING & AIR  
SPRINGBORN HEATING & AIR CONDITIONING, INC.

**Filing Date:** 12/16/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 651-439-1519

**Construction Value:**\$500.00

**Total Fees:** \$75.50

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**Building Permit Log**

For: December, 2009

Printed:12/28/2009

Page2 of 2

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**Permit Number:** MC2009-38  
**Parcel Address:** 529 MARINER DRIVE  
**Applicant:** ALL APPLIANCE INSTALLATION  
ALL APPLIANCE INSTALLATION PLUS MECHANICAL  
**Construction Value:** \$1,300.00  
**Filing Date:** 12/17/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 612-363-0973  
**Total Fees:** \$75.50

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**Permit Number:** MC2009-39  
**Parcel Address:** 346 PRAIRIE WAY  
**Applicant:** AIR MECHANICAL, INC.  
AIR MECHANICAL, INC. MECHANICAL  
**Construction Value:** \$9,500.00  
**Filing Date:** 12/17/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 763-746-3752  
**Total Fees:** \$75.50

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**Permit Number:** MC2009-40  
**Parcel Address:** 346 PRAIRIE WAY  
**Applicant:** AUTOMATIC GARAGE DOOR &  
AUTOMATIC GARAGE DOOR & FIREPLACES, INC.  
**Construction Value:** \$1,011.00  
**Filing Date:** 12/22/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 763-571-2525  
**Total Fees:** \$75.50

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**Permit Number:** PL2009-21  
**Parcel Address:** 398 4TH St. N.  
**Applicant:** CHAMPION PLUMBING LLC  
CHAMPION PLUMBING LLC Plumber  
**Construction Value:** \$900.00  
**Filing Date:** 12/8/2009  
BAYPORT, MN 55003  
**Applicant Phone:** 651-365-1340  
**Total Fees:** \$75.50

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**Permit Number:** PL2009-22  
**Parcel Address:** 970 Pickett Street N.  
**Applicant:** MC QUILLAN BROTHERS  
MC QUILLAN BROTHERS PLUMBING & HEATING CO.  
**Construction Value:** \$175,000.00  
**Filing Date:** 12/28/2009  
Bayport, MN 55003  
**Applicant Phone:** 651-292-0124  
**Total Fees:** \$1,750.88

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**SANDERS WACKER BERGLY, INC.**  
**Landscape Architects And Planners**

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**TRANSMITTAL**

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TO: Mitch Berg

FROM: Larry Wacker

COMPANY: City of Bayport

DATE: 12/16/2009

RE: Additional Fees – Barker's Alps Park  
Improvements

SWB PROJECT NUMBER:

COPY TO: Sara Taylor

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As we discussed earlier, SWB, Inc. requests additional fees for coordinating the involvement of PEER Engineering and the Minnesota PCA during the process of testing and correcting the problems with rubble and contaminated soil on the Barker's Alps Park site. I thought we might be able to complete the project without additional fees for this work but other aspects of the project required more time than expected during construction. The additional fees would be used to complete follow-up inspection of work to be completed by Miller Excavating in the spring.

We request that the City allow additional fees in the amount of \$3,600.00 as described in the following table. This would bring the total fee for the work on Barker's Phase I improvements to \$52,471.07. The Phase I budget summary includes \$55,000.00 for design fees.

Task #	Description	Hours	Fee
1	Two meetings with PCA and PEER Engineering at St. Paul PCA office.	4	\$400
2	One meeting with PCA and PEER at Barker's Alps.	3	300
3	One meeting with PEER Engineering at SWB office.	2	200
4	Two meetings with PEER at Barker's Alps.	6	600
5	Correspondence with PEER, and City of Bayport regarding PEER contract and fee.	3	300
6	Correspondence with PEER, PCA and City of Bayport regarding rubble and contaminants.	8	800
7	Review of PEER Phase I and Phase II Environmental Reports and drafting of specifications for removal of rubble and contaminated soils.	10	1000
	<b>Total Additional Fee</b>		<b>\$3,600.00</b>

Note: Hours for meetings also include preparation time.

We appreciate your consideration of this request. Please call if you have questions or require additional information.

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November 25, 2009

Mayor Jon Nowaczek, Mr. Mitch Berg and Members of the Bayport City Council.

Mr. Mayor, Mr. Berg and Council Members:

Please consider the following request from the Bayport Community Action League for a Community Skating Party on Friday, February 19, 2010 from 6:00 p.m. to 8:00 p.m..

The event will be free of charge to all in attendance and include:

- Hot Cocoa
- Make your own S'mores
- Bon fire
- Music

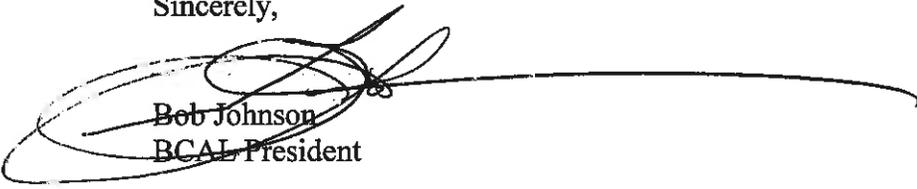
In addition we will use this event to collect non-perishable food items and funds for the Valley Outreach Food Shelf.

Attached is the Special Event Application for this event that requests the following City Services:

- Fire Pit set-up and igniting at 6:00 p.m.
- Trash Containers
- Groomed Ice Rink
- Music on in warming House
- Police presence
- Waiving of application fee.

Many thanks in advance for your support and approval of this community event !

Sincerely,

  
Bob Johnson  
BCAL President

BCAL  
PO Box 133  
Bayport, MN 55003  
[www.bayportcommunityactionleague.com](http://www.bayportcommunityactionleague.com)



**City of Bayport**  
 294 North Third Street  
 Bayport, Minnesota 55003  
 Phone 651-275-4404  
 Fax 651-275-4411  
<http://bayport.govoffice.com>

**City of Bayport**  
**SPECIAL EVENT APPLICATION**

**Licensing Requirements**

A special event application form is required for individuals or organizations who wish to hold a public or private event in the city and require the use of city property and/or special city services. For most special events, City Council approval is required. Therefore, it is important to plan ahead and submit the application form to City Hall at least two weeks prior to a regularly scheduled City Council meeting, which is usually held the first Monday of the month. For example, if the proposed event is to be held on April 15, 2006, the special event application form and fee must be submitted by March 20, 2006 in order to be considered at the April 3, 2006 City Council meeting.

Following the City Council meeting, city staff will inform the applicant whether or not the event was approved. City staff will also work with the applicant to coordinate special requests for city services associated with the event.

<b>Property Information</b>	
Address:	
City: Bayport	State: Minnesota Zip Code: 55003
Owner Name:	
Home Phone Number:	Work/Cell Phone Number:
Owner Address:	
City/State/Zip:	

<b>Applicant Information</b>	
Applicant Name:	
<i>Bayport Community Action League - Bob Johnson</i>	
Home Phone Number:	Work/Cell Phone Number:
<i>439-8894</i>	<i>(651) 379-3212</i>
Address:	
City/State/Zip: <i>130 So. 6th St., Bayport, MN 55003</i>	
Email Address: <i>bobje@mirinc.com</i>	

<b>Description of Request</b>	
<i>Community Ice Skating Party at Penno Park.</i>	
<i>- Free of charge:</i>	
<i>- Cocoa / make your own S'mores</i>	
<i>- Music</i>	
<i>- Bonfire</i>	
<b>Event Information</b>	Start Date: <i>2/19/10</i> End Date: <i>2/19/10</i>
Days of Operation (check all that apply)	
<input type="checkbox"/> Sunday <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input checked="" type="checkbox"/> Friday <input type="checkbox"/> Saturday	
Hours of Operation:	
Weekdays: <i>6:00 to 8:00 p.m.</i>	
Weekends:	

**Requested City Assistance and/or Services**

- Fire pit set-up and light
- Trash containers
- Ice groomed for event
- Support police presence
- Music on in warming house
- Waiving of application fee.

**Application Process and Fees**

The processing fee for the application is \$50.00 and must be submitted with the application form to City Hall. Any additional fees and expenses associated with this request are the responsibility of the applicant/property owner, and will be billed to the applicant/property owner by the city.

**Attachments to be submitted with application**

- A diagram of the proposed premises
- If the request involves the sale of produce, uncooked meat, or dairy, etc., the applicant must provide a copy of all license applications required by the Department of Agriculture for City Council approval. For license information, please contact JoNell O'Neil at 651-779-5015.
- If the request involves cooked/prepared food or beverages, the applicant must provide a copy of all license applications required by Washington County Public Health and Environment for City Council approval. For license information, please contact 651-430-6655.

The undersigned understand that this application will be processed in accordance with established city review procedures at such time as it is deemed complete. Failure by the applicant to supply accurate and necessary information as requested by the city may be cause for denying this application.

The undersigned hereby apply for the request as stated in this application form and in understanding the conditions of this application as described above, declare that the information and materials submitted in support of this application are complete to the best of their knowledge.

Applicant:  Bob Johnson - BEAL President Date: 11/25/09

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use - Dept Review	Inspection	Date	Approved/Denied	Inspector
Administration	<input type="checkbox"/> Site Inspection			
Office Use - Fees	Amount Received	Date Received	Method of Payment	Staff Initials
Processing Fee	\$50.00			
Escrow or cost incurred				



**CITY OF BAYPORT**  
**294 NORTH THIRD STREET**  
**BAYPORT, MINNESOTA 55003**  
**PHONE 651-275-4404 FAX 651-275-4411**

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**DATE:** December 28, 2009  
**TO:** Mayor and City Council  
**FROM:** Mitch Berg, City Administrator  
**RE:** **Animal Impound Agreement for 2010**

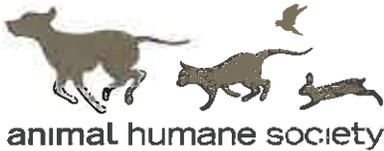
***BACKGROUND***

The City received a Letter of Understanding for Impound Housing services for 2010 from the Animal Humane Society (AHS). On December 2, 2009, the City received an email from an animal rights organization which informed the City that AHS was not complying with state law in the proper holding of stray animals.

On December 17, 2009, the City received a letter from the AHS with a response that they would no longer be accepting feral cats from the City's Animal Control Officers. As a result, the City Attorney has reviewed the contents of both the letter and agreement and found them to be acceptable. Furthermore, the Police Chief has also reviewed the agreement and is recommending the City Council approve the agreement.

***RECOMMENDATION***

Staff recommends the City Council approve the 2010 Animal Humane Society letter of understanding and agreement for impound housing services.



December 17, 2009

Bayport City Hall  
294 North Third Street  
Bayport, MN 55003

Dear City Administrator,

The Animal Humane Society is currently under contract to provide impound housing services for your municipality. I am writing to notify you of an amendment to the contract for services that AHS is making on all contracts it holds with individual municipalities. This notification provides the 30 day notice required in our current contract and gives you until January 31, 2010 to make any necessary arrangements to accommodate the change.

Beginning February 1, 2010, AHS will no longer accept or provide services for feral cats seized under municipal authority by your Community Services or Animal Control Officers.

As you may be aware, a small animal welfare organization in Hastings has alleged that AHS is operating outside Minnesota State Law in its handling of felines that are deemed feral upon surrender. AHS has sought legal advice and firmly believes that we are acting within the bounds of state law and in the best interests of the animals it is responsible for. This same organization has also threatened suit against our municipal partners should they continue to work with AHS. You likely have received this communication directly, if they are aware of your contractual relationship with AHS.

As you probably know, feral cats are cats that have lived in the wild and know no human care or contact. It is often the case that any contact with humans, even to provide care, causes them immense suffering that will not subside even with proper care and treatment. If in such a case, the veterinarian makes a determination that the animal is suffering and beyond cure through reasonable care and treatment, AHS is authorized to end that suffering promptly through euthanasia, under

Minnesota Statutes § 343.29, subd. 2 (seizure of neglected animals) and Minnesota Statutes § 343.22, subd. 3 (seizure of animals in cruelty investigation).

We have made every effort to resolve this issue amicably, including meeting with the parties threatening suit. I am sorry to say that our efforts failed. The other party is unwilling to compromise and has consistently not acted in good faith according to the rules of behavior agreed upon going in to negotiations.

It is not in the interest of the Animal Humane Society, the municipalities and most importantly the animals to endure a lengthy and costly legal battle over an issue that impacts about 50 cats that are surrendered annually by your community and the others with which AHS works. This type of action would take very limited resources away from the animals we serve and redirect our staff from the day-to-day business of helping animals. We believe our partner cities would be in a similar position.

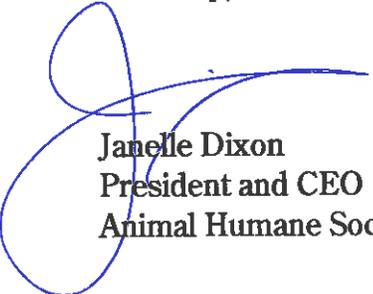
There are other options for communities to review in planning to handle a feral cat issue. At this time AHS does not operate a feral cat program but we can refer you to resources should you be interested.

Enclosed is the amended contract for your review and signature. In order to continue your relationship and receive services from AHS beyond the end of January 2010, we need to receive your signed contract by January 31, 2010.

If you have questions or concerns about this change, please contact President and CEO, Janelle Dixon, at 763-489-2254.

Thank you for your understanding and we look forward to a continued relationship that allows us to serve the people and animals of your community.

Sincerely,



Janelle Dixon  
President and CEO  
Animal Humane Society



12/17/2009

**City of Bayport, MN**

*Letter of Understanding for Impound Housing Services for 2010*

1. The Animal Humane Society (AHS) agrees to provide the following services:
  - a. Housing for stray or abandoned animals that are retrieved or legally seized by your city's community service officer (CSO) or animal control officer (ACO), or for stray animals that are brought into the shelter by a citizen and verbal permission is given by your agency via phone for intake. Housing includes kennel space, daily cleaning, food and water.
  - b. Medical care in the form of vaccination following our standard vaccination protocols, as well as treatments for sick or injured animals impounded during regular business hours.
  - c. Euthanasia services as deemed necessary by an AHS veterinarian. These services may be provided at the end of the legally required holding period or in the case of a medical situation that requires immediate euthanasia.
  - d. Adoption services as deemed appropriate by AHS veterinary staff. The animals will be evaluated for these services at the end of the legally required holding period.
  - e. Euthanasia services and body disposal as deemed appropriate by AHS veterinary staff. The animals will be evaluated for these services at the end of the legally required holding period.
  - f. Provide animal rabies quarantine or diagnostic service for stray felines or canines that have bitten a person.
  - g. Hold animal for the legally required stray holding period or until reclaimed by owner within the holding period.
  
2. AHS expectations:
  - a. AHS is not responsible for sick or injured animals that are left after hours. Outside treatment must be sought for these animals by the animal control officer or community service officer prior to leaving the animals at the AHS facility when veterinary staff members are not on duty.
  - b. AHS has the sole authority to determine the disposition all animals that have not been reclaimed upon the expiration of the legally designated holding period.
  - c. AHS will not accept feral cats seized under municipal authority by your city's CSO or ACO.
  
3. The **City of Bayport** agrees to:
  - a. Adhere to the drop off procedure set forth by the AHS including animal housing at the shelter and paperwork. Drop off procedures and paperwork training for community service or animal control officers will be provided.

- b. Adhere to state laws and local ordinances that apply to the handling of stray or abandoned animals and the seizure and return of animals to their owners.
- c. Direct citizens where to take stray animals when not receiving permission for impoundment at the AHS.
- d. Seek care for injured or sick animals prior to drop off in the event that it is after hours and/or AHS veterinary staff is not on duty.
- e. Pay the designated fees for each animal cared for from your city. AHS will charge a standard stray holding fee (plus applicable taxes) of \$130 per canine or feline and a \$40 fee per "other" domestic animals (rabbits, guinea pigs, birds etc.) not reclaimed by its owner. AHS will charge a \$10 administrative/processing fee plus applicable tax to the city for each animal reclaimed by its owner in place of the stray holding fee. In these instances AHS will charge the owner reclaim fees. Fees for animals seized by the city (such as a rabies quarantine) may vary due to the differing nature of their holding periods and services required.
- f. Adhere to building access rules and assure that the service access door is closed and locked after use in an after hours drop off.
- g. Ensure that the city's CSO/ACO uses his/her discretion in the field as to whether or not to impound an animal. AHS is not responsible for those decisions.
- h. Be available to members of your community to resolve their concerns related to the actions of your ACO/CSO officers and your municipality's procedures, policies and requirements.
- i. Release AHS from all liability of claims resulting from or related to providing impound housing services. The City of Bayport accepts responsibility for the CSO/ACO while in the course of impounding animals at AHS.

4. Administration

- a. AHS will bill the city at the end of each quarter on a fiscal calendar year. Billing will be mailed in the first month following the end of the quarter. Payment is due within 30 days of receipt of billing.
- b. AHS will assign a contact person who should be contacted in the event of any problems, concerns or to receive feedback regarding the program.
- c. Any billing disputes must be raised within 10 days of receipt of billing.

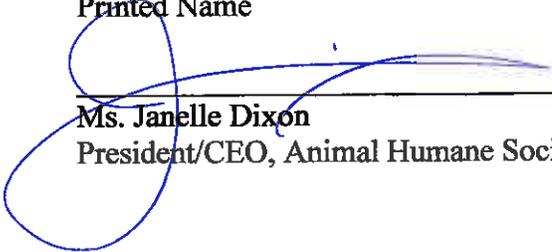
*This agreement is based on a six month mandatory commitment to the AHS from the signed date below. Beyond the six month commitment, this agreement can be ended at anytime by either party with a 30 day notice.*

\_\_\_\_\_  
Signature of City Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

  
\_\_\_\_\_  
Ms. Janelle Dixon  
President/CEO, Animal Humane Society

12-17-09  
Date



**CITY OF BAYPORT**  
**294 NORTH THIRD STREET**  
**BAYPORT, MINNESOTA 55003**  
**PHONE 651-275-4404 FAX 651-275-4411**

**DATE:** December 30, 2009  
**TO:** Mayor and City Council  
Mitch Berg, City Administrator  
**FROM:** Mel Horak, Public Works Supervisor  
**RE:** Purchase of equipment for Public Works vehicle

***BACKGROUND***

The Public Works department requests authorization to purchase a new snowplow package, service body and other related equipment for installation on the previously approved 4-wheel drive pickup truck. The majority of the equipment pricing was obtained using the Minnesota Cooperative Venture (CPV) Program, or pricing that beat that program's pricing.

All equipment (except radio) will be supplied and installed by Stone Brooke Equipment, Inc., Burnsville, Minnesota. The requested equipment is as follows:

• Model 8611OLP blizzard snowplow with options		\$ 6,790.00
• GS-SW200-12 power inverter		\$ 1,344.00
• EL3PMAC light bar		\$ 395.00
• 55W halogen work lights		\$ 125.00
• CT2004FB Venturo pedestal crane		\$ 3,535.00
	Tax	\$ 837.99
	Subtotal	\$13,026.99
• 96LHV Omaha steel service body		\$ 8,758.00
	Tax	\$ 602.11
	Subtotal	\$ 9,360.11
	<b>Total Stone Brooke</b>	<b>\$22,387.11</b>

A permanently installed two-way radio, supplied by Professional Wireless, Burnsville, Minnesota, is also requested, with an installed price of \$725.68 (including taxes).

The snowplow package, light package and power inverter pricing are covered under the Minnesota CPV program contract #440970. The service body price was lower than the Minnesota CPV program contract #440963. The pedestal crane price was lower than the Minnesota CPV program contract #440962. The grand total investment for this truck with two-way radio and equipment is \$47,836.42. Public Works had previously anticipated the acquisition of this truck and appurtenances, with the purchase included in the 2009 Capital Improvement Plan, at an estimated total of \$50,000.00

***RECOMMENDATION***

Staff recommends the City Council adopt a motion authorizing the Public Works department to purchase the snowplow package and other related equipment from Stone Brooke Equipment, Inc., Burnsville, Minnesota, for a total price of \$22,387.10; and a two-way radio from Professional Wireless, Burnsville, Minnesota, for a total price of \$725.68, for a grand total of \$23,112.79. Funding for this purchase will be obtained from the Public Works Equipment Replacement Fund, which currently has a balance of approximately \$529,848.00.

INVOICE  
**CITY OF BAYPORT**

294 NORTH 3RD STREET

**BAYPORT, MINNESOTA 55003**

651-275-4404

S  
O MINNESOTA PUBLIC FACILITIES AUTHORITY  
L  
D 1ST NATIONAL BANK BUILDING, SUITE E-200  
332 MINNESOTA STREET  
T  
O ST. PAUL, MN 55101

INVOICE NO.	WM2009-7	INVOICE	DATE	12/28/2009
MSCWM PERRO CREEK OUTLET:		<u>INVOICE/DATE</u>		
SEH		222941	10/12/2009	<b>\$2,728.59</b>
SEH		224156	11/9/2009	<b>\$1,305.34</b>
SEH		225717	12/15/2009	<b>\$5,180.82</b>
GEISINGER AND SONS, INC.		# 5 FINAL	11/20/2009	<b>\$78,520.65</b>
			SUB TOTAL	<b>\$87,735.40</b>
			<b>TOTAL</b>	<b>\$87,735.40</b>

# Bayport Public Library

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582 NORTH FOURTH STREET  
BAYPORT, MINNESOTA 55003  
(651) 439-7454

December 18, 2009

Mayor Jonathan Nowaczek  
City of Bayport  
294 N 3<sup>rd</sup> Street  
Bayport, MN 55003

Dear Mayor Nowaczek:

Library board trustee Beth Hogberg has reached her terms limit as of December 31, 2009. We thank her for nine years of dedicated service to the library!

Corey Mohan has applied for the open seat on the library board. Corey and his wife Lois Bjorlie have lived in Bayport since 1998. He has been a user of the library since moving to Bayport. Corey is passionate about libraries and books and would like to ensure ongoing community interest in both. He believes that a library is central to the intellectual and social health of Bayport.

At the December 17<sup>th</sup>, 2009 library board meeting the board members voted to recommend to the Mayor and council that you appoint Corey Mohan to the library board effective January 4, 2010.

We would like to thank you for your consideration.

Sincerely,

Joe Reding,  
Library Board President

pc: Mitch Berg, City Administrator

Attachment: Letter from Corey Mohan

CITY OF BAYPORT  
PUBLIC LIBRARY BOARD APPLICATION FORM

Name: Corey Mohan  
Address: 380 South 4th Street  
Bayport  
Home Phone: 651-351-2071

Please describe your background and why you are interested in serving on the Library Board.

I've lived in Bayport since 1998 with my wife Lois and our four children. I've taught elementary education in the District 834 school system, a college course at the Oak Park Heights Vocational Center, and was a guest lecturer for three years in the Elementary Education Department at the University of Wisconsin, River Falls. Throughout our time here we've depended on the Bayport Library for resources, both work related and for our leisure. I believe that a community library is central to the intellectual and social health of our town. I would work hard for and enjoy the privilege of serving on the Board to help insure our library's continued record of excellence. Thank you for your consideration.

Signature

Date

Please return to: Bayport City Hall, 294 North 3<sup>rd</sup> Street, Bayport, MN 55003



**CITY OF BAYPORT**  
**294 NORTH THIRD STREET**  
**BAYPORT, MINNESOTA 55003**  
**PHONE 651-275-4404 FAX 651-275-4411**

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**DATE:** December 28, 2009  
**TO:** City Staff  
**CC:** City Council  
**FROM:** Mitch Berg, City Administrator  
**RE:** **Consider renewal of safety consulting and training services**

***BACKGROUND***

Complete Health Environmental and Safety Services (CHESS) has been the city's safety consultant since 2008. The city has utilized them in the past to establish an employee safety committee and assist both the Public Works and the Police Department with OSHA and other mandated safety related training. In addition, and at no additional charge, CHESS has prepared and secured grants for various public works and public safety items. Most recently, CHESS submitted an OSHA related grant in which the total cost of the project is approximately \$50,000.

The current service agreement for 2008-2009 was \$437.50 per month. By the city taking on some additional administrative duties, staff was successful in reducing the proposed contract agreement for 2010 to approximately \$373.00 per month, which is within the 2010 budget. Should the city decide to terminate the contract after the first six months, due to budget constraints, there is language in the contract that allows the city to do so without penalty.

All of the department heads have expressed their satisfaction with CHESS and made the recommendation to retain their services. As such, I recommend renewal of these services for 2010.

***RECOMMENDATION***

Staff recommends entering into a one year agreement with Complete Health Environmental and Safety Services (CHESS) at a cost of \$4,465.00 for 2010.



CHESS, Inc.  
7060 Valley Creek Plaza #115-108  
Woodbury, MN 55125  
Ph: 651-481-9787  
Fax: 651-415-2886

Complete Health Environmental and Safety Services

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December 18, 2009

Sara Taylor, Assistant City Administrator  
City of Bayport  
294 North 3<sup>rd</sup> St  
Bayport, MN 55003  
[staylor@ci.bayport.mn.us](mailto:staylor@ci.bayport.mn.us)

Dear Sara:

We submitted a proposal for safety services earlier this month. You requested that we send a revised proposal with individual service options. Based on that, we propose the following:

- ◆ Walkthrough of Facilities
  - ◇ Annual walk through of the facilities to identify weaknesses and areas that need improvement. This will be conducted by two staff members, such as Janet Keyes, CIH, and Carol Keyes.
  - ◇ Report summarizing our findings and recommendations. You will receive a CD that includes the report and pictures of items that need correcting.
  - ◇ Cost: \$1650
- ◆ Public Works Training
  - ◇ Up to four hours of training for Public Works.
  - ◇ This could be done in one or two sessions and should include seasonal employees.
  - ◇ Training will cover required annual topics, such as Right to Know and confined space entry.
  - ◇ Cost: \$1250
- ◆ Police Training
  - ◇ Annual, required Right to Know and bloodborne pathogen training session (one session).
  - ◇ Cost: \$500
- ◆ Program Development, program review and updates billed on an hourly basis.
- ◆ Assist with Safety Committee
  - ◇ Attend up to four safety committee meetings.
  - ◇ Prepare the agenda and minutes for meetings.
  - ◇ Cost: \$1100
  - ◇ Second option: we would prepare the agendas and help facilitate the meetings, but your staff would write up the minutes. Cost: \$875
- ◆ Assistance with the OSHA 300 logs and end of year summary
  - ◇ Cost: \$190

Additional services, such as program development, assistance with an OSHA inspection, or with questions about safety issues, can be provided. These would be billed on a time and materials basis, according to this cost schedule:

Professional time: \$115/hour  
Clerical/technician time: \$35/hour  
Travel: \$85/hour, \$0.55/mile  
Materials, laboratory fees: cost + 10%

These prices are based on a 10-15% discount over our regular prices. This proposal is good for 90 days from the date of this letter. Terms and conditions that apply to this proposal are attached.

I will give you a call next week to discuss this, if I have not heard from you. Otherwise, you can call me at 651-481-9787. If this proposal and terms are satisfactory, sign one copy of this letter and return it to our office (fax: 651-415-2886). We look forward to working with you.

Sincerely,



Carol A. Keyes, CRC  
President, CHESS

I, \_\_\_\_\_, as an authorized representative of the City of Bayport accept the proposal for safety services as outlined above:

- Walkthrough of Facilities - \$1650
- Public Works Training - \$1250
- Police Training - \$500
- Assist with Safety Committee – Option I (CHESS, Inc. prepares the minutes ) - \$1100
- Assist with Safety Committee – Option 2 (Bayport prepares the minutes) - \$875
- Assist with the OSHA 300 logs and end of year summary - \$190

\_\_\_\_\_  
Signature (authorized representative of City of Bayport)

\_\_\_\_\_  
Date



Complete Health Environmental and Safety Services

CHES, Inc.  
7060 Valley Creek Plaza #115-108  
Woodbury, MN 55125  
Ph: 651-481-9787  
Fax: 651-415-2886

## TERMS AND CONDITIONS

This Terms and Conditions document is attached to and made part of the proposal from **Complete Health, Environmental & Safety Services, Inc.**, hereinafter called CHES, to **City of Bayport** hereinafter called COMPANY, dated the 18th day of December, 2009.

COMPANY is a municipality.

CHES is an independent consultant firm providing services as follows:

- A. Survey of company's health, environmental, and safety programs, including fire evacuation, workers compensation/return to work, AWAIR, injury prevention, occupational disease prevention programs, physical plant safety plans and OSHA compliance.
- B. CHES may make recommendations and/or develop programs needed to bring company into compliance with current state and federal regulations.
- C. CHES may make recommendations for improving overall safety for company.
- D. CHES may design programs to fit other company operations and needs as survey may disclose.

Therefore, the parties agree as follows:

1. **Information:** COMPANY agrees to make available to CHES all requested occupational health, safety and environmental records. The withholding of information will seriously impair CHES's ability to render quality service, and CHES will not be responsible for any oversight due to lack of information or information withheld for any reason.

Open access to records is essential to a valid survey. In the event CHES determines that information is being withheld, CHES will notify COMPANY and give it fifteen (15) days in which to provide access to such needed records. If COMPANY fails to provide the requested records or data, or access thereto, CHES may without further notice terminate this contract and COMPANY will be responsible and agrees to pay for work performed by CHES through the date of termination. COMPANY will indemnify and hold CHES harmless for any costs or claims arising from incorrect advice, recommendations, findings or decisions based on incomplete disclosure or inaccurate information provided by COMPANY or if COMPANY changes its procedures after CHES has completed the services outlined in the proposal.

Any training materials produced by CHES are and will remain the physical and intellectual property of CHES and will be available for use only by CHES personnel, unless expressly negotiated that the material is being produced for COMPANY's ongoing use.

2. **Assistance:** COMPANY agrees to make personnel available to assist CHES in gathering information. CHES will request access to personnel in a timely fashion to impinge on COMPANY's operations in the least obtrusive manner possible.

3. **Implementation:** It is the responsibility of COMPANY to implement recommendations made by CHES.

COMPANY may retain CHES for such implementation or for additional services beyond the scope of the proposal by separate agreement. Services may be billed at a negotiated rate or an hourly rate for professional services of \$115; \$85/hour for travel; and expenses billed separate.

4. **Hazard Identification:** In the event CHES observes safety, health, or environmental hazards that constitute a threat to human life, or a violation of law, CHES will notify COMPANY of the need to correct the observed hazard/violation. In the event COMPANY fails to correct a serious hazard to human life or the environment in a timely manner, this contract may be terminated and COMPANY will be responsible for and agrees to pay for work performed by CHES through the date of termination. COMPANY will indemnify and hold CHES harmless for any costs or claims arising from the failure of COMPANY to comply or correct violations. CHES will not be held responsible for COMPANY's failure to comply or correct violations.

5. COMPANY Representation: The terms of this agreement are based upon representations made to CHESS by COMPANY employees and officials. In the event of unexpected or undisclosed situations, CHESS will notify COMPANY of such conditions and of the necessity, if any, to modify the terms of this agreement to reflect changed conditions.

6. Maintenance Plan: The services of CHESS under a maintenance plan are on-going and subject to COMPANY operations. Changes in operations or of law may require modifications or amendments to plans and to services being performed by CHESS. As part of its ongoing services and maintenance plan, CHESS will notify the COMPANY of required changes.

7. Additional Services: Additional services may be required if COMPANY is found to have MPCA or OSHA violations. Fees for services to be provided by CHESS as corrective actions will be determined as required.

8. Performance: CHESS will make every reasonable effort to provide services in a prompt, timely fashion. CHESS will not be held responsible for failure to perform services if i) COMPANY fails to provide CHESS with necessary information, materials, access, etc., or ii) COMPANY causes delays of any type. CHESS will not be held responsible if failure to perform is due to causes beyond CHESS's control.

9. Compliance with Laws: CHESS will make every effort to comply with local, state or federal laws, codes and regulations.

10. Safety: CHESS staff is trained in the use of personal protective equipment and proper safety measures, and will use appropriate safety precautions. It is understood and agreed that, with respect to site health and safety, CHESS is responsible solely for the safe performance, by its personnel, of their activities in carrying out the required services. Pursuant to this agreement, CHESS will advise Client personnel of unsafe procedures. CHESS is not responsible for the failure of Client to follow the recommendations of CHESS. Client waives any claim against CHESS for, and agrees to defend, indemnify and hold CHESS harmless from any claim for liability, injury or loss to Client, Client employees, or others. It is expressly agreed that CHESS shall not be in charge of and shall have no control or responsibility over any aspect of the work of the COMPANY's employees, contractors or agents.

11. COMPANY warrants that it is under no obligation to receive similar services from any person, firm, or entity and is authorized to make this contract. CHESS agrees to use its diligence, skill and ability as consultants to promote the environmental health and safety of the COMPANY and its employees.

12. Cancellation: For maintenance agreements, this contract can be canceled after 6 months, with payment due on the work already performed. The cost of maintenance agreements is calculated to be spread out over a twelve or twenty-four month period. Upon cancellation, the amount due will be based on the entire contract cost.

13. Confidentiality: CHESS is authorized to photograph, videotape or make other diagrams of the COMPANY's operations as are necessary to complete the terms of this agreement. CHESS agrees that it will not disclose any information, records, or photographs without prior notice to, and written authorization of COMPANY unless such disclosure is required by law or necessary to prevent imminent danger.

14. Payment: CHESS shall invoice COMPANY for services at the end of the month, or as provided in the proposal. Unless otherwise agreed, payment not received within 30 days of invoice shall be subject to interest charges of 1% (one percent) per month on the unpaid balance. Payment not received within 90 days of invoice will be referred to a collection agency and subject to a 30% surcharge. Consistent failure to pay invoices on time may result in CHESS terminating this agreement.

15. Warranty: CHESS warrants that the services, findings, recommendations and/or advice provided to COMPANY is prepared, performed and rendered in accordance with procedures, protocols and practices generally accepted in the industrial hygiene and other applicable professions for use in similar assignments. COMPANY acknowledges and agrees that CHESS has made no other implied or expressed representation, warranty or condition with respect to the services, findings, recommendations or advice to be provided by CHESS.

16. Limitations on Damages: CHESS maintains insurance in the following amount: \$500,000 each claim; \$1,000,000 aggregate. COMPANY agrees that in no event will CHESS be liable for costs or damages in an amount greater than the coverage provided by CHESS's insurance and COMPANY agrees to indemnify CHESS for all costs in excess of this amount (except to the extent that such costs result from CHESS's gross negligence).

**RESOLUTION NO. 10-**

**EXTRACT OF THE CITY COUNCIL MEETING MINUTES OF THE CITY OF BAYPORT,  
WASHINGTON COUNTY, MINNESOTA HELD JANUARY 4, 2010**

Pursuant to due call and notice therefore, a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at Bayport City Hall in said municipality on the 4<sup>th</sup> day of January, 2010.

Members Present:

Members Absent:

Councilmember \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PART-TIME POLICE OFFICER DECLARATION AS REQUIRED BY  
THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)**

**WHEREAS**, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

**WHEREAS**, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

**BE IT RESOLVED** that the City Council, of the City of Bayport hereby declares that the position titled Part-Time Police Officer, currently held by

**Keith Frank**

meets all of the following Police and Fire membership requirements:

1. Said position requires a license by the Minnesota Peace Officer Standards and Training Board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

**BE IT FURTHER RESOLVED** that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

**NOW, THEREFORE BE IT RESOLVED** that Mitch Berg, City Administrator, is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Bayport.

The motion for adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_ and upon roll call being taken thereon, the following vote via voice:

Jon Nowaczek -  
Dan Johnson -  
Torry Kraftson -

Connie Carlson -  
Judy Seeberger -

**WHEREUPON**, said Resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Administrator. Passed by the City Council, City of Bayport, Washington County, Minnesota this 4<sup>th</sup> day of January, 2010.

ATTEST:

\_\_\_\_\_  
Mitch Berg, City Administrator

\_\_\_\_\_  
Jon Nowaczek, Mayor



CITY OF BAYPORT  
294 NORTH THIRD STREET  
BAYPORT, MINNESOTA 55003  
PHONE 651-275-4404 FAX 651-275-4411

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DATE: December 28, 2009  
TO: Mayor and City Council  
Mitch Berg, City Administrator  
FROM: Sara Taylor, Assistant City Administrator  
RE: Consider amendments to the Floodplain Management Ordinance

### **BACKGROUND**

At the December City Council meeting, staff reviewed both the mandatory and optional text amendments for the floodplain management ordinance. Discussion focused primarily on the text within section 11.13, which limits structural alterations to nonconforming uses. Several councilmembers were concerned that the language contained within this section may be too restrictive and could use some clarification. Molly Shodeen, Minnesota Department of Natural Resources (DNR), indicated that other communities shared this same concern. As such, the DNR was working on providing some clarification and possible alternate text that she would bring back to the city for consideration. As a result, the City Council tabled further discussion until the January 4, 2010 regular meeting.

After reviewing section 11.13, the DNR stated that most communities are choosing to revise section 11.13 as follows (old text is indicated in ~~strike through~~ and revised is indicated in **bold underline**):

*The cost of all structural alterations or additions to any nonconforming structure ~~over the life of the structure~~ **in any 365-day period** shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.*

The intent of the revised language is to allow homeowners more flexibility with alteration/additions, while simplifying the timeframe/process for tracking improvements and establishing a timeframe for what constitutes a fair market value for the structure. As such, staff feels the revised language is a good compromise and recommends approval.

Since the City Council did not express concern with other sections of the ordinance, staff assumes the City Council is comfortable adopting the remainder of the text, as proposed. However, Molly Shodeen will be available at the meeting to answer any questions and provide additional clarification, if needed.

The Department of Natural Resources (DNR) has provided the city with a preliminary certification letter. Following approval by the City Council, staff will submit the ordinance to the DNR and FEMA for final certification. The revised ordinance and maps will become effective on February 3, 2010.

### **RECOMMENDATION**

Staff recommends the City Council adopt a motion approving the Floodplain Management Ordinance and effective Flood Insurance Rate Maps, with the optional amendments, in order to comply and participate in the National Flood Insurance Program.

**\*\* DRAFT \*\***

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING APPENDIX E, FLOODPLAIN MANAGEMENT ORDINANCE, OF THE BAYPORT CITY CODE**

**SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE**

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, as the Governing Body of the City of Bayport, Minnesota, the Bayport City Council does ordain as follows:

1.2 Findings of Fact:

- 1.21 The flood hazard areas of the City of Bayport, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- 1.22 Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- 1.23 National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.3 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

**SECTION 2.0 GENERAL PROVISIONS**

2.1 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of the City of Bayport shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway and Flood Fringe Districts.

2.2 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for Washington County, Minnesota And Incorporated Areas and Flood Insurance Rate Map panels therein numbered 27163C0268E, 27163C0269E, 27163C0356E and 27163C0357E, all dated February 3, 2010 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.

2.3 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.4 Interpretation:

- 2.41 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Bayport or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.811 Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.812 Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.813 Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

2.814 Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.815 Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

2.816 Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.817 Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Flood Insurance Study for Washington County, Minnesota And Incorporated Areas.

- 2.818 Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- 2.819 Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.820 Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- 2.821 Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- 2.822 Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- 2.823 Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- 2.824 Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- 2.825 Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 2.826 Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- 2.827 Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- 2.828 Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 2.829 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.31 of this Ordinance and other similar items.
- 2.830 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.831 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.832 Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Bayport at the time of adoption of this Ordinance. If any of these floodplain land areas are annexed into the City of Bayport after the date of adoption of this Ordinance, the newly annexed floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation into the City of Bayport.

## **SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS**

### **3.1 Districts:**

3.11 Floodway District. For the St. Croix River, the Floodway District shall include those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in Section 2.2 that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.12 Flood Fringe District. For the St. Croix River, the Flood Fringe District shall include those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in Section 2.2 that are below the 100-year flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3.2 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0 and 5.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9.0.

3.22 Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0.

- 3.23 As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

#### **SECTION 4.0 FLOODWAY DISTRICT (FW)**

The permitted and conditional uses listed below are only allowable in the floodway if not prohibited by any other underlying zoning district classifications of the City of Bayport and if not prohibited by any applicable state or federal law.

##### **4.1 Permitted Uses:**

- 4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, and wild crop harvesting.
- 4.12 Boat launching ramps, swimming areas, parks, wildlife and nature preserves, and fishing areas.
- 4.13 Residential lawns, gardens and play areas.

##### **4.2 Standards for Floodway Permitted Uses:**

- 4.21 The use shall have a low flood damage potential.
- 4.22 The use shall be permissible in the underlying zoning district if one exists.
- 4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

##### **4.3 Conditional Uses:**

- 4.31 Extraction and storage of sand, gravel, and other materials.
- 4.32 Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 4.33 Railroads, streets, bridges, utility transmission lines, and pipelines.
- 4.34 Placement of fill.

##### **4.4 Standards for Floodway Conditional Uses:**

- 4.41 All Uses. No fill (including fill for roads), deposit, obstruction, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 4.42 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.
- 4.43 The conditional use shall be permissible in the underlying zoning district if one exists.
- 4.44 Fill:
  - (a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
  - (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless

a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

- (c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

4.45 **Storage of Materials and Equipment.** Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

4.46 **Community-wide structural works for flood control** intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

## **SECTION 5.0 FLOOD FRINGE DISTRICT (FF)**

5.1 **Permitted Uses:** Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 5.2 and the "Standards for all Flood Fringe Uses" listed in Section 5.5.

### **5.2 Standards for Flood Fringe Permitted Uses:**

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be flood proofed in accordance with the following standards:

- (a) Accessory structures shall not be designed for human habitation.
- (b) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code and, for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. Flood proofed accessory structures must meet the following additional standards:
  - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
  - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
  - (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be

openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

**5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.**

**(Note: This is defined by FEMA as an optional provision for the city to adopt. This language is consistent with the current provisions in city code. As such, staff recommends it be included.)**

5.24 The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5.25 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 - 5.22 and or any use of land that does not comply with the standards in Section 5.23 - 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses:

5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance

with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

5.42 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

- (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
- (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

**5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.**

(Note: This is defined by FEMA as an optional provision for the city to adopt. This language is consistent with the current provisions in city code. As such, staff recommends it be included.)

5.45 Storage of Materials and Equipment:

- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

**5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.**

(Note: This is defined by FEMA as an optional provision for the city to adopt. This language is consistent with the current provisions in city code. As such, staff recommends it be included.)

- 5.52 Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
- 5.53 Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- 5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- 5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- 5.56 Standards for recreational vehicles are contained in Section 9.3.
- 5.57 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

## **SECTION 6.0 RESERVED FOR FUTURE USE**

## **SECTION 7.0 SUBDIVISIONS<sup>2</sup>**

<sup>2</sup>**Note: This Section is not intended as a substitute for a comprehensive city or county subdivision ordinance.**

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

7.2 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

## **SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES**

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

## **SECTION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.**

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

- 9.21 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.

- 9.31 Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
- (c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

- 9.32 Areas Exempted For Placement of Recreational Vehicles:

- (a) Individual lots or parcels of record.
  - (b) Existing commercial recreational vehicle parks or campgrounds.
  - (c) Existing condominium type associations.
- 9.33 Recreational vehicles exempted in Section 9.31 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- 9.34 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- (a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
  - (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9.31 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

## **SECTION 10.0 ADMINISTRATION**

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

### **10.2 Permit Requirements:**

10.21 Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

10.22 Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in

duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

- 10.23 State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- 10.24 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- 10.25 Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.
- 10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- 10.27 Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
- 10.28 Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- 10.29 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

### 10.3 Board of Adjustment:

- 10.31 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- 10.32 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

- 10.33 Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
- (a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 10.34 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- 10.35 Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- 10.36 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.
- 10.37 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. Applications shall be submitted to the Zoning Administrator. The Planning Commission shall hear and make a recommendation to the Governing Body on applications for conditional uses permissible under this Ordinance. The Governing Body shall make a final determination on the application.

10.41 Hearings. Upon filing with the Zoning Administrator an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.42 Decisions. The Governing Body shall arrive at a decision on a conditional use within 60 days of filing the completed application, unless continued by the Planning Commission or Governing Body in order to obtain additional information pursuant to Minnesota State Statutes. In granting a conditional use permit the Governing Body shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 Procedures to be followed by the Governing Body in passing on Conditional Use Permit Applications Within all Flood Plain Districts.

- (a) Require the applicant to furnish the following information and additional information as deemed necessary by the Zoning Administrator and/or Governing Body for determining the suitability of the particular site for the proposed use:
  - (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
  - (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the Governing Body shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.44 Factors Upon Which the Decision of the Governing Body Shall Be Based. In passing upon conditional use applications, the Governing Body shall consider all relevant factors specified in other sections of this Ordinance, and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.

- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Ordinance.

10.45 Time for Acting on Application. The Governing Body shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The Governing Body shall render a written decision within 60 days from the receipt of such additional information.

10.46 Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Governing Body shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

## SECTION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.831(b) of this Ordinance, shall be subject to the provisions of Sections 11.11 – 11.15 of this Ordinance.

11.11 No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

11.12 Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.16 below.

**11.13 The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.**

**(Note: This is defined by FEMA as an optional provision for the city to adopt. This language is not currently included in the existing city code, but it is consistent with the intent of the existing code, which is to consider cumulative improvements over the life of the nonconforming structure. As such, staff recommends it be included.)**

- 11.14 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- 11.15 If any nonconforming use or structure is substantially damaged, as defined in Section 2.830 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0 and 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.
- 11.16 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

## **SECTION 12.0 PENALTIES FOR VIOLATION**

12.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent the City of Bayport from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

- 12.21 In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- 12.22 When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
- 12.23 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

12.24 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

### **SECTION 13.0 AMENDMENTS**

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

### **SECTION 14.0 RESERVED**

### **SECTION 15.0 REPEAL OF PREVIOUS FLOODPLAIN ORDINANCE**

Ordinance Number 687, the previous City of Bayport ordinance governing floodplain management, is hereby repealed in its entirety.

### **SECTION 16.0 EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 7<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
Mitch Berg, City Administrator

\_\_\_\_\_  
Jon Nowaczek, Mayor

**Ordinance Summary No. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY,  
MINNESOTA, AMENDING APPENDIX E, FLOODPLAIN MANAGEMENT  
ORDINANCE, OF THE BAYPORT CITY CODE**

On January 4, 2010, the City of Bayport adopted an ordinance amending Appendix E of the City's Code of Ordinances in order to comply with federal regulations established by the Federal Emergency Management Agency (FEMA). The amended ordinance meets the minimum requirements of the National Flood Insurance Program established with the passage of the National Flood Insurance Act of 1968. The amendments are necessary to provide FEMA the authorization to offer flood insurance in the City of Bayport. A printed copy of the ordinance is available for inspection during regular City Hall office hours or electronic mail.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AMENDING CHAPTER 58 – UTILITIES, ARTICLE IV, OF THE BAYPORT CITY CODE  
RELATED TO SEWER SYSTEMS

**Section 1.** The City of Bayport is hereby amended to delete the existing text in its entirety and replace with the following:

**ARTICLE IV. SEWER SYSTEM**

**DIVISION 1. GENERALLY**

**Sec. 58-111. Sewer charge levied.**

For the purpose of providing funds to meet the costs of operating and maintaining the city sewer collections system and facilities connected therewith and for the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed against each lot, parcel of land, building or premises having any connection with the public sewer system of the city or otherwise discharging wastewater, industrial wastes, water or other liquids directly or indirectly into the public sewer system of the city a sewer charge payable as provided in this article and in an amount as determined in this article.

**Sec. 58-112. Unlawful discharges; installation of grease, oil and sand interceptors.**

(a) Unlawful Discharges It shall be unlawful to discharge into the municipal sanitary sewer system of the city any of the following described waters or wastes:

- (1) Any water or vapor having a temperature higher than 150 degrees Fahrenheit.
- (2) Any water or waste containing more than 100 parts per million by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other inflammatory or explosive liquid, solid or gas.
- (4) Any garbage that has not been ground or shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, plastic, wood, manure or any other solid viscous substance which is likely to or capable of causing obstruction to the flowage in sewers or which otherwise might interfere with the proper operation of the sewage system.
- (6) Any waters or wastes containing toxic or poisonous substances in quantity sufficient to injure or interfere with the sewage treatment process or which constitute a hazard to persons or animals or which create a hazard in the receiving waters of the sewage treatment plant.
- (7) Any waters or wastes containing suspended solids of such character and quantity that special attention or extra expense is required to handle such materials at the sewage treatment plant.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (9) Any water from any air conditioning system.
- (10) Any clear water. "Clear water" for the purpose of section is defined as storm water; natural precipitation; melting snow; ground water; water flow from a roof, ground surface, subsurface drainage, down spout, eave trough, rainspout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or air conditioning unit or system; or any other water that is not required to be treated by state or federal law.

(b) Grease, oil and sand interceptors The city may require the installation by the owner or occupant of any premises of grease, oil and sand interceptors when, in the opinion of the city engineer, such interceptors are necessary for the proper disposition of liquid wastes containing grease in excessive

amounts or of any inflammable waste, sand or other ingredient harmful to the sewage system. Interceptors shall be of substantial construction, shall be watertight and shall be equipped with easily removable covers which when bolted in place shall be gastight and watertight. They shall be maintained by the owner or occupant in such manner as to produce efficient operation at all times.

(c) No person or corporation shall discharge into the municipal sanitary sewer system industrial wastes without written approval of the city engineer.

(d) Regular inspections Within 30 days after written notice from the city, every person owning improved real estate that discharges into the city's sanitary sewer system must allow the city or a designated city representative to inspect the buildings to determine whether there is a prohibited discharge into the sanitary sewer system. In lieu of having the city inspect the property, a person may furnish an inspection report in a form acceptable to the public works director from a licensed plumber approved by the city engineer.

(e) Re-inspections A property that is found to be not in compliance with this section is subject to re-inspections to confirm that the property is subsequently brought into compliance. Thereafter, the property is subject to re-inspections on an annual basis to confirm continued compliance. Properties that are in compliance may also be subject to re-inspections to confirm continued compliance.

(f) Inspections with building permits If a city inspector is on a property for the purpose of inspecting for compliance with a building permit, the city inspector has the authority to also inspect the property for compliance with this section.

(g) Corrections The owner of a property found to be in violation of this section must make the necessary corrections to comply with this section within the time specified in the written notification from the city. If the owner fails or refuses to make the required connections within the specified time, the city may make the necessary corrections and charge the cost to the property owner. Costs that are not paid are a lien against the property and may be certified for collection as a special assessment in the same manner as delinquent utility bills.

(h) Surcharges A monthly surcharge in the amount specified in Appendix D, Fee Schedule, of the Bayport City Code will be added to each sewer and water bill for property where (a) an inspection has not been allowed or certification provided within 30 days after notice by the city, (b) the necessary corrections have not been made within the time specified, or (c) there has been a reconnection of a previously disconnected prohibited discharge when the property is owned by the same or a related owner who owned the property when disconnection occurred. A surcharge will be added for every month during which the property is not in compliance, whether the non-compliance has been for the entire month or a portion of it. The surcharge for a reconnection will be charged beginning with the month after the inspection or certification that confirmed the previous disconnection.

(i) Suspension of service The city may suspend water service to a property that is not in compliance with this section or when the owner has not allowed a required inspection or provided an alternative certification.

(j) Temporary waiver The city engineer may allow or require a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage to other property, the environment, or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the public works director specifying the reasons for the request. If a waiver is required or granted, the property owner must pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system as estimated by the public works director. The city engineer may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to

enforce those conditions. The city engineer must give a five-day advance written notice of the termination to the property owner with the reasons for the action. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

(k) Remedies The remedies provided in this section are cumulative and do not limit the right of the city to pursue any available legal remedy.

**Sec. 58-113. Private sewer system not permitted.**

Prior to any premises being connected to the city sanitary sewer system, all private sewer systems shall be pumped and filled or removed from the premises. The city building official shall inspect the premises prior to connections to determine whether such private sanitary sewer system has been properly filled or removed.

**Sec. 58-114. Basis for sewer charges.**

(a) The sewer charge shall be based on water consumption, as determined from the meter records of the city, unless actual wastewater flow is measured by a recording meter of a type approved by the city engineer. Installation and maintenance of the meter shall be at the expense of the property owner.

(b) When water is used for lawn sprinkling by single-family, multiple-family, institutional and governmental users, the water consumption, as determined from the meter records of the city, shall be used for computing the wastewater flow in January, February and March of each year. For the remaining months of each year, the average monthly water consumption for January, February and March shall be used as the wastewater flow in each remaining month. In the event the water consumption on any parcel of property for any other quarter of the year is less than the first quarter, the waste water charge for that quarter shall be based on the water consumption for that quarter.

**Sec. 58-115. Determination of rates for unmetered water.**

If any lot, parcel of land, building or premises discharging wastewater, industrial waste, water or other liquids into the sewer system of the city, either directly or indirectly, is not entirely supplied with water from the waterworks of the city, and the water used thereon or therein is not measured by a city meter or by a meter installed for that purpose by the city, then in each such case the sewer rental charge shall be fixed and determined by the city council by resolution in such manner and by such method as they may find just, equitable and practicable in the light of conditions and attendant circumstances of the case.

**Sec. 58-116. Adjustment of rates.**

The city council shall have the power by resolution to increase, decrease or change the amount and basis of the sewer charges and sewer connection charge as such increase, decrease or change may be reasonably required.

**Sec. 58-117. Statement of charges; due date; late payment penalty.**

The city administrator shall compute the amount due to the city for sewer charges and shall render a statement thereof, either monthly or quarterly, as directed by the city council, to the owner or occupant of any premises served by the sewage system. All sewer charges shall be due and payable pursuant to section 58-162. If such charges are not paid by the due date, an additional charge as set by resolution of the city council shall be made.

**Sec. 58-118. Multiple-family dwellings, responsibility for payment of charges.**

Each owner, lessor, corporation or person renting, leasing or otherwise assuming responsibility for the occupancy of any multiple-family habitation shall be billed and be responsible for payment of all sewer charges incurred by property under his/her/its jurisdiction.

**Sec. 58-119. Notice of change in occupancy required; penalty.**

Written notice must be given to the office of the city administrator by the owner, or other person responsible for the occupancy of any apartment, of any change in the occupancy status of any apartment under their management. Failure to file such written notice shall result in full service charges until written notice of any change is received. Failure to file written notice of occupancy of any premises newly activated or previously declared vacant shall result in a penalty in the amount specified in Appendix D, Fee Schedule, of the Bayport City Code in addition to rental from date of occupancy.

**Sec. 58-120. Reserved.**

**Sec. 58-121. Sewer fund.**

The moneys received from the rates and charges established in this article shall be deposited in a separate fund to be known as the "sewer fund," and shall be used to meet the costs of operating and maintaining the sewage system and facilities, and for the reasonable requirements for replacement and obsolescence.

**Sec. 58-122. Delayed connection charge.**

Any owner of a residence or commercial building to which sewer service is or becomes available shall be subject to an additional charge established by resolution of the city council upon connecting to such service if such connection is not made within two years after such service becomes available.

**Sec. 58-123-135. Reserved.**

**DIVISION 2. SEWER INDUSTRIAL USE REGULATIONS\***

**\*State law references:** Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500 and Public Law 93-243), or as modified by M.S.A. chs. 115 and 116.

**Sec. 58-136. Recitals.**

The Metropolitan Council Environmental Services organized and existing under the laws of the state (MCES), in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder (the "act"), has determined to impose an industrial user sewer strength charge upon users of the metropolitan disposal system (as defined in M.S.A. § 473.121, subd. 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay such costs based upon strength of industrial discharge and allocated to it each year by the MCES, it is hereby found, determined and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the city. Furthermore, M.S.A. § 444.076, subd. 3, empowers the city to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.

**Sec. 58-137. Establishment of strength charges.**

(a) *Generally* For the purpose of paying the costs allocated to the city each year by the MCES that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system of the city (the "strength charge").

(b) *Strength charge formula.* For the purpose of computation of the strength charge established by subsection (a) of this section, there is hereby established, approved and adopted in compliance with the act the same strength charge formula designated in Resolution No. 76-172 adopted by the governing body

of the MCES on June 15, 1976, such formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average based on the proportionate costs of operation and maintenance of waste treatment services provided by the MCES.

(c) Strength charge payment It is hereby approved, adopted and established that the strength charge established by subsection (a) of this section shall be paid by each industrial user receiving waste treatment services and subject thereto before the 20th day next succeeding the date of billing thereof to such user by or on behalf of the city, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved and adopted that if such payment is not paid before such date, an industrial user shall pay interest compounded monthly at the rate of two-thirds of one percent per month on the unpaid balance due.

**Sec. 58-138. Establishment of tax lien.**

As provided by M.S.A. § 444.075, subd. 3, it is hereby approved, adopted and established that if payment of the strength charge established by section 58-137(a) is not paid before the 60th day next succeeding the date of billing thereof to the industrial user by or on behalf of the city, such delinquent sewer strength charge, plus accrued interest established pursuant to section 58-137(c), shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the city or its agent shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification shall not preclude the city or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

**Sec. 58-139-160. Reserved.**

**Section 2.** This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 4<sup>th</sup> day of January, 2010.

\_\_\_\_\_  
Jon Nowaczek, Mayor

Attest:

\_\_\_\_\_  
Mitch Berg, City Administrator



**CITY OF BAYPORT**  
**294 NORTH THIRD STREET**  
**BAYPORT, MINNESOTA 55003**  
**PHONE 651-275-4404 FAX 651-275-4411**

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**DATE:** December 28, 2009  
**TO:** City Council  
**FROM:** Mitch Berg, City Administrator  
**RE:** Discuss options related to the Lakeside Park log cabin

***BACKGROUND***

City staff has spent a considerable amount of time and “due diligence” both in 2005 and 2009 on the cabin and would like to see some form of final resolution on the matter. In 2005, the City of Bayport adopted a master plan for Lakeside Park, which identified the removal of the log cabin after determining from the Washington County Historic Society that there was no historic significance of the structure. As such, the City Council gave the “go ahead” to remove the structure because it was badly deteriorated.

In the fall of 2009, the City Council approved the removal of the structure as part of an Eagle Scout project to construct a volleyball court. After receiving several phone calls from concerned residents, I attempted to delay the removal of the structure by contacting a few organizations who had experience with preserving historic structures. Neither organization expressed an interest in the structure, on the merit that it was in too poor of condition.

The City also obtained a quote from a restoration contractor to repair the structure, which was estimated at approximately \$24,000. However, the contractor issued a warning, saying that even after the repairs, the building could still be structurally unsound.



The City Council has a few options from which to consider:

**Option #1 – Do nothing approach**

However, will cause the building to deteriorate even further, creating a health, safety, and welfare issue within the park.

**Option #2 – Rehabilitate the building**

Should the City Council wish to rehab the building, the City Administrator suggests obtaining written quotes.

**Option #3 – Remove the building**

Should the City Council wish to have the building removed, I recommend first offering the structure to an interested “not for profit” organization which would retain the building for historic purposes. If no organizations are interested in the structure, staff recommends offering the building up for sale through the sealed bid process.

***RECOMMENDATION***

Staff recommends the City Council adopt a motion proceeding with option #3, with a minimum deposit required as part of any offer or sale. If no offer or sale is accepted, staff will have the authority to demolish the building by June 1, 2010.



**CITY OF BAYPORT**  
**294 NORTH THIRD STREET**  
**BAYPORT, MINNESOTA 55003**  
**PHONE 651-275-4404 FAX 651-275-4411**

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**DATE:** December 28, 2009  
**TO:** Mayor and City Council  
**FROM:** Mitch Berg, City Administrator  
**RE:** Employee health insurance

### ***BACKGROUND***

At the December 7, 2009 City Council meeting, the City Council passed a motion to approve an 11% increase to the 2010 employee health insurance policy. As a result, I presented two options to staff, of which the staff voted 9-7 to retain the existing health insurance, while agreeing to make a higher contribution toward their health savings account. This will save the city approximately \$3,450.00 on an annual basis. Furthermore, one employee will be changing from active to non-active status, which will save the city approximately an additional \$10,800.00 for 2010. As such, the net increase will be below 11%.

To make sure we have adequate time to research and review health insurance options for 2011, and integrate appropriate costs into the budget process, I think it would be in the best interest to begin this process within the next few months. At the December meeting, the City Council established a subcommittee consisting of Councilmembers Dan Johnson, Jon Nowaczek and Judy Seeberger to work with staff on this issue. As such, I am requesting the subcommittee meet at 5:00 p.m. on Monday, February 1, 2010 (prior to the regular City Council meeting) to begin discussion on this topic.

### ***RECOMMENDATION***

Staff recommends approving the employee health insurance plan as presented by staff for 2010, which increases the employee's contribution toward their health savings account from \$200 to \$350 for single coverage and from \$400 to \$700 for family coverage effective January 1, 2010. Staff also recommends the City Council proceed with a meeting to discuss the employee health insurance policy for 2011.

**ECKBERG LAMMERS**  
**MEMORANDUM**

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**TO:** Mitchell Berg, City Administrator

**FROM:** Nicholas J. Vivian, City Attorney 

**DATE:** December 30, 2009

**RE:** Bayport, City of - Ice Road Easement  
13467-14957

Within the last year or two, it was discovered that the roadway providing seasonal access for ingress and egress to Lake St. Croix (St. Croix River) known as the "Ice Road" is not located within the easement originally granted to the City of Bayport in 1966. The Board of Directors for the Waterford Condominium Association, Inc., the present owner of the underlying property, approached the City to try to resolve the issue. Since the Board's initial contact, we have been working with counsel for the Association on a process for vacating the existing easement subject to the Association's grant of a new easement accurately reflecting the current location of the Ice Road and correcting the legal description for the roadway.

Enclosed for the City Council's consideration, please find a draft Easement Agreement which has been negotiated by counsel. While additional surveying work needs to be done to more accurately define the location of the roadway, the Association has requested the City Council's acknowledgment that it intends to vacate the existing easement in favor of new easement with corrected legal description. If the City Council makes such acknowledgment, the Association will engage a licensed surveyor to complete the surveying work to allow for the Council's final consideration of the Easement Agreement.

The Easement Agreement requires the City to vacate its existing easement, and to that end, the City Council will be required to hold a public hearing in February to consider vacation of the existing easement. I have enclosed a Resolution calling a public hearing on the matter, should the Council agree to set the public hearing.

In sum, the Easement Agreement and the vacation of the existing easement represent a housekeeping matter which will accurately describe the City's road right-of-way and the rights and responsibilities of the parties associated therewith.

It is my recommendation that the City review the Easement Agreement at the January City Council meeting and adopt the Resolution setting a public hearing for the consideration of the vacation of the existing easement in February. After the public hearing concludes in February, I will ask the

Council to approve the vacation of the existing easement, along with the Easement Agreement considered in January.

If you have any questions, please contact me.

## EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made as of February \_\_, 2010 by and between WATERFORD ON THE ST. CROIX CONDOMINIUM ASSOCIATION, INC., a Minnesota corporation ("Waterford") and the CITY OF BAYPORT, a municipal corporation located in Washington County, Minnesota ("City").

### RECITALS

1. Waterford is the owner of that certain tract of land over which the City has been granted a public easement for ingress and egress over the property described in the attached **Exhibit A**.
2. Waterford and the City have determined that the gravel road intended for public use for ingress and egress is not located over the property described in **Exhibit A**.
3. Waterford and the City wish to correct the description of the easement to accurately reflect the location of the gravel road.
4. The City has agreed to vacate the road as currently described in exchange for Waterford's grant of a permanent public easement over the property described in the attached **Exhibit B**.

NOW, THEREFORE, in consideration of the mutual covenants and agreement hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Waterford and City hereby agree as follows:

1. Easement Grant. Waterford grants for the benefit of the City, a permanent public easement for seasonal ingress and egress to the St. Croix River, over, across and upon Waterford's property. The easement granted shall be open to the public and used only for the purpose of public travel to and from Lake St. Croix (the St. Croix River) during the time when the part of Lake St. Croix adjacent to the terminal point of the easement is covered with ice and is open for fishing through the ice. No vehicles, fish houses, shelters, trailers or other things shall be placed or left upon or along said easement or the adjoining land without the approval of Waterford.
2. Vacation of Record Easement. In consideration of the grant of the easement described on Exhibit A and further described and limited by the terms of this agreement, the City agrees to vacate the record easement for substantially the same purpose which is described on Exhibit B. Simultaneous with the execution of this Agreement the City agrees to vacate the easement described on **Exhibit A**.

In the event that South Maine Street (presently a platted but unopened street within the City) is ever opened and maintained as a public road providing access to that portion of the so-called "Ice Road" lying between South Maine Street and the St. Croix River the City will vacate that portion of the easement granted in Paragraph 1 above not lying between South Maine Street and the St. Croix River

3. Exercise of Easement Rights. Waterford shall not take any action which results in the flow of traffic being affected without providing notice to the City. Said notice shall be provided as required in Paragraph 12 and must be received by the City at least five (5) business days prior to blocking or otherwise affecting the flow of traffic.
4. Duration. The easement, covenants, conditions and restrictions contained herein shall be perpetual and shall create mutual benefits and covenants running with the land and shall be binding upon the parties hereto and their respective successors and assigns.
5. Maintenance. The City shall be responsible for the maintenance, repair and renewal of the road, including snow plowing of the roadway, as necessary, as determined in the sole discretion of the City.
6. Indemnification. The City agrees to defend, indemnify and hold harmless Waterford from and against all claims, damages, liabilities and expenses (including reasonable attorney's fees, court costs and expenses), which are incurred by Waterford in connection with loss of life, personal injury and / or property damage arising from exercise of the easement rights granted herein, except to the extent caused by the negligence of Waterford, provided that Waterford tenders defense of any claim made against Waterford, which is subject to the City's indemnity in sufficient time to avoid prejudice to the City for handling by counsel of the City's selection and reasonably acceptable to Waterford.
7. Sole Agreement. This Agreement may not be amended or modified in any respect whatsoever except by an instrument in writing signed by all parties. This Agreement constitutes the entire agreement between the parties with respect to the matters set forth herein and supersedes all prior negotiations, discussions, writings and agreements between them in connection herewith.
8. Attorney's Fees. In the event of any controversy, claim or dispute relating to this Agreement, the prevailing party in any such controversy, claim or dispute shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.
9. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
10. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.
11. Partial Invalidity. Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby unless as a result the purpose and intent of this Agreement shall thereby be substantially and essentially impaired. In such event, the parties shall diligently proceed to revise this Agreement in order to memorialize such purpose and intent.

12. Mechanic's Liens. In the exercise of the easement rights granted herein, the City shall not permit or suffer any mechanic's liens claims to be filed or otherwise asserted against Waterford and shall promptly discharge the same in case of the filing of any claims for liens or proceedings for the enforcement thereof.

13. Notices. Any notice required or permitted to be given by any party upon the other shall be given by certified mail, return receipt requested, by a nationally recognized overnight courier, or by personal delivery addressed as follows:

If to City: City of Bayport  
Attn: City Administrator  
City Hall  
294 N. Third Street  
Bayport, MN 55003

With a copy to: Eckberg, Lammers, Briggs,  
Wolff & Vierling, P.L.L.P.  
Attn: Nick Vivian  
1809 Northwestern Avenue  
Stillwater, MN 55082

If to Waterford: Waterford on the St. Croix  
Condominium Association, Inc.  
467 Mariner Drive  
Bayport, MN 55003

With a copy to: Gasson Management  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All notices shall be deemed given three (3) business days following deposit in the United States mail with respect to certified or registered letters, one (1) business day following deposit if delivered to an overnight courier, guaranteeing next day delivery and on the same day if sent by personal delivery. Attorneys for each party shall be authorized to give notices for each such party. Any party may change its address for the service of notice by giving written notice of such change to the other party, in any manner above specified.

12. Compliance with Laws. The City shall comply with all applicable laws and regulations regarding the exercise of its easement rights hereunder.

IT WITNESS WHEREOF, Waterford and the City have caused this Agreement to be executed as of the day and year first above written.

WATERFORD ON THE ST. CROIX  
CONDOMINIUM ASSOCIATION, INC.,  
A Minnesota corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public within and for said County and State, personally appeared \_\_\_\_\_, to me personally known, whom, being by me duly sworn, did say that he/she is the \_\_\_\_\_ of WATERFORD ON THE ST. CROIX CONDOMINIUM ASSOCIATION, INC., A MINNESOTA CORPORATION, the company named in the foregoing.

NOTARIAL STAMP OR SEAL  
(or other title or rank)

CITY OF BAYPORT,  
a Minnesota municipal corporation

By: \_\_\_\_\_  
Jonathan Nowaczek  
Its: Mayor

By: \_\_\_\_\_  
Mitchell Berg  
Its: City Administrator

STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF WASHINGTON    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public, personally appeared JONATHAN NOWACZEK and MITCHELL BERG of the City of Bayport, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Bayport by the authority of the City Council of the City of Bayport, and JONATHAN NOWACZEK and MITCHELL BERG acknowledge said instrument to be the free act and deed of said City of Bayport.

*NOTARIAL STAMP OR SEAL  
(or other title or rank)*

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**RESOLUTION NO. \_\_\_\_\_**

**EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE  
CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
HELD JANUARY 4, 2010**

Pursuant to due call and notice therefore, a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at the Bayport City Hall in said municipality on the 4<sup>th</sup> day of January, 2009, at 6:00 p.m.

The following members were present:

The following members were absent:

Councilmember \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION SETTING A PUBLIC HEARING ON AN EASEMENT VACATION**

**THE CITY COUNCIL OF THE CITY OF BAYPORT, MINNESOTA DOES HEREBY  
RESOLVE AS FOLLOWS**

**WHEREAS**, the City Council pursuant to Minnesota Statute §412.851 desires to consider the vacation of an easement granted by Waterford on the St. Croix Condominium Association, Inc. in favor of the City known as the Ice Road providing seasonal ingress and egress access to Lake St. Croix and said easement being legally described as:

**See Exhibit A.**

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Bayport, Washington County, Minnesota:

1. The Council will consider the vacation of such easement and a public hearing shall be held on such proposed vacation on the 1<sup>st</sup> day of February, 2010, before the City Council in the City Hall located at 294 North Third Street, Bayport, Minnesota 55003.
2. The City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

The motion for adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_ and upon roll call being taken thereon, the following voted via voice:

Jon Nowaczek -  
Connie Carlson -  
Dan Johnson -

Torry Kraftson -  
Judy Seeberger -

Passed by the City Council, City of Bayport, Washington County, Minnesota, this 4<sup>th</sup> day of January, 2010.

ATTEST:

\_\_\_\_\_  
Mitchell Berg, City Administrator

\_\_\_\_\_  
Jon Nowaczek, Mayor

## EXHIBIT A

Beginning at the most westerly corner of said Outlot F; thence North 24 degrees 20 minutes 16 seconds East 401.86 feet along the westerly line of said Outlot F and said Lot 1; thence northeasterly 90.24 feet along an 80.00 foot radius tangential curve concave southeasterly with a central angle of 64 degrees 37 minutes 42 seconds; thence North 88 degrees 57 minutes 58 seconds East 198.76 feet tangent to said curve to the east line of said Lot 1, being the west line of Maine Street and said reference line there terminating.



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BAYPORT, MINNESOTA 55003  
PHONE 651-275-4404 FAX 651-275-4411

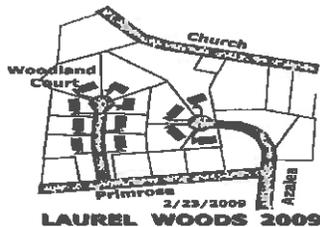
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DATE: December 28, 2009  
TO: Mayor and City Council  
FROM: Mitch Berg, City Administrator  
RE: **Consider establishing a municipal street improvement district**

### ***BACKGROUND***

With increasingly difficult means to raise revenues to pay for aging infrastructure, a bill was introduced last year at the Minnesota Legislature to allow cities to create a street improvement district. A street improvement district is different from a special assessment in that it allows cities to spread the cost of a street improvement over a broader area. An example of why a city might want to create an improvement district is to make an improvement to a collector street where other residents need access to the road to get to their place of residence.

In the sample illustration below, the street of Primrose is being reconstructed. As a result, the residents of Woodland Court would make up part of the street improvement district because Primrose is the only access into Woodland Court.



The premise of me bringing this item to your attention was that Council member Kraftson asked me to look into this and bring it up for discussion at the City Council meeting. I can say I have researched this matter before, as a board member of the Minnesota Association of Small Cities (MAOSC). As a board, we supported this legislative initiative on the basis that passage would allow cities another “tool” in their tool box to pay for needed street improvements.

### ***RECOMMENDATION***

Staff recommends the City Council adopt the attached resolution, which would permit a change in the law for cities to establish street improvement districts.

**RESOLUTION NO. 10-**

**EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA HELD JANUARY 4, 2010**

Pursuant to due call and notice therefore, a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at Bayport City Hall in said municipality on the 4<sup>th</sup> day of January 2010, at 6:00 p.m.

The following members were present:

The following members were absent:

Councilmember \_\_\_\_\_ introduced the following resolution and moved its adoption:

**A RESOLUTION REQUESTING AUTHORITY  
TO ESTABLISH A MUNICIPAL STREET IMPROVEMENT DISTRICT**

**WHEREAS**, residents and businesses benefit from a sound, efficient and adequately funded transportation system that offers diverse modes of travel; and

**WHEREAS**, under-investment in transportation infrastructure diminishes quality of life for Minnesota residents and hinders Minnesota's progress as a national business, economic and civic leader; and

**WHEREAS**, the integrity of the City of Bayport's transportation infrastructure is dependent upon long-term planning and ongoing maintenance, both of which require dedicated and sustainable revenue sources; and

**WHEREAS**, existing funding mechanisms for local roads, such as special assessments, bonding and municipal state aid, have limited applications; and

**WHEREAS**, the cost of maintaining and repairing city streets increases by as much as six times when maintenance is deferred; and

**WHEREAS**, the City is unable to access the Aid to Local Roads and Bridges fund which is only given to cities of a population of 5,000 or more; and

**WHEREAS**, levy limits and cuts in aids to local government have contributed significantly to destabilization of local budgets; and

**WHEREAS**, transportation infrastructure maintenance and improvement costs significantly contribute to rising property taxes; and

**WHEREAS**, the City of Bayport's transportation system is failing to meet the needs necessary to promote economic development; and

**WHEREAS**, some of the City of Bayport's roads are not built to modern safety standards and are not meeting the needs of industries that depend on the ability to transport heavy loads; and

**WHEREAS**, authority to establish a street improvement district would provide the City of Bayport with an additional tool for funding transportation infrastructure maintenance and reconstruction.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BAYPORT**, that the creation of a street improvement district would allow for preservation of the city's transportation infrastructure assets; and

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF BAYPORT** that this city requests that the Minnesota Legislature provide authority for the City of Bayport to create a street improvement district; and

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF BAYPORT** that this city requests that Governor Tim Pawlenty allow legislation providing authority for the City of Bayport to create a street improvement district to become law.

The motion for adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_ and upon roll call being taken thereon, the following vote via voice:

Jonathan Nowaczek	Torry Kraftson –
Connie Carlson –	Judy Seeberger –
Dan Johnson –	

**WHEREUPON**, said Resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Administrator. Passed by the City Council, City of Bayport, Washington County, Minnesota this 4<sup>th</sup> day of January 2010.

ATTEST:

\_\_\_\_\_  
Mitch Berg, City Administrator

\_\_\_\_\_  
Jon Nowaczek, Mayor



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**DATE:** December 28, 2009  
**TO:** City Council  
**FROM:** Mitch Berg, City Administrator  
**RE:** Consider a proposal for a staff and City Council joint team building and goal setting session

***BACKGROUND***

Prior to leaving, the previous City Administrator recommended scheduling a joint team building and goal setting session with the City Council and staff. The existing City Administrator is also recommending this as a means of providing the new City Administrator with a work plan and a clear sense of direction.

Therefore, the City Administrator placed a phone call to the League of Minnesota Cities to obtain a list of recommended facilitators. City staff met with one of the facilitators and would like to recommend approval of their bid for services not to exceed \$5,000.

If the Council proceeds with entering into a consulting agreement, the firm will work on compiling an initial assessment of the organization and staff in late January or early February, develop a framework for the work session, and facilitate with the actual work session in late February to early March.

The 2010 budget has \$9,750 allocated for contracted services. Being the previous City Administrator recommended this action in 2009, money was allocated in the 2010 budget to hire a facilitator.

***RECOMMENDATION***

Staff recommends the City Council adopt a motion entering into an agreement for consulting services with Global Synergy Group, for a cost not to exceed \$5,000, for the purpose of conducting a joint team building and goal setting session.



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**DATE:** January 1, 2010  
**TO:** Mayor and City Council  
**FROM:** Mitch Berg, City Administrator  
**RE:** **City Administrator Report**

Staff has been busy wrapping up 2009 in order to prepare for 2010!

Of great significance, the Governor chose not to delay or further unallot the December LGA payment. Unfortunately, the City of Bayport revenues are somewhat down from what was initially budgeted, primarily due to the 2009 LGA unallotment and a decrease in permits. While the City has been trimming its expenses, I will be better able to know where the City's revenues and expenditures sit for the end of the year by the next Council meeting.

At the end of the year, I also sent out a letter to staff explaining their benefits for 2010. I will be working in January to prepare a "Personalized Benefits Statement" for each employee that will list all of the benefits and their costs to both the City and the employee.

Lastly, the City Administrator and Assistant City Administrator have been diligently working on the framework for a team building and goal setting session with the Council and staff.

In addition, here are a few of the items I have been working on since the last Council meeting:

- Met with the auditors and discussed items regarding the upcoming audit
- Met with Allied Waste to discuss problems with their list of names and addresses to certify delinquent accounts to the taxes
- Met with employees to come to a decision on health insurance
- Conducted an employee review of the Assistant City Administrator
- Participated in another employee review and signed off on several other employee reviews
- Met with a consultant to put together a team building and goal setting session
- Met with the Union over a public works matter
- Responded to various residential concerns

The following items are items to be brought up to the Council's attention:

- The City received a total of seven applications for the Riverfront Advisory Committee. Of the seven applications received only one is from a resident not on the river. The City Administrator is prepared to recommend all of them for the committee, unless there is concern that there be more participation from other parts of the City. If the Council desires for more participation, a winter newsletter is being prepared, but won't be sent out until probably the later part of January or early February.
- The City Administrator will be gone for the week of January 11-15.