

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
APRIL 2, 2001
7:00 P.M.

CALL TO ORDER

Mayor Jim Kosmo called the regular City Council Meeting of April 2, 2001 to order and asked the City Council, staff and members of the public to join in pledging allegiance to the American flag.

ROLL CALL

Members Present: Mayor Jim Kosmo, Councilmembers Jim Menard, Allen Schultz, Sharon Ridgway, and Jack Nyenhuis.

Members Absent: None.

Others Present: Ken Hartung, City Administrator; Barry Peters, Consulting City Engineer; Jim Lammers, City Attorney; Scott Radke, Deputy Fire Chief; Rick Bastyr, Fire Captain; Chuck Oswald, Firefighter; Rene' Stone, Planning Commission Member; and Julie Klink, Newspaper Reporter.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-39

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE APRIL 2, 2001
CITY COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of March 5, 2001.
- B. Approve the bills as presented in the amount of \$199,705.23.
- C. Approve the receipts as presented in the amount of \$76,566.86.
- D. Approve the building, plumbing and heating permits issued during the month of March, 2001.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

Discuss Adopting a Resolution Vacating a Portion of a Public Roadway Easement

Mayor Kosmo opened the Public Hearing related to the City Council discussing vacating a portion of Point Road and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, read the Notice of Hearing, stating that the Notice to vacate a portion of a public roadway easement (Point Road) was published in the Stillwater Evening Gazette on March 19, 2001 and mailed to the adjacent property owner on March 16, 2001.

Ken Hartung stated this summer, Phase I of the State Storm Sewer Project is being constructed. He noted a portion of the State Storm Sewer Project will take place within the Point Road right-of-way. He indicated as part of the preparation for construction of the Storm Sewer, the City had the Point Road easement and right-of-way surveyed. During the survey process, he noted it was determined that a significant portion of Point Road was constructed outside the easement granted by the Andersen Corporation. In fact, he indicated, in some areas Point Road was constructed approximately 90' north of the original road easement. As a consequence, he indicated, the City and the Andersen Corporation have entered into negotiations which would result in the City vacating the portion of the road easement which is not used by the City and the City acquiring from the Andersen Corporation, a 60' road and utility easement aligned along the centerline of the constructed Point Road. Additionally, he indicated, the City would acquire a permanent 20' construction easement south of the roadway easement to permit Point Road residents access to Highway 95 and to their residential homes during construction of the State Storm Sewer. He also indicated the City would acquire a permanent 10' construction easement on the north side of Point Road. He noted to bring about the vacation of the roadway easement which was no longer used and the establishment of a permanent roadway and utility easement along with the construction easement for Point Road, the City Council would need to adopt a Resolution vacating a portion of the public roadway easement, a Resolution approving the Bayport Right-of-Way Plat No. 1 Point Road and a Resolution approving a roadway public utility and construction easement and agreement between the City of Bayport and the Andersen Corporation.

Mayor Kosmo asked if there was any public comment related to the proposed vacation of a portion of Point Road.

No one from the public made any comment related to vacating a portion of Point Road.

Moved by Councilmember Menard, seconded by Councilmember Schultz, to close the Public Hearing related to vacating a portion of a public roadway easement in the City of Bayport, Washington County.

Voting in favor: Mayor Kosmo, Councilmembers Menard, Schultz, Ridgway, and Nyenhuis.

Voting against: None.

Councilmember Menard introduced the following **resolution** and moved its adoption:
RES. 01-40

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
VACATING A PORTION OF A PUBLIC ROAD EASEMENT IN THE CITY OF
BAYPORT, WASHINGTON COUNTY, MINNESOTA.

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

Jim Menard - aye	Sharon Ridgway - aye
Jack Nyenhuis - aye	Allen Schultz - aye
Jim Kosmo - aye	

Councilmember Menard introduced the following **resolution** and moved its adoption:
RES. 01-41

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING BAYPORT RIGHT-OF-WAY PLAT NUMBER 1 POINT ROAD.

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

Jim Menard - aye	Sharon Ridgway - aye
Jack Nyenhuis - aye	Allen Schultz - aye
Jim Kosmo - aye	

Councilmember Menard introduced the following **resolution** and moved its adoption:
RES. 01-42

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING A ROADWAY PUBLIC UTILITY AND CONSTRUCTION EASEMENT
AGREEMENT BETWEEN THE CITY OF BAYPORT AND THE ANDERSEN
CORPORATION.

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

Jim Menard - aye	Sharon Ridgway - aye
Jack Nyenhuis - aye	Allen Schultz - aye
Jim Kosmo - aye	

PETITIONS

John Gannaway, Police Chief Presentation of Police Department Activities for 2000 and Goals for 2001

Police Chief John Gannaway indicated the police responded to 3,134 incidents in the year 2000. This equals approximately 8.5 incidents per day. He noted the following number of contacts associated with various activities in the Police Department for the year 2000 are as follows:

1) Assist or seek assistance from other agencies	162
2) Escape from prison custody	2
3) Robbery, Assault, Domestic Violence	63
4) Juvenile Contacts, Missing Persons and Runaways	328
5) Miscellaneous officer assists	539
6) Traffic accidents	81
7) Violation of road and driving laws	1,197
8) Forgery, Fraud, Burglary or Larceny	181

Police Chief John Gannaway stated the Police Department's activities have increased in all categories from 1999 to 2000. He noted part of this is related to a significant amount of traffic which comes through Bayport on Highway 95 and the fact that the surrounding communities are increasing in population.

Police Chief John Gannaway then reviewed the 2000 Police Department accomplishments by listing the following:

- 1) The City of Bayport conducted a Safety Camp in cooperation with Oak Park Heights on July 26 and 27, 2000. Approximately 110 students attended.
- 2) The City of Bayport conducted National Night Out in August with an estimated 400 – 500 participants. He noted the City of Bayport's Police Department received the National Rookie of the Year Award for its National Night Out activities.
- 3) The City of Bayport's Police Department has all of its reserve officers, part-time officers and on-duty officers out on the street on Halloween night to help ensure the safety of Halloween Trick-or-Treaters. Police Chief John Gannaway stated he personally made the rounds on Halloween night observing many small children walking the sidewalks and going from house to house trick-or-treating. He stated he enjoyed the activity very much.
- 4) The Bayport Police Department continued to conduct the DARE program at the elementary school. He noted Jolynn Mayavski has agreed to finish the DARE program for the year 2000/2001. He noted officer Mayavski has taken a full-time job as a Stearns County Deputy and consequently, will not be able to conduct the program in 2001/2002. He noted he will be sending officer Jay Jackson to DARE school so that officer Jackson can instruct the DARE program in 2001/2002.
- 5) The City of Bayport has engaged in an active crosswalk pedestrian enforcement program. He noted initially when City officers employed a decoy pedestrian, officers

Bayport City Council Meeting Minutes
April 2, 2001

were writing a violation approximately every 13 minutes. He noted last week, the officers engaged in a pedestrian enforcement program and no violations occurred. He indicated this indicates Bayport has made an impression upon drivers related to pedestrian crossings.

Police Chief John Gannaway then reviewed with City Councilmembers and members of the public, the 2001 Bayport Police Department goals and objectives:

- 1) The Police Chief will cross train all personnel in police department activities. In the past, the Police Department has trained specific people for specific tasks, such as investigator, background checks, liquor license processing, field training officer duties, etc. He noted the problem with training specific officers for specific tasks is that when an officer leaves, there is no other staff who can perform that specific duty. Consequently, the Police Chief is planning to cross train all officers in all of these activities to give the department a greater training depth.
- 2) The City of Bayport's Police Department will be emphasizing Ordinance enforcement in the City specifically related to junk vehicles, garbage, barking dogs and other general nuisance crimes. The Police Department is also going to be working on helping resolve disputes between neighbors. Last year, the City had a significant number of disputes between some of its residents and neighbors. The Police Department will be using various dispute resolution agencies to help bring some peaceful resolutions to neighborhood disputes in the future.
- 3) The Police Department is in the process of revamping the reserve program. He noted the City currently has four reserve officers. He indicated he has assigned Officers Jay Jackson and Dana Fortier to coordinate the police reserve program. The Police Department's goal is to have approximately 10 reserve officers on staff at all times.
- 4) The Police Department will develop with the Fire Department, a citywide emergency action plan.
- 5) The Police Department, with permission of the City Council, has submitted grant applications to the Andersen Foundation for in-squad car video cameras for the primary two squad cars. The purpose of the camera is to document the officers' and citizens' behavior during the course of police activity.

Mayor Jim Kosmo asked the Police Department if they could print out a list of the traffic accident locations within the City of Bayport for the year 2000.

Police Chief John Gannaway stated he would be able to make such a list available.

CITY ATTORNEY

City Attorney Jim Lammers stated he had nothing to add at this point in the agenda.

CITY ENGINEER

Consulting City Engineer Barry Peters stated the contractor, S.M. Hentges, has begun work on the State Storm Sewer. He noted to date, S.M. Hentges poured the concrete related to the outlet structure for the Storm Sewer into the St. Croix River.

DEPARTMENT HEADS

Ken Hartung stated he had nothing to add at this point in the agenda unless Councilmembers had specific questions.

COUNCIL LIAISON REPORTS

Joint Cable Commission Meeting

Councilmember Sharon Ridgway stated the Joint Cable Commission met on March 21, 2001 at 7:00 p.m. at Stillwater City Council Chambers. She stated the big news is the Cable Commission's business office and access studio have moved from its old location to their new location in the River Heights Plaza.

Councilmember Ridgway stated at the last Cable Commission Meeting, the Cable Commission approved the 2001 Cable Commission and Cable Access budget for the year 2001.

She stated the next Cable Commission Meeting will be held on Wednesday, April 18, 2001 at the new Cable Commission facility in River Heights Plaza.

OLD BUSINESS

Ken Hartung stated there is no old business slated for this evening's meeting.

NEW BUSINESS

Discuss Adopting Resolutions Approving the 2000 Budget Revenue and Expenditure Adjustments, Transfers and Designations

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-43

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING 2000 BUDGET ADJUSTMENTS AND TRANSFERS.**

Bayport City Council Meeting Minutes
April 2, 2001

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-44

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE TRANSFER OF \$40,000.00 FROM THE CITY'S 2000 GENERAL
FUND 101 TO THE CITY'S FIRE EQUIPMENT REPLACEMENT FUND 200
EFFECTIVE DECEMBER 31, 2000.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-45

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
TRANSFERING \$30,000.00 FROM THE CITY'S 2000 GENERAL FUND 101 TO THE
CITY'S PUBLIC WORKS EQUIPMENT REPLACEMENT FUND 203 EFFECTIVE
DECEMBER 31, 2000.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-46

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE TRANSFER OF \$18,982.94 FROM TAX INCREMENT FINANCING
ECOMONIC DEVELOPMENT DISTRICT NUMBER 2 FUND 106 TO TAX INCREMENT
FINANCING REDEVELOPMENT DISTRICT NUMBER 1 DEBT SERVICE FUND 303.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Adopting the 2000 Budget for the
Recreation Capital Equipment and Maintenance Fund**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-47

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING THE 2000 BUDGET FOR THE RECREATION CAPITAL EQUIPMENT AND
MAINTENANCE FUND.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing a Resolution Establishing
Tax Stabilization Fund 205 and Authorizing
the Transfer of \$354,970.00 from the City
General Fund to the City Tax Stabilization Fund**

Ken Hartung, City Administrator, indicated that the City Council, in the 2000 adopted budget, identified \$345,970.00 to be transferred from the general fund to a tax stabilization fund. He noted a tax stabilization fund has been set up by the Council to cushion the impact if a service agreement between the Andersen Corporation and the City of Bayport is either reduced or terminated within five years. Additionally, he stated, the City Council established the fund to minimize the impact of a significant reduction in state aid by the State Legislature. He noted the City Council has made a commitment to the citizens of Bayport to take money from its general fund on an annual basis and to put it away in a specific fund designed for the sole purpose of stabilizing the City's services and taxes during a time of significant reduction of fee payments from the Andersen Corporation or a significant reduction of state aid.

Councilmember Menard introduced the following Resolution and moved its adoption:
RES. 01-48

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING TAX STABILIZATION FUND 205 EFFECTIVE DECEMBER 31, 2000.

The motion for adopting the foregoing Resolution was duly seconded by
Councilmember Schultz and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-49

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE TRANSFER OF \$354,970.00 FROM THE CITY'S 2000 GENERAL
FUND 101 TO THE CITY'S TAX STABILIZATION FUND 205 EFFECTIVE DECEMBER
31, 2000.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-50

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING THE 2000 BUDGET FOR THE TAX STABILIZATION FUND EFFECTIVE
DECEMBER 31, 2000.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Approve of St. Charles Church
Summer Festival and Car Show**

Ken Hartung stated the City has received a letter from St. Charles Church indicating they will be holding their annual St. Charles Summer Festival and Car Show on Saturday, August 18, 2001 from 10:00 a.m. to 9:00 p.m. He stated the City has received a letter from Jo Studtmann, St. Charles Church Office Manager and Festival Committee Chair requesting the City Council authorize certain activities associated with the St. Charles Summer Festival.

Councilmember Allen Schultz stated St. Charles Summer Festival has been a community event for many, many years.

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to approve the following items associated with the St. Charles Church Summer Festival and Car Show activities:

- 1) Approve blocking off 3rd Avenue North from 2nd Street North to Highway 95 from 9:00 a.m. to 10:00 p.m. on Saturday, August 18, 2001.
- 2) Approve a one-day temporary on-sale liquor license for Saturday, August 18, 2001 and waiving all local fees.
- 3) Approve the use of Perro Park and Perro Park electrical outlets for festival activities to be conducted by St. Charles Church on Saturday, August 18, 2001.
- 4) Approve an application for exemption from lawful gambling license for St. Charles Church to conduct its exempt lawful gambling activities on Saturday, August 18, 2001.
- 5) Approve the use of Perro Park Hockey rink and Village Green for St. Charles Church Summer Festival and Car Show to be held on Saturday, August 18, 2001.
- 6) Approve the use of North 4th Street from 2nd Avenue North to 5th Avenue North and North 2nd Street from 4th Avenue North to 2nd Avenue North for the St. Charles Classic Car Show to be held on Saturday, August 18, 2001.
- 7) Authorize and direct the police department to post no-parking signs on the east and west sides of North 4th Street from 2nd Avenue North to 5th Avenue North and North 2nd Street from 4th Avenue North to 2nd Avenue North on Friday afternoon, August 17, 2001 through Saturday, August 18, 2001.
- 8) Authorize and direct the public works staff to provide additional trash containers for the Village Green area and Perro Park area to accommodate trash from the St. Charles Church Festival and Car Show on Saturday, August 18, 2001.

Voting in favor: Mayor Kosmo, Councilmembers Schultz, Ridgway, Nyenhuis and Menard.

Voting against: None.

Discuss Adopting a Resolution Designating the 2000 General Fund Balance

Ken Hartung stated there are a number of projects identified in the 2000 budget which were not completed during the 2000 calendar year. Consequently, he stated, the City did not incur expenses for those uncompleted projects in 2000. However, staff, he noted, is still recommending that we complete many of those items in 2001. To complete those projects, it is necessary for the City Council to designate certain funds from the 2000 fund balance as expenditures in 2001. Additionally, he noted there are a number of items that did not appear in the 2001 expenditure budget which the City Council and staff have requested be identified as expenses in 2001. He noted in order to allocate money for those expenses, it is necessary for the City Council to designate specific amounts allocated from the 2000 fund balance to the 2001 expenditures. Ken

Hartung then reviewed with City Councilmembers the requested designation expenses for 2001.

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-51

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
DESIGNATING THE 2000 GENERAL FUND BALANCE EFFECTIVE DECEMBER 31,
2000.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Update of Charlie Kaiser's Driveway Proposal

Ken Hartung stated at the City Council Meeting of Monday, March 5, 2001, Mr. Charlie Kaiser of 555 South Lakeside Drive appeared before the City Council to express concern about his ability to get out of his driveway on snowy and icy days. Following Mr. Kaiser's presentation, Ken Hartung noted, Mayor Jim Kosmo stated he would like the City Administrator, City Attorney and City Engineer to review the situation and to determine the cost associated with constructing a retaining wall, blocking up Mr. Kaiser's garage and providing fill to a level of 693'. Ken Hartung noted he has delayed the analysis of Mr. Kaiser's driveway situation until the following items can be address:

- 1) Complete the fill associated with Mr. Kaiser's driveway; and,
- 2) Repair Mr. Kaiser's west basement wall which was damaged by a contractor with the installation of the concrete retaining wall.

He noted he has spoken with Mr. Kaiser and Mr. Kaiser is acceptable to delaying the analysis for the cost of fill and constructing the retaining wall until the final grade of his road has been completed and the repairs have been made to his basement wall. He noted this item will be coming back to the City Council at a future date.

Discuss Adopting a Resolution Establishing a No-Parking Zone in Front of the Bayport American Legion/Bayport Senior Community Center

Ken Hartung stated the City has received a request from Sue Schultz from the Bayport Senior Community Center located in the Bayport American Legion for the City to consider posting no-parking signs in front of the Bayport American Legion which would state:

No Parking
Between Signs
Monday through Friday
11:00 a.m. to 1:00 p.m.

He stated the no-parking signs would be spaced approximately 20 feet apart and are designed to ensure the transportation vehicle provided by Human Services, Inc. of Washington County can unload citizens in front of the Senior Center for residents who do not have a car or have significant mobility problems. He stated that no parking would be in effect from 11:00 a.m. to 1:00 p.m., which is time for the senior citizens' noon lunch. He indicated Sue Schultz has made contact with the Minnesota Department of Transportation to determine a process for putting in a curb cut between the no-parking signs for wheelchair access. Ms. Schultz is proposing a 20-foot curb cut which would essentially extend the entire distance between the two no-parking signs.

Councilmember Schultz indicated he had some strong reservations about a 20 foot curb cut and the necessity for that large of a curb cut. He also stated he would like to minimize the slope on the ramp for the curb cut to prevent people walking on the sidewalk from falling because of the different heights.

Consulting City Engineer Barry Peters stated the ramp elevation is dictated by the American Disabilities Act Rules and Regulations.

Councilmember Menard also indicated he has strong reservations about the 20 foot curb cut.

Councilmember Ridgway also expressed some concern about the 20-foot wide curb cut.

Ken Hartung, City Administrator, stated he will be talking with Ms. Schultz to determine if a narrower curb cut would be possible for the area.

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-52

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE ERECTION OF TWO NO-PARKING SIGNS AT THE ENTRANCE
OF THE BAYPORT AMERICAN LEGION ALSO SERVING AS THE BAYPORT SENIOR
COMMUNITY CENTER AT 263 NORTH 3RD STREET.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving the Purchase of a Laptop
Computer for the Police Department**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-53

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF A SOLO 5300CL LAPTOP COMPUTER FROM
GATEWAY COMPUTER COMPANY FOR AN AMOUNT OF \$2,743.00.

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

**Discuss Adopting a Resolution
Authorizing Installation of Carpeting and
Rubber Tile Flooring in the Police Department**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-54

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING FROGGY'S CARPET SHOP, INC. OF BAYPORT, MINNESOTA TO
INSTALL A NEW FLOOR IN THE BAYPORT POLICE DEPARTMENT FOR A COST OF
\$5,000.00.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Awarding the Fire Station
Remodeling Project Contract**

Ken Hartung, City Administrator, indicated the Council adopted Resolution 01-36 at
the March 5, 2001 Council Meeting approving the plans and specifications for the City of
Bayport fire station improvements and establishing a bid date for Tuesday, March 27,
2001 at 2:00 p.m. CST at Bayport City Hall. He noted the City received six bids for the
fire station. He indicated the Engineer's estimate for fire station improvements was
\$267,425.00. He reviewed the fire station bids with Councilmembers by using the
following table:

**Table 1
 Bayport Fire Station
 Improvement Project Bids**

Contractor Name	Base Bid	Alternate Bid	Total Base Bid plus Alternate
Parkos Construction	\$245,600.00	\$1,550.00	\$247,150.00
Geo. Siegfried Construction	\$255,000.00	\$ 800.00	\$255,800.00
Jorgenson Construction	\$254,000.00	\$2,000.00	\$256,000.00
Meisinger Construction	\$285,800.00	\$1,600.00	\$287,400.00
Gladstone Construction	\$316,360.00	\$1,750.00	\$318,110.00
Arkay Construction	\$376,000.00	\$2,000.00	\$378,000.00
Engineer's Estimate	\$260,925.00	\$6,500.00	\$267,425.00

Barry Peters, Consulting City Engineer, stated the low bid on the fire station remodeling project was Parkos Construction with a total base bid plus alternate bid of \$247,150.00. Mr. Peters indicated he has completed the reference checks on Parkos Construction of West St. Paul, Minnesota and found reference checks indicate the firm is capable of completing this project. Additionally, he noted, Parkos Construction is completing the Maplewood fire station which was designed by S.E.H. and has technicians from S.E.H. working with the Parkos Construction Company on the project. He indicated he is recommending the Council award the fire station improvement project to Parkos Construction of West St. Paul for an amount of \$247,150.00.

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-55

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
 AWARDING THE CONTRACT FOR THE FIRE STATION IMPROVEMENTS TO
 PARKOS CONSTRUCTION OF WEST ST. PAUL, MINNESOTA FOR A CONTRACT
 PRICE OF \$247,150.00.**

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

Jim Menard - aye
 Jack Nyenhuis - aye
 Jim Kosmo - aye

Sharon Ridgway - aye
 Allen Schultz - aye

**Discuss Adopting a Motion
Approving an Agreement Between the
City of Maple Plain and the City of Bayport
For Use of a Hum-V for Flood Activities**

Ken Hartung stated the fire department has been in contact with the Maple Plain fire department for the purpose of trying to secure a Hum-V vehicle for public safety activities associated with flooding this spring. He noted the Hum-V has a very high axle clearance which will allow the vehicle to go through areas which have approximately 2' of standing water. This will allow the fire department to respond to medical emergencies and fire calls in areas which may be isolated during flooding, specifically the areas of Lake Drive, Point Road and Lakeside Drive.

Ken Hartung indicated City Attorney Jim Lammers has reviewed this item with the League of Minnesota Cities Insurance Trust program and the City Attorney for Maple Plain.

Jim Lammers, City Attorney, indicated after discussing this item with the League of Minnesota Cities Insurance Trust and the Maple Plain Attorney, all parties determined that it is best not to have an agreement between the City of Bayport and the City of Maple Plain for use of the Hum-V. City Attorney Jim Lammers stated the use of the Hum-V by the Bayport Fire Department and the liability and property damage issues associated with its use are spelled out in Minnesota law. He stated consequently, there is no need for a joint powers agreement between the two cities for the use of the Hum-V.

Ken Hartung stated based on the City Attorney's review of this issue, it is not necessary for the City Council to take any action associated with the use of the Hum-V from Maple Plain.

**Discuss Adopting a Resolution
Authorizing the Purchase and Funding
Of Confined Space Rescue Equipment**

Ken Hartung stated the City of Bayport's fire department provides fire and rescue services for the communities of Bayport, Oak Park Heights, Baytown Township and West Lakeland Township. He noted within each of the local governments' geographical boundaries, there are a number of industries and businesses that have confined spaces which may require rescue activities to remove an injured individual from the confined space. He noted the City of Bayport's fire department has the responsibility to have personnel trained in confined space rescue to remove individuals safely from a confined space area. He indicated the number of businesses within the Bayport fire department's service area which have confined spaces are the following:

- 1) The Andersen Corporation, Bayport, Minnesota
- 2) Excel Energy, Allen King Plant, Oak Park Heights, Minnesota
- 3) Metro Council Environmental Service Waste Treatment Plant, Oak Park Heights, Minnesota

Bayport City Council Meeting Minutes
April 2, 2001

- 4) Minnesota Correctional Facility, Bayport, Minnesota
- 5) Minnesota Correctional Facility, Oak Park Heights, Minnesota
- 6) The City of Bayport's Sanitary Sewer Collection System, Bayport, Minnesota
- 7) The City of Oak Park Heights' Sanitary Sewer Collection System, Oak Park Heights, Minnesota
- 8) Stillwater Area High School, Oak Park Heights, Minnesota
- 9) Tower Asphalt, West Lakeland Township
- 10) Sheily Gravel Company, West Lakeland Township

Ken Hartung stated the City of Bayport's fire department has received the required confined space training to affect such rescues. However, at this time, he noted the fire department does not have the equipment which may be necessary to safely affect a confined space rescue. He noted confined space rescue equipment must be provided to the Bayport fire department through one of the following options:

- 1) Each facility that has a confined space is required to purchase confined space rescue equipment for use at their facility. This option would require each business or institution to invest in approximately \$20,000.00 to \$25,000.00 worth of confined space rescue equipment.
- 2) The City of Bayport Fire Department purchases the confined space rescue equipment which could be used at any of the facilities within Bayport's Fire Department's service area. This will require the City of Bayport to purchase the confined space rescue equipment. However, we are proposing the City Council authorize the Bayport Fire Department to solicit donations from the various confined space businesses to help offset the \$20,000.00 to \$25,000.00 cost.

Ken Hartung indicated the Bayport fire department personnel have compiled a list of equipment required for confined space rescue. He noted the fire department has secured two quotes; one from CMC of California and Clarey's Safety Equipment of Rochester, Minnesota. He noted CMC's quote for the required safety equipment is \$28,976.21 and Clarey's Safety Equipment's quote is \$24,897.43. He indicated Rick Bastyr, Fire Department Captain and Chuck Oswald, Firefighter, are here this evening to address any questions Councilmembers may have related to the purchase of the confined space safety equipment.

Councilmember Nyenhuis asked why the communication kit is so expensive.

Rick Bastyr, Bayport Fire Department Captain, indicated the rescue communication kit is equipped with radios which can be used in conditions which normal equipment would trigger an explosion. He stated the rescue communication equipment is classified as safe equipment because it is explosion-proof.

Ken Hartung stated the quotes the City has received are from CMC of California for \$28,976.21 and Clarey's of Rochester, Minnesota for \$24,897.43. He stated in earlier action, the City designated \$30,000.00 from the year 2000 fund balance for expenses associated with purchasing safety equipment. Consequently, there are adequate funds to initiate the confined space safety equipment purchase for the Fire Department. He indicated staff is recommending the City Council adopt a Resolution authorizing the purchase of confined space safety equipment from Clarey's Safety Equipment of Rochester, Minnesota for a price of \$24,897.43.

Ken Hartung stated the Fire Department and he are also recommending the City Council authorize the City of Bayport to prepare and send letters of solicitation to companies and institutions which are served by the Bayport Fire Department. Staff hopes that the City will receive enough support from businesses and institutions to significantly offset the anticipated expenditure of approximately \$25,000.00 for the purchase of the confined space equipment.

Councilmember Schultz introduced the following resolution and moved its adoption:

RES. 01-56

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF CONFINED SPACE RESCUE EQUIPMENT FOR
THE BAYPORT FIRE DEPARTMENT FROM CLAREY'S SAFETY EQUIPMENT OF
ROCHESTER, MINNESOTA FOR A PRICE OF \$24,897.43.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Moved by Councilmember Schultz, seconded by Councilmember Menard, to authorize the City of Bayport staff to prepare and send letters to companies and institutions within the Bayport Fire Department's service area asking them to financially support a portion of the money needed to pay for the acquisition of confined space rescue equipment.

Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Schultz, Menard and Ridgway.

Voting against: None.

**Discuss Adopting a Resolution
Approving an Agreement Between
Short-Elliott-Hendrickson and the City of Bayport
for Engineering Services Associated with
The State Storm Sewer Project**

Councilmember Schultz introduced the following resolution and moved its adoption:

RES. 01-57

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING AN AGREEMENT BETWEEN THE CITY OF BAYPORT AND SHORT-
ELLIOTT-HENDRICKSON TO COMPLETE ENGINEERING WORK ASSOCIATED
WITH THE CONSTRUCTION OF THE STATE STORM SEWER PROJECT FOR AN
AMOUNT NOT TO EXCEED \$394,000.00.

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

**Discuss Adopting a Resolution
Approving an Agreement Between
The City of Bayport and
Arthur J. Gallagher & Company**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-58

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BAYPORT AND ARTHUR
J. GALLAGHER & COMPANY OF MINNESOTA, INC. FOR AN ANNUAL FEE OF
\$2,100.00.

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

**Discuss Whether the City of Bayport
Should Pay its Middle St. Croix River
Watershed Management Organization
Annual Dues**

Ken Hartung stated at the last Middle St. Croix River Watershed Management Organization Meeting, the Watershed Management Organization ordered its Treasurer to send out dues statements for its member local governments. The Watershed Management Organization established a budget of \$12,500.00 for its fiscal year of 2001. The City of Bayport's annual dues associated with the Middle St. Croix River Watershed Management Organization is \$2,222.82. Ken Hartung noted on January 24, 2001, the Minnesota Board of Water and Soil Resources ruled that the land areas within the Middle St. Croix River Watershed Management Organization are to be absorbed in the Brown's Creek Watershed District and the Valley Branch Watershed District. Essentially, he stated, the Minnesota Board of Water and Soil Resources' ruling puts all of the City of Bayport within the Brown's Creek Watershed District. He also stated the Middle St. Croix River Watershed Management Organization voted to finance a court challenge to the Minnesota Board of Water and Soil Resources' ruling to absorb the Middle St. Croix River Watershed Management Organization into the Brown's Creek and Valley Branch Watershed Districts. He noted the City of Bayport voted against challenging the Board of Water and Soil Resources' decision in court. He indicated one of the issues the City Council will have to deal with at this evening's meeting is whether

or not the City wants to continue to fund the Middle St. Croix River Watershed Management Organization with its annual dues with the knowledge that those dues may be used to finance a court challenge to the Minnesota Board of Water and Soil Resources' ruling to include Bayport in the Brown's Creek Watershed District.

Councilmember Ridgway stated she does not favor the Middle St. Croix River Watershed Management Organization's court challenge to the Minnesota Board of Water and Soil Resources' ruling. She stated she is not in favor of paying the City of Bayport's annual dues to the Middle St. Croix River Watershed Management Organization because she believes the organization no longer exists.

Mayor Jim Kosmo stated he also believes it's a waste of time and money for the Middle St. Croix River Watershed Management Organization to finance a court challenge to the Board of Water and Soil Resources' ruling.

Councilmember Nyenhuis indicated he attended the Joint City Council/Planning Commission Meeting of Tuesday, March 27, 2001. Councilmember Nyenhuis stated he is convinced the Brown's Creek Watershed District makes the most sense from a management perspective.

Moved by Councilmember Schultz, seconded by Councilmember Nyenhuis, to table consideration of the City of Bayport's 2001 Middle St. Croix River Watershed Management Organization annual dues of \$2,222.82 until such a time as the Mayor requests the item be placed on the City Council Agenda.

Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Schultz, Ridgway and Menard.

Voting against: None.

**Discuss a City Council
Nominee to the Brown's Creek
Watershed District Board**

Mayor Jim Kosmo stated he and City staff have contacted an individual from Bayport to be nominated by the Council to serve on the Brown's Creek Watershed District Board. He indicated, however, this person was unable to serve.

Ken Hartung, City Administrator, stated he talked with Jerry Turnquist, a former Oak Park Heights City Councilmember and resident of Oak Park Heights. He stated Mr. Turnquist is a candidate for the Brown's Creek Watershed District Board.

Mayor Kosmo stated he believes Jerry Turnquist would be a good candidate to represent the cities of Bayport and Oak Park Heights as a board member of the Brown's Creek Watershed District and supports his nomination.

Moved by Councilmember Menard, seconded by Councilmember Schultz, to nominate Jerry Turnquist of Oak Park Heights as the City of Bayport's official nominee for appointment to the Brown's Creek Watershed District Board.

Voting in favor: Mayor Kosmo, Councilmembers Menard, Schultz, Ridgway and Nyenhuis.

Voting against: None.

**Discuss Appointment of Individuals to the
Brown's Creek Transition Committee and
Adopting a Resolution Requesting a Time Extension
For Completion of the Brown's Creek
Second Generation Watershed Management Plan**

Ken Hartung stated at the Joint City Council/Planning Commission workshop held on Tuesday, March 27, 2001, Craig Leiser, President of the Brown's Creek Watershed District, stated he would like to have the City of Bayport appoint a transition committee. He stated Mr. Leiser believes the transition committee is important to review Bayport's Ordinances and Flood Plain Management policies in contrast with the proposed Brown's Creek Second Generation Watershed Management Plan.

Moved by Mayor Kosmo, seconded by Councilmember Menard, to appoint Jack Nyenhuis as the elected Bayport official and Ken Hartung as the appointed Bayport official to the Brown's Creek Transition Committee.

Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Ridgway, Schultz and Menard.

Voting against: None.

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-59

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
REQUESTING THE MINNESOTA BOARD OF WATER AND SOIL RESOURCES
EXTEND THE COMPLETION DATE OF THE BROWN'S CREEK SECOND
GENERATION WATERSHED MANAGEMENT PLAN TO JULY 31, 2002.

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

**Discuss a Request by
Bill and Cynthia Huhnke to have one
Headstone at Hazelwood Cemetery
Identifying 6 Gravesites**

Ken Hartung stated the City has received a request from Bill and Cynthia Huhnke for the City to consider permitting them to have one headstone serve as an identifier for six gravesites which hold the remains of Huhnke relatives. He noted the Huhnke relatives

are buried in Block 9, Lot 5, Graves 1 and 2 and Block 9, Lot 6, Graves 1, 2,3 and 4. He noted the Huhnke relatives' burials took place between 1819 and 1923. He indicated none of the gravesites now have a marker identifying the individual buried at the gravesite. Ken Hartung reviewed with the Councilmembers, with the help of a cemetery map identifying the Huhnke gravesites. He also illustrated for Councilmembers, the approximate location that the Huhnkes are proposing to position one flat headstone which would identify the names of the individuals in the six gravesites. Ken Hartung stated during the summer of 2000, the City's Public Works Supervisor Mel Horak and summer employee Jim Purnick, worked on straightening out the cemetery's records. On a number of occasions, the City's formal written burial records did not correspond with the placement of headstones identifying the individual buried at the site. This put City staff in the position of trying to determine if the City's written record identifying the individual gravesites was correct or if the headstone correctly identified the individual placed in the gravesite. Ultimately, he stated, the City had to guess as to which was correct, not knowing for sure if staff guessed right. Consequently, he noted, from a staff perspective, it is important that whatever decision the City Council makes, it clearly must identify the individuals who are located in the gravesites so that in the future there can be no confusion between the cemetery marker and the City's written record.

City Councilmembers discussed this issue and asked the City Administrator to determine how many gravesites in Hazelwood Cemetery have an individual buried in it but do not have markers. The City Council asked him to present that information at the next City Council Meeting.

**Discuss Adopting a Motion
Authorizing Solicitation of Bids
For the Sale of the Fire Department's
1976 – 65' Ladder Truck and
1987 Tanker Truck**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-60

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE SALE OF THE 1987 TANKER TRUCK AND 1976 LADDER
TRUCK AND ESTABLISHING A BID DATE FOR TUESDAY, MAY 1, 2001 AT 2:00 P.M.
CDT, BAYPORT CITY HALL.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

ADMINISTRATOR'S REPORT

**Alternate Board of Review
Open Book Session**

Ken Hartung reminded Councilmembers and members of the public that the Board of Review alternate open book session is scheduled for Monday, April 9, 2001 at Bayport City Hall Council Chambers at 5:30 p.m. to 6:30 p.m.

Planning Commission Meeting

Ken Hartung stated the Planning Commission will meet on Monday, April 9, 2001 at 7:00 p.m. in Bayport City Hall Council Chambers.

ADJOURN

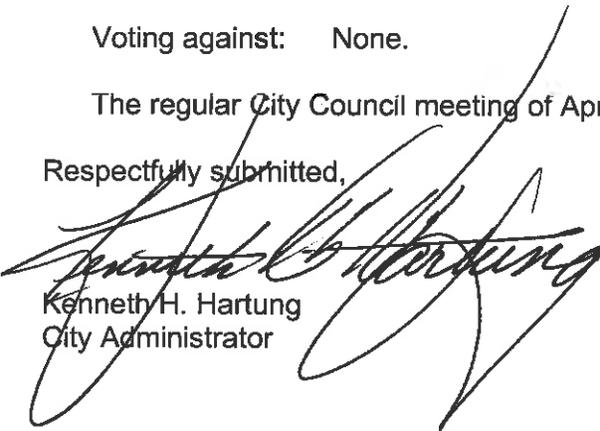
Moved by Councilmember Schultz, seconded by Councilmember Menard, to adjourn the City Council meeting of April 2, 2001.

Voting in favor: Mayor Kosmo, Councilmembers Menard, Nyenhuis, Schultz and Ridgway.

Voting against: None.

The regular City Council meeting of April 2, 2001 was adjourned at 9:05 p.m.

Respectfully submitted,


Kenneth H. Hartung
City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
MAY 7, 2001
7:00 P.M.

CALL TO ORDER

Mayor Jim Kosmo called the City Council Meeting of May 7, 2001 to order and asked the City Councilmembers, staff and audience to join in pledging allegiance to the American flag.

ROLL CALL

Members Present: Mayor Jim Kosmo, Councilmembers Jim Menard, Allen Schultz, Sharon Ridgway, and Jack Nyenhuis.

Members Absent: None.

Others Present: Ken Hartung, City Administrator; Barry Peters, Consulting City Engineer; Jim Lammers, City Attorney; and Peggy Moeller, HLB Tautges, Redpath.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-61

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE MAY 7, 2001
CITY COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of April 2, 2001.
- B. Approve the bills as presented in the amount of \$500,317.67.
- C. Approve the receipts as presented in the amount of \$287,045.05.
- D. Approve the building, plumbing and heating permits issued during the month of April, 2001.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

Ken Hartung stated no Public Hearings have been scheduled for this evening's Council Meeting.

PETITIONS

Mayor Jim Kosmo stated no Petitions have been scheduled for this evening's meeting. Mayor Kosmo asked if any member from the public wished to address the City Council.

No public member expressed an interest to address the City Council.

CITY ATTORNEY

City Attorney Jim Lammers stated he had nothing to add at this point in the agenda.

CITY ENGINEER

City Engineer Barry Peters reviewed the following change orders associated with reconstructing the City of Bayport's Fire Station:

- 1) Add a laundry tub to the west bay vehicle storage area. The fire department decided it is important for them to have a laundry tub in this area to be able to clean equipment. The cost of the laundry tub is \$603.00.
- 2) When excavating the concrete floor and apron near the front of the building, it was discovered the center columns between the doors had not been filled with concrete during the original construction. The concrete blocks have significant deterioration and it is necessary to do immediate work by filling the existing blocks with concrete. He estimated the cost for filling the three columns to be \$3,700.00.
- 3) The State Mechanical Inspector is requiring the City to replace an existing waste trap located inside the fire station. The cost of replacing the existing waste trap is \$3,719.00.
- 4) The Public Works Supervisor and Fire Chief are requesting electrical conduit be run from the inside of the fire department to the sanitary sewer manhole. Electrical wire conduit is being run to the manhole in case, at some future date, it is necessary to have a light heating element placed in the manhole to prevent freezing.

Barry Peters noted the total amount of change orders to date is approximately \$8,183.00. He stated if there is no objection from Councilmembers, these items will be completed and change orders will be issued for Councilmembers approval upon completion of the change order items.

There were no objections from Councilmembers regarding the outlined change orders.

DEPARTMENT HEADS

Ken Hartung stated he had nothing to add at this point in the agenda unless Councilmembers had specific questions.

COUNCIL LIAISON REPORTS

Cable Commission

Councilmember Sharon Ridgway stated she attended the Cable Commission Meeting of April 18, 2001 at 7:00 p.m. at the new Cable Commission headquarters in River Heights Plaza. She stated the Cable Commission Meeting was broadcast live from the new studio location.

She indicated the next Cable Commission Meeting will be held on Wednesday, May 16, 2001 at 7:00 p.m. in the Cable Commission facilities located in River Heights Plaza.

OLD BUSINESS

Ken Hartung stated there is no old business slated for this evening's meeting.

NEW BUSINESS

Discuss the City of Bayport 2000 Independent Audit

Mayor Jim Kosmo introduced the year 2000 audit agenda item and asked the City Administrator to review the detail of the audit.

Ken Hartung, City Administrator, stated the State of Minnesota mandates the City have an independent audit conducted of its financial records and transactions. He stated the independent audit requires the audit to be completed by an independent audit firm which has no connection to the City of Bayport. He noted the year 2000 audit was conducted by HLB Tautges, Redpath. He indicated Peggy Moeller was the staff person from HLB Tautges, Redpath in charge of the City's audit for 2000. He introduced Peggy Moeller to review the audit process.

Peggy Moeller of HLB Tautges, Redpath, stated HLB Tautges Redpath prepared three reports required by the State of Minnesota related to the City of Bayport's financial records and transactions. She stated those reports are:

- 1) An annual financial report.
- 2) A stage legal compliance report.
- 3) A report on internal controls.

She also stated her firm prepared a financial analysis and management consideration report which highlights some key financial findings for Councilmembers.

Peggy Moeller went on to state the financial report summarizes the auditor's findings related to the City's financial statements. Ms. Moeller outlined the key elements of each of those required reports as follows:

1) Annual financial report.

The annual financial report reviews the City's financial statements. Additionally, the financial report contains the independent auditor's reports on the fair presentation of financial statements. This year, the auditor found the City's financial statements had an unqualified, or clean opinion for 2000.

2) State legal compliance report.

The auditors are required to review the City's financial records and financial processes and review them to ensure that they comply with certain auditing standards. The audit of the City's financial records in this area include:

- A) Contracting and bidding.
- B) Deposits and investments.
- C) Conflicts of interest.
- D) Public indebtedness.
- E) Claims and disbursements.

A review of this section determined that there were no compliance findings for the year 2000.

3) Report on internal control.

The auditor is required to review the City's financial transactions as they relate to certain audit standards. Based on inquiries and observations, the auditors are required to identify significant deficiencies in the design and operation of an internal controller on financial reporting that would adversely affect the City's ability to record, process, summarize, and report financial data. The City had one reportable condition which is a lack of segregation of accounting duties. This is not an uncommon condition for small cities because the City does not have the accounting staff to segregate each accounting duty.

Ms. Moeller went on to review the general fund revenue for the year 2000, indicated the actual 2000 revenue exceeded the budget by approximately \$162,000.00. She noted actual 2000 expenditures were approximately \$114,000.00 under the budget expenditures for 2000.

Ken Hartung, City Administrator, went on to review with the City Council, the need for fund balance reserves. He noted the need for the City to have significant fund balance reserves are to ensure the City can pay its bills and salaries between the time when the City receives its two tax payments which are in July and December. He also noted fund balance reserves are necessary for state government revenue cutbacks, emergency expenditures and unanticipated capital outlay replacements and special City Council projects during any given year. He indicated the fund balance at the end of the year 2000 was \$1,743,825.00.

Ken Hartung indicated the fund balance for the Library at the end of 2000 was \$208,029.00.

Ken Hartung then reviewed the following special fund balances:

1) Fire equipment replacement fund balance.

At the end of 2000, the fire equipment replacement fund balance was \$811,086.00. This fund will be significantly reduced in the year 2001 with the purchase of the City's new ladder truck scheduled for delivery on Wednesday, May 9, 2001. Next year's fund balance will be approximately \$30,000.00 after the purchase of the fire truck.

2) Street utility reconstruction fund balance.

The fund balance for the street utility reconstruction fund at the end of 2000 was \$1,991,000.00. This fund was set aside by the City Council with the specific goal of funding street reconstruction projects within the City. The fund is designed to minimize or eliminate the City's need to borrow money to fund major street and utility projects.

Ken Hartung stated the City has also significantly reduced its debt in the last seven years. He indicated the City had an outstanding debt of \$6,435,000.00 in 1993. He noted by the end of the year 2001, the City's debt will be reduced to \$1,925,000.00.

Ken Hartung reviewed the water fund and sewer fund expenses and revenues indicating revenues exceeded expenses in every year from 1997 through the year 2000 for the water and sewer funds. He noted, however, the City will be experiencing a significant increase in its Metro Environmental Service Division sewer bill for the month of April and May. He indicated normal sewage flow from the City of Bayport's residents is approximately 300,000 gallons per day. He indicated during this year's flood, as much as 2.6 million gallons per day of sewage was recorded as Bayport's sewage flow. This dramatic increase in sewage flow was a result of river water pushing through the ground and into the City's sanitary sewer system. He noted he is anticipating the City could receive a bill \$40,000.00 to \$60,000.00 higher for those two months than the normal billing fees.

Councilmember Nyenhuis asked if the City was given any break on the cost of processing the water because most of it is floodwater.

Ken Hartung stated once the water has been brought into the City's sewage system, it must be treated like all other sewage water by the Metro Environmental Service Division. Consequently, he stated, the cost to the City for processing floodwater versus regular sewage water is the same.

Peggy Moeller from HLB Tautges, Redpath summarized key elements of the year 2000 audit as follows:

1) The City has minimal delinquent assessment balances – a reflection of good collection rates.

- 2) The City's general fund balance increased by \$289,000.00 in 2000. General fund reserve requirements established by City Resolution are funded.
- 3) The City's water fund reflected a net income before operating transfers of \$87,000.00 in the year 2000.
- 4) The City's sewer fund reflected a net income before operating transfers of \$158,000.00 in the year 2000.
- 5) The auditors recommend the City continue to annually review utility rates.
- 6) During 2000, the City established a tax stabilization fund. The fund balance was \$356,000.00 as of December 31, 2000.
- 7) Investment income for 2000 was \$470,000.00.

**Discuss Adopting a Resolution
Accepting a \$1,000.00 Grant from the
Katherine B. Andersen Fund of the
Saint Paul Foundation**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-62

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ACCEPTING \$1,000.00 FROM THE KATHERINE B. ANDERSEN FUND OF THE
SAINT PAUL FOUNDATION AND THAT SUCH FUNDS SHALL BE DEPOSITED IN
THE CITY OF BAYPORT'S FIRE EQUIPMENT REPLACEMENT FUND.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing No Parking Signs at
Andersen Elementary School**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-63

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE INSTALLATION OF THREE NO PARKING SIGNS ON THE EAST
SIDE OF NORTH 4TH STREET, LOCATED ON THE WEST SIDE OF ANDERSEN
ELEMENTARY SCHOOL AND THAT SAID NO PARKING SIGNS SHALL STATE, "NO
PARKING 6:00 A.M. TO 2:45 P.M. DURING SCHOOL DAYS".

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Renewal of the City's Insurance
Policy Related to Property, Inland Marine,
Liability, Auto Liability, Auto Physical Damage,
Excess Liability, Employee Dishonesty Bond,
Volunteer Accident Plan Coverage, Open Meeting Law,
Boiler and Equipment Coverage, Workers' Compensation,
And Waiving the Monetary Limits on Municipal Tort Liability**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-64

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING RENEWAL OF THE CITY'S INSURANCE POLICY RELATED TO
PROPERTY, INLAND MARINE, LIABILITY, AUTO LIABILITY, AUTO PHYSICAL
DAMAGE, EXCESS LIABILITY, EMPLOYEE DISHONESTY BOND, VOLUNTEER
ACCIDENT PLAN COVERAGE, OPEN MEETING LAW, BOILER AND EQUIPMENT
COVERAGE, WORKERS' COMPENSATION, AND WAIVING THE MONETARY LIMITS
ON MUNICIPAL TORT LIABILITY.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving an Agreement Between
The City of Bayport and Arthur J. Gallagher & Company
Of Minnesota, Inc.**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-65

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING AN AGREEMENT BETWEEN THE CITY OF BAYPORT AND ARTHUR J.
GALLAGHER & COMPANY OF MINNESOTA, INC.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss the City Process
Related to Locating the
Burial Site for Harriet Asp Cremains**

Ken Hartung, City Administrator, stated the family of Harriet Asp held a funeral and burial for her cremain remains an April 16, 2001 at 11:00 a.m. He noted the family discovered during the burial service that the City had prepared the wrong gravesite for the cremain remains of Harriet Asp. The family stopped at City Hall following the service on April 16, 2001 to point out the error. Unfortunately, because of flood activities, we were not able to immediately address the situation by digging a new gravesite for the cremain remains. Consequently, Debbie Yokes, daughter of Harriet Asp, took the cremain remains home until burial on April 17, 2001 when the City was able to dig the grave in the proper location. Ms. Debbie Yokes followed up with a letter to Mayor Kosmo expressing her extreme dissatisfaction with the City's error and classifying it as unethical. Ken Hartung noted he wrote a formal letter of apology to Ms. Yokes indicating that City staff should have taken the time to correct the situation immediately. He also wrote to Ms. Yokes stating to ensure that this situation does not happen again, he would be asking the City Council to adopt a formal policy which would require City staff to meet with a member of the family or family representative at Hazelwood Cemetery to ensure the location of the burial site for the family member is correct. He noted this item is on the City Council Agenda for discussion this evening.

Councilmember Allen Schultz stated he believes the proposed policy of having family members or their representative go to Hazelwood Cemetery to ensure the site is correct makes for good policy.

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-66

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE RULES AND REGULATIONS OF HAZELWOOD CEMETERY.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving a Re-subdivision of
338 5th Avenue North and
342 5th Avenue North**

Councilmember Menard introduced the following Resolution and moved its adoption:
RES. 01-67

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE RE-SUBDIVISION OF PROPERTY LOCATED AT 342 5TH AVENUE
NORTH AND 338 5TH AVENUE NORTH.

The motion for adopting the foregoing Resolution was duly seconded by
Councilmember Schultz and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Alien Schultz - aye

**Discuss Authorizing the Renewal
Of American Legion post 491
Class A Gambling Premise Permit**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-68

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING A MINNESOTA LAWFUL GAMBLING CLASS A PREMISE PERMIT
APPLICATION FOR AMERICAN LEGION POST 491 OF BAYPORT.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Authorizing the Renewal of
American Business Women's Chapter
Ladyslipper Class B
Gambling Premise Permit**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-69

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING A MINNESOTA LAWFUL GAMBLING CLASS B PREMISE PERMIT
APPLICATION FOR AMERICAN BUSINESS WOMEN'S CHAPTER LADYSLIPPER TO
CONDUCT CLASS B LAWFUL GAMBLING ACTIVITIES AT LITTLE RASCALS, 193
NORTH 3RD STREET, BAYPORT, MINNESOTA.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss US Army Corps of Engineers
Flood Damage Reduction Feasibility Study**

Ken Hartung, City Administrator, stated as a consequence of this year's flooding, Mel Horak, Public Works Supervisor, contacted Tom Crump, Project Manager for the St. Paul District of the Corps of Engineers. He noted Mr. Crump and Mr. Mark Koenig met with Mel Horak on April 26, 2001. The purpose of the meeting, he noted, was to discuss the Corps of Engineers emergency operations program and permanent flood control program. City staff is interested in exploring with the Corps of Engineers whether there is some merit for them to have a feasibility study to identify an economically justified viable solution to some of the flooding problems within Bayport. He stated Mr. Crump is here this evening to review with Councilmembers the Corps of Engineers' program.

Tom Crump, Project Manager for the St. Paul District of the Corps of Engineers stated he appreciates the opportunity to speak with Councilmembers this evening. He noted the Corps of Engineers is responsible for emergency operations associated with riverways. He noted such emergency operations could consist of sandbagging and pumping flooded areas. He also stated the Corps of Engineers conducts flood damage reduction feasibility studies to help mitigate flood damage and is responsible for carrying out flood protection methods through implementation of capital projects. He stated in looking at Bayport's situation, the first step in the process would be for the Corps of Engineers to conduct a flood damage reduction feasibility study. He noted the first \$100,000.00 of the study would be fully funded by the Federal Government. He indicated any cost above the \$100,000.00 would have a 50% share of Federal Government and a 50% share from a non-Federal sponsor. He noted this could be the City of Bayport or the Minnesota Department of Natural Resources. He also indicated before any funds from the City would be committed to the project, the City would have to enter into an agreement with the Corps of Engineers laying out exactly what the City's financial commitment is to the feasibility study and/or capital projects implemented as a consequence of the feasibility study. He indicated if the feasibility study determines that it is economically feasible to proceed with a recommended flood control or flood mitigation program as outlined in the feasibility study, the plans and specifications associated with the project would be funded 65% by the Federal Government and 35% by local government. He noted the construction associated with any flood remediation program would be funded by 65% by the Federal Government and 35% by local governments. He stated maintenance of the flood mitigation or control project would be covered 100% by local governments.

Mr. Crump indicated embarking on a damage reduction feasibility study is not a quick fix. He indicated provided the study determines there is an economically feasible way to mitigate or reduce flood damage, it can be three to five years before construction. Additionally, he noted there are 12 communities which have requested a Federal Government flood damage reduction feasibility study. He indicated current funding allows the Army Corps of Engineers to complete about three studies per year. Consequently, he noted, depending on Bayport's circumstances, it may be three to four

years before the Federal Government is able to fund the flood damage reduction feasibility study for the City of Bayport.

Councilmember Menard asked if the City could conduct its own study.

Mr. Crump stated the City could conduct its own study, however, he noted, the Federal Government has very specific criteria which it looks at, which in many cases, only the Corps of Engineers is aware of. Consequently, the City could go ahead and fund the study only to have the study be grossly inadequate for the Federal Government and consequently, the study would have to be redone.

Mayor Jim Kosmo stated the Council is looking at adopting a Resolution this evening which would request the Army Corps of Engineers to conduct a study to determine the feasibility of developing a small flood control project in the City of Bayport. He noted that part of that Resolution states it is understood that if it is feasible and advisable to adopt a small flood control project at Bayport, the City Council would be required to enter into contractual agreements that will provide such local cooperation as prescribed by the Secretary of the Army. He noted this sounds like the City is already entering into a contract with the Corps of Engineers and the City agrees to commit the money necessary to complete the project.

Mr. Crump stated the language incorporated this evening in the proposed draft Resolution is model language. He noted cities are free to change the language in any way they would like to minimize their commitment. He stated the City is free to stop the process at any point and the City would not be committed to pay anything beyond what has already been expended. He noted the first part of the feasibility study, up to \$100,000.00, is covered by the Federal Government.

City Attorney Jim Lammers recommended the City Council change paragraph two under 'Now Therefore Be It Resolved', to read as follows:

"It is understood that if it is found feasible and advisable to develop a small flood control project at Bayport, the City Council may enter into contractual agreements that will provide such local cooperation as may be prescribed by the Secretary of the Army."

Councilmembers agreed the language should be changed to be consistent with the City Attorney's recommendation.

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-70

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
REQUESTING THE US ARMY CORPS OF ENGINEERS TO CONDUCT STUDIES TO
DETERMINE THE FEASIBILITY OF DEVELOPING A SMALL FLOOD CONTROL
PROJECT AT BAYPORT UNDER THE AUTHORITY PROVIDED BY SECTION 205 OF
THE 1948 FLOOD CONTROL ACT AS AMENDED.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving the Planning and Specifications
For Overlay of County State Aid Highway 21**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-71

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING PLANS AND SPECIFICATIONS FOR PROJECT NUMBER SAP82-621-
25 SHOWING THE PROPOSED IMPROVEMENTS TO COUNTY STATE AID
HIGHWAY 21 WITHIN THE CITY LIMITS OF THE CITY OF BAYPORT.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving Change Order Number 1
For the State of Minnesota
Storm Sewer Construction Project**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-72

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CHANGE ORDER NUMBER 1 TO THE STATE OF MINNESOTA STORM
SEWER CONSTRUCTION PROJECT TO COMPENSATE S.M. HENTGES & SONS,
INC. IN THE AMOUNT OF \$3,718.24.

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

**Discuss Adopting a Resolution
Establishing an Elevation of 691'
On the Reconstruction of Point Road
For the State of Minnesota Storm Sewer Project**

Ken Hartung stated at the City Council Meeting of February 20, 2001, the Council adopted a Resolution approving an agreement between the City of Bayport and S.M. Hentges & Sons of Jordan, Minnesota for work associated with the Minnesota State Storm Sewer Project Phase I for a bid price of \$1,232,700.69. He noted at the time the City Council approved the contract, the Council expressed an interest in raising the portion of Point Road which is being reconstructed for the installation of the state storm sewer project to a minimum of 691'. He noted this section of Point Road is within the floodplain area and is subject to periodic flooding. He indicated the City of Bayport's Floodplain Management Ordinance and the Minnesota Department of Natural Resources' Floodplain Regulations require roads within the floodplain to be constructed at a minimum elevation of 691'. Consequently, he is before the City Council tonight to ask the Council to authorize the work associated with raising the road to meet state and local requirements in the floodplain.

Councilmember Jack Nyenhuis stated he doesn't believe the City Council has any choice but to raise the road to an elevation of 691' to conform to state and local regulations for a road which is located in the floodplain.

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 01-73

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING CONSTRUCTION ASSOCIATED WITH RAISING THE SECTION OF
POINT ROAD WITHIN THE STATE STORM SEWER CONSTRUCTION ZONE TO AN
ELEVATION OF 691'.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing the Purchase of
Computer Equipment for the
Fire Department**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-74

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF COMPUTER HARDWARE AND SOFTWARE
EQUIPMENT FOR THE BAYPORT FIRE DEPARTMENT FROM GATEWAY
COMPUTER COMPANY FOR AN AMOUNT NOT TO EXCEED \$2,080.00.**

ADMINISTRATOR'S REPORT

Discuss Establishing a Strategic Planning Meeting with Oak Park Heights City Council On Wednesday, May 30, 2001 At 7:00 p.m.

Moved by Councilmember Menard, seconded by Councilmember Schultz, to establish a Strategic Planning Meeting between the Oak Park Heights City Council and the Bayport City Council for Wednesday, May 30, 2001 at 7:00 p.m. at Bayport City Hall.

Voting in favor: Members Menard, Schultz, Kosmo, Ridgway and Nyenhuis.

Voting against: None.

Discuss the Process for Selling The 1987 1,200 Gallon Tanker Truck

Ken Hartung stated the City did not receive any bids for the 1987 1,200 Gallon Tanker Truck on May 1, 2001. He indicated he would like to have City Council permission for the City to actively solicit quotes on the fire truck from other organizations and present those to the City Council at some future date.

City Council consensus was to allow the Administrator to solicit quotes from other organizations and to present those quotes to the City Council for their consideration at a future date.

PUBLIC COMMENT

Cynthia Huhnke, 164 North 4th Street, stated at the April City Council meeting, the Council discussed her request for one gravestone identifying six Huhnke relatives buried at Hazelwood Cemetery. She said that she understood that this item was to be on this evening's Council Agenda and is concerned that it did not appear on the Agenda. Ms. Huhnke stated they have six gravesites at Hazelwood Cemetery which have direct relatives of the Huhnkes buried in those sites. Currently there is not a headstone identifying any of the gravesites. She indicated they would like to have one headstone identify all six graves. Additionally, she indicated the Huhnkes own approximately 16 gravesites in Hazelwood Cemetery. She indicated they do not have a deed for the gravesites. She indicated she spoke with an attorney who stated it would probably cost between \$250.00 to \$500.00 to transfer the gravesites without a deed. She stated she asked Mr. Hartung to contact the City Attorney. Mr. Hartung indicated he had talked with the City Attorney, but that the City Attorney was busy because he had just returned from a vacation. She was wondering if there was some way the City Attorney can give her some advice on facilitating an orderly transition of the gravesites to another owner.

Ken Hartung, City Administrator, asked City Attorney Jim Lammers if he might be able to assist the Huhnkes in trying to find a reasonable way to make that property transition.

Bayport City Council Meeting Minutes
May 7, 2001

Jim Lammers, City Attorney, indicated he would be more than happy to sit down with Cynthia Huhnke and review the matter. He noted they could set up a time for tomorrow afternoon for her to come to his office with the information she has in her possession.

Cynthia Huhnke also indicated she would like to see the headstone issue resolved as soon as possible.

City Administrator Ken Hartung suggested that it may be possible to hold a workshop to address this issue. He suggested Councilmembers may want to look at Tuesday, May 15, 2001 at 7:00 p.m.

Moved by Councilmember Menard, seconded by Councilmember Schultz, to establish a City Council Workshop for the purpose of discussing the Huhnke request to have one headstone with six individual's names listed for identifying the occupants of the six graves located in Hazelwood Cemetery.

Voting in favor: Members Schultz, Nyenhuis, Kosmo, Menard and Ridgway.

Voting against: None.

Ron Nelson
Valley Truck Service

Ron Nelson of Valley Truck Service stated he would like to compliment the City Council on the excellent work done by the Public Works Department, Police Department, Fire Department and City Hall staff during the flood taking place this spring in the City of Bayport. He indicated all staff members are to be commended for their quick, pleasant and efficient response to the flood situation.

Councilmember Jack Nyenhuis stated he would like to echo Mr. Nelson's comments that the Public Works Department, Police Department and Fire Department have done excellent jobs in handling the flood as well as could be expected.

ADJOURN

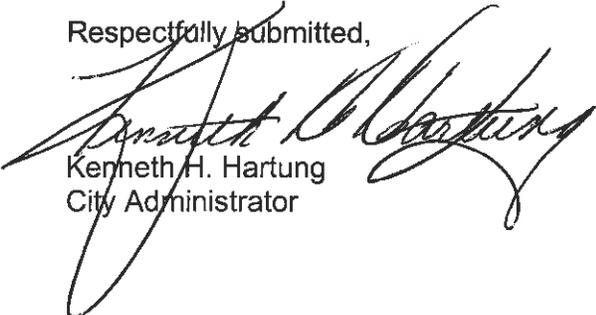
Moved by Councilmember Menard, seconded by Councilmember Schultz, to adjourn the City Council meeting of May 7, 2001.

Voting in favor: Mayor Kosmo, Councilmembers Menard, Nyenhuis, Schultz and Ridgway.

Voting against: None.

The regular City Council meeting of May 7, 2001 was adjourned at 8:55 p.m.

Respectfully submitted,


Kenneth H. Hartung
City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL WORKSHOP MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
MAY 15, 2001
7:00 P.M.

CALL TO ORDER

Mayor Jim Kosmo called the Bayport City Council Workshop to order at 7:00 p.m. and asked the City Administrator to call roll.

ROLL CALL

Members Present: Mayor Jim Kosmo, Councilmembers Sharon Ridgway and Allen Schultz.

Members Absent: Councilmembers Jack Nyenhuis and Jim Menard.

Others Present: Ken Hartung, City Administrator.

**Discuss a Request
By Bill and Cynthia Huhnke
To Allow One Grave Marker
To Identify Six Gravesites
In Hazelwood Cemetery**

Mayor Kosmo introduced the subject stating at the City Council Meeting of May 7, 2001, Cynthia Huhnke requested the City Council discuss their request of one headstone serving as an identifier for six gravesites at a workshop. He noted the City Council established the workshop at its May 7, 2001 Council meeting for May 15, 2001 at 7:00 p.m. William and Cynthia Huhnke were not in attendance at the City Council Workshop. He stated the City Administrator has prepared an information packet related to Bill and Cynthia Huhnke's request. He stated the Huhnkes have two requests which are:

- 1) A request that the City allow them to have one flat headstone to identify six gravesites in Hazelwood Cemetery; and,
- 2) For the City to allow the transfer of six gravesites on Lot 6, Block 11, purchased by Michael Huhnke in the late 1800's. The Huhnkes would like to have the Lot 6, Block 11 gravesites transferred to William J. Huhnke.

Councilmembers took time during the Council meeting to review a letter written by Cynthia Huhnke on May 14, 2001.

Ken Hartung stated staff has done a considerable amount of research regarding the first request made by the Huhnkes. He stated City staff called the managers of 12 cemeteries in the metropolitan area. He noted on single and double headstones, no one

permitted six names to be listed on one headstone. He indicated, however, the City did not ask specifically how many names could appear on a headstone if the gravesite is permitted to have up to six cremains buried at the gravesite. He noted if Councilmembers would like to know the answer to this question, staff would have to do further research.

The City Council reviewed the information staff had compiled on names permitted on headstones and directed the City Administrator to prepare information for a future Council meeting which would allow the Council to adopt regulations associated with headstones. Councilmembers directed the City Administrator to work with the City Attorney to prepare an Ordinance which would specify the following headstone regulations:

- 1) Flat headstones are required to identify the occupant of a gravesite. The City will require a deposit of \$300.00 at the time of burial to ensure a headstone is placed on the gravesite to identify the occupant. If a headstone is not installed within a year after the burial, the City may use the deposit to purchase a headstone to identify the occupant's name, date of birth and date of death. The City will return the deposit at the time the headstone is installed provided the headstone is installed by a family representative and within one year of the burial.
- 2) Single headstones are permitted on single gravesites in which there is a full casket burial. One name shall be permitted on a single headstone.
- 3) A double headstone is permitted to serve two gravesites which have full casket burials. Two names may appear on a double headstone identifying the occupants of each of the two graves.

There was considerable Council discussion as to how many names should be allowed on a single headstone if there are cremain remains buried in the gravesite. Presently, the City allows up to six cremain remains in one gravesite. The City Council directed City staff to conduct the following research:

- 1) Survey cemeteries to determine what type of headstone or marking system is used to identify cremains in a single gravesite.
- 2) What type of marking is provided if a gravesite has a full casket buried and cremain remains buried in the same gravesite?

The City Council requested staff present this information at a future Council meeting.

After considerable discussion, the City Council stated they do not favor the Huhnke's proposal to have six names identifying six separate gravesites. The Council believes putting six names on an individual gravestone identifying six separate gravesites will only lead to confusion for relatives and for City staff. Therefore, the Council believes that if the Huhnkes would like to place a headstone at the gravesites, they should consider a double headstone, which would serve two gravesites, or a single headstone for each gravesite, listing one name on each headstone.

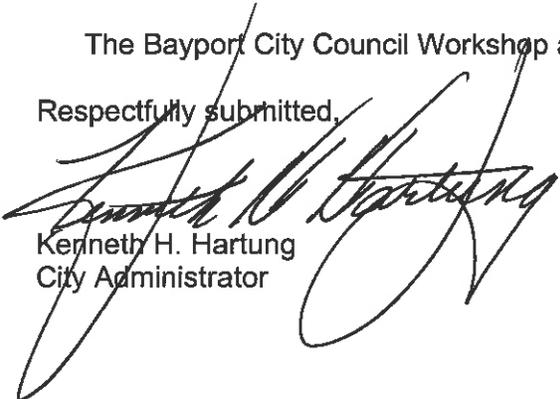
Bayport City Council Workshop Minutes
May 15, 2001

The City Council also discussed the transfer of Lot 6, Block 11 owned by Michael Huhnke to William Huhnke. Councilmembers generally expressed their willingness to transfer ownership of Lot 6, Block 11 to William Huhnke, provided the other surviving relatives of Michael Huhnke, Beverly Mae Huhnke, Herver Priebe and Jacquelyn Huhnke consent to the conveyance of Lot 6, Block 11, to William J. Huhnke. Council's general consensus was that William J. Huhnke should prepare the necessary legal documents to acquire the consent from the other surviving relatives, Beverly Mae Huhnke, Herver Priebe and Jacquelyn P. Huhnke. The documents should be prepared at the Huhnke's expense and City Attorney Jim Lammers should review it for proper form. Once Bill Huhnke has acquired consent for conveyance of Lot 6, Block 11 from the remaining surviving relatives, the City would have to consider taking action at a regular Council meeting to convey Lot 6, Block 11 to William J. Huhnke.

ADJOURN

The Bayport City Council Workshop adjourned at 7:40 p.m.

Respectfully submitted,


Kenneth H. Hartung
City Administrator

**CITY OF BAYPORT/CITY OF OAK PARK HEIGHTS
STRATEGIC PLANNING COMMITTEE
MEETING MINUTES
THURSDAY, MAY 31, 2001**

CALL TO ORDER

Chairman Jim Kosmo called the City of Bayport/City of Oak Park Heights Strategic Planning Committee Meeting to order at 7:00 p.m. and asked the Bayport City Administrator to call roll.

ROLL CALL

Members Present: David Beaudet, Oak Park Heights Mayor; Jack Doerr, Oak Park Heights Councilmember; Mark Swenson, Oak Park Heights Councilmember; Mary McComber, Oak Park Heights Councilmember; Tom Melena, Oak Park Heights City Administrator; Jim Kosmo, Bayport Mayor; Allen Schultz, Bayport Councilmember; Sharon Ridgway, Bayport Councilmember; Jack Nyenhuis, Bayport Councilmember; Brad Carmichael, Bayport Fire Chief; Mike Bell, Bayport Assistant Fire Chief; Ken Hartung, Bayport City Administrator.

DISCUSS PLACING BAYPORT PUMPER FIRE TRUCK AT OAK PARK HEIGHTS

Brad Carmichael, Bayport Fire Chief, stated the City of Bayport has two new fire trucks. He noted the City now has a 2,000 gallon tanker/pumper truck and a 100' ladder/pumper truck. He stated with the new fire equipment, it is possible to locate an auxiliary pumper at Oak Park Heights. He also stated the City of Bayport now has fire personnel who would be able to respond to a pumper placed at Oak Park Heights municipal building location. He indicated he has four non-rookies who live within a mile of the Oak Park Heights municipal building. He also indicated he has one rookie firefighter who is also within a short distance of the Oak Park Heights municipal building. He stated the Bayport Fire Department has enough equipment to provide 4 to 6 firefighters uniforms and equipment at Oak Park Heights municipal building. He stated the equipment would be marked with size specifications so firefighters would know which uniforms they would be able to use on a response made to the Oak Park Heights municipal building. He noted he would anticipate 2 to 3 firefighters responding to the Oak Park Heights municipal building. He indicated he would suggest trying the program for a 6-month period and evaluating its effectiveness. He noted placing a pumper at Oak Park Heights municipal building would have the following benefits:

Bayport/Oak Park Heights Strategic Planning Meeting Minutes
Thursday, May 31, 2001

- 1) It would shorten the response time for those firefighters that live close to the Oak Park Heights municipal building. Response time to an Oak Park Heights emergency call location may be significantly reduced during the evening hours when firefighters are at their residential homes in Oak Park Heights.
- 2) Having a pumper truck positioned at the Oak Park Heights municipal building may have the additional benefit of attracting additional Oak Park Heights residents into the Bayport Fire Department.

Brad Carmichael stated the Bayport Fire Department is willing to put a pumper up at the Oak Park Heights municipal building. However, he stated, it is up to the Oak Park Heights City Administrator and Council to determine whether they have the room to facilitate a pumper at the Oak Park Heights municipal building at this time.

Tom Melena stated the Oak Park Heights municipal building garage currently serves as an operating base for Administration, Police, Municipal Building, Finance, Community Development and Public Works. He noted space is really tight within the garage component of the municipal building. He stated it might be possible for some of the equipment used by the Public Works Department to be stored outside during the summer time. However, he indicated, during winter because of the cold weather, it may not be possible to store much equipment outside and still have the equipment functional when it is needed. He also stated the Oak Park Heights garage currently does not have a fire sprinkler system. He noted Oak Park Heights might want to consider installing a sprinkler system prior to having a fire truck stored at their facility.

David Beaudet, Oak Park Heights Mayor, stated this is something the City of Oak Park Heights would like to take under consideration. He noted the Oak Park Heights City Council would need to discuss with the City Administrator, its present storage capacity for City equipment and vehicles. He noted the City might have to look at a possible expansion of vehicle and equipment storage facility prior to having Bayport move a pumper truck up to its municipal buildings. He indicated the City of Oak Park Heights will get back to the Bayport City Administrator and Fire Chief regarding the discussions related to Bayport's invitation to have a fire truck stationed at the Oak Park Heights municipal building.

DISCUSS INFRA-RED CAMERA DONATION

Ken Hartung, City Administrator, indicated at the April 2, 2001 Council Meeting, the Council approved a motion authorizing the City of Bayport to prepare and send letters to companies and institutions within the Bayport Fire Department service area asking them for financial support for the acquisition of an infra-red camera to assist firefighters in a number of different fire fighting situations. He indicated somehow the information may have been miscommunicated to Oak Park Heights' city officials that we expected Oak Park Heights to purchase the infra-red camera. He indicated the City of Bayport never meant to saddle the City of Oak Park Heights with the task of purchasing the infra-red camera. He indicated, however, the City of Bayport will, at some point, probably request the City of Oak Park Heights assist with a donation allocation to help with the purchase of the equipment.

David Beaudet, Oak Park Heights Mayor, stated after the City of Bayport has solicited its donations for the infra-red camera, the City of Oak Park Heights would be happy to entertain a request to assist with the purchase of the infra-red camera.

DISCUSS MIDDLE ST. CROIX RIVER WATERSHED MANAGEMENT ORGANIZATION APPEAL OF THE BOWSR RULING

David Beaudet, Oak Park Heights Mayor, stated he had no update on this topic.

SET NEXT STRATEGIC PLANNING COMMITTEE MEETING DATE

Moved by Member Beaudet, seconded by Member Schultz, to establish the next Strategic Planning Committee Meeting for the City Councils of Oak Park Heights and Bayport on August 23, 2001 at Oak Park Heights City Hall at 7:00 p.m.

Voting in favor: Members Beaudet, Doerr, Swenson, McComber, Schultz, Kosmo, Ridgway and Nyenhuis.

Voting against: None.

Bayport/Oak Park Heights Strategic Planning Meeting Minutes
Thursday, May 31, 2001

ADJOURN

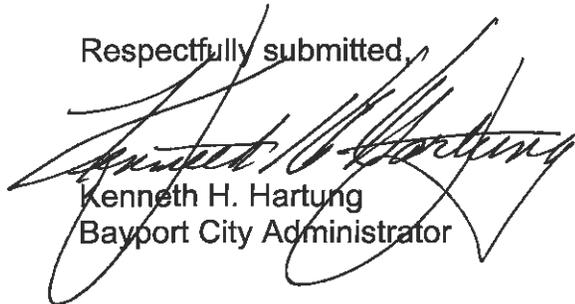
Moved by Member Beaudet, seconded by Member Schultz, to adjourn the Strategic Planning Committee Meeting.

Voting in favor: Members Beaudet, Doerr, Swenson, McComber, Schultz, Kosmo, Ridgway and Nyenhuis.

Voting against: None.

The Oak Park Heights/Bayport Strategic Planning Committee Meeting of Thursday, May 31, 2001 was adjourned at 7:40 p.m.

Respectfully submitted,



Kenneth H. Hartung
Bayport City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
JUNE 4, 2001
7:00 P.M.

CALL TO ORDER

Mayor Jim Kosmo called the City Council Meeting of June 4, 2001 to order at 7:00 p.m. and asked Councilmembers, staff and the public to join in pledging allegiance to the American flag.

ROLL CALL

Members Present: Mayor Jim Kosmo, Councilmembers Allen Schultz, Sharon Ridgway, and Jack Nyenhuis.

Members Absent: Councilmember Jim Menard.

Others Present: Ken Hartung, City Administrator; Barry Peters, Consulting City Engineer; and Jim Lammers, City Attorney.

CONSENT AGENDA

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-77

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, D AND E FROM THE JUNE 4, 2001
CITY COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of May 7, 2001.
- B. Approve the City Council Workshop Meeting Minutes of May 15, 2001.
- C. Approve the bills as presented in the amount of \$882,999.24.
- C. Approve the receipts as presented in the amount of \$519,673.86.
- D. Approve the building, plumbing and heating permits issued during the month of May 2001.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

City Administrator Ken Hartung stated no Public Hearings have been slated for this evening's meeting.

PETITIONS

**Charlie Kaiser
555 South Lakeside Drive**

Charlie Kaiser of 555 South Lakeside Drive stated he is coming before the City Council tonight seeking a long-term solution to a problem he has had with his driveway since the City reconstructed Lakeside Drive. He noted when the City reconstructed Lakeside Drive, it increased the slope of his driveway which provides him with ingress and egress to his property and garage entrance from Lakeside Drive. He indicated he believes when the City reconstructed Lakeside Drive to an elevation of 691', it adversely impacted his property resale value because of the problem he has getting out of his driveway onto Lakeside Drive during certain winter conditions. He indicated this winter there were times when his wife could not get out of the driveway because of slippery conditions on the entrance of his driveway and the slope of his driveway. Mr. Kaiser summarized a letter he received from Mick Lynskey of Lynskey Real Estate Company indicating Mr. Lynskey stated if it has been determined that the restructuring of his street and topography have significantly reduced his ability to use his garage during times of the year other than flood times, then his property value will be affected upon resale.

Mr. Kaiser suggested a solution to the problem he perceives as a consequence of the City reconstructing Lakeside Drive is for the City to pay for filling in his existing garage area to an elevation of 693' and constructing a 24' x 24' garage on the south side of the existing home on top of newly positioned fill. Mr. Kaiser presented a quote from Traditional Construction Services, Inc. owned by Brad Smith in the amount of \$47,495.80 to complete the work associated with filling in his lot to the accepted elevation of 693' and construct the new garage on the south side of his house. Mr. Kaiser stated he believes this is a fair proposal and asked the Council to consider it.

Ken Hartung, City Administrator, stated he would like to refer this matter to the City's insurance company, the League of Minnesota Cities Insurance Trust.

Mayor Jim Kosmo stated he appreciates Mr. Kaiser bringing his proposal forward to the City Council. He indicated he feels the Council must forward on this information to the City's insurance carrier for their review and comment.

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to direct the City Administrator to forward Mr. Kaiser's proposal to the League of Minnesota Cities Insurance Trust for their review and comment.

Voting in favor: Mayor Kosmo, Councilmembers Schultz, Nyenhuis and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

**Andersen Corporation Sponsored
Bayport Clean Up Date**

Libby Johnston from the Andersen Corporation announced that the Andersen Corporation would once again sponsor a Bayport Clean Up Day on September 15, 2001 from 8:00 a.m. to 11:00 a.m. or 12:00 p.m. She stated the clean up will be conducted in the Andersen parking lot south of its large manufacturing building on Fourth Avenue South. She stated the Andersen Corporation will be mailing out a detailed flyer to all residents in July which will list the items that can be accepted and those items which cannot be accepted. She stated the Andersen Corporation will also be working with Washington County to enable them to collect hazardous waste during the clean up day on September 15, 2001.

CITY ATTORNEY

City Attorney Jim Lammers stated he had nothing to add at this point in the agenda.

CITY ENGINEER

Barry Peters, Consulting City Engineer, updated the City Council on the fire station reconstruction project. He stated the contractor is a bit behind because of some problems which occurred during the reconstruction. He stated the concrete apron and the two west bays have been poured and the contractor is anticipating pouring the east bays and apron sometime next week.

Ken Hartung stated he would like to update the City Councilmembers on a situation he informed them of in mid-May. He indicated during removal of the old concrete, it was determined the concrete block on the pillar sections in the front of the fire station had significantly deteriorated. He noted the blocks used on the front section of the pillars may have been seconds during original construction. In any case, he stated, the block structural integrity was such that it required replacing all five of the front column pillars on the fire station. He noted the contractor had given a preliminary estimate of \$30,000.00 to replace the five concrete block column structures. He noted, however, the contractor will be required to bill the City on an hourly basis. He stated the actual cost of replacing the five columns should be under the \$30,000.00 estimate. He stated the fire station project is still on track and under budget. He indicated the City Council budgeted \$350,000.00 for the fire station reconstruction project. He noted the initial contract to reconstruct the fire station was awarded at \$149,000.00. He stated with change orders to date, it will bring the total cost of the fire station remodeling close to \$300,000.00, which is still \$50,000.00 under the budgeted amount.

DEPARTMENT HEADS

Ken Hartung stated he had nothing to add at this point in the agenda unless Councilmembers had specific questions.

COUNCIL LIAISON REPORTS

Cable Commission

Councilmember Sharon Ridgway stated the Cable Commission did not meet during the month of May. She stated, however, the Cable Commission will be holding an open house at its new studio site at River Heights Plaza on Wednesday, June 20, 2001 from 3:00 p.m. to 8:00 p.m. She stated the open house is open to the public and invites the public to attend. She stated there will be a short Cable Commission Meeting at 8:00 p.m. on June 20, 2001 at the Cable Commission studio.

Bayport/Oak Park Heights Strategic Planning Meeting

Mayor Jim Kosmo stated the Bayport City Council and Oak Park Heights City Council met in a Strategic Planning Session on Thursday, May 31, 2001. He stated the primary topic of discussion was an offer by the City of Bayport to locate one of its pumper trucks at Oak Park Heights' municipal facility. He stated Oak Park Heights is taking Bayport's offer up for review and will be getting back to the City on whether or not they are able to house a fire truck at the Oak Park Heights municipal building to enable emergency and fire responses to be initiated from Oak Park Heights.

Middle St. Croix River Watershed Management Organization Meeting

Councilmember Allen Schultz stated the next Middle St. Croix River Watershed Management Organization meeting will be held on Thursday, June 28, 2001.

OLD BUSINESS

Ken Hartung stated there is no old business slated for this evening's meeting.

NEW BUSINESS

Discuss a Request for a Fence Height Variance at 210 South 4th Street

Mayor Jim Kosmo introduced the Agenda item associated with the fence height variance request from Jeff Bird, 210 South 4th Street, and asked the City Administrator to review the variance request.

Bayport City Council Meeting Minutes
June 4, 2001

Ken Hartung stated on March 6, 2001, the City received a request from Jeff Bird of 210 South 4th Street for the City to consider granting a fence height variance. He indicated Mr. Bird is requesting permission to extend the height of his existing fence from 42" to 66". He noted he intends to increase the height of the fence by adding a 24" top to his existing fence. He noted Mr. Bird is proposing to raise the height of his existing fence to prevent his dogs from jumping over the fence. He noted raising his fence would allow him to be able to have his dogs run loose in the yard without fear of them exiting his property. He noted Mr. Bird is proposing to use the two following methods to extend his fence:

- 1) Extend the south section of his fence using a green slat material which will extend from the bottom of the existing fence to a height of 66". Mr. Bird is proposing to stabilize the top of the fence by running a cable through the top slats. The cable and the existing fence will be painted green to match the green slats.
- 2) Extend the south and west section of his fence by adding a wire screen component 24" in height. The wire screen component would be supported by vertical posts extending approximately 24" from the existing fence post.

Ken Hartung went on to state the City's Zoning Ordinance Section 705.02(5) specifies that the height of a residential fence in the rear yard can be 72" or 6'. This means Mr. Bird can construct a fence of 72" in height beginning at the rear corner of his house fencing in the entire rear yard. He indicated Zoning Ordinance Section 705.02(4) specifies that the maximum height of a fence in a residential side yard is 48". Mr. Bird has an existing fence which is 42" high which begins approximately 2' back from the front of his existing house. Mr. Bird is proposing to raise the entire height of his existing fence from its 42" height to a 66" height. A significant portion of the fence which Mr. Bird wants to raise is located in his residential side yard. The Zoning Ordinance prohibits side yard fences from exceeding 48". Consequently, if Mr. Bird were to construct a fence 66" high in his side yard, it would require the City Council to grant a variance to permit him to construct the fence 66" in height in his side yard. Ken Hartung indicated, however, Mr. Bird can construct a fence in the rear portion of his yard to a height of 72" without a variance. He indicated if Mr. Bird were able to fence in his rear portion of his lot, he would be able to fence in approximately 3,200 square feet.

Ken Hartung reviewed the variance criteria set forth in the City's Ordinance and variance criteria associated with undue hardship as outlined by City Attorney Jim Lammers. He stated in order for the City Council to consider granting a variance for Mr. Bird, the City Council must be convinced that the variance request meets the undue hardship criteria which require that a variance only be granted if:

- 1) The property owner cannot make reasonable use of his property under the present Zoning Ordinance requirements.
- 2) The plight of the landowner is due to circumstances unique to the property and not created by the landowner; and,
- 3) A variance, if granted, will not alter the essential character of the locality.

He indicated the Planning Commission held a Public Hearing related to Mr. Bird's request on May 14, 2001. He stated following the Public Hearing, the Planning

Bayport City Council Meeting Minutes
June 4, 2001

Commission adopted a motion recommending the City Council deny a fence height variance of 18" which would have permitted Mr. Bird to construct his side yard fence to a height of 66". He stated the Planning Commission recommended denying Mr. Bird's variance because:

- 1) The Planning Commission believes Mr. Bird has reasonable use of his property without the variance;
- 2) The Planning Commission stated the variance circumstances are not unique to the property; and,
- 3) The Planning Commission believes the variance, if granted, would alter the essential character of the locale.

Mr. Bird of 210 S. 4th Street stated he doesn't agree with the Planning Commission's assessment. He stated some people apparently would like to have him turn his back yard into a dog kennel which he does not favor.

Mayor Kosmo stated he understands Mr. Bird's interest in pursuing the variance. However, he stated, based on the variance hardship criteria, Mr. Bird's variance does not meet the criteria for a variance.

Councilmember Jack Nyenhuis stated he attended the Planning Commission Meeting and agrees completely with the Planning Commission's assessment of Mr. Bird's request. He stated the Planning Commission did a thorough job of analyzing all of the factors associated with Mr. Bird's request, however he believes Mr. Bird has reasonable use of his property if he were to fence in the back portion of his yard with a fence at a height of 66". He indicated Mr. Bird does not require a variance for the rear yard fence.

Councilmember Allen Schultz stated he took a look at Mr. Bird's fence and stated constructing a fence to a height of 66" on the north and south side of his yard would detract from the neighborhood. He stated constructing a fence in the back yard which does not require a variance will give Mr. Bird adequate room.

Councilmember Ridgway stated she walked to Mr. Bird's house on a number of occasions. She said she finds the extension on the north side of the house to be acceptable. She indicated the amount of area Mr. Bird would have by fencing in his back yard is closer to 3,000 square feet than the 5,000 square feet indicated in the Council Letter. She noted Mr. Bird has a garage positioned in his back yard and a large section of the yard cannot be used because of the driveway into the garage.

Councilmember Nyenhuis stated he is going to introduce a Resolution to deny the variance based on the following reasons:

- 1) Denying the request for a variance will not result in an undue hardship to the property owner. The City Council has determined not granting a variance does not place an undue hardship on the property owner because Mr. Bird has the ability to construct the fence to a height of 72" in his back yard which encompasses an area of approximately 35' x 100' for a total of 3,500 square feet for his dogs to roam in.

- 2) The requested variance is not in keeping with the spirit and intent of the City Ordinances.
- 3) The variance is not required in order to allow the property owner to put his property to reasonable use.
- 4) The circumstances creating the need for the variance are not unique to the property and are created by the landowner's actions.
- 5) Granting the requested variance will alter the essential character of the locality in which the property is located.

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

RES. 01-78

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
DENYING A VARIANCE FROM ZONING ORDINANCE SECTION 705.02(4) DENYING
A VARIANCE OF 18" FROM THE ZONING ORDINANCE REQUIRED MAXIMUM SIDE
YARD FENCE HEIGHT OF 48" PROHIBITING THE SIDE YARD FENCE TO BE
CONSTRUCTED ABOVE THE ZONING ORDINANCE SPECIFIED 48" MAXIMUM
HEIGHT AT 210 SOUTH 4TH STREET.

WHEREAS: Jeff Bird is the owner of property described as Lot 12, Block 78, Bayport (formerly South Stillwater) and said property is zoned R-4 Single Family Urban District; and,

WHEREAS: The property to the north, south, east and west is zoned R-4 Single Family Urban District; and,

WHEREAS: Residential structures, detached garages and fences are permitted uses in the R-4 Single Family Urban District; and,

WHEREAS: Mr. Bird is proposing to construct a 66" high fence extending back from the northeast and southeast corner of the front of his residential structure; and,

WHEREAS: City Ordinance Section 705.02(4) specifies that side yard fences beginning at the corner of the front of the house and extending to the rear of the residential house shall be constructed at a height no greater than 48"; and,

WHEREAS: Mr. Bird is proposing to construct a fence located in the side yard of his residential lot to a height of 66" to prevent his dogs from exiting his property by jumping over the 48" fence; and,

WHEREAS: In order for Mr. Bird to construct a fence at a height of 66" in the side yard of his residential lot, it would require the City Council to grant an 18" height variance permitting him to construct the fence in his side yard to a height of 66" instead of the Zoning Ordinance required height of 48"; and,

WHEREAS: In order for the City Council to grant a variance, it requires the Council be convinced that the variance request meets the criteria specified in Zoning Ordinance Section 301(171) which states, "A variance is a modification or variation of a strict provision of this ordinance as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon the property by this ordinance. A variance shall normally be limited to height, bulk, density and yard requirements;" and,

WHEREAS: Based upon all files, records and proceedings therein, the City Council has determined the above-described variance shall be denied for the following reasons:

- 1) Denying the requested variance will not result in undue hardship to the property owner. The City Council has determined not granting the variance does not place an undue hardship on a property owner because Mr. Bird has the ability to construct a fence to a height of 72" in his back yard which encompasses 35' x 100' for a total area of 3,500 square feet for his dogs to roam in. Mr. Bird can construct a fence to a height of 72" in this area without the need for a variance. Consequently, the City Council has determined Mr. Bird's fence height variance request does not meet the undue hardship requirement specified in the City's Zoning Ordinance.
- 2) The requested variance is not in keeping with the spirit and intent of the City Ordinances.
- 3) The variance is not required in order to allow the property owner to put his property to reasonable use. The City Council has determined Mr. Bird has reasonable use of his property without the City granting a side yard fence height variance. The City's Zoning Ordinance permits Mr. Bird to erect a fence 72" high for an area measuring 35' x 100' equal to 3,500 square feet without the City having to issue a variance. The City Council believes this is more than adequate room for Mr. Bird's dogs.
- 4) The circumstances creating the need for a variance are not unique to the property and are created by the landowner's actions.
- 5) Granting the requested variance will alter the essential character of the locality in which the property is located.

NOW THEREFORE BE IT RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota does hereby ordain as follows:

- 1) Deny a variance from Zoning Ordinance Section 705.02(4) denying a variance of 18" from the Zoning Ordinance required maximum side yard fence height of 48" prohibiting the side yard fence to be constructed at a height exceeding 48" at 210 South 4th Street.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - nay
Allen Schultz - aye

**Discuss A Request for a
Front Yard Setback Variance at
294 North 6th Street**

Mayor Jim Kosmo introduced the Agenda item associated with the front yard setback variance request for 294 North 6th Street and asked the City Administrator to outline the details of the variance.

Ken Hartung, City Administrator, stated on April 11, 2001, the City received a request from Lowell Severson, 294 North 6th Street, for the City to consider granting a front yard setback variance. He noted Mr. Severson owns the corner lot which is located on the southwest intersection of 2nd Avenue North and North 6th Street. He indicated the existing residential structure measures 24' x 46'. He noted Mr. Severson is proposing to add a 24' x 34' addition to the south side of his house. He indicated the actual enclosed portion of the addition measures 24' x 26'. Additionally, he indicated an 8' wide open porch is planned for the front side of the addition facing North 6th Street. He indicated the Seversons are adding an addition to their house to permit them to expand their kitchen area and add a great room. This will, he stated, permit them to expand their master bedroom and bathroom area on the first floor. He noted the Seversons were also limited to where they could position their new addition to their existing house based on the existing house first floor plan. He stated the enclosed portion of the addition would meet the setback requirements. However, he stated, the end of the porch will be 28' from the front yard property line. Consequently, in order for Mr. Severson to add an 8' open porch on the east side of his new addition, it will require the City Council to approve a 2' front yard setback variance.

He stated the Planning Commission held a Public Hearing on May 14, 2001 to consider Mr. Severson's request for a front yard setback variance. He noted following the Public Hearing associated with Mr. Severson's front yard setback variance request, the Planning Commission Members adopted a motion recommending the City Council approve a variance from Zoning Ordinance Section 601.01(5)(f)(8) granting a variance of 2' from the Zoning Ordinance required minimum setback distance of 30', permitting the open porch to be constructed at a distance of 28' from the front yard property line adjacent to 6th Street at 294 North 6th Street.

The Planning Commission adopted a motion to recommend approval of the Severson variance because:

- 1) To deny the requested variance would result in an undue hardship to the property owner because of circumstances that are unique to the property;
- 2) The requested variance is in keeping with the spirit and intent of the City Ordinances;

- 3) The variance is required to allow the property owner to put his property to reasonable use; and
- 4) Granting the requested variance would not alter the essential character of the locality in which the property is located.

Mr. Severson of 294 North 6th Street stated the addition to his existing house is needed to provide room for his growing family. He indicated he had to position the addition at a specific location in order to match the roofline of the existing house and internal room components. He stated originally he was going to have a 10' wide porch area, but has reduced it to 8' in width. He said a 6' wide porch would not make the porch useable.

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-79

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING A VARIANCE FROM ZONING ORDINANCE SECTION 601.01(5)(f)(8),
GRANTING A VARIANCE OF 2' FROM THE ZONING ORDINANCE REQUIRED
MINIMUM FRONT YARD SETBACK DISTANCE OF 30', PERMITTING AN OPEN
PORCH AT 294 NORTH 6TH STREET TO BE CONSTRUCTED AT A DISTANCE OF 28'
FROM THE FRONT YARD PROPERTY LINE ADJACENT TO NORTH 6TH STREET.

WHEREAS: The applicant, Lowell Severson, lives at 294 North 6th Street, Bayport, Minnesota with a legal description of Lots 11 and 12, Block 52, Bayport (formerly South Stillwater) and said property is zoned R-4 Single Family Urban District; and,

WHEREAS: The property to the north, south, east and west is zoned R-4 Single Family Urban District; and,

WHEREAS: Residential structures, additions to residential structures, garages and fences are permitted uses in the R-4 Single Family Urban District; and,

WHEREAS: Mr. Severson is proposing to add a enclosed 24' x 26' addition to the south side of his existing residential structure; and,

WHEREAS: Mr. Severson is also proposing to add an 8' deep open porch to the front side of his addition facing North 6th Street; and,

WHEREAS: Mr. Severson is adding an addition to his house to permit an expansion of the kitchen area, add a great room, expand the master bedroom and bathroom area on the first floor; and,

WHEREAS: Mr. Severson's existing house is positioned 26' from the front yard property line; and,

WHEREAS: Since Mr. Severson's existing house fails to meet the setback requirements, it is very difficult for Mr. Severson to add to the house and maintain internal functionality without requiring some type of front yard setback variance; and,

WHEREAS: Mr. Severson is proposing to add an 8' deep open porch to the east side of his house and that said porch is positioned 2' back from the existing house, positioning the open porch 28' from the front yard property line; and,

WHEREAS: In order for Mr. Severson to construct an 8' deep open porch to his residential addition, it will be necessary for the City Council to grant a front yard setback variance of 2', permitting the structure to be constructed a distance of 28' from the front yard property line adjacent to North 6th Street; and,

WHEREAS: Based upon all files, records and proceedings therein, the City Council has determined the above-described variance request should be granted for the following reasons:

- 1) To not grant the requested variance would result in undue hardship to the property owner because of circumstances that are unique to the property as described above.
- 2) The requested variance is in keeping with the spirit and intent of the City Ordinances.
- 3) The variance is required in order to allow the property owner to put his property to reasonable use. Without the variance, Mr. Severson would not be able to construct a functional open porch on the east side of his house. Mr. Severson is required to position the addition to his existing house to the east, necessitating a front yard setback variance in order to maintain the internal functionality of his residential structure. Mr. Severson has moved the porch back 2' behind the existing residential structure, which is position 26' from the front yard property line.
- 4) Granting the requested variance will not alter the essential character of the locality in which the property is located.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss a Request by
Bill and Cynthia Huhnke to Permit
One Headstone Marker for Six Graves and
Transfer Ownership of Six Gravesites**

Ken Hartung stated the City has received a request from Bill and Cynthia Huhnke for the City to consider permitting them to do the following:

- 1) Permit the Huhnkes to have one headstone serve as an identifier for six gravesites which hold the remains of Huhnke relatives; and,
- 2) Request the City permit ownership of six graves purchased by Michael Huhnke in the 1800's to be transferred to Bill Huhnke.

Ken Hartung stated Bill and Cynthia Huhnke are requesting the City consider permitting them to have one headstone to serve as an identifier for six gravesites which hold the remains of Huhnke relatives. Ken Hartung then showed a plot of Hazelwood Cemetery showing the location of the six Huhnke relatives and the position within the six gravesites where the Huhnkes are proposing to position the headstone. He stated City staff surveyed six cemeteries in the metro area to determine how many names they allow on headstones. He stated no cemetery allows six names on a headstone. He then reviewed with the City Council, table 1 below showing the type of headstones and the number of names permitted per headstone based on a survey conducted by City staff:

**Table 1
 Number of Cemeteries Permitting
 Different Options for Names
 On a Headstone
 In 12 Sample Cemeteries**

	One Name Permitted	Two Names Permitted	Three Names Permitted	Four Names Permitted	Five Names Permitted
Single Headstone	8	3	1	Now allowed	Not allowed
Double Headstone		9	1	1	Not allowed
Triple Headstone 3'6" x 1' (Must be 4" thick)			2		Not allowed

He stated the City Council held a workshop on May 15, 2001 to discuss the Huhnke request. He noted following Council discussion, the Council stated they believe putting six names on one headstone identifying six gravesites would only lead to confusion in the future for relatives and City staff. However, since the Council's meeting on May 15, 2001 was a workshop, the Council directed City staff to put this item on the Agenda tonight for discussion and action.

Ken Hartung stated at the City Council Workshop, the Council also discussed the transfer of Lot 6, Block 11 owned by Michael Huhnke to Bill Huhnke. He noted Councilmembers generally expressed their willingness to transfer ownership of Lot 6, Block 11 to William Huhnke providing the other surviving relatives of Michael Huhnke consent to the conveyance of Lot 6, Block 11 to William Huhnke.

Cynthia Huhnke, 164 North 4th Street, stated she disagrees with the City Council's assessment that placing six names on a gravestone would be too confusing.

Councilmember Allen Schultz stated he believes the only way to keep track of the people who are buried at Hazelwood Cemetery is to require headstones and to limit the number of names on a headstone to those people who are actually buried at a specific gravesite.

Cynthia Huhnke also stated she noticed in the Council Minutes of the Workshop, the Council was thinking of revising the cemetery rules. She stated one of the rules would require a resident to place a \$300.00 deposit to ensure a gravestone is installed. She stated after a year, if a headstone is not in place, the City Council could take the \$300.00 and purchase a headstone for the individual. She stated she has personal experience with the burial of a veteran. She stated it took the Army over a year and one-half to get the headstone in place. She stated that the City Council might want to take that into consideration when establishing the period of time the City will wait before a headstone is installed.

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to deny Bill and Cynthia Huhnke's request to permit them to have one headstone serve as an identifier for six gravesites for Huhnke relatives buried in Block 9, Lot 1, Graves 1, and 2 and Block 9, Lot 6, Graves 1, 2, 3 and 4.

Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

Moved by Councilmember Schultz, seconded by Councilmember Nyenhuis, that the City Council will consider adopting a Resolution authorizing the transfer of Block 6, Block 11 owned by Michael Huhnke to William Huhnke provided William Huhnke acquires permission from the other three surviving relatives of Michael Huhnke.

Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Adopting a Resolution
Appointing Jolynn Mayavski as a
Police Officer for the City of Bayport**

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

RES. 01-80

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING JOLYNN MAYAVSKI AS A POLICE OFFICER WITHIN THE CITY OF
BAYPORT EFFECTIVE MAY 30, 2001.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Approving the
2001 Memorandum of Agreement
for Curbside Recycling Grant Distribution**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-81

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE 2001 MEMORANDUM OF AGREEMENT FOR CURBSIDE
RECYCLING GRANT DISTRIBUTION BETWEEN WASHINGTON COUNTY AND THE
CITY OF BAYPORT.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving the City of Bayport's
Subscription to the
Metropolitan Area Management Association
Labor Relations Subscriber Services**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-82

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE CITY OF BAYPORT TO SUBSCRIBE TO THE METROPOLITAN
AREA MANAGEMENT ASSOCIATION LABOR RELATIONS SUBSCRIBER SERVICE
FOR THE YEAR MARCH 15, 2001 THROUGH MARCH 14, 2002 FOR A COST OF
\$1,961.00.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing the Purchase of the
Data2CD/Alchemy Program for
Digital Record Storage**

Councilmember Schultz introduced the following Resolution and moved its adoption:
RES. 01-83

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF THE DATA2CD/ALCHEMY PROGRAM FOR A
COST OF \$8,831.74.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing Participation in the
League of Minnesota Cities Insurance Trust
HealthPartners Dental Plan**

Councilmember Nyenhuis introduced the following resolution and moved its
adoption:

RES. 01-84

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING PARTICIPATION IN THE LEAGUE OF MINNESOTA CITIES
INSURANCE TRUST HEALTHPARTNERS DENTAL PLAN FOR THE PURPOSE OF
PROVIDING DENTAL INSURANCE OPPORTUNITIES TO CITY EMPLOYEES
EFFECTIVE JULY 1, 2001.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing Bergman Companies to
Complete Thermal Patching and Crack Filling**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-85

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING BERGMAN COMPANIES OF EAU CLAIRE, WISCONSIN TO
COMPLETE THERMAL PATCHING AND CRACK FILLING FOR THE CITY OF
BAYPORT FOR A COST NOT TO EXCEED \$12,000.00.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving a Washington County
Community Development Block Grant (CDBG)
Cooperative Agreement**

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 01-86

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) COOPERATIVE AGREEMENT.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Motion
Authorizing the Use of Lakeside Park
By the Andersen Corporation for their Annual Picnic**

Moved by Councilmember Schultz, seconded by Councilmember Nyenhuis, to
authorize the use of Lakeside Park by the Andersen Corporation for its annual picnic
scheduled for Saturday, July 21, 2001.

Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Adopting a Resolution
Authorizing Change Order No. 2 for the
State of Minnesota Storm Sewer
Construction Project in the Amount of \$7,195.00**

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

RES. 01-87

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING CHANGE ORDER NUMBER 2 ASSOCIATED WITH THE STATE OF
MINNESOTA STORM SEWER CONSTRUCTION PROJECT IN THE AMOUNT OF
\$7,195.00.

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

Jim Menard - absent
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

ADMINISTRATOR'S REPORT

**Discuss Establishing a
Joint City Council/Planning Commission
Joint Powers Planning Committee Workshop
For Monday, June 11, 2001 at 7:00 p.m.**

Moved by Councilmember Ridgway, seconded by Councilmember Nyenhuis, to establish a Joint City Council/Planning Commission and Joint Powers Planning Committee Workshop for Monday, June 11, 2001 at 7:00 p.m. to discuss the Andersen West property.

Voting in favor: Mayor Kosmo, Councilmembers, Schultz, Ridgway and Nyenhuis.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Establishing a Workshop
For Floodplain Residents to
Discuss the Army Corps of Engineer's
Feasibility Study for a Small Flood
Control Project in Bayport for
Monday, June 18, 2001 at 7:00 p.m.**

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to establish a Workshop for Floodplain Residents to discuss the Army Corps of Engineer's Feasibility Study for a Small Flood Control Project for Monday, June 18, 2001 or another

date acceptable to the City Council and Tom Crump of the Army Corps of Engineers and that such meeting shall be held at Bayport City Hall at 7:00 p.m.

Voting in favor: Mayor Kosmo, Councilmembers Schultz, Ridgway and Nyenhuis.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Authorizing a
\$607.00 Change Order on the
Fire Station Remodeling Project to
Insulate the West Bay Wall**

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to authorize a \$607.00 change order for the fire station remodeling project to insulate the west bay wall.

Voting in favor: Mayor Kosmo, Councilmembers Schultz, Ridgway and Nyenhuis.

Voting against: None.

Absent: Councilmember Menard.

**Establish the 2002
Budget Workshops**

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to establish the 2002 Budget Workshops for Thursday, July 19, 2001 at 7:00 p.m. and Tuesday, August 20, 2001 at 7:00 p.m. in Bayport City Hall Council Chambers.

Voting in favor: Mayor Kosmo, Councilmembers Schultz, Nyenhuis and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

**Establish a Closed
City Council Meeting**

Moved by Councilmember Schultz, seconded by Mayor Kosmo, to establish a Closed City Council Meeting for discussion of contract negotiations with the Public Works employees and Police Officer employees immediately following the City Council Meeting of July 2, 2001.

Voting in favor: Mayor Kosmo, Councilmembers Schultz, Nyenhuis and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

Review Setback Requirements

Moved by Mayor Kosmo, seconded by Councilmember Nyenhuis, to authorize the City Administrator to review setback requirements specified in the City's Zoning Ordinance with the Planning Commission.

Voting in favor: Mayor Kosmo, Councilmembers Ridgway, Nyenhuis and Schultz.

Voting against: None.

Absent: Councilmember Menard.

ADJOURN

Moved by Councilmember Schultz, seconded by Councilmember Ridgway, to adjourn the City Council meeting of June 4, 2001.

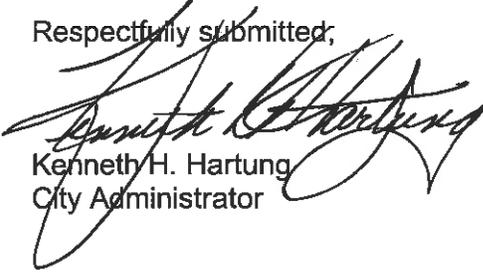
Voting in favor: Mayor Kosmo, Councilmembers Nyenhuis, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

The regular City Council meeting of June 4, 2001 **was** adjourned at 8:45 p.m.

Respectfully submitted,



Kenneth H. Hartung
City Administrator