

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
JULY 3, 2000
7:00 P.M.

CALL TO ORDER

Mayor Allen Schultz called the regular City Council Meeting of July 3, 2000 to order at 7:00 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members Absent: Councilmember Jim Menard.

Others Present: Ken Hartung, City Administrator; and Jim Lammers, City Attorney.

CONSENT AGENDA

Councilmember Newell introduced the following resolution and moved its adoption:
RES. 00-65

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE JULY 3, 2000
COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of June 5, 2000.
- B. Approve bills as presented in the amount of \$187,216.65.
- C. Approve receipts as presented in the amount of \$68,100.42.
- D. Approve building/plumbing/heating permits issued during the month of June, 2000.

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

Jim Menard - absent
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

**Discuss Adopting A Resolution to
Vacate a Portion of 2nd Avenue South**

Mayor Allen Schultz opened the Public Hearing related to considering vacating a portion of 2nd Avenue South and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, stated Notice of the Public Hearing to consider vacating a portion of 2nd Avenue South was published in the Stillwater Evening Gazette on June 14th and 21st, 2000, posted in City Hall on June 12, 2000 and mailed to affected property owners on June 12, 2000.

Councilmember Jim Kosmo stated he would like to have the full Council consider this issue. He noted Councilmember Jim Menard is absent this evening and consequently, there are only four Councilmembers present. Additionally, he indicated a Public Hearing has to be set for Monday, August 7, 2000 to correct the vacation associated with 2nd Avenue South which was not done correctly back in 1989. Consequently, he stated he is proposing to recess this evening's Public Hearing until August 7, 2000.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway to recess the Public Hearing associated with considering vacating a portion of 2nd Avenue South until the regular Council meeting of August 7, 2000.

Voting in favor: Councilmembers Kosmo, Schultz and Ridgway.

Abstaining: Councilmember Newell.

Voting against: None.

Absent: Councilmember Menard.

Councilmember Kosmo introduced the following resolution and moved its adoption:

RES. 00-66

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING A PUBLIC HEARING FOR MONDAY, AUGUST 7, 2000 AT 7:00 P.M.
IN BAYPORT CITY COUNCIL CHAMBERS FOR THE PURPOSE OF CONSIDERING
VACATING A PORTION OF 2ND AVENUE SOUTH.**

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution to
Vacate a Portion of 1st Avenue North.**

Mayor Allen Schultz opened the Public Hearing related to discussions associated with vacating a portion of 1st Avenue North and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, read the Notice of Hearing stating it had been published in the Stillwater Evening Gazette on June 14th and 21st, 2000, posted in City Hall on June 12, 2000 and mailed to affected property owners on June 12, 2000.

Ken Hartung stated Noreen Theobald and Scott Campisi, residents of 203 North 5th Street, are proposing to finish the construction of a 42" high concrete block fence around the perimeter of their lot. He stated Ms. Theobald owns the corner lot and that there are significant restrictions on fence construction at the intersection of 1st Avenue North and North 5th Street. Specifically, he stated the Zoning Ordinance specifies that on a corner lot, nothing can be placed or allowed to grow in such a manner as to impede vision between a height of 2 ½ feet and 10 feet above the centerline grades on the intersecting streets within 15 feet of the street right-of-way lines. He noted because of the location of the existing house relative to the west and south property lines, the fence would have to be constructed so it would intersect the southwestern corner of the porch. He noted this effectively would prohibit Ms. Theobald and Mr. Campisi from being able to walk around the southwest corner of their porch. He indicated the only way to remedy the situation is to move the south property line 7 feet south. He indicated this would require the City to vacate 7 feet of the 80 foot right-of-way of 1st Avenue North. He stated Public Works Superintendent, Mel Horak, and he have reviewed the proposed vacation. He indicated vacating 7 feet of the 80 foot right-of-way will still leave 17 feet of green space between the existing bituminous surface and the new south property line for Ms. Theobald. He stated the 17 feet remaining between the property line and the asphalt surface will provide the City with adequate snow storage area. Additionally, he indicated the storm water drainage ditch is located within the 17 feet which will remain City property.

No one from the public chose to comment on the proposed vacation.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, to close the Public Hearing for the purpose of receiving public comment on the proposed vacation of a portion of 1st Avenue North.

Voting in favor: Councilmembers Ridgway, Schultz, Kosmo and Newell.

Absent: Councilmember Menard.

Member Kosmo introduced the following Resolution and moved its adoption:

RES. 00-67

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
VACATING A PORTION OF 1ST AVENUE NORTH IN THE CITY OF BAYPORT,
WASHINGTON COUNTY, MINNESOTA.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Vacating a Portion of South Lakeside Drive
Road Easement**

Mayor Allen Schultz opened the Public Hearing related to the Council considering vacating a portion of South Lakeside Drive road easement and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, stated Notice of the Public Hearing to consider vacating a portion of the South Lakeside Drive road easement was published in the Stillwater Evening Gazette on June 15th and 22nd, 2000, posted in City Hall on June 13, 2000 and mailed to affected property owners on June 13, 2000.

Ken Hartung stated at the April 3, 2000 City Council meeting, the Council adopted a motion approving Conditional Use Permit 00-03CUP, permitting Ronn Hechter to construct six townhomes on property formerly owned by Donald McLuckie at 520 and 560 South Lakeside Drive. He indicated one of the conditions of the Conditional Use Permit required Mr. Hechter to dedicate a 60 foot right-of-way for Lakeside Drive along with the area needed to construct a cul de sac at the south end of South Lakeside Drive. He indicated the City currently has a road easement across what was the former Donald McLuckie property. He indicated that road easement excludes a large 30 foot section of South Lakeside Drive in an area which was formerly occupied by a house at 560 South Lakeside Drive. Additionally, he noted the road easement did not allow the City to place sewer and water lines within the easement area. Consequently, he stated the easement significantly restricted the City's ability to provide services to residents in this area. This evening he indicated staff is proposing the City vacate a small portion of the very end of the South Lakeside Drive road easement contingent upon Mr. Hechter dedicated to the City, the right-of-way required to construct South Lakeside Drive with a 45 foot radius cul de sac. Ken Hartung stated he forgot to add to the Resolution that the City would vacate a portion of South Lakeside Drive contingent upon Mr. Hechter dedicated the required right-of-way to construct South Lakeside Drive with a cul de sac. He would request that the Councilmember who introduces the Resolution add that condition to the vacation Resolution.

No one from the public chose to speak on this topic.

Moved to Councilmember Newell, seconded by Councilmember Kosmo to close the Public Hearing related to discussion to vacate a portion of South Lakeside Drive road easement.

Voting in favor: Councilmembers Kosmo, Newell, Schultz and Ridgway.

Absent: Councilmember Menard.

Councilmember Newell introduced the following Resolution and moved its adoption:
RES. 00-68

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, VACATING A PORTION OF SOUTH LAKESIDE DRIVE ROAD EASEMENT IN THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, CONTINGENT UPON RONN HECHTER DEDICATING TO THE CITY THE NECESSARY SOUTH LAKESIDE DRIVE RIGHT-OF-WAY TO CONSTRUCT SOUTH LAKESIDE DRIVE CONSISTENT WITH CITY ENGINEER, SHORT-ELLIOTT-HENDRICKSON, CONSTRUCTION PLANS DATED JUNE 1, 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 - absent
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PETITIONS

Michelle Bockmann State Senate Candidate District 56.

Ms. Bockmann was not present to make a statement.

Mayor Reads Statement from Community Volunteer Service

The Mayor read a letter from Kathy Miron, Community Volunteer Service Executive Director, related to expansion of the Community Volunteer Services Senior Center site at the Bayport American Legion. Among the activities planned for this new site include noon meals, cards, bingo, aerobic classes, guest speakers with group discussions and other leisure activities. The project was initiated and funded by the Hugh J. Andersen Foundation as a collaborative effort to be a part of a new program that strengthens our community and support senior living in Bayport and surrounding areas. Beginning on July 17, 2000, the center will welcome community friends to participate in card games, activities, enjoy lunches, refreshments, and meet Sue Schultz, the Program Coordinator. During this time, the Community Volunteer Service hopes to gather more ideas from the participants as to what their interests may be for future programs.

CITY ATTORNEY

City Attorney Jim Lammers stated he had nothing at this point of the Council Agenda.

CITY ENGINEER

Ken Hartung, City Administrator, indicated he told the City Engineer he did not have to attend this meeting.

DEPARTMENT HEADS

Ken Hartung, City Administrator, stated he had nothing to report from the Department Heads unless City Councilmembers had specific questions.

COUNCIL LIAISON REPORTS

There were no Council Liaison reports at this City Council meeting.

OLD BUSINESS

Discuss Granting Permission to Construct a 4' High Fence Closer than 2 Feet to the City Alley Right-of-Way at 203 5th Street North.

Ken Hartung stated the City has received a request from Noreen Theobald, 203 5th Street North, for the City to consider letting her construct a 42" high concrete block fence within 4" of the City's alley right-of-way. He noted at the City Council meeting of June 5, 2000, the Council discussed the Theobald/Campisi fence proposal. He noted at that time the Council took action to allow the Theobald/Campisi fence to be constructed within 4" of the west property line and within 4" of the alley property line from an area north of the existing garage contingent upon Ms. Theobald signing a Declaration holding the City harmless for any damage to the fence and near the alley which could be caused by City maintenance operations. He indicated Mr. Campisi is proposing to construct a fence from the southeast corner of the garage a distance of 19 feet to the south within 4" of the City's alley right-of-way. He stated Zoning Ordinance Section 705.02 specifies that fences must be at least 2' away from the property line unless the adjoining property owner gives permission. He stated since the City is the property owner of the alley abutting the Theobald property, the City Council must give permission allowing the fence to be within 4" of the property line. He stated he has prepared a Declaration between the City and Ms. Theobald allowing the Theobald/Campisi fence to be constructed within 4" of the City's alley provided Ms. Theobald signs the Declaration holding the City of Bayport harmless to damages to the fence located at 203 North 3rd Street which may occur as a consequence of City maintenance operations. Ken Hartung stated the City will not be able to issue a permit to allow construction of the section of the fence running south from the garage until Noreen Theobald, the property owner, has signed the Declaration agreeing to the stated conditions.

Moved by Councilmember Newell, seconded by Councilmember Kosmo, to authorize construction of a 42" high concrete block fence 19 feet south of the southeast corner of the garage within 4" of the City's alley right-of-way contingent upon Ms. Theobald

signing a Declaration agreeing to hold the City harmless for damage to the fence located at 203 North 5th Street, which may occur as a result of the fence being located within 4" of the City's alley right-of-way as a consequence of City maintenance operations.

Voting in favor: Councilmembers Ridgway, Newell, Kosmo and Schultz.

Absent: Councilmember Menard.

NEW BUSINESS

Discuss an Application for a Conditional Use Permit for 16 Point Road Owned by Chris Hayner Case No. 00-11CUP

Ken Hartung, City Administrator, stated the City received an application from Chris Hayner on Tuesday, May 30, 2000 for the City to consider issuing a Conditional Use Permit to allow in excess of 1,000 cubic yards of fill to be brought to 16 Point Road. He stated Mr. Hayner is the owner of property at 16 Point Road which is zoned R-2 Residential Estate. He noted all of the homes on Point Road require their own individual wells for water supply and an on-site septic treatment system. He noted Mr. Hayner indicated his existing septic system at 16 Point Road has failed and requires the installation of a new system. Mr. Hayner had an on-site waste treatment system designed by an individual licensed by the State of Minnesota to design individual waste treatment systems. Additionally, Mr. Hayner's on-site septic system needs to be installed to conform with minimum standards set out in Washington County's individual septic system ordinance number 128. He noted the City has received a letter from Peter Ganzel, Washington County Individual Septic System Inspector, specifying the design submitted by Mr. Hayner for his on-site septic system meets the County's criteria. In order for Mr. Hayner to install a new septic system, it will require a considerable amount of fill to be brought in to cover the holding tanks and the drain field area. Additionally, Mr. Hayner has indicated his desire to bring the fill around the existing house to a level of at least 692' in elevation 15 feet out from the existing structure.

Ken Hartung stated Mr. Hayner's proposal meets all of the City's Zoning Ordinance and Bluffland Shoreland Management Ordinance criteria. He stated, however, in order for Mr. Hayner to bring in excess of 1,000 cubic yards of fill to raise the fill elevation around his existing structure, it requires a Conditional Use Permit. Ken Hartung reviewed Mr. Hayner's fill proposal with Councilmembers using a number of site plans which showed the characteristics of the site before and after the fill installation.

Ken Hartung stated the Planning Commission held a Public Hearing on Monday, June 12, 2000, to consider Mr. Hayner's request for a Conditional Use Permit to allow fill to be brought into 16 Point Road for the purpose of constructing an on-site individual sewage treatment system and to raise the fill elevation around the residential structure to a minimum of 692' extending 15 feet out from the residential structure. He noted at the Public Hearing no one spoke against Mr. Hayner's Conditional Use Permit request. He indicated following the Planning Commission's Public Hearing and discussion related to the Conditional Use Permit, the Planning Commission unanimously adopted a motion

recommending the City Council approve the Conditional Use Permit to allow fill to be brought into 16 Point Road for the purpose of constructing an on-site individual sewer treatment system and to raise the fill elevation around the residential structure to a maximum height of 692' extending 15 feet out from the existing structure and the Planning Commission made the recommendation for the City Council to approve the Conditional Use Permit contingent upon the following:

- 1) Mr. Hayner is required to provide the City with a Certificate certifying the height of the fill 15 feet out from the four corners of the structure is a minimum of 692' and that said certification shall be performed by a registered land surveyor or engineer. The Certificate of Elevation must be presented to the City before the Conditional Use Permit is filed with Washington County.
- 2) Mr. Hayner shall plant 15 trees on the property of 16 Point Road to replace the trees removed as a consequence of the installation of the septic system and fill. Mr. Hayner shall also establish grass on the entire fill area. The trees will be planted and grass shall be established by the end of the 2000 calendar year.

Councilmember Kosmo stated he took a look at Chris Hayner's site and believes the site has been improved with the installation of the new septic system and fill.

Moved by Councilmember Kosmo, seconded by Councilmember Newell, to approve Conditional Use Permit No. 00-11CUP for Chris Hayner, 16 Point Road.

FINDINGS OF FACT:

- WHEREAS:** Chris Hayner is the owner of the property located at 16 Point Road and the property is zoned R-2 Single Family Estate; and,
- WHEREAS:** The land to the north, south, east and west is zoned R-2, Single Family Estate; and,
- WHEREAS:** Single Family Estate residential homes exist on the north, west and south and the St. Croix River abuts the east property line; and,
- WHEREAS:** Mr. Hayner is proposing to bring in excess of 1,000 cubic yards to permit the installation of an on-site septic system and to raise the fill elevation around the existing residential structure to a minimum height of 692 feet extending 15 feet out from the structure; and,
- WHEREAS:** Floodplain Ordinance Section 402.03 requires a Conditional Use Permit to be issued for fill in excess of 1,000 cubic yards which is not required to raise a structure on the property; and,
- WHEREAS:** Chris Hayner is proposing to use a substantial amount of fill beyond 1,000 cubic yards to raise the elevation of the fill around the structure to 692 feet in elevation but is not proposing to raise the existing structure and consequently, is required to have a Conditional Use Permit to have fill brought to the site; and,

WHEREAS: The Planning Commission held a Public Hearing on June 10, 2000 related to the Conditional Use Permit request associated with bringing in excess fill of 1,000 cubic yards to install a new on-site individual sewer treatment system and to raise the fill elevation around the residential structure to a minimum height of 692 feet extending 15 feet out from the existing structure; and,

WHEREAS: Following the Public Hearing held by the Planning Commission on June 10, 2000 to consider issuing a Conditional Use Permit to bring in fill at 16 Point Road, the Planning Commission unanimously adopted a motion recommending the City Council approve a Conditional Use Permit to allow fill to be brought into 16 Point Road for the purpose of constructing an on-site individual sewer treatment system and to raise the fill elevation around the residential structure to a minimum height of 692 feet extending 15 feet out from the structure and the Planning Commission made its recommendation to the City Council contingent upon the following:

- 1) Mr. Hayner be required to provide the City with a certificate certifying the height of the fill 15 feet out from the four corners of the residential structure is a minimum of 692 feet and that such certification shall be performed by a registered land surveyor or engineer.
- 2) Mr. Hayner shall plant 15 trees at the property of 16 Point Road to replace the trees removed as a consequence of the installation of the septic system and fill. Mr. Hayner shall also establish grass on the entire fill area. The trees shall be planted and grass shall be established by the end of the 2000 calendar year.

WHEREAS: Floodplain Ordinance Section 806.04 specifies factors upon which the decision of the governing body is to issue a Conditional Use Permit; and,

WHEREAS: The Bayport City Council determined at the City Council Meeting of July 3, 2000, that Mr. Hayner's Conditional Use Permit request for 16 Point Road to bring in fill in excess of 1,000 cubic yards for the construction of a new on-site individual sewer treatment system and to raise the fill elevation around the residential structure to a minimum height of 692 feet extending 15 feet out from the structure meets the criteria specified for a Conditional Use Permit as listed in Floodplain Ordinance 806.04.

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

1. Approve a Conditional Use Permit as required in Floodplain Ordinance Section 402.03 to permit bringing in excess of 1,000 cubic yards of fill to 16 Point Road for the purpose of

installing a new on-site individual sewage treatment system and to raise the fill elevation around the residential structure to a minimum height of 692 feet extending 15 feet out from the structure and that the Council grants the Conditional Use Permit contingent upon the following:

- A. Mr. Hayner is required to provide the City with a Certificate certifying the height of the fill 15 feet out from the four corners of the existing structure is a minimum of 692 feet in elevation and that such certification shall be performed by a registered land surveyor or engineer. The Certificate of Elevation must be presented to the City before the Conditional Use Permit is filed with Washington County.
- B. Mr. Hayner shall plant 15 trees on the property of 16 Point Road to replace the trees removed as a consequence of the installation of the septic system and fill. Mr. Hayner shall also establish grass on the entire fill area. The trees shall be planted and grass shall be established by the end of the 2000 calendar year.

Voting in favor: Councilmembers Newell, Kosmo, Ridgway, and Schultz.

Voting against: None.

Absent: Councilmember Menard.

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

Ken Hartung stated the City received a letter from County Administrator Jim Schug inviting the City to join the County in becoming part of a community development block grant program available through the U.S. Department of Housing and Urban Development. Participation in the community development block grant program will entitle Washington County to \$1,030,000.00 annually for a variety of programs that benefit low and moderate income residents, including housing and housing rehabilitation, public infrastructure, public services and economic development. He noted the first grants would become available July 1, 2001. Ken Hartung stated he wasn't sure how the City of Bayport would compete against other cities in Washington County for a part of the \$1,030,000.00 grant. Additionally, he stated if the City participates with the Washington County community development block grant cooperative agreement, the City would be prohibited from applying for any grant appropriations under the small cities or state community development block grant programs. He noted it seems that if the City's housing program or redevelopment program has merit, the federal government should not be preventing the City from making applications from any other agency which could assist the City in those areas.

Councilmember Kosmo stated federal programs typically have a great deal of paperwork and mandates to comply with to get the money, which sometimes makes it unrealistic to participate. Additionally, he stated he doesn't like the idea of the federal government restricting the City's ability to apply for other grants which might help the City provide housing, infrastructure and public service. Essentially, if the City is not successful in competing with other communities in Washington County for money allocated to the Washington County community development block grant agreement, the City would be prohibited from seeking funds from other sources, which might be able to help the City meet those financial needs. Consequently, he noted he doesn't see the County community development block grant cooperative agreement as having merit if those types of restrictions are part of the agreement.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, not to participate in Washington County's community development block grant cooperative agreement because of the significant and onerous restrictions placed on the City preventing the City from applying for any appropriations under the small cities and state community development block grant programs if the City is to participate in Washington County's community development block grant cooperative agreement. The City sees this type of restriction as unacceptable if the City is to be able to explore grant options to address public housing and infrastructure needs.

Voting in favor: Councilmembers Newell, Schultz, Ridgway and Kosmo.

Voting against: None.

Absent: Councilmember Menard.

**Discuss a Request by
Filson Gentle Dentistry
to Block Off 2nd Avenue North
for the 3rd Annual Community Carnival**

Ken Hartung stated the City has received a request from Bruce Filson, Filson Gentle Dentistry, for the City to consider blocking off 2nd Avenue North from Highway 95 to 2nd Street North, to provide room for the Gentle Dentistry 3rd Annual Community Carnival on Friday, July 28, 2000 from 8:30 a.m. to 2:30 p.m. He noted Mr. Filson sponsors the community carnival as a way of thanking the community and his clients.

Moved by Councilmember Ridgway, seconded by Councilmember Kosmo, to adopt a motion authorizing blocking off 2nd Avenue North between Highway 95 and 2nd Street North on July 28, 2000 from 8:30 a.m. to 2:30 p.m. to permit the community carnival to take place sponsored by Filson Gentle Dentistry.

Voting in favor: Councilmembers Kosmo, Newell, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Adopting a Resolution
Accepting the Resignation of JoAnn McKean
and Approving a Separation Agreement,
Waiver and Release Between
JoAnn McKean and the City of Bayport**

Councilmember Newell introduced the following resolution and moved its adoption:
RES. 00-69

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ACCEPTING THE RESIGNATION OF JOANN MCKEAN AND APPROVING A SEPARATION AGREEMENT, WAIVER AND RELEASE BETWEEN THE CITY OF BAYPORT AND JOANN MCKEAN AND AUTHORIZING THE CITY OF BAYPORT TO PAY JOANN MCKEAN THE AMOUNT OF \$8,163.45 EQUIVALENT TO MS. MCKEAN'S ACCUMULATED VACATION AND SICK LEAVE AUTHORIZED FOR SEVERENCE PAY IN THE CITY OF BAYPORT'S PERSONNEL POLICY.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Motion
Approving a New Job Description
of Secretary/Receptionist**

Ken Hartung stated with the resignation of JoAnn McKean, staff is recommending the City fill the position. However, before advertising the position, he stated he is recommending the City Council change the job description to expand the responsibilities of the current Receptionist/Secretary position to include significant secretarial responsibilities of the police department. He noted it is his belief this will create a position that will reduce the need for an independent clerical position in the police department.

Ken Hartung reviewed some of the new responsibilities of the job descriptions as follows:

- 1) Answers police department phone calls, takes messages, answers questions, and/or routes to the appropriate individual.
- 2) Dispatches police calls for service for routine, non-emergency activities.
- 3) Forward police daily reports and rosters.
- 4) Contacts the City and County Attorneys on police related matters.
- 5) Copy and send police reports to requesting individuals.

6) Transcribe dictated police reports.

Councilmember Newell stated she thought it was a great idea to merge some of the responsibilities of police clerical functions with the administrative functions. However, she stated she has a problem with number 6 of transcribing dictated reports since the County provides that service to the City. She stated she wants number 6 to be changed to read, "Transcribe dictated police reports as needed when the County cannot provide the service."

Ken Hartung stated if the Council agrees with the new job description, he will be requesting that they approve the job description and authorize him to advertise to fill the position in the Stillwater Evening Gazette and the St. Paul Pioneer Press.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, to approve the Secretary/Receptionist position for the City of Bayport effective July 3, 2000 and authorize the City Administrator to advertise for applicants to fill the position in the Stillwater Evening Gazette on Friday, July 7, 2000 and the St. Paul Pioneer Press on Sunday, July 9, 2000 and that applications for the position shall close on Wednesday, July 19, 2000.

Voting in favor: Councilmembers Newell, Kosmo, Schultz, and Ridgway.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Parking Options
for the Andersen Corporation
at Lakeside Park West Parking Lot**

The Andersen Corporation has its 13S plant located at the intersection of Central Avenue and South Maine Street. In the past, the Council has given the Andersen Corporation permission to have its employees who work at the 13S building to park in the Lakeside Park west parking lot from Memorial Day to Labor Day during daytime shifts of 6:00 a.m. to 3:00 p.m. Monday through Friday. The Andersen Corporation has asked the City to consider extending the hours that employees are allowed to use the Lakeside Park west parking area from 6:00 a.m. to 3:00 p.m. Mondays through Fridays and 11:00 p.m. to 6:00 a.m. Mondays through Fridays. He stated the Andersen employees are not allowed to use the parking lot during weekends and on holidays when the parking lot is busy. Additionally, the Andersen employees are not allowed to use the parking lot from 3:00 p.m. to 11:00 p.m.

Councilmember Newell stated she doesn't see a conflict with the Andersen Corporation employees using the parking lot from 11:00 p.m. to 6:00 a.m. because the park is closed during that period of time. She stated, however, the evening time may be more appropriately set at 10:00 p.m. to allow Andersen employees coming to the 11:00 p.m. shift to park in the parking lot before 11:00 p.m. giving them necessary time to report to work at the 11:00 p.m. shift. She suggested permitting Andersen employees to park in the Lakeside Park west parking lot Mondays through Fridays from 10:00 p.m. to 6:00 a.m. and from 6:00 a.m. to 3:00 p.m.

Moved by Councilmember Newell, seconded by Councilmember Kosmo, to authorize the use of Lakeside Park west parking lot by Andersen Corporation employees consistent with the following criteria:

- 1) From Memorial Day to Labor Day, Andersen Corporation employees may use Lakeside Park west parking lot on Mondays through Fridays from 6:00 a.m. to 3:00 p.m. and from 10:00 p.m. to 6:00 a.m.
- 2) From Memorial Day to Labor Day, Andersen Corporation employees may not park at Lakeside Park west parking lot at any time on weekends and legal holidays. Andersen employees cannot use the Lakeside Park west parking lot on Mondays through Fridays from 3:00 p.m. to 10:00 p.m.
- 3) From Labor Day to Memorial Day, Andersen employees may use the Lakeside Park west parking lot seven days per week, 24 hours per day.

Voting in favor: Councilmembers Newell, Ridgway, Schultz and Kosmo.

Voting against: None.

Absent: Councilmember Menard.

Appointment of Election Judges for the 2000 Primary and General Elections

Councilmember Newell introduced the following Resolution and moved its adoption:
RES. 00-70

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPOINTING ELECTION JUDGES FOR THE 2000 ELECTIONS.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Adopting a Resolution Rejecting Bids for the South Lakeside Drive Improvement Project

Ken Hartung stated at the City Council meeting of June 5, 2000, the Council adopted a Resolution approving plans and specifications for the South Lakeside Drive Improvement Project and establishing a bid date for Tuesday, June 27, 2000 at 1:00 p.m. He stated on Tuesday, June 27, 2000, the City received three bids. He noted bids were submitted by the following:

1) Tower Asphalt, Inc.	\$72,125.00
2) Burschville Construction, Inc.	\$74,445.00
3) Ro-So Contracting, Inc.	\$84,184.00

He noted the Engineer's estimate in the original feasibility study had an estimate of \$60,116.00. He indicated the lowest construction bid of \$72,125.00 is \$12,009.00 above the Engineer's estimate for the cost of construction. He indicated he is recommending rejecting the bids because the bids came in much too high and additionally, there has been some discussion regarding the elevation of the cul de sac at South Lakeside Drive. He noted it may be possible that discussion between Charlie Kaiser, Carl Buechler and Ronn Hechter may permit the cul de sac to be raised. He stated he would like to give the individuals 30 to 60 days to see if an agreement can be reached on the cul de sac height, which would result in the cul de sac being raised significantly from its 682' to 683' elevation. He stated he will be prepared to come with some new bid documents at the August 7th or September 4th Council meeting. He noted that would mean the City Council could award a contract for the remainder of the work associated with reconstructing South Lakeside Drive at its September 4th or October 2nd meeting.

Councilmember Kosmo introduced the following **Resolution** and moved its adoption:
RES. 00-71

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
REJECTING BIDS FOR THE SOUTH LAKESIDE DRIVE UTILITY AND STREET
IMPROVEMENT PROJECT.**

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

Jim Menard - absent	Sharon Ridgway - aye
Linda Newell - aye	Allen Schultz - aye
Jim Kosmo - aye	

Discuss Village Green Landscape Plan

Ken Hartung stated at the City Council meeting of April 3, 2000, the Council approved Resolution 00-32, which authorized up to \$2,000.00 to rebuild the Village Green sign, bury wires for Christmas lights and install a rock and flower garden around the existing sign. He noted Mel Horak, Public Works Supervisor, secured the services of Abrahamson Nurseries to put together a landscape design for the area in which the City of Bayport sign would be located in the Village Green area. Ken Hartung reviewed with Councilmembers, the landscape plan which has stone edging, little princess spireas, red rock boulders, crushed red rock, arborviteas, goldmound spirea and a 16" stone planter.

Mayor Schultz stated he liked the landscape plan but questioned the significant amount of maintenance required for annual plantings of geraniums, begonias, petunias and marigolds.

Councilmember Newell stated the landscape plan should include perennial flowers which require very little maintenance. She suggested some flowers similar to what have been installed at City Hall.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, to approve the landscaping plans associated with the Village Green sign and authorize its installation with the condition that the annual flowers be taken out of the plan and perennial flowers be substituted and that the project not exceed the \$2,000.00 allocated by the City Council on April 3, 2000 and that expenses associated with the installation of the landscaping plan be charged to the Parks Department 43200-410.

Voting in favor: Councilmembers Kosmo, Schultz, Ridgway and Newell.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Purchase of a
Concrete and Asphalt Saw**

Ken Hartung, City Administrator, stated the Public Works staff is required on many occasions to cut out sections of the City's asphalt streets or concrete sidewalks to initiate water and sewer repairs within the City of Bayport. He noted to help Public Works staff do this work efficiently and effectively, Mel Horak, Public Works Supervisor, is recommending the City authorize the purchase of an asphalt and concrete saw. He stated the City has received a quote from United Rentals of Roseville, Minnesota for a Clipper C88/C118 concrete saw for the price of \$2,579.43. He stated the City's 2000 sewer capital outlay budget has identified \$39,000.00 for various capital outlay items. He is recommending that if the City Council authorizes purchase of the saw and to fund it from the sewer capital outlay budget.

Moved by Councilmember Ridgway, seconded by Councilmember Kosmo, to authorize the purchase of a new Clipper C88/C118 concrete saw from United Rentals of Roseville, Minnesota for a price of \$2,579.43 and that the purchase be funded from the sewer capital outlay budget 46200-530.

Voting in favor: Councilmembers Ridgway, Kosmo, Schultz and Newell.

Voting against: None.

Absent: Councilmember Menard.

**Discuss Adopting a Resolution
Approving an Agreement Between
The City of Bayport and the Middle St. Croix River
Watershed Management Organization**

The 2000 legislature adopted a law under chapter 4078 which allocated \$2.68 million to the City of Bayport for the Middle St. Croix River Watershed Management Organization for construction of phase 1 of the storm sewer system extending from the Minnesota Department of Natural Resources pond 82-310P (the prison pond) in Bayport

through the Stillwater prison grounds to the St. Croix River. He noted while the Minnesota law grants \$2.68 million to the City of Bayport for the Middle St. Croix River Watershed Management Organization for construction of the state storm sewer system, he believes it would be prudent on the part of the City and the Middle St. Croix River Watershed Management Organization to have a Joint Powers Agreement which specifies that the City of Bayport, on behalf of the Middle St. Croix River Watershed Management Organization, will act as the project manager for the storm sewer project and that the City will serve as the pay agent for distribution of the state grant funds received for the project. He noted he is asking the City Council to approve an Agreement drafted by the City Attorney at this evenings' meeting. He noted he will have the Watershed Organization consider acting on the Agreement at their meeting on Wednesday, June 12, 2000.

Councilmember Newell introduced the following resolution and moved its adoption:
RES. 00-72

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING AN AGREEMENT BETWEEN THE CITY OF BAYPORT AND THE
MIDDLE ST. CROIX RIVER WATERSHED MANAGEMENT ORGANIZATION.**

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

Jim Menard - absent
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving an Agreement with
Short-Elliott-Hendrickson, Inc.
to Conduct Water Quality Monitoring Services
Associated with Construction of the State Storm Sewer Project**

Councilmember Ridgway introduced the following resolution and moved its adoption:
RES. 00-73

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING SHORT-ELLIOTT-HENDRICKSON TO PERFORM PROFESSIONAL
SERVICES IN CONNECTION WITH THE NORTHERN STATES POWER COMPANY
POND WATER MONITORING AS REQUIRED BY THE MINNESOTA POLLUTION
CONTROL AGENCY OVER A PERIOD OF THREE YEARS AT A COST NOT TO
EXCEED \$10,800.00.**

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

Jim Menard - absent
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss a Adopting a Resolution
Proclaiming August 1, 2000 as
National Night Out in the City of Bayport**

Member Kosmo introduced the following Resolution and moved its adoption:

RES. 00-74

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING A PROCLAMATION DECLARING NATIONAL NIGHT OUT 2000.

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

Jim Menard - absent
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

ADMINISTRATOR'S REPORT

**Update on Fire Station
Roof Replacement and Repair**

Ken Hartung stated the roof replacement and repair of the fire station authorized by the City Council at its meeting of June 5, 2000 will begin next week. The contractor has done some preliminary set up at the site during this week.

2001 Budget Workshop Meeting

Ken Hartung, City Administrator, stated the Bayport City Council will be meeting Thursday, July 6, 2000 at 7:00 p.m. at Bayport City Hall for discussions associated with the City's year 2001 budget. He stated state law requires the City to begin its budget process at mid-year so that the City can adopt its required state mandated preliminary budget by September 15, 2000.

Planning Commission Meeting

Ken Hartung stated the Planning Commission will be meeting on Monday, July 10, 2000 at 7:00 p.m. in Bayport City Hall to consider a preliminary plat associated with Hubb's Point and to consider variances associated with the reconstruction of a residential home in Bayport.

ADJOURN

Moved by Councilmember Kosmo, seconded by Councilmember Newell, to adjourn the City Council meeting of July 3, 2000.

Voting in favor: Councilmembers Newell, Kosmo, Schultz and Ridgway.

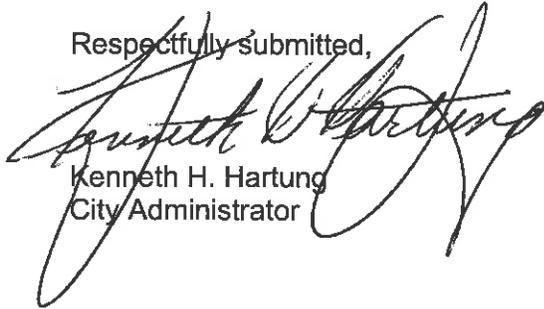
Voting against: None.

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Absent: Councilmember Menard.

The City Council meeting of July 3, 2000 adjourned at 8:15 p.m.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Kenneth H. Hartung". The signature is written over the printed name and title.

Kenneth H. Hartung
City Administrator

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, JULY 6, 2000

CITY OF BAYPORT
CITY COUNCIL WORKSHOP
BAYPORT CITY COUNCIL CHAMBERS
JULY 6, 2000
7:00 PM

CALL TO ORDER

Mayor Allen Schultz called the City of Bayport 2001 Budget Workshop to order at 7:00 p.m. and asked the City Administrator to call roll.

ROLL CALL

Members present: Mayor Allen Schultz, Councilmembers Jim Kosmo, Linda Newell and Sharon Ridgway.

Members absent: Councilmember Jim Menard.

Others present: Ken Hartung, City Administrator, Kathy MacDonald, Library Director, Bev Schultz, Library Board Member.

2001 BUDGET WORKSHOP

Mayor Allen Schultz stated the purpose of this evening's meeting is to discuss the 2001 preliminary budget. Ken Hartung, City Administrator, stated Councilmembers received copies of the preliminary budget for their review on Friday, June 30, 2000. He indicated the budget process began on May 22, 2000 when he distributed the 2001 budget booklet to department heads and staff members. He noted department heads submitted their budgets for inclusion in the budget booklet on June 9, 2000. He indicated as is the Council practice, all requests for the 2001 budget are submitted to the City Council without any screening done by the City Administrator. He noted the next budget workshop is scheduled for Thursday, August 17, 2000. He noted the City Council will have to adopt a preliminary levy at its City Council meeting of Tuesday, September 5, 2000. He noted the preliminary levy can be reduced at some time in the future, but it cannot be increased. He indicated the final levy is established at a meeting in December, which is required to be certified to the County by late December.

Ken Hartung indicated the general fund budget request for the year 2001 equaled \$1,959,092.00, which is a \$202,364.00 increase above the adopted 2000 general fund budget of \$1,756,728.00. He noted the year 2000 budget also includes a tax stabilization allocation of \$354,970.00, which is the exact amount of the tax stabilization fund adopted in the year 2000. He noted the library is also proposing a levy of \$118,042.00, which is a \$14,732.00 increase over the adopted library levy in the year 2000 of \$103,310.00.

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, JULY 6, 2000

Ken Hartung indicated the City has an agreement with the Andersen Corporation where they have agreed to pay a certain percentage of the City's budget. He noted with the proposed 2001 increase of budget expenditures in the general fund, the Andersen Corporation's cash contribution to the City, in addition to its taxes, would increase from \$391,200.00 in the year 2000 to \$496,485.00 in 2001, which represents a \$105,285.00 increase.

Ken Hartung stated to fund the increased expenses, the City would have to increase its levy for the general fund by \$83,597.00 and in the library fund, \$14,732.00. He then reviewed with Councilmembers, increases and decreases in the projected 2001 general fund revenue.

1) Property taxes will need to be increased if the Council increases the expenditures over last years' budget by the amount requested in the preliminary budget.	\$ 83,597.00
2) Homestead Agricultural Credit Aid (H.A.C.A.)	(\$ 1,120.00)
3) Local Performance Aid has been eliminated through the State Legislature.	(\$ 3,795.00)
4) Plumbing and Heating permits are projected to increase next year.	\$ 1,000.00
5) Local Government Aid from the State has been reduced.	(\$ 9,653.00)
6) Police and Fire State Aid is being increased next year.	\$ 9,000.00
7) Planning and Zoning Permits are projected to increase next year.	\$ 1,000.00
8) Miscellaneous revenues projected to decrease.	(\$ 500.00)
9) Park Fees projected to increase.	\$ 500.00
10) Court fines are projected to increase in 2001.	\$ 5,000.00
11) Additional Special Assessments projected to be collected in 2001.	\$ 1,500.00
12) Interest earnings are projected to increase in 2001.	\$ 10,000.00

BAYPORT CITY COUNCIL WORKSHOP
 THURSDAY, JULY 6, 2000

13)The 2001 preliminary budget which has expenditures above the year 2000 by \$203,000.00 will require the Andersen contribution to increase over its 2000 cash contribution approximately \$105,000.00	\$105,285.00
14)Refunds for professional services and police activities.	<u>\$ 1,500.00</u>
TOTAL	\$203,363.00

Ken Hartung summarized the tax levy and Andersen Corporation's contribution necessary to fund the preliminary 2001 budget requests by using the following table:

**Table 1
 Adopted 2000 and Projected 2001
 Revenue Comparison**

<u>Department Description</u>	<u>Adopted 2000 Budget</u>	<u>Proposed 2001 Budget</u>	<u>Budget Increase (Decrease)</u>	<u>% Increase (Decrease)</u>
Gen. Operating Fund	\$1,756,728	\$1,959,092	\$202,364	11.52%
Transfer Debt Serv. to Gen. Fund	\$179,000	\$180,000	\$1,000	.56%
Total General Fund	\$1,935,728	\$2,139,092	\$203,364	10.51%
Library	\$103,310	\$118,042	\$14,732	14.26%
Less: Non Levy Revenue	\$286,566	\$302,821	\$16,255	5.67%
Less: State Aids	\$174,591	\$173,938	(\$653)	-0.37%
Less: Andersen Contribution	\$391,200	\$496,485	\$105,285	26.91%
Less: H.A.C.A.	\$177,041	\$177,041	\$0	0.00%
Total Levy	\$1,009,640	\$1,106,849	\$97,209	9.63%

Ken Hartung reviewed with the City Council, the summary of general fund expenditure increases for the year 2001 by listing the following areas:

BAYPORT CITY COUNCIL WORKSHOP
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1) Salary and benefit expenses.

The City Council authorized a 2.5% cost of living salary adjustment for all City staff. Additionally, the City has seen significant increases in the premiums associated with employees' medical and dental expenses. The expenses represented in this category are not able to be reduced without reducing City staff. \$79,075.00

2) Administration.

Increase expenditures in this category are reflective of office supplies, labor relations contract services, conferences and schools and maintenance of the copy machine. \$ 3,567.00

A new computer has been budgeted for the Secretary/ Receptionist with e-mail capability and including software. Additionally, a new fax machine to replace the 1992 fax machine has been budgeted. \$ 4,100.00

3) Cemetery.

Water tap main to extend the water to the west side of the cemetery. There is no water on the west side of the cemetery to allow for sprinkling. \$ 7,500.00

4) Elections.

In the year 2001 we have no City elections, therefore there is a significant decrease. (\$ 3,875.00)

5) Fire.

Motor Fuels and Lubricants. \$ 2,000.00
Insurance. (\$ 6,176.00)
Schools and Conferences associated with Pumper Fire Training. \$ 800.00
Rental of Fire Chief car. \$ 1,800.00
Miscellaneous Capital Outlay. (\$ 149.00)

6) Mayor and Council.

The Mayor and Council budget has a number of small increases associated with the following:

BAYPORT CITY COUNCIL WORKSHOP
 THURSDAY, JULY 6, 2000

Office supplies	\$ 283.00
Professional Services - Legal	\$ 150.00
Professional Services - Engineering	\$ 644.00
Professional Auditing Services	\$ 658.00
Conferences and Schools	\$1,000.00
Maintenance of Office Equipment	\$ 500.00
Dues and Memberships	\$ 158.00
Miscellaneous Community Projects	\$1,500.00

7) Miscellaneous Buildings.

A significant amount of increase associated with this department is the pollution study on the old Planer Building site. (Former Public Works Building site.)	\$35,098.00
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8) Parks.

Increased tree plantings	\$1,485.00
Increased cost associated with providing portable restrooms.	\$ 800.00

9) Planning and Zoning.

Office supply increases	\$ 313.00
Professional Services - Legal	\$ 450.00
Professional Services - Engineering	\$ 920.00
Building Inspection Services	\$ 850.00
Allocated money for 2' contour maps	\$2,300.00
Professional Microfilming and storage services	\$2,903.00

10)Police

Uniforms	\$ 1,296.00
Tactical team uniforms	\$ 1,000.00
Motor Fuels and Lubricants	\$ 2,000.00
Legal Services	\$ 3,000.00
Shared Automation with the County	\$ 339.00
Repair and Maintenance of Vehicles	\$ 552.00
Capital Outlay for Police Vehicle	\$26,000.00

11)Streets

Supplemental Snow Plowing Contract	\$ 4,000.00
Repainting one truck and replace exhaust manifolds on the 1988 Ford plow truck	\$ 4,383.00

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, JULY 6, 2000

Increased tree planting	\$ 2,700.00
Increased cost of street maintenance	\$ 2,150.00
Increased sidewalk and curb replacement	\$15,000.00
Transfer out for truck replacement	<u>\$15,000.00</u>

TOTAL **\$216,074.00**

Ken Hartung also reviewed with Councilmembers, the general fund expenditure budgets adopted for the year 2000 and proposed for the year 2001 by using the following table:

Table 3
General Fund Expenditure Budgets
2000 & 2001

Department	Adopted 2000 Budget	Proposed 2001 Budget	Budget Increase (Decrease)	% Increase (Decrease)
Administration	\$126,705.21	\$137,011.60	\$10,306	8.13%
Cemetery	\$8,237.00	\$15,036.00	\$6,799	82.54%
Fire	\$189,939.96	\$202,834.07	\$12,894	6.79%
Elections	\$4,176.00	\$300.00	(\$3,876)	-92.82%
Mayor & Council	\$111,346.65	\$116,334.65	\$4,988	4.48%
Municipal Buildings	\$74,661.00	\$99,804.00	\$25,143	33.68%
Parks	\$98,419.19	\$104,981.74	\$6,563	6.67%
Planning & Zoning	\$60,567.14	\$66,809.92	\$6,243	10.31%
Police	\$442,133.07	\$526,276.19	\$84,143	19.03%
Recycling	\$8,719.31	\$9,302.28	\$583	6.69%
Street	\$224,560.23	\$273,770.92	\$49,211	21.91%
Street Lighting	\$26,793.72	\$26,161.00	(\$633)	-2.36%
Unallocated	\$380,470.00	\$380,470.00	\$0	0.00%
Total Operating	\$1,756,728.48	\$1,959,092.37	\$202,364	11.52%

Ken Hartung stated a significant amount of the budget increase equal to \$79,000.00 is directly attributed to increased salaries for employees and increased cost in insurance and health benefits. He indicated the City Council authorized a 2.5% salary increase for all City employees. However, he noted the

**BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, JULY 6, 2000**

City has seen a dramatic increase in the cost of providing employee health benefits. He noted the cost of providing employee health insurance has increased by 47%. He indicated the City has shopped around for other health insurance programs over the past few years but has not been successful in identifying an insurance company that will provide lower costs. He noted there are only three health insurance providers left in Minnesota which has significantly reduced the competition.

Ken Hartung then reviewed with Councilmembers, the projected impact of three different budget scenarios on residential taxpayers in the City of Bayport. Those scenarios included the following:

- 1) Scenario one establishes the year 2001 operating levy at \$966,333.00, which is \$43,000.00 less than the 2000 levy of \$1,009,641.00.
- 2) Scenario two establishes the year 2001 general fund budget at an amount of \$100,000.00 more than the City's 2000 operating budget. This would result in an increased levy of \$28,113.00.
- 3) Scenario three increases the year 2001 general fund budget over the 2000 budget by \$200,000.00. This establishes a tax levy of \$1,106,154.00 which is an increase in the tax levy of \$96,208.00 over the 2000 levy.

Ken Hartung illustrated the impact on residential homeowners' market value homes of \$84,475.00, \$107,300.00, \$134,125.00 and \$174,300.00 with the use of the following table:

**Tax Levy Impacts on Home Values
Year 2001 Budget Scenarios**

Market Value of Home	Scenario No. 1 City Levy Est. at \$966,000.00 (Budget equal to 2000)	Scenario No. 2 City Levy Est. at \$1,037,000 (\$100,000 above 2000 budget)	Scenario No. 3 City Levy Est. at \$1,106,000 (\$200,000 above 2000 budget)
	Tax Increase	Tax Increase	Tax Increase
\$ 84,475.00	\$ 3.26	\$ 34.28	\$ 64.29
\$107,300.00	\$ 4.99	\$ 52.48	\$ 98.42
\$134,125.00	\$ 6.73	\$ 70.68	\$132.55
\$174,300.00	\$ 9.32	\$ 97.94	\$183.67

BAYPORT CITY COUNCIL WORKSHOP
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Kathy MacDonald, Library Director, indicated the library is anticipating establishing a budget for the year 2001 of \$253,767.00 which is an increase of \$24,857.00 above the adopted 2000 budget of \$220,910.00. She stated all of the increase is reflected in increased salary expenses associated with hiring additional staff to handle the increased circulation and program demands of the library.

Bev Schultz, Library Board Member, indicated library use has increased 21% and it is necessary for the Library Board to increase the library staff to address those needs.

Kathy MacDonald, Library Director, indicated the increase the library is requesting for the year 2001 is \$14,732.00, which is a 14.2% increase. She indicated the library needs the additional levy revenue to be able to support its required increase in staffing.

There was a consensus among Councilmembers that the library request remain intact and no cuts be proposed for the library levy. Councilmember Jim Kosmo stated a \$200,000.00 increase over last year's expenditures is not acceptable. He noted, however, \$79,000.00 of the increase is directly attributed to employee salaries and benefits. He indicated that area cannot be reduced unless the Council is willing to reduce staff. At this time, he stated, he is not willing to consider reducing staff. However, he stated, he does believe the general fund expenditures will have to be reduced by at least \$100,000.00. He asked other Councilmembers if they can identify areas in which can be eliminated from the expenditures in the year 2001.

Councilmember Linda Newell stated she would like to see the \$25,000.00 budget item for the planer building pollution study eliminated from the year 2001 budget.

It was a general consensus by Councilmembers that staff is directed to reduce overall expenditures for the year 2001 so that it does not exceed \$100,000.00 over the year 2000 expenditures. Council directed the City Administrator to present the revised budget with the reduced expenditures and revised revenue to fund those expenditures at its City Council Budget Workshop scheduled for Thursday, August 17, 2000.

SCHEDULE A SPECIAL CITY COUNCIL MEETING FOR AUGUST 17, 2000.

Councilmembers agreed to schedule a special City Council Meeting for 7:00 p.m. on Thursday, August 17, 2000 for the purpose of hiring a full-time Secretary/Receptionist to fill an existing vacancy. The Council directed the City

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, JULY 6, 2000

Administrator to publish and post the special City Council Meeting of August 17, 2000, which will be held at 7:00 p.m. and immediately followed by the 2001 budget workshop.

ADJOURN

Moved by Councilmember Ridgway, seconded by Councilmember Newell to adjourn the 2001 Budget Workshop.

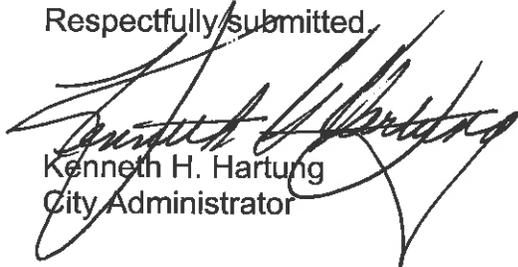
Voting in favor: Councilmembers Ridgway, Newell, and Schultz.

Absent: Councilmembers Menard and Kosmo.

Voting against: None.

The Bayport Council Workshop associated with the 2001 budget was adjourned at 8:25 p.m.

Respectfully submitted,



Kenneth H. Hartung
City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
AUGUST 7, 2000
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Allen Schultz called the regular City Council Meeting of August 7, 2000 to order at 7:00 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members Absent: Councilmember Linda Newell.

Others Present: Ken Hartung, City Administrator; Barry Peters, City Engineer and Mark Vierling, City Attorney.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 00-75

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE AUGUST 7,
2000 COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of July 3, 2000.
- B. Approve bills as presented in the amount of \$239,066.48.
- C. Approve receipts as presented in the amount of \$1,108,924.44.
- D. Approve building/plumbing/heating permits issued during the month of July, 2000.

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

Jim Menard - aye
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

Discuss Adopting A Resolution Vacating a Portion of 2nd Avenue South

Mayor Allen Schultz opened the Public Hearing related to a request to vacate a portion of 2nd Avenue South and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, read the Notice of Hearing stating Notice of the Public Hearing associated with vacating a portion of 2nd Avenue South between James Lay and Linda Newell was published in the Stillwater Evening Gazette on June 14th and 21st, 2000, posted in City Hall on June 11, 2000 and mailed to James Lay and Linda Newell on June 12, 2000. He noted the Public Hearing Notice associated with vacating a portion of 2nd Avenue South adjacent to Warren Lassen's property was published in the Stillwater Evening Gazette on July 18th and 24th, 2000, posted in City Hall on July 5, 2000 and mailed to Warren Lassen, the affected property owner on July 5, 2000.

Ken Hartung stated the City has received a Petition from Linda Newell, 295 South 6th Street, and James Lay, 317 South 6th Street, for the City to consider vacating the portion of 2nd Avenue South between their properties. He noted during staff research associated with the 2nd Avenue South proposed vacation, it was discovered the City Council of the City of Bayport had taken action to vacate the south 17 feet of 2nd Avenue South adjacent to Lots 1 and 24 of Block 84 on May 1, 1989. He indicated, however, the vacation was not valid because the Council did not vacate by Resolution and the vacation was never recorded at the County Recorder's Office.

Ken Hartung indicated Warren Lassen built an addition onto his house assuming the City's vacation was valid back in 1989. Consequently, he noted tonight's Public Hearing is designed to take public comment and seek possible Council action on the following:

- 1) The invalid Council action related to the vacation of the south 17 feet of 2nd Avenue South adjacent to James Lay and Warren Lassen's property.
- 2) A request by James Lay and Linda Newell to vacate 2nd Avenue South lying between their two properties.

Ken Hartung stated the City Council discussed the vacation of 2nd Avenue South at its City Council meeting of July 3, 2000. He indicated at that time the City Engineer stated if the City Council was considering vacating the portion of 2nd Avenue South between James Lay and Linda Newell, the Council may want to establish an easement in the vacated area to install utilities should they be needed at some point in the future.

No one from the public spoke for or against the proposed vacation.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway to close the Public Hearing for the purpose of receiving public comment on the proposed vacation of 2nd Avenue South.

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

Voting against: None.

Absent: Councilmember Newell.

Councilmember Kosmo introduced the following resolution and moved its adoption:
RES. 00-76

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
VACATING A PORTION OF 2ND AVENUE SOUTH IN THE CITY OF BAYPORT,
WASHINGTON COUNTY.**

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
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss A Preliminary Plat/Final Plat
Application for Bayport Estates (Hubb's Point and
former Donald McLuckie property) and an
Application for a Floodplain Management Ordinance
Vehicular Access Variance, Case No. 00-14V.**

Mayor Allen Schultz opened the Public Hearing related to a Preliminary Plat/Final Plat application for Bayport Estates and an Application for a Floodplain Management Ordinance Vehicular Access Variance and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, read the Notice of Hearing stating the Public Hearing Notice associated with the preliminary and final plat application for Bayport Estates and the Floodplain Variance request was published in the Stillwater Evening Gazette on July 14, 2000, posted in City Hall on July 11, 2000 and mailed to property owners within 500' of the proposed plat on July 12, 2000.

Ken Hartung, City Administrator, reviewed the location of the proposed plat of Bayport Estates with Councilmembers. He noted Mr. Hechter and Mr. Buechler are proposing a new plat for land formerly owned by Donald McLuckie of 520 and 560 Lakeside Drive and Hubb's Point in order to accomplish the following:

- 1) Establish Parcel A as single family residential lot which consists of 31,472 square feet above the ordinary high water mark elevation of 675'.
- 2) Establish Parcel B as single family residential lot which consists of 41,988 square feet above the normal ordinary high water mark of 675'.
- 3) Establish Parcel A which consists of 111,241 square feet and of that area, 69,597 square feet have been set aside as a conservation area. The remainder

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of Parcel C, equal to 41,644 square feet is a non-conservation area. Parcel C will have a common ownership which consists of 20% owned by the property owner of Parcel A, 20% owned by the property owner of Parcel B and 60% owned by the condominium development on Block 1.

- 4) Establish Parcel Block 1, which consists of 6 condominium developments which are being constructed on property formerly owned by Donald McLuckie.
- 5) The new plat will also establish the Lakeside Drive dedicated right-of-way which will permit the City to construct a newly positioned Lakeside Drive.

Ken Hartung reviewed with Councilmembers the submitted plat plan for Bayport Estates and its ability to meet the City of Bayport's Subdivision Ordinance criteria. He reviewed the Subdivision Ordinance criteria associated with the plat plan with the following chart:

**Table 1
Subdivision Ordinance Criteria
Plat of Bayport Estates**

Subdivision Ordinance Section	Required Criteria	Plat Plan	Meets Criteria
501.01(1)	Identification of Plat	Presented Plat Plan	X
501.01(2)	Legal Description of Property	Property Legally Described	X
501.01(3)	Record Owners of Property	Carl Buechler and Ronn Hechter	X
501.01(4)	Plat Scale Not More Than 1" = 100 feet	Plat Scale 1" = 40 feet	X
501.01(5)	North Point on Plat	North Point Present on Plat	X
501.01(6)	List of Adjoining Property Owners	City has list of Adjoining Property Owners	X
501.02(1)	Show Boundary Lines	Boundary Lines are Shown	X
502.02(2)	Existing Zoning of Area	Existing Zoning R-4 Single Family Shown on Plat	X
501.02(3)	Total Acreage of Plat	Plat Shows 5.75 Acres	X
501.02(4)	Street Location and Size Shown	Lakeside Drive Shown to City Engineer's Standards	X

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501.02(5)	Location of Sewer and Water Lines	The City has Approved Plans to Extend Sewer and Water to the Plat Lots	X
501.02(7)	2 Foot Contours Required	Plat has 2 Foot Contours	X
501.02(8)	Show Private Restricted Covenants	N/A	X
501.02(9)	Show On Site Septic Systems	N/A	X
501.02(10)	Soil Type	Soil Type is Listed on Plat	X
501.02(11)	Show Slopes in Excess of 12%	N/A	X
501.02(12)	Show Severe Soil Limitation	N/A	X
501.02(13) a.	Show Natural High Water Level	Plat Shows Natural River Level at 675 Feet in Elevation	X
b.	Show Wetlands	Letter from Allphase Companies, Inc. dated 08/07/00 stated there are no wetlands on this site	X
501.03 (1)	Layout of Streets	Layout Shows Pre City Engineer Design	X
501.03(2)	Location and Width of Easement	Drainage Easement Shown on Plat	X
501.03(3)	Lot and Block Numbers	Lot and Block Numbers Shown	X
501.03(4)	Proposed Front, Side and Rear Building Setbacks	Not Shown, but Must Conform to Ordinance Requirements Before Building Permit can be issued	X
501.03(5)	Location of Sewer and Water Lines	City is Responsible for Installation. Plans and Specifications Approved by Council on June 3, 2000	X

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501.03(6)	Gradients of Streets and Sewer Lines	City Engineer has Designed the Gradients for Street and Utilities. Council Approved June 3, 2000	X
501.03(7)	Show Dedicated Streets	Lakeside Drive Shown as Dedicated Street	X
501.03(8)	Show Grading and Drainage	Grading and Drainage Plan Not Submitted A Grading and Drainage Plan Must be Submitted and Approved Prior to Grading and Filling the Site	
501.03(9)	Erosion and Sediment Control Plan	Erosion and Sediment Plan Not Submitted An Erosion and Sediment Plan Must be Submitted and Approved Prior to Grading and Filling of the Site	

Ken Hartung noted the plat plan meets all the criteria associated with the Subdivision Ordinance with the exception of the grading, drainage, erosion and sedimentation plan. He indicated he is recommending if the City Council approves the plat plan, it be approved contingent upon a grading, drainage, erosion and sedimentation be submitted and approved by the City Engineer prior to grading and filling the site.

Ken Hartung then went on to review Bayport Estates plat against the criteria of the City's Zoning Ordinance using the following table:

Table 2
Zoning Ordinance Criteria
Plat of Bayport Estates

Zoning Ordinance Section	Required Criteria	Plat Plan	Meets Criteria
601.01(5)(a)	Single Family Homes	Single Family Homes	X
601.01(5)(f)(1)	Minimum Lot Size 10,000 sq. ft.	Minimum Lot Size 31,527 sq. ft.	X
601.01(5)(f)(4)	Minimum Lot Frontage on cul de sac 60 ft.	Frontage is 60 ft.	X

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601.01(5)(f)(5)	Minimum Lot Depth 130 ft.	Minimum Lot Depth 150 ft.	X
601.01(5)(f)(6)	Maximum Structure Lot Coverage 35%	Building Must Conform with this Section Before a Building Permit can be issued	
601.01(f)(7)(a)	Maximum Building Height 35 ft.	Building Must Conform with this Section Before a Building Permit can be issued	
601.01(f)(8)	Minimum Front Yard Setback 30 ft.	Setback Marked on Plat at 30 ft.	X
601.01(f)(9)	Minimum Rear Yard Setback 30 ft.	Minimum Rear Yard Setback 115 ft.	X
601.01(f)(10)(b)	Minimum Interior Lot Line Setback	Setback Marked on Plat 10 ft.	X

Ken Hartung stated the Bayport Estates plat meets all the criteria associated with the Zoning Ordinance. He noted the specific section of the Ordinance which apply to the structure height of 35 feet must also conform to the Ordinance at the time a building permit is submitted.

Ken Hartung then went on to review Bayport Estates plat as it relates to meeting the criteria of the Bluffland Shoreland Management Ordinance by reviewing the following table:

Table 3
Bluffland Shoreland Management Ordinance Criteria
Plat of Bayport Estates

Bluffland Shoreland Ordinance Section	Required Criteria	Plat Plan	Meets Criteria
402.01(1)	Minimum Lot Size 20,000 sq. ft.	Minimum Lot Size 31,527 sq. ft.	X
402.01(2)	Minimum Lot Width at Building Setback Line 100 feet	Plat Plan Establishes Width at 100 feet	X
402.01(3)	Minimum Lot Width at Water Line 100 ft.	Plat Plan Minimum Lot Width at Water Line 120 ft.	X

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402.01(4)	Minimum Building Setback from 675' water elevation is 100 feet	Plat Plan Shows a Minimum Setback from 675' water elevation is 115 feet	X
402.01(8)	Maximum Building Height 35 feet	Building will have to Conform to the 35 feet Height Requirement Prior to a Building Permit Being Issued	
402.01(9)	Maximum Impervious Surface is 20% of Lot Area		
a.	Parcel A - 31,527 sq. ft. X 20% = 6,305 sq. ft. of Permitted Impervious Surface Area	Building and Impervious Surface Area Must Conform with this Ordinance Requirement Prior to a Building Permit Being Issued	
b.	Parcel B - 41,986 sq. ft. X 20% = 8,397 sq. ft. of Permitted Impervious Surface Area	Building and Impervious Surface Area Must Conform with this Ordinance Requirement Prior to a Building Permit Being Issued	
402.01(10)	Vegetation Cutting Prohibited Within 100 feet of Ordinary High Water Mark of 675' in Elevation	Vegetation Cutting Conforms to this Section of the Ordinance	X
502.01	Permitted Use Conservancy Agriculture Single Family	Single Family	X
503.03	Grading and Filling Permitted for Structure, Private Road, Parking Area, per requirements of 503.03	Grading and Filling must Conform to Section 503.03	X

Ken Hartung stated the plat plan meets all the requirements set forth in the Bluffland Shoreland Management Ordinance. He noted specific elements of the Bluffland Shoreland Management Ordinance as they relate to maximum building height and impervious surface criteria must be met at the time the applicants submit a building permit for a specific residential structure.

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Ken Hartung then reviewed for City Councilmembers and the public, the Bayport Estates plat and its ability to meet the criteria of the Floodplain Management Ordinance. He noted the plat meets all the criteria of the Floodplain Management Ordinance with the exception of vehicular access which is proposed to be at an elevation of 682' instead of the 691' in elevation as required by the Floodplain Management Ordinance. He stated the variance is needed because the City is proposing to construct the South Lakeside Drive cul de sac at an elevation of 682'.

Ken Hartung stated the City's Comprehensive Plan was adopted on November 6, 1996. He noted City Councilmembers also need to evaluate the plat for Bayport Estates for consistency with the guiding principles and policies set out in the City's Comprehensive Plan.

Ken Hartung stated the Planning Commission held a Public Hearing on Monday, July 10, 2000 to consider the Bayport Estates plat and the Floodplain Management Ordinance vehicular access variance. He stated at the Planning Commission Public Hearing, Charlie Kaiser, 555 Lakeside Drive and Ken Kaiser, 419 South Main Street, spoke against the preliminary plat and variance because they believe it does not conform to the City's Comprehensive Plan. He noted Harold Radke, 521 Mariner Drive and Brad Carmichael, 505 Lakeside Drive, stated their concerns with the Bayport Estates preliminary plat and development. He indicated Paulette Fogarty, 513 Mariner Drive, spoke in favor of the Bayport Estates proposal.

Ken Hartung indicated following the Public Hearing, the Planning Commission adopted the following motions:

- 1) Adopted a motion recommending the City Council deny the preliminary plat of Bayport Estates because the Planning Commission determined the preliminary plat was inconsistent with the City's Comprehensive Plan.
- 2) Adopted a motion recommending the City Council approve the vehicular access variance of 9' with the condition that sprinkler systems be installed in residential homes on Parcels A and B.

Ken Hartung stated since the Planning Commission meeting, a number of things have taken place related to the Bayport Estates proposal which he would like to update the City Councilmembers. He indicated the update consisted of the following items:

- 1) House building scenario for Parcels A and B of Bayport Estates.

At the Planning Commission meeting, Planning Commission members and residents had concerns about the feasibility of constructing a house on Parcels A and B. As a consequence of those concerns, Ronn Hechter has presented two hypothetical cases of houses being built on Parcels A and B. The house have been drawn on a plat showing the approximate location and calculating the impervious surface area required for each house. The hypothetical houses used in the example meet the impervious surface area criteria of the Bluffland Shoreland Area.

2) City Attorney Jim Lammers' review of the Bayport Estates plat.

City Attorney Jim Lammers reviewed the Bayport Estates plat along with the Planning Commission minutes of July 10, 2000. Mr. Lammers sent members of the Council a letter in which he indicates the Bayport Estates plat appears to meet all the requirements set forth by State Statutes and City Ordinances for platting. Mr. Lammers noted the variance required by the land owners is a result of the City's proposal to construct the road below the Floodplain Ordinance requirements. Mr. Lammers states the City has the right to adopt a Comprehensive Plan, Zoning Ordinances, and Subdivision Ordinances and the property owner or developer must comply with those Ordinances. Mr. Lammers notes if the property owner complies with the development rules, Courts have typically held the property owner is entitled to plat approval.

3) DNR review of Bayport Estates plat.

Molly Shodeen, the Area Hydrologist for the DNR, has reviewed Bayport Estates plat. She indicates in her letter to the City of Bayport, the plat of Bayport Estates six condominiums, two single family lots and conservation easements conform to the Bluffland Shoreland Ordinance. The DNR notes, however, that the plat must have covenants which states not docks or watercraft mooring be allowed in the conservation easement. She also indicates the DNR has significant concerns with the City's proposed Lakeside Drive road elevation of 682'. The DNR believes the road should be constructed at the Floodplain Ordinance required elevation of 691'.

4) The Lakeside Drive vehicular access issue.

The Minnesota Department of Natural Resources recommends the Lakeside Drive cul de sac be constructed at an elevation of 691'. Additionally, the City of Bayport's Police Chief and Fire Chief recommend construction of Lakeside Drive at an elevation of 691' for safety reasons and because the City's Floodplain Ordinance requires it. City Attorney Jim Lammers recommends construction of Lakeside Drive at an elevation of 691' because the City's Floodplain Ordinance requires it and because construction below 691' has liability implications for the City.

5) Letter from Charlie Kaiser's Attorney.

The City has received a letter from Stephen Kelly, the Attorney representing Robin and Charlie Kaiser, 555 South Lakeside Drive. Mr. Kelly indicates the approval of Bayport Estates plat means the City is not in compliance with its Comprehensive Plan. The letter also asks the City Engineer to provide an analysis of raising Lakeside Drive to the required Floodplain Ordinance elevation of 691'. The Kaiser's Attorney is asking the Engineer analysis to include answering the following questions:

- A) Will there be a ditch on Mr. Kaiser's property?
- B) Will Mr. Kaiser have reasonable access to his driveway?

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- C) Will the rate and flow and volume of run off be the same?
- D) Will Mr. Kaiser have the ability to enter the existing driveway in the winter?

Ken Hartung noted options for Council action on the Bayport Estates proposal and vehicular access variance are as follows:

1) The City Council determine the Lakeside Drive road elevation.

The City Council must make a determination regarding Lakeside Drive road elevation and Council must determine whether the Lakeside Drive road elevation will be constructed at an elevation of 691' as required by the Floodplain Management Ordinance or constructed at an elevation of between 682' and 684' in elevation. He noted if the City Council determines Lakeside Drive road elevation will be constructed at 691' as required by the Floodplain Management Ordinance, the City Engineer and staff will work with Mr. Kaiser to see that the Lakeside Drive design provides him with reasonable access.

If the City Council determines the Lakeside Drive cul de sac should be constructed at an elevation between 682' and 684', the Council will need to determine whether to grant a vehicular access variance of 9' to permit the property owners of Parcels A and B to have access to their property. Without a variance, the property owners of Parcels A and B would have no access to and from their properties. If a variance were granted for Parcels A and B, staff is recommending it be granted with the following conditions:

- a) Parcels A and B homes have in-house sprinkler systems.
- b) The property owners agree to hold the City harmless for any claims or causes of actions arising out of and as a result of granting the variance.

2) Bayport Estates plat approval or denial.

The City Council must take action on the preliminary plat consistent with the following options:

- a) Adopt a motion approving the Bayport Estates plat contingent upon DNR approval. The City must adopt findings of fact supporting the approval.
- b) Adopt a motion approving the Bayport Estates plat contingent upon the developer making changes consistent with the City Council direction and DNR, City Attorney and staff approval of the changes.
- c) Adopt a motion tabling action on the plat until the developer comes back with changes directed by the City Council. This option would require the developer to waive the 60-day review timeline.

- d) Adopt a motion denying the Bayport Estates plat because the plat is not consistent with the City's Subdivision Ordinance, Zoning Ordinance, Bluffland Shoreland Ordinance, Floodplain Ordinance and Comprehensive Plan. The City must adopt findings of fact supporting the denial.

Barry Peters, City Engineer, reviewed information with the City Council if the Lakeside Drive cul de sac was raised to the required Floodplain Ordinance elevation of 691'. Barry Peters indicated Mr. Kaiser's driveway elevation outside of his garage is approximately 686'. He noted Mr. Kaiser's garage elevation is 686.3'. He indicated the proposed radius of the cul de sac is 45', which is the City's standard radius of a cul de sac to ensure rescue vehicles have adequate turnaround space. He stated preliminary discussions with the Army Corps of Engineers indicated that they may be receptive to allowing the City to fill at an elevation of below 682' in order to be able to construct the cul de sac at a height of 691'.

Mr. Peters, City Engineer, stated he would address Mr. Kaiser's Attorney's questions posed earlier this evening. He indicated the existing road has a substantial amount of water run-off from the road entering Mr. Kaiser's driveway and flowing easterly. He indicated constructing the cul de sac at 691' will result in a decreased rate of flow and volume of water run-off across Mr. Kaiser's property. Additionally, he indicated if the City would install a catch basin east of the newly constructed road to transport the run-off water to the west would result in almost no run-off across Mr. Kaiser's property. Barry Peters also indicated construction of the cul de sac at an elevation of 691' would provide Mr. Kaiser reasonable access to his property on Lakeside Drive with a driveway slope of approximately 7% to 9.5%.

Councilmember Menard asked City Engineer Barry Peters if the cul de sac could be constructed at a radius of less than 45' to provide less slope to the Kaiser property.

Barry Peters indicated the 45' radius cul de sac is generally the minimum standard to provide adequate turnaround for rescue vehicles.

Ronn Hechter stated to help provide better access for Charlie Kaiser's property with a road elevation of 691', he and Carl Buechler are receptive to giving Charlie Kaiser a vehicle easement across the 20' x 20' parcel of land.

Song Fawcett, an Attorney representing Robin and Charlie Kaiser, stated the City Council has a very difficult decision to make this evening. She stated on the one hand, the Police Chief, Fire Chief and the DNR are recommending the City Council construct South Lakeside Drive cul de sac at an elevation of 691'. On the other hand, she said, the developers have brought the hardship on themselves by proposing to develop a piece of property that should not be developed because of its location in the Floodplain. She indicated the plat does not comply with the City's Comprehensive Plan and that constructing South Lakeside Drive at an elevation of 691' creates a safety access issue for Charlie and Robin Kaiser.

Charlie Kaiser, 555 South Lakeside Drive, stated he has a serious concern about water drainage coming across his driveway if the cul de sac is constructed at an elevation of 691'.

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Barry Peters, Consulting City Engineer, stated one of the options to prevent water from going across Mr. Kaiser's property is to install a catch basin just east of the newly constructed road to collect the water west of Charlie Kaiser's house and transport it to the west side of the cul de sac.

Ken Kaiser, 419 South Main Street, stated the Bayport Estates development is located in an area designated as a National Scenic Riverway. He stated he cannot believe the City Council would consider approving a plat which would allow large residential structures to be constructed within the Scenic Riverway area. Additionally, he noted, the Bayport Estates plat does not conform to the City's Comprehensive Plan and does not fit in with the surrounding neighborhood structures. He stated he believes the developer is getting all the breaks which will result in destroying the property value of his son's home at 555 South Lakeside Drive. He noted he is also concerned about the 11 ½' to 12' wall being constructed next to his son's house along with being able to position a 35' high residential structure on top of a building pad which will be at an approximate 693' elevation.

Ronn Hechter, developer, stated the retaining wall will not be 11 ½' to 12' in height. He noted the top of the wall near Mr. Kaiser's property will be approximately 7'. He also indicated the retaining walls will be constructed in two sections to minimize the visual impact the wall has on the surrounding area. He stated he and Carl Buechler are willing to work with Charlie Kaiser to see if they can come up with a landscaping plan which will be satisfactory to all individuals.

Charlie Kaiser, 555 South Lakeside Drive, stated he has reviewed the house scenarios presented by Ronn Hechter for Parcels A and B. He indicated the house scenarios presented for Parcels A and B do not meet the Floodplain regulation which requires fill to extend out from residential structures at a height of 692' a minimum of 15' out from the structures. He stated he is also concerned about the height of the structures.

Ken Hartung stated Mr. Kaiser is right, the houses position on Parcels A and B would not meet the Floodplain Ordinance requirement of having fill at an elevation of 692' a minimum of 15' out from the structures. He indicated the developer could rectify this situation by reducing the size of the houses on Parcels A and B. He noted the developer may also be able to position the house closer to the river and reduce the size of the house to meet the Ordinance requirement. He indicated the DNR's position on this issue is that the developer must meet the Ordinance requirements.

Charlie Kaiser also stated the Planning Commission, at its July 10, 2000 meeting, recommended the City Council deny the plat because it is not consistent with the City's Comprehensive Plan. Charlie Kaiser also stated if the City Councilmembers wanted to get an idea of what it may look like when development finishes in his area, they should take a look at the development which is occurring near Charlie Hallberg's house. He stated he doesn't believe the plat plan conforms with the Comprehensive Plan and he is concerned about the height of the retaining wall.

Mayor Schultz stated based on the information provided to the City Council, he told Charlie Kaiser if he were to be looking out of the first floor of his home, he would actually be looking straight across into Carl Buechler's new home first floor.

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Charlie Kaiser, 555 South Lakeside Drive, stated if he looks from his first floor of his existing house, he will be able to look straight across to Carl Buechler's home. However, he stated, 80% of his property is at a level of 686' or lower and he does not want to have to look up at a huge retaining wall. He stated his life and his house are in the Council's hands.

Moved by Councilmember Kosmo, seconded by Councilmember Menard to close the Public Hearing related to the final plat approval for Bayport Estates and the request for a Floodplain Variance for vehicular access.

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

Voting against: None.

Absent: Councilmember Newell.

Mayor Schultz stated he agrees with the Fire Chief and Police Chief's assessment that Lakeside Drive should be built at an elevation of 691'.

Councilmember Sharon Ridgway stated she has reviewed the DNR letter and she has determined that raising Lakeside Drive cul de sac to an elevation of 691' sounds like the way to go.

Councilmember Jim Kosmo stated he believes the Lakeside Drive cul de sac should be raised to a level of 691'. He also stated the City is committed to work with the developers and Charlie Kaiser to provide Mr. Kaiser with reasonable access to Lakeside Drive from his residential property.

Councilmember Menard stated the City Engineer should keep in mind the possibility of cutting down the radius of the cul de sac to facilitate reasonable access to the Kaiser property.

Member Menard introduced the following Resolution and moved its adoption:

RES. 00-77

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE PLAT FOR BAYPORT ESTATES AND DENYING THE VARIANCE
APPLICATION FOR LAKESIDE DRIVE WITHIN THE CITY OF BAYPORT AND
SPECIFYING THAT SOUTH LAKESIDE DRIVE IS TO BE CONSTRUCTED AT A
MINIMUM ELEVATION OF 691 FEET.**

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
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PETITIONS

**Katie Wood from the Hugh J. Andersen Foundation
and Kathy Miron from the Community Volunteer
Service of the St. Croix Valley
will speak about the Senior Center activities
at the Bayport American Legion.**

Katie Wood from the Hugh J. Andersen Foundation stated the Hugh J. Andersen Foundation, Community Volunteer Service and HSI Transportation and Croixdale Residential Community have jointly worked together to create senior center activities at the Bayport American Legion. She noted Sarah Andersen with the Hugh J. Andersen Foundation is committed to providing community lunches and other activities at the Bayport American Legion.

Kathy Miron from the Community Volunteer Service of the St. Croix Valley stated 1,200 surveys were sent out earlier this year. She noted 279 people responded to the survey. She said the senior center activities at the Bayport American Legion opened on July 17, 2000 Monday through Friday. She noted they have been serving 7 to 18 lunches every day.

Mayor Allen Schultz and Councilmember Jim Kosmo thanked Katie Wood and Kathy Miron for their community support of the senior citizens of Bayport.

**Michele Bachmann
State Senate Candidate
District 56**

Michele Bachmann introduced herself as a State Senate Candidate for District 56. She stated she is very proud of the Council's dealings and actions this evening associated with the plat proposal. She stated she favors local control and doesn't see the need for state mandates. She noted she is a mother of five children and 20 foster children.

CITY ATTORNEY

Mark Vierling stated he had nothing to add at this point in the agenda.

CITY ENGINEER

Barry Peters stated he had nothing to add at this point in the agenda.

DEPARTMENT HEADS

Ken Hartung stated he had nothing to report from the Department Heads unless City Councilmembers had specific questions related to department activity.

COUNCIL LIAISON REPORTS

Central St. Croix Valley Joint Cable Communications Commission Meeting

Ken Hartung stated he attended the Joint Cable Commission meeting on July 12, 2000 at the River Heights Shopping Center. He noted Cable Commission members met at the River Heights Shopping Center to discuss a proposal to locate the Cable Commission access center studio in River Heights Shopping Center. He noted during the meeting the following items were discussed:

- 1) MediaOne Representative, Dave Nyberg, reported that MediaOne has been purchased by AT&T and that a name change should take place some time in August.
- 2) The budget committee made its recommendations to the Cable Commission regarding the year 2000 and year 2001 budgets.
- 3) Authorized the execution of a lease between the Joint Cable Commission and River Heights Shopping Center to locate the Joint Cable Communication Commission offices and the access studio in River Heights Shopping Center. The approval was contingent upon review by Attorney Dave Magnuson and Kathy Cinnamon.
- 4) Approved a 3% increase in salary for Greg Piekarski.
- 5) Set a workshop on establishing a personnel policy for the Joint Cable Commission.
- 6) Establish future meeting times at 7:00 p.m. and workshop times at 6:30 p.m.
- 7) Established the next meeting date for the Cable Commission for Wednesday, August 16, 2000 at 7:00 p.m. at Oak Park Heights City Hall.

Fire Service Blue Ribbon Committee

Councilmember Jim Menard stated the Fire Service Blue Ribbon Committee will be meeting on Wednesday, September 6, 2000 at 3:30 p.m. at Bayport City Fire Station.

OLD BUSINESS

Ken Hartung stated no Old Business has been slated for this evening's meeting.

NEW BUSINESS

**Discuss Zoning Ordinance Variance
 Request to Remove and Reconstruct part of
 a Residential Structure at 313 South 3rd Street
 Owned by Tim & Karen McCloud,
 Case No. 00-13V.**

Ken Hartung, City Administrator, stated the City has received an application from Tim and Karen McCloud for the City to consider granting Zoning Ordinance variance to permit the removal and construction of a part of a residential structure at 313 South 3rd Street. He noted the McClouds are planning to remove a significant amount of the existing residential structure at 313 South 3rd Street. He indicated the McClouds will be remodeling the part of the structure that is not removed and add a significant area of new structure to the existing building. He noted the McClouds are proposing to use the footprint of the existing house for the remodeling addition. He also indicated the McClouds are proposing to remove the existing front porch which faces 3rd Street. He stated removal of the front porch will take approximately 2 feet off of the existing structure. He noted the McClouds are also proposing to remove a porch entrance on the north side of the house. He indicated the new structure will be one story high without a basement, but will have a 3'10" crawl space on the first floor.

Ken Hartung reviewed the remodeling project with Councilmembers from plans submitted to the City which show the front, rear and side elevations of the proposed renovated residential structure. Ken Hartung went on to review the applicable sections of the City's Zoning Ordinance as it relates to proposed remodeling and reconstruction of the residential structure at 313 South 3rd Street with the help of Table 1 listed below:

**Table 1
 Zoning Ordinance Criteria
 313 South 3rd Street
 Remodeling Residential Structure**

Zoning Ordinance Section	Required Criteria	Proposed Criteria	Variance
601.01(5)(6) Maximum Lot Coverage	7,430 sq. ft. x 35% = 2,600 sq. ft	1,340 sq. ft.	None
601.01(7)(a) Maximum Height	35 feet	17 feet	None
601.01(8) Front Yard Setback	Minimum 30 feet	5 feet	25 feet
601.01(9) Rear Yard Setback	Minimum 30 feet	75 feet	None
601.01(10) Side Yard Setbacks			
a. North Lot Line	Minimum 10 feet	5 feet	5 feet
b. South Lot Line	Minimum 10 feet	7 feet	3 feet

Ken Hartung stated in order for the McClouds to complete the remodeling project at 313 South 3rd Street, it is necessary for the City Council to consider granting three variances. Those variances are associated with the following sections of the City's Zoning Ordinance:

1) Zoning Ordinance Section 601.01(8) Front Yard Setback.

This section of the City's Zoning Ordinance specifies residential structures must be set back a minimum of 30 feet from the front yard property line.

The McClouds are proposing to reconstruct and add on an addition to the existing house by using the current house's footprint. The McClouds will remove the front portion of the porch which will have the effect of moving the structure back approximately 2'. One of the big factors in preventing the McClouds from moving their house to the rear yard is the fact that the McCloud's house is in the floodplain area. If they were to move the house further back toward the rear of the lot, there is a good chance the house would not meet the floodplain criteria which requires fill 15' out from the house to be at a minimum level of 692' elevation and requires any living space floor to be at a minimum of 693' mean sea level elevation. Consequently, the McClouds must maintain their house on the current housepad which positions it 5' from the existing front yard property line adjacent to South 3rd Street. Consequently, in order for the McClouds to go forward with their project, it will require the City to consider granting a 25' setback variance from the 30' requirement, permitting the house to be constructed within 5' of the South 3rd Street right-of-way.

2) Zoning Ordinance Section 601.01(10) Side Yard Setback.

This section of the City's Zoning Ordinance specifies residential structures must be 10' from the interior lot lines.

Because of existing house angle position on the property and because the McClouds are intending to use the existing house footprint for remodeling and reconstructing the house, the southwest corner and the northeast corner of the house will be closer than permitted by the City's Zoning Ordinance. The specific setbacks from the north and south property lines are as follows:

- A) The northeast corner of the existing structure is 1'5" from the north property line. The McClouds are proposing to remove the existing porch structure from the house and construct a new wall parallel to the existing structure which is 5 feet from the north property line. Consequently, the McClouds are moving the existing house structure back from the north property line approximately 3 feet. In order for the McClouds to go forward with their construction project, it will require the City Council to grant a 5 foot variance from the required 10 foot side yard setback, permitting the house to be constructed within 5 feet of the property line.

B) South interior lot line.

The proposed reconstructed house will be constructed on the footprint which will have the south wall in exactly the same place as the existing structure. The existing structure is 7' 10" from the south property line. Consequently, in order for the McClouds to continue to have the south wall of their newly constructed house to be positioned in the same place as the existing house, it will require the McClouds to acquire a 3 foot variance from the Zoning Ordinance side yard setback requirement of 10 feet, permitting the house to be constructed within 7 feet of the south property line.

Ken Hartung went on to review the applicable sections of the Bluffland Shoreland Management Ordinance criteria as it relates to the McCloud house remodeling project by using Table 2 which follows:

Table 2
Bluffland Shoreland Ordinance Criteria
313 South 3rd Street
Remodeling Residential Structure

Bluffland Shoreland Ordinance Section	Required Criteria	Proposed Criteria	Variance
402.01(8) Maximum Structure Height	35 feet	17 feet	None
402.01(9) Maximum Impervious Surface	7,430 sq. ft. x 20% = 1,486 sq. ft.	1,400 sq. ft.	None

Ken Hartung went on to summarize the applicable sections of the Floodplain Management Ordinance criteria as it relates to the McCloud house remodeling project by reviewing the following table:

Table 3
Floodplain Management Ordinance Criteria
313 South 3rd Street
Remodeling Residential Structure

Floodplain Ordinance Section	Required Criteria	Proposed Criteria	Variance
402.01 Minimum Floor Elevation	693 feet	Must certify above 693	None
402.01 Minimum Fill Height	692 feet 15 feet out from structure	692 feet 15 feet out from structure	None

Ken Hartung stated the Planning Commission held a Public Hearing on July 10, 2000 related to the Zoning Ordinance variance requested by Tim and Karen McCloud to permit the house remodeling project at 313 South 3rd Street. He noted at the Public Hearing no one from the public expressed opposition to the variance request. Following the Public Hearing, he indicated, the Planning Commission unanimously adopted a motion recommending the City Council approve the following variances:

- 1) Approve a variance from Zoning Ordinance Section 601.01(8) granting a front yard setback variance of 25 feet from the Zoning Ordinance required setback of 30 feet, permitting the remodeled residential structure to be constructed within 5 feet of the front yard property line adjacent to South 3rd Street.
- 2) Approve a variance from Zoning Ordinance Section 601.01(10) granting an interior lot line setback variance of 5 feet from the Zoning Ordinance required setback of 10 feet, permitting the remodeled residential structure to be constructed within 5 feet of the north property line.
- 3) Approve a variance from Zoning Ordinance Section 601.01(10) granting an interior lot line setback variance of 3 feet from the Zoning Ordinance required setback of 10 feet, permitting the remodeled residential structure to be constructed within 7 feet of the south property line.

The Planning Commission recommended the City Council approve the above three variances for 313 South 3rd Street contingent upon the McClouds providing the City with a Certificate of Elevation certifying the bottom of the first floor joists to be at an elevation of at least 693' mean sea level and that certification shall be conducted by a registered land surveyor or licensed engineer.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, approving Variance Certificate Number 00-13V for Tim and Karen McCloud, 313 South 3rd Street, Lot 2, Block 88, Bayport (formerly South Stillwater).

FINDINGS OF FACT:

- WHEREAS: Karen and Tim McCloud are the owners of property described in the legal description above, which is zoned R-4 Single Family Urban District; and,
- WHEREAS: The property to the north, south, and west is zoned R-4 Single Family Urban District; and,
- WHEREAS: The land to the east is zoned B-1 Existing Business District; and,
- WHEREAS: The property located in this area of 313 South 3rd Street is in an area with land use control regulations established by the City of Bayport Zoning Ordinance, the City of Bayport Bluffland Shoreland Management Ordinance and the City of Bayport Floodplain Management Ordinance; and,

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WHEREAS: Karen and Tim McCloud are proposing to remove part of the existing residential structure at 313 South 3rd Street and conduct extensive remodeling of the residential structure; and,

WHEREAS: The McClouds are proposing to position the remodeled house on the north, west and south footprint of the existing house; and,

WHEREAS: The McClouds are intending to save a substantial portion of the existing house on its existing foundation; and,

WHEREAS: The existing house is located on the lot so it does not meet the front yard setback requirement, the north side yard setback requirement and the south side yard setback requirement; and,

WHEREAS: In order to facilitate the McClouds to complete a significant reconstruction of the existing house it is necessary for the City Council to consider granting three variances to facilitate the remodeling process; and,

WHEREAS: At the Planning Commission meeting of July 10, 2000, the Planning Commission reviewed the variance request and recommended the City Council approve the following variances:

- 1) A variance from Zoning Ordinance Section 601.01(8) granting a front yard setback variance of 25 feet from the Zoning Ordinance required setback of 30 feet, permitting the remodeled residential structure to be constructed within 5 feet of the front yard property line adjacent to South 3rd Street.
- 2) A variance from Zoning Ordinance Section 601.01(10) granting an interior lot line setback variance of 5 feet from the Zoning Ordinance required setback of 10 feet, permitting the remodeled residential structure to be constructed within 5 feet of the north property line.
- 3) A variance from Zoning Ordinance Section 601.01(10) granting an interior lot line setback variance of 3 feet from the Zoning Ordinance required setback of 10 feet, permitting the remodeled residential structure to be constructed within 7 feet of the south property line.

The Planning Commission recommended the City Council approve the above variances for 313 South 3rd Street contingent upon the McClouds supplying the City with a Certificate of Elevation certifying the bottom of the first floor joist to be at an elevation of at least 693' mean sea level and that certification shall be conducted by a registered land surveyor or licensed engineer; and,

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WHEREAS: The City Council has determined the McClouds' variance request meets the variance criteria specified in Zoning Ordinance Section 301(171); and,

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

- 1) To not grant the requested variances would result in undue hardship to the owner because of circumstances that are unique to the property as described above.
- 2) The requested variances are in keeping with the spirit of and the intent of the City Ordinances.
- 3) The variances are required in order to allow the property owner to put his/her property to reasonable use.
- 4) The circumstances creating the need for variances are unique to the property and are not created by the landowners' actions.
- 5) The granting of the requested variances will not 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. Grant a variance from Zoning Ordinance Section 601.01(8) granting a front yard setback variance of 25 feet from the Zoning Ordinance required setback of 30 feet, permitting the remodeled residential structure to be constructed within 5 feet of the front yard property line adjacent to South 3rd Street.
2. Approve a variance from Zoning Ordinance Section 601.01(10) granting an interior lot line setback variance of 5 feet from the Zoning Ordinance required setback of 10 feet, permitting the remodeled residential structure to be constructed within 5 feet of the north property line.
3. Approve a variance from Zoning Ordinance Section 601.01(10) granting an interior lot line setback variance of 3 feet from the Zoning Ordinance required setback of 10 feet, permitting the remodeled residential structure to be constructed within 7 feet of the south property line.

4. The City Council grants the above variances contingent upon the McClouds providing the City with a Certificate of Elevation certifying that the bottom of the first floor joist to be at an elevation of at least 693' mean sea level and that certification shall be conducted by a registered land surveyor or licensed engineer.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss a Resolution Setting a
Public Hearing to Consider Vacating
a Portion of 1st Avenue North**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 00-78

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING A PUBLIC HEARING FOR TUESDAY, SEPTEMBER 5, 2000 AT 7:00
P.M., BAYPORT CITY COUNCIL CHAMBERS FOR THE PURPOSE OF
CONSIDERING VACATING A PORTION OF 1ST AVENUE NORTH WITHIN THE CITY
OF BAYPORT, WASHINGTON COUNTY, MINNESOTA.

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
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving the Fire Ladder/Pumper Truck
Bid Specification and Establishing
a Bid Date for Tuesday, August 29, 2000.**

Councilmember Menard introduced the following Resolution and moved its adoption:
RES. 00-79

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE BID SPECIFICATIONS FOR A 100' LADDER/PUMPER FIRE
TRUCK AND ESTABLISHING A BID DATE FOR TUESDAY, AUGUST 29, 2000,
BAYPORT CITY HALL AT 10:00 A.M. CDT.

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

Jim Menard - aye
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving an Agreement between
Short-Elliott-Hendrickson to Complete Plans and
Specifications Associated with Construction
of the State Storm Sewer Project.**

Councilmember Kosmo introduced the following Resolution and moved its adoption:
RES. 00-80

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING AN AGREEMENT BETWEEN THE CITY OF BAYPORT (ON BEHALF OF
THE MIDDLE ST. CROIX RIVER WATERSHED MANAGEMENT ORGANIZATION)
AND SHORT-ELLIOTT-HENDRICKSON TO COMPLETE PLANS AND
SPECIFICATIONS ASSOCIATED WITH THE STATE OF MINNESOTA STORM
SEWER RECONSTRUCTION PROJECT.

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
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss A Request from the
Community Volunteer Service of the
St. Croix Valley for a Financial Contribution**

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to
authorize a contribution in the amount of \$700.00 to the Community Volunteer Service of
the St. Croix Valley Area.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss a Request from Bethlehem
Lutheran Church for the City to Authorize
Blocking off a Section of 4th Avenue North
for Fall Fest Activities**

Moved by Councilmember Menard, seconded by Councilmember Ridgway, to
authorize the following activities associated with Bethlehem Lutheran Church's Fall
Festival Community Celebration on Saturday, September 9, 2000:

- 1) Authorize 4th Avenue North between North 4th Street and North 5th Street be blocked off from 2:00 p.m. to 8:00 p.m. on Saturday, September 9, 2000.
- 2) Authorize Public Works personnel to deliver road barricades to be used to block off 4th Avenue North between North 4th Street and North 5th Street and that such delivery shall be made before the end of the work day of Friday, September 8, 2000.
- 3) Authorize Public Works personnel to deliver storage containers as may be appropriate to allow for the proper disposal of waste associated with the Fall Fest Community Celebration on Saturday, September 9, 2000.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss A Request from
Michael and Laura Lammon, 238 North 5th Street
for the City to Consider Granting Permission to
Construct a Fence Closer than 2 Feet to
the 5th Street Right-of-Way**

Ken Hartung stated the City has received a request from Michael and Laura Lammon, 238 North 5th Street, for the City to consider granting permission for the Lammons to construct a 4' high picket fence approximately 1' from the east property line, which is adjacent to the City's North 5th Street right-of-way. He indicated the Lammon property has been surveyed so staff can accurately determine where the property lines are. He indicated staff did not see a problem with the City Council granting permission for the Lammons to position the front portion of their 4' high picket fence within 1' of the City's right-of-way property line of North 5th Street.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to authorize the owners of property at 238 North 5th Street to construct a 4' high picket fence within 1' of the City's right-of-way property line on North 5th Street.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss Adopting a Resolution
Authorizing Infratech of Brooklyn Park
to Perform Infiltration Repair Work on
the City's Sanitary Sewer Lines**

Councilmember Menard introduced the following resolution and moved its adoption:

RES. 00-81

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING SANITARY SEWER INFRASTRUCTURE REPAIR WORK BY
INFRATECH INFRASTRUCTURE TECHNOLOGIES, INC. OF BROOKLYN PARK,
MINNESOTA FOR AN AMOUNT NOT TO EXCEED \$15,130.00.**

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 - aye
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss A Request from Paul Vogel,
314 North 4th Street, for the City to Consider
Granting Permission to Construct a Fence
Closer than 2 Feet to the 2nd Avenue North
Right-of-Way**

The City has received a request from Paul Vogel, 314 North 4th Street, for the City to consider granting permission for him to construct a privacy fence closer than 2' to the 2nd Avenue North right-of-way. He indicated Mr. Vogel does not have a survey of his property, however, he noted, at the time the Andersen Elementary School expanded its building in 1997, the School District conducted a thorough survey of its property. As a consequence of that survey, he indicated he was able to locate the property pin on the southwest corner of the Andersen Elementary School property. He noted as a consequence of locating the school's property pin, he was able to accurately determine the boundaries of Paul Vogel's property which is required for placement of the fence. He noted Mr. Vogel is proposing to construct a fence with gates to keep his small children in his yard and off the street. Mr. Vogel is proposing to construct a 6' vine privacy fence in the back of his yard and construct a 4' high picket fence starting at the rear corner of his house to the front corners of this house facing North 4th Street.

Ken Hartung stated staff members have no problem with Mr. Vogel's request to place his fence closer than 2' to the City's 2nd Avenue North right-of-way. He indicated his measurements show that Mr. Vogel's fence will be 2' from the City's sidewalk and 23' from 2nd Avenue North. He indicated this is more than adequate room to deal with snow plowing issues.

Moved by Councilmember Menard, seconded by Councilmember Ridgway, to authorize the owners of property at 314 North 4th Street to construct a fence within 1" to 2" of the City's right-of-way property line of 2nd Avenue North.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss Authorizing Donating
the 1995 Police Squad Car to
Northeastern Metro 916 School District**

Councilmember Menard introduced the following resolution and moved its adoption:

RES. 00-82

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE DONATION OF THE CITY'S 1995 FORD CROWN VICTORIA
POLICE SQUAD CAR TO NORTHEAST METRO 916 SCHOOL DISTRICT.

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
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss a Adopting a Resolution
Authorizing the Bayport Police Department
to Make Application in Conjunction with the
Oak Park Heights and Stillwater Police Departments
to the Minnesota Department of Public Safety Office
of Traffic Safety for Enrollment Within the
Safe and Sober Community Project for the period
of time of October 1, 2000 through September 30, 2001**

Member Kosmo introduced the following Resolution and moved its adoption:

RES. 00-83

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE BAYPORT POLICE DEPARTMENT TO MAKE APPLICATION IN
CONJUNCTION WITH THE OAK PARK HEIGHTS AND STILLWATER POLICE
DEPARTMENTS TO THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY OFFICE
OF TRAFFIC SAFETY FOR ENROLLMENT WITHIN THE SAFE AND SOBER
COMMUNITY PROJECT FOR ENROLLMENT WITHIN THE SAFE AND SOBER
COMMUNITY PROJECT FOR THE PERIOD OF TIME OF OCTOBER 1, 2000
THROUGH SEPTEMBER 30, 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
Linda Newell - absent
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Motion
Approving the Central St. Croix Valley
Joint Cable Communications Commission and
Valley Access Channel Budgets**

Councilmember Ridgway reviewed the fiscal year 2000 adjusted budget and the proposed fiscal year 2001 budget. She noted the fiscal 2000 budget is being adjusted to accommodate renting the new space for the Cable Commission and Access Studio at River Heights Shopping Center. Councilmember Ridgway indicated there is adequate revenue to support the additional expense associated with locating the Cable Commission and Access Studio at River Heights Shopping Center. She noted locating the Cable Commission and Access Center at River Heights Shopping Center will give much greater access to residents for use of the Access Studio.

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to approve the Central St. Croix Valley Joint Cable Communications Commission's Operating and Capital Expenditure Budgets for the fiscal year of 2000 and 2001 and approve the Valley Access Channel's Operating and Capital Expenditure Budgets for the fiscal years of 2000 and 2001.

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

Voting against: None.

Absent: Councilmember Newell.

ADMINISTRATOR'S REPORT

Planning Commission Meeting

Ken Hartung reminded Councilmembers and members of the public that a regular Planning Commission meeting will be held on Tuesday, August 15, 2000 at 7:00 p.m. in the City Council Chambers.

**Special City Council Meeting and
2001 Budget Workshop**

Ken Hartung reminded Councilmembers and members of the public that there will be a special City Council meeting on Thursday, August 17, 2000 to appoint a Secretary/Receptionist for the City of Bayport. He stated immediately following that, the City will conduct its 2001 budget workshop in the City Council Chambers.

**Reconsider the City Council Action
for Development Block Grant
Cooperation Agreement**

Following Council discussion, the Council decided not to reconsider its action on July 3, 2000 of not to participate with Washington County Community Development Block Grant Cooperation Agreement.

**Review and/or Interview
of Secretary/Receptionist Applicants**

Ken Hartung stated the City has received 16 applications for the Secretary/Receptionist position. He noted four of the applicants scored high enough on initial review to require further testing. He indicated once the testing has been completed, he will be compiling the scores and will meet with the Police Chief and one Councilmember to determine who of the applicants will be recommended to the City Council for appointment as the Secretary/Receptionist.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, to appoint Councilmember Menard to serve as the Council Representative along with the City Administrator and Police Chief to review and/or interview Secretary/Receptionist applicants.

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

Voting against: None.

Absent: Councilmember Newell.

Extension of the Andersen Agreement

Ken Hartung, City Administrator, indicated he would like to proceed with negotiations with the Andersen Corporation to extend the fee for service agreement between the City of Bayport and the Andersen Corporation through the year 2005.

Ken Hartung also stated he would like to have Council authorization to request a donation from the Andersen Corporation to help purchase a new police car in the year 2001. He noted the new police car will be a Ford Crown Victoria.

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to authorize and direct the City Administrator to enter into negotiations with the Andersen Corporation to extend the fee for service agreement between the Andersen Corporation and the City of Bayport through the year 2005 and that the City Administrator is further authorized to write a letter to the Andersen Corporation seeking a donation for a new police squad car in the year 2001.

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

Voting against: None.

Absent: Councilmember Newell.

ADJOURN

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to adjourn the City Council meeting of August 7, 2000.

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

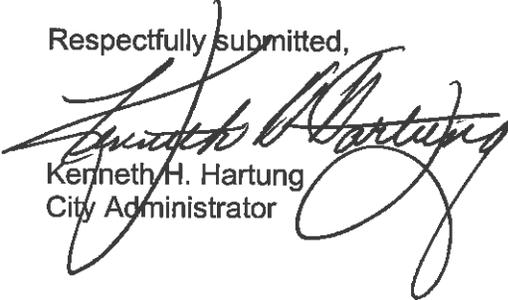
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Voting against: None.

Absent: Councilmember Newell.

The City Council meeting of August 7, 2000 adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth H. Hartung", written over the typed name and title.

Kenneth H. Hartung
City Administrator

BAYPORT SPECIAL CITY COUNCIL MEETING
THURSDAY, AUGUST 17, 2000

CITY OF BAYPORT
SPECIAL CITY COUNCIL MEETING
BAYPORT CITY COUNCIL CHAMBERS
AUGUST 17, 2000
7:00 PM

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Allen Schultz called the Special City Council Meeting of August 17, 2000 to order at 7:12 p.m. and asked the City Administrator to call roll.

ROLL CALL

Members present: Mayor Allen Schultz, Councilmembers Jim Kosmo, and Linda Newell.

Members absent: Councilmembers Jim Menard and Sharon Ridgway.

DISCUSS THE APPOINTMENT OF SECRETARY/RECEPTIONIST

Ken Hartung stated on June 7, 2000 the City of Bayport received a letter of resignation from City employee JoAnn McKean stating that effective June 1, 2000, she was resigning her position of Receptionist/Secretary with the City of Bayport. At the July 3, 2000 City Council meeting, Council adopted a motion approving a new position of Secretary/Receptionist for the City of Bayport effective July 3, 2000 and authorizing the City Administrator to advertise for applicants to fill the position. He noted the City received 16 applications for the Secretary/Receptionist position. He noted four applicants were qualified to have further review by the City. He noted those four remaining applicants were scheduled for individual assessments with Spherion Business Center in Woodbury, Minnesota to assess the proficiency in various software packages along with basic office and typing skills. He noted the results of the test indicated Lisa Kellogg was the top scoring candidate. He noted the four applicants' test scores and applications were reviewed by Jim Menard, City Councilmember, John Gannaway, Police Chief, and he and determined the best qualified candidate for the position was Lisa Kellogg. He noted Lisa has been working as a temporary employee for the City since late March. He noted she has consistently demonstrated a very professional and pleasant demeanor when engaging members of the public. He noted she also possesses the skills and experience required for the position.

Member Kosmo introduced the following Resolution and moved its adoption:

RES. NO. 00-84

BAYPORT SPECIAL CITY COUNCIL MEETING
THURSDAY, AUGUST 17, 2000

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING LISA KELLOGG AS BAYPORT'S SECRETARY/RECEPTIONIST
EFFECTIVE AUGUST 14, 2000 AND ESTABLISHING THE ANNUAL SALARY
OF \$32,577.00.

The motion for adoption of the foregoing Resolution was duly seconded by
Member Newell and upon roll call being taken, the following voted via voice:

Jim Menard - absent
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - absent
Allen Schultz - aye

ADJOURN

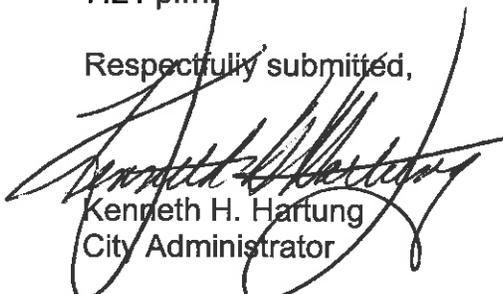
Moved by Councilmember Kosmo, seconded by Councilmember Newell to
adjourn the Special City Council Meeting of August 17, 2000.

Voting in favor: Councilmembers Kosmo, Newell, and Schultz.

Absent: Councilmembers Menard and Ridgway.

The Special City Council Meeting of August 17, 2000 was adjourned at
7:21 p.m.

Respectfully submitted,



Kenneth H. Hartung
City Administrator

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, AUGUST 17, 2000

CITY OF BAYPORT
CITY COUNCIL WORKSHOP
BAYPORT CITY COUNCIL CHAMBERS
AUGUST 17, 2000
7:00 PM

CALL TO ORDER

Mayor Allen Schultz called the City of Bayport Council Workshop to order at 7:25 p.m. and asked the City Administrator to call roll.

ROLL CALL

Members present: Mayor Allen Schultz, Councilmembers Jim Kosmo, and Linda Newell.

Members absent: Councilmembers Jim Menard and Sharon Ridgway.

DISCUSS THE WATERFORD CONDO ASSOCIATION APPLICATION TO EXCAVATE THE EXISTING BAY TO CREATE AN OPEN WATER AREA

Mayor Allen Schultz introduced the item associated with Waterford-on-the-St. Croix Condominium's application to excavate the existing bay to create an open water area and asked the City Administrator to review the request.

Ken Hartung, City Administrator, stated this item is on the City Council Agenda this evening for general discussion. He noted the City Council is in a workshop setting and therefore, cannot take formal action on the issue. He indicated he is bringing this to the City Council this evening so the Council is aware of the proposed project. He noted the permitting process falls under the control of the Department of Natural Resources and the Army Corps of Engineers. He indicated Molly Shodeen from the Minnesota Department of Natural Resources is here this evening to address the project from the Department of Natural Resources' perspective. Additionally, he indicated Sue Larimer, President of the Waterford-on-the-St. Croix Condominium Association is present, along with Jack Hoeschler, the Attorney representing the Waterford -on-the-St. Croix Condominium Association and Joel Toso with the firm of Polaris Group, Inc., also representing Waterford-on-the-St. Croix Condominium Association.

Jack Hoeschler, representing the Waterford-on-the-St. Croix Condominium Association stated the proposal is before the Council tonight with the hope of seeking Council approval of the project undertaken by the condominium association. He stated the project will dramatically improve the water quality and vegetation in the bay directly east of the condominium association. He noted Joel Toso will outline the project for Councilmembers.

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, AUGUST 17, 2000

Joel Toso, Project Engineer, representing the Waterford-on-the-St. Croix Condominium Association stated he has been involved in the design of this project for many months. He stated the purpose of the project is to enhance property management, remove the existing sedimentation, improve the looks of the area and plant additional trees along the west side of the bay. He indicated there is a large sedimentation area along the west bank of the bay. The proposal is to remove a portion of the sedimentation on the west bank area creating an open area. Additionally, a small island would be created with a 45" diameter culvert, allowing water to flow from one side of the island to the other side. He also indicated a small fishing pier would be placed in the open water area created by removing sedimentation from the west bank. Mr. Toso reviewed the proposed plan with Councilmembers by using a series of overhead transparencies to outline the detail associated with the project.

Councilmember Newell asked Mr. Toso if the fishing pier would be open for public use.

Mr. Toso stated the fishing pier is on private property and consequently, would not be open for public use.

Ken Hartung, City Administrator, stated he would like to have Molly Shodeen with the Minnesota Department of Natural Resources give some history associated with the condominiums and the restrictions associated with the shoreline.

Molly Shodeen, Hydrologist with the Department of Natural Resources, stated the 41 units were approved for construction in this area contingent upon a number of conditions required by the Department of Natural Resources. She stated the initial agreement required that the wetland area was to be protected and was not to be moved, removed or filled. Additionally, the west bank of the bay area was to have vegetation screening, the type that originally existed along the shore consisted of willow and green ash trees. She stated the willow and green ash trees were cut down in violation of the agreement the DNR had with the developer. She stated the consequence of cutting the willow and green ash trees, scrub willow and green ash developed, which resulted in vegetation growing along the entire perimeter of the shore rather than selected places where willow and green ash trees existed.

Councilmember Newell stated when the City Council originally approved the townhome development, she was under the impression the condos were to be invisible from the river. She stated the City vacated many streets to allow the project to go forward. She believed the plan included a requirement that the condominiums were to be buffered from the river by vegetation.

BAYPORT CITY COUNCIL WORKSHOP
THURSDAY, AUGUST 17, 2000

Ken Hartung stated Molly Shodeen and he had worked with Judd Orff regarding a vegetation cutting plan for Waterford-on-the-St. Croix Condominium Association. He indicated the plan which was approved by the DNR and City segmented vegetation along the west bank of the bay in 21 foot sections. He noted the association was permitted on an annual basis to cut the 7 foot section within the 21 foot vegetation area. He noted this would permit the entire 21 foot section to be cut over a three year period. He indicated however, in the spring of 1999 Molly Shodeen and he visited the west bank of the bay area located on the Waterford property to check for compliance with the vegetation cutting permit. He indicated when Molly Shodeen and he visited the site, the entire west bank of the bay had been cut and/or killed. Large sections of the vegetation had turned brown from what appeared to be the application of herbicides. He noted over the years he's had a very good working relationship with members representing Waterford-on-the-St. Croix Condominium Association. However, he noted, apparently someone within the association has no intention of honoring the vegetation cutting criteria. Consequently, he stated, if this project is to go forward, one method to address what has happened in the past is to require a letter of credit or bond to ensure the work is completed as per the plan and to ensure proper maintenance of the project once it is put in place. He indicated a significant amount of money may be required up front to bond for the actual construction. However, he noted, a permanent letter of credit or bond may be required to cover the expenses associated with regular maintenance on the project. He noted the bond would ensure that trees and vegetation that died would be replaced. In addition, the bond would permit replacement of trees or vegetation associated with vandalism.

Jack Hoeschler asked Linda Newell if she favored the project.

Linda Newell stated she believes Molly Shodeen with the DNR is the expert in the area. She stated she defers her judgment to Molly Shodeen. She indicated if Molly Shodeen agrees with the project, she would favor it.

Ken Hartung, City Administrator, stated one way to address this project would be to have Molly Shodeen, Sue Larimer, Joel Toso and he meet to determine the amount of a bond or letter of credit to initiate the project and the amount of bond or letter of credit to extend on permanently to maintain the integrity of the project. He indicated, however, this meeting should only be scheduled after the DNR has determined that the project is viable and meets their criteria.

Jim Kosmo, City Councilmember, indicated he sees some real merit to the project. He noted this area does not have a particular appeal to it in its present condition. He did indicate, however, the DNR is the agency with final review of the project. He indicated once the DNR has determined the presented project or modification of the project meets their criteria, he suggests that Ken Hartung, Bayport City Administrator, meet with Molly Shodeen, Department of Natural

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Resources, Sue Larimer, President of Waterford-on-the-St. Croix Condominium Association and Joel Toso, Project Engineer, to determine the bonding or letter of credit requirements. He noted Ken Hartung would report back to Councilmembers with the scope of the project and a draft of the letter of credit or bond agreement.

DISCUSS THE YEAR 2001 CITY OF BAYPORT BUDGET

Ken Hartung stated at the City Council Workshop of July 6, 2000, the Council reviewed the first draft of the proposed year 2001 Revenue and Expenditure Budget associated with the City of Bayport's General Fund, Library Fund and Debt Service Fund. He indicated during the City Council Workshop, the Council directed the City Administrator to reduce the overall 2001 General Fund Budget by \$100,000.00. Ken Hartung stated City staff has made cuts in the amount of \$99,000.00. He listed the budget cuts with the use of the following table:

Department/Number	Budget Description	Amount
Administration 41400-101	Wages and Benefits - 10% of Secretary/Receptionist Position Assigned to Police Department	- \$4,437.00
Cemetery 43300-530	Capital Outlay - Cemetery Sprinkler System	- \$7,500.00
Municipal Bldgs 41940-302	Planer Building Pollution Study	- \$35,000.00
Police 42100-050	Eliminate Community Service Officer Position - \$6,925.00 and Reduce Part-time Staff - \$3,000.00	- \$9,925.00
42100-205	Eliminate Tactical Team Uniforms	- \$1,000.00
42100-212	Reduce Motor Fuels & Lubricants	- \$1,250.00
42100-550	Capital Outlay - Police Vehicle	- \$21,500.00

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Department/Number	Budget Description	Amount
Streets		
43100-302	Snowplowing Contract Services	- \$1,600.00
43100-413	Reduce Tree Planting	- \$1,800.00
43100-421	Repair & Maintenance of Streets	- \$2,000.00
43100-422	Reduce Seal Coating	- \$10,000.00
TOTAL STAFF CUTS		\$99,000.00

Ken Hartung indicated with the budget cuts to the proposed 2001 budget, the General Fund Operating Expenditure Budget is established at \$1,062,450.00, which is \$103,355.00 above the year 2000 Operating Budget. He indicated the Library Levy proposed for 2001 is established at \$118,042.00, which is a \$14,732.00 increase over the 2000 adopted levy of \$103,310.00. He indicated the City of Bayport has a fee for service agreement with the Andersen Corporation which requires them to pay a percentage of the City's overall budget. He noted based on the formula in the City of Bayport/Andersen Agreement, Andersen Corporation is projected to pay \$637,766.00 to the City in a combination of taxes and cash payments for the year 2001. He also noted the City's tax capacity for 2001 is \$2,135,000.00, which is an increase of \$215,282.00 over the year 2000 tax capacity of \$1,919,718.00. Ken Hartung noted the proposed increased expenditures for the year 2001 will result in an increase of \$52,810.00 in the City's levy. He noted the projected increase taxed to Bayport residents' homes will be as follows:

- 1) \$ 88,523.00 home value has a tax increase of \$ 50.45
- 2) \$118,030.00 home value has a tax increase of \$ 66.48
- 3) \$147,538.00 home value has a tax increase of \$ 82.52
- 4) \$191,730.00 home value has a tax increase of \$106.53

Following review of the budget, City Councilmembers directed staff to prepare a City Council Letter along with a Resolution establishing the proposed 2001 tax rate levy for the City of Bayport at \$1,062,450.00 for Council discussion at the September 5, 2000 City Council Meeting.

FIRE PERSONNEL REQUEST TO EQUIP PERSONAL VEHICLES WITH A RED LAMP

Ken Hartung stated the Fire Department fire fighters are requesting they be able to equip their private vehicles with a red lamp. The red lamps on fire fighter's private vehicles are designed to only identify them as fire fighters. He noted it does not give them any legal rights to drive their vehicle like an emergency vehicle. He noted Minnesota Statute 169.58, Subdivision 2, permits the Minnesota Commissioner of Public Safety to issue a permit to volunteer fire department personnel to have his or her private vehicle equipped with a lamp emitting a red light on the front of their vehicle. He noted Fire Chief, Brad Carmichael, is here this evening to discuss this request with Councilmembers.

Brad Carmichael stated he supports the request for fire fighters to have red lamps on their private vehicle if for no other reason, to help other people identify them as fire fighters. He emphasized fire fighters must still obey all traffic rules and cannot use the red light as a method to circumvent any traffic laws. Additionally, Fire Chief Brad Carmichael stated each applicant is required to fill out a detailed application to the Minnesota State Patrol indicating the name of the department, the address of the fire department, the City fire department location, the applicant's name, address, driver's license number, vehicle make, year type, license plate number and serial number of the vehicle. Additionally, he stated, each fire fighter is required to have the Fire Chief verify that he or she is a current volunteer fire fighter. He noted when the person ceases to be a volunteer fire fighter, the permit for a red light is immediately revoked.

Councilmember Jim Kosmo stated he has some concerns with fire personnel having a red lamp for their private vehicle. However, he said he would support a one year trial of the program with the following conditions:

- 1) That a training program be initiated for each individual requesting a red light.
- 2) That the Fire Chief report on the program in one year to the City Council.
- 3) That a clear definition of penalties be spelled out for anyone who violates the conditions as listed on the application for volunteer fire fighter, ambulance crew, member of emergency medical first responder for a permit to equip private vehicle with a red lamp.

Councilmembers agree to a one year pilot program with the conditions specified by Councilmember Kosmo.

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ADJOURN

Moved by Councilmember Kosmo, seconded by Councilmember Newell,
to adjourn the City Council Workshop of August 17, 2000.

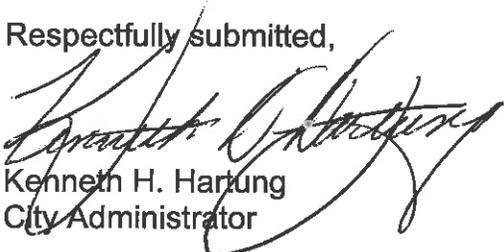
Voting in favor: Councilmembers Newell, Kosmo and Schultz.

Voting against: None.

Absent: Councilmembers Menard and Ridgway.

The City Council Workshop was adjourned at 8:50 p.m.

Respectfully submitted,



Kenneth H. Hartung
City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
SEPTEMBER 5, 2000
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Allen Schultz called the regular City Council Meeting of September 5, 2000 to order and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members Absent: None.

Others Present: Ken Hartung, City Administrator; Barry Peters, City Engineer and Mark Vierling, City Attorney.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 00-85

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE SEPTEMBER 5,
2000 COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of August 7, 2000.
- B. Approve bills as presented in the amount of \$256,731.56.
- C. Approve receipts as presented in the amount of \$103,028.38.
- D. Approve building/plumbing/heating permits issued during the month of August, 2000.

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

**Discuss Zoning Ordinance, Bluffland Shoreland Ordinance
and Floodplain Ordinance Variances Associated
With the Reconstruction of the Residential
Structure at 307 Lake Street South
Owned by Maggie and Dennis Dickinson
Case No. 00-15V**

Mayor Allen Schultz opened the Public Hearing related to a request from Dennis and Maggie Dickinson of 307 Lake Street South, for the City to consider granting Zoning Ordinance, Bluffland Shoreland Management Ordinance and Floodplain Ordinance variances to permit them to reconstruct their existing residential structure. The Mayor asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, read the Notice of Hearing stating Notice of the Public Hearing associated with the Dickinson's variance request was published in the Stillwater Evening Gazette on August 23, 2000, posted in City Hall on August 18, 2000 and mailed to property owners within 500' on August 18, 2000.

Ken Hartung stated Dennis and Maggie Dickinson are planning a residential reconstruction project which will have them substantially remove most of the existing home, remove all of the existing garage and construct a new home with attached garage. He indicated the Dickinsons have provided the City with a Certificate of Survey completed by Barry Stack, a surveyor registered with the State of Minnesota. He noted the Certificate of Survey provides the City with the property boundary lines, 2 foot contours and impervious surface area. He noted the existing house was purchased by the Dickinsons from Ken and Wendy Kaiser. He noted the existing house is a four bedroom, one-story with a basement. He indicated the basement has an elevation of 689.2 feet and experienced significant flooding in 1965, 1969 and 1997. He noted the Dickinsons are proposing to construct a new two-story structure with no basement consisting of four bedrooms, two baths, a laundry room and office space. He noted the bottom of the first floor joist will be at 694.1 feet, which is 1 foot above the required floodplain elevation. Ken Hartung then reviewed drawings which show the location of the existing structure and the proposed location of the new structure on the property. He reviewed with Councilmembers and the audience, elevation drawings of the proposed reconstructed house. He indicated the residential property at 307 Lake Street South has a private well and septic system. He noted City sewer and water is expected to be provided to South Lake Street residents in the year 2003. He indicated the drainfield for the private septic system is below the 10 year flood level of 688 feet. However, County Inspector Al Goodman has stated in a letter to the City the existing drainfield has adequate hydraulic function. Mr. Goodman did indicate, however, that the Dickinsons must determine whether the existing holding tanks are sealed or bottomless. Mr. Goodman states in his letter if the tanks are bottomless, they must be replaced with a 1,200 gallon sealed tank.

Ken Hartung stated the Assessor has a value of \$197,500.00 on the property at 307 South Lake Street. He noted the value consists of \$119,500.00 for the house and \$77,000.00 for the land. He indicated if the value of the Dickinson's reconstruction project exceeds 50% of the value of the existing structure, the City's Ordinances consider the reconstructed house as a new structure and it is required to be subject to all

City Ordinances. He noted the estimated value of the Dickinson's reconstruction project is \$288,000.00 which far exceeds 50% of the current value of the house. Consequently, in evaluating the residential reconstruction project, staff must consider the reconstructed residential structure from an Ordinance standpoint, as if it were a new structure on an existing lot. He noted the Ordinances which must be reviewed for the Dickinson's residential reconstruction project are the City's Zoning Ordinance, the City's Bluffland Shoreland Management Ordinance and the City's Floodplain Management Ordinance.

Ken Hartung reviewed the Dickinson's proposed reconstruction project with applicable Zoning Ordinance sections with Councilmembers by using Table 1:

Table 1
Zoning Ordinance Criteria
307 Lake Street South

Zoning Ordinance Section	Required Criteria	Reconstructed Residential Structure	Meets Criteria/ Variance
601.01(5)(a)	Single Family Homes	Single Family Homes	X
601.01(5)(f)(1)	Minimum Lot Size 10,000 sq. ft.	Minimum Lot Size 17,519 sq. ft.	X
601.01(5)(f)(4)	Minimum Lot Frontage 75 ft.	Frontage is 71 ft.	4 ft. Variance
601.01(5)(f)(5)	Minimum Lot Depth 130 ft.	Minimum Lot Depth 180 ft.	X
601.01(5)(f)(6)	Maximum Structure Lot Coverage 35% 6,132 ft.	Structure Coverage 2,472 sq. ft 14%	X
601.01(5)(f)(7)(a)	Maximum Building Height 35 ft.	Structure Height 30 ft.	X
601.01(5)(f)(8)	Minimum Front Yard Setback 30 ft.	Front Yard Setback 40 ft.	X
601.01(5)(f)(9)	Minimum Rear Yard Setback 30 ft.	Rear Yard Setback 87 ft.	X
601.01(5)(f)(10)(b)	Minimum Interior Lot Line Setback		
	a. North Interior Lot Line 10 ft. Setback	North Interior Lot Line Setback 6 ft.	4 ft. Variance
	b. South Interior Lot Line 10 ft. Setback	South Interior Lot Line Setback 18 ft.	X

Ken Hartung stated a review of the City's Zoning Ordinance regulations related to the Dickinson's reconstruction project identifies two variances required to go forward with the project. He noted those variances are:

- 1) A side yard setback variance of 4 feet.

The existing residential lot owned by the Dickinsons has a frontage of 71 feet. He noted the Zoning Ordinance requires a minimum lot frontage of 75 feet. He indicated the Dickinsons purchased the lot with 71 feet of frontage. He indicated the Dickinsons cannot expand their lot and consequently, are asking the City Council to grant a variance of 4 feet from the required front footage of 75 feet, permitting the lot frontage to be 71 feet.

- 2) Minimum Interior Lot Setback

The Dickinsons are proposing to use the existing foundation to construct the new residential structure and attached garage. He noted the existing residential garage is 4 feet from the property line. The Dickinsons are proposing to remove the detached garage and construct an attached garage to the newly constructed house. This would put the residential structure within 6 feet of the north property line. He indicated the Dickinsons can move the house 2 feet further south and still meet the south interior lot line setback. However, he noted, this still requires a 2 foot variance on the north side. He indicated no matter where the Dickinsons move their house on the property, it will require a variance on either the north or the south interior lot line. He indicated based on the Dickinson's proposed location for the house on the lot, it would require a 4 foot variance on the north interior lot line from the required 10 foot setback, permitting the new house to be within 6 feet of the north property line.

Ken Hartung then reviewed with City Councilmembers, criteria associated with the Bluffland Shoreland Management Ordinance as it applies to the Dickinson reconstruction project.

Table 2
Bluffland Shoreland Management Ordinance Criteria
307 Lake Street South

Bluffland Shoreland Ordinance Section	Required Criteria	Reconstructed Residential Structure	Meets Criteria/ Variance
402.01(1)	Minimum Lot Size 43,560 sq. ft.	Lot Size 17,519 sq. ft.	26,041 sq. ft. Variance
402.01(2)	Minimum Lot Width at Building Setback Line 100 feet	Plan Establishes Width at 71 feet	29 ft. Variance
402.01(3)	Minimum Lot Width at Water Line 100 ft.	Plan Minimum Lot Width at Water Line 110 ft.	X

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Bluffland Shoreland Ordinance Section	Required Criteria	Reconstructed Residential Structure	Meets Criteria/ Variance
402.01(4)	Minimum Building Setback from 675' water elevation is 100 feet	Plan Shows the Structure Setback from 675' water elevation is 87 feet	13 ft. Variance
402.01(8)	Maximum Building Height 35 feet	Building Height 31 ft	X
402.01(9)	Maximum Impervious Surface Area 17,519 sq. ft. X 20% = 3,504 sq. ft.	Total Impervious Surface Area 3,503 sq. ft.	X
402.01(10)	Vegetation Cutting Prohibited Within 100 feet of Ordinary High Water Mark of 675' in Elevation	Vegetation Cutting Conforms to this Section of the Ordinance	X
502.01	Permitted Use Conservancy Agriculture Single Family	Single Family	X
503.03	Grading and Filling Permitted for Structure, Private Road, Parking Area, per requirements of 503.03	Grading and Filling must Conform to Section 503.03	X
601.03(4)	Structures Less than 100 feet Back from Ordinary High Water Mark of 675 feet Cannot be Raised in Elevation	Adding a Second Story to the House	Variance to Permit Adding a Second Story and Raising the Structure

Ken Hartung noted in order for the Dickinsons to go forward with the reconstruction of the residential structure, it requires the City to take action on the following four variances:

1) Bluffland Shoreland Ordinance Section 402.01(1) Minimum Lot Size.

This section of the City's Bluffland Shoreland Ordinance specifies the minimum lot size for an urban residential lot which does not have City sewer or water is 1 acre, or 43,560 square feet.

The Dickinson's lot has an area of 17,519 square feet, which falls short of the 43,560 square feet required by the Ordinance by 26,041 square feet. In order for the Dickinsons to be able to go forward with their reconstruction project, it will

require a variance of 26,041 square feet from the Ordinance required minimum lot size of 43,560 square feet, permitting a residential lot size of 17,519 square feet.

The reason for this particular requirement within the Bluffland Shoreland area is to ensure that there is adequate area to install an on-site septic system. The City is proposing to install a sewer system on Lake Street South in 2003. Al Goodman, Individual Septic System Inspector for Washington County, under contract by the City of Bayport, has provided a letter to Dennis and Maggie Dickinson stating the conditions associated with the reconstruction project. The Dickinson's existing home purchased from Wendy and Ken Kaiser is a four bedroom home. The Dickinsons are proposing to construct a four bedroom home. Mr. Goodman has indicated the Dickinson's drainfield does have adequate hydraulic functioning to process waste from the proposed residential structure. However, Mr. Goodman does state that the Dickinsons must verify that the existing on-site septic system holding tanks are water tight. He noted if it is determined the tanks are not water tight, they will be required to replace them with one 1,200 gallon septic tank until such a time as City sewer is available.

At such a time as the City has sewer provided to the Dickinson property, the Ordinance requires a lot size of 12,000 square feet. The Dickinson's lot at 17,519 square feet exceeds the 12,000 square foot requirement.

2) Bluffland Shoreland Ordinance Section 402.01(2) Minimum Lot Width.

This section of the City's Bluffland Shoreland Ordinance specifies the minimum lot width at the building setback line is 100 feet.

The lot width at the building setback line is 71 feet. Consequently, in order to proceed with the residential reconstruction project, it would require a minimum lot width variance of 29 feet from the Ordinance required lot width of 100 feet, permitting the lot width at the building setback line to be 71 feet.

3) Bluffland Shoreland Ordinance Section 402.01(4) Minimum Building Setback from the 675 feet water elevation.

This section of the City's Bluffland Shoreland Ordinance specifies the minimum building setback from the 675 feet water elevation is 100 feet.

The Certificate of Survey prepared by Barry Stack shows the southeast corner of the house is 87 feet from the ordinary high water mark of 675 feet. The Dickinsons are proposing to reconstruct their new house on the existing foundation. This means the southeast corner of the house will remain at 87 feet from the ordinary high water mark. Consequently, if the residential reconstruction project is to go forward, it would require a minimum building setback variance of 13 feet from the 675 feet water elevation of the required setback of 100 feet, permitting the residential structure have a distance of 87 feet from the 675 feet water elevation.

4) Bluffland Shoreland Ordinance Section 601 Sub-standard Structures.

This section of the Bluffland Shoreland Ordinance states that all structures in existence prior to the adoption of the Ordinance which did not meet the structure setbacks shall be considered sub-standard structures. It also states any extension, enlargement or alteration of an existing sub-standard structure shall meet the setback standards of the Bluffland Shoreland Ordinance.

The very southeast corner of the Dickinson's house is 87 feet from the ordinary high water mark of 675 feet. This is 13 feet short of the required 100 foot setback for this section of the house. Under ideal conditions, this section of the Ordinance requires a homeowner who is reconstructing a house which is sub-standard to move the house back 100 feet from the ordinary high water mark of 675 feet. However, the Dickinsons are planning to use the existing foundation to raise the house above the 100 year flood level of 693 feet. The southeast corner of the existing foundation is 87 feet from the ordinary high water mark. The Certificate of Survey prepared by Barry Stack indicates that approximately 1/7th of the proposed house (the southeast corner) will encroach upon the 100 foot setback requirement from the ordinary high water mark of 675 feet as specified in the Bluffland Shoreland Ordinance. This means approximately 6/7ths of the proposed house will meet the Bluffland Shoreland 100 foot setback requirement from the ordinary high water mark of 675 feet.

Additionally, Section 601.03(4) of the Bluffland Shoreland Ordinance states sub-standard structures which do not meet the Bluffland and/or Shoreland setbacks shall not be raised in elevation of roofline except in Floodplain areas and only to protect the structure. The Dickinson's house is located in a floodplain and they are proposing to raise the structure to an elevation of 694 feet for the purpose of protecting the structure from flooding. If the Dickinsons were simply raising the existing structure to a level of 694 feet, the variance would not be required. However, because they are adding a second story to an existing one story substandard structure with a southeast foundation corner which does not meet the Bluffland Shoreland Ordinance setback requirement of 100 feet from the ordinary high water mark of 675 feet and a variance is required to be able to proceed with the project.

Ken Hartung stated the Dickinson's reconstruction project is also subject to rules set out in the City's Floodplain Management Ordinance. He reviewed the Floodplain Management Ordinance as it applies to the Dickinson's reconstruction project with Table 3:

**Table 3
 Floodplain Management Ordinance Criteria
 307 South Lake Street**

Floodplain Ordinance Section	Required Criteria	Reconstructed Residential Structure	Meets Criteria/ Variance
401	Permitted Use Residential	Plat identifies Single Family use	X

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Floodplain Ordinance Section	Required Criteria	Reconstructed Residential Structure	Meets Criteria/ Variance
401.01	Building Pads of lowest level of structure must be at least at a 693 foot elevation	Bottom of Floor Joist and Garage Sub-floor will be at a minimum elevation of 693 feet	X
402.01	Fill next to the structure must be at a level of 692 feet and must extend out from the structure 15 feet	Elevation will be 688 feet 15 feet out from the structure	4 ft. Variance
402.03	Fill permit is not required to elevate structure to 693 feet	Fill is to be placed on the site to elevate structures to a minimum of 693 feet	X
405.01	Vehicle Access must be at an elevation of 691 feet	Vehicle Access is at an elevation of 688 feet because the City's Lake Street is at 688 feet	Variance of 3 feet is required
Corp of Engineers Requirement	No fill below 682 feet in elevation	682 foot elevation is shown on plat. No fill will be below 682 feet	X

Ken Hartung stated the Dickinson's reconstruction project requires the City Council to consider granting two variances from the Floodplain Management Ordinance. Those variances are:

1) Floodplain Ordinance Section 402.01 Minimum Fill Height.

This section of the City's Floodplain Management Ordinance specifies fill next to the structure must be at a level of 692 feet and must extend out from the structure 15 feet.

Because the Dickinson's residential lot is narrow, it will be impossible for them to place fill at a height of 692 feet next to the residential structure and extending it 15 feet out from the structure.

Based on the survey provide by Barry Stack, it appears fill around the house will have its lowest point on the southeast corner of the house with a fill elevation of 688 feet. Consequently, in order to proceed with the residential reconstruction project, it will be necessary to acquire a fill elevation variance of 4 feet from the required fill elevation of 692 feet, permitting fill to have an elevation of 688 feet 15 feet out from the structure.

2) Floodplain Management Ordinance Section 405.01 Vehicular Access Elevation.

This section of the City's Floodplain Ordinance specifies vehicle access to a residential property must be at a minimum elevation of 691 feet.

Lake Street South is a City platted street with an elevation of 688 feet. Consequently, in order for the Dickinsons to have access to their residential property, it will require a variance of 3 feet from the Floodplain Management required vehicular access elevation of 691 feet, permitting vehicular access at an elevation of 688 feet.

Ken Hartung stated the Planning Commission held a Public Hearing related to the Dickinson's variance request on August 15, 2000. He stated during the Planning Commission Meeting, no one from the public spoke against the variance request. He noted following discussion by Planning Commission Members, the Planning Commission unanimously adopted the following motions related to the variance request:

1) Zoning Ordinance Variances

- A) Recommended the City Council approve a variance from Zoning Ordinance Section 601.01(5)(f)(4) granting a minimum front yard width variance of 4 feet from the Zoning Ordinance required front yard width of 75 feet, permitting the lot at 307 Lake Street South to have a front yard footage of 71 feet.
- B) Recommended the City Council approve a variance from Zoning Ordinance Section 601.01(10)(b) granting an interior lot line variance of 4 feet from the Zoning Ordinance required setback of 10 feet, permitting the reconstructed structure to be within 6 feet of the north property line.

2) Bluffland Shoreland Management Ordinance Variances

- A) Recommended the City Council approve a variance from Bluffland Shoreland Management Ordinance Section 402.01(1) granting a minimum lot size variance of 26,041 square feet from the Ordinance required minimum lot size of 43,560 square feet, permitting a residential lot size of 17,519 square feet.
- B) Recommended the City Council approve a variance from Bluffland Shoreland Management Ordinance Section 402.01(2) granting a minimum lot width at the building setback line variance of 29 feet from the Ordinance requirement of 100 feet, permitting the residential structure to have a minimum lot width at the building setback line of 71 feet.
- C) Recommend the City Council approve a 13 foot variance from the minimum building setback from the 675 foot water mark requirement of 100 feet, permitting the building to be constructed within 87 feet of the ordinary St. Croix River high water mark of 675 feet.

3) Floodplain Management Ordinance Variances

- A) Recommend the City Council approve a variance from Floodplain Management Ordinance Section 402.01 granting a fill height variance of 4 feet, permitting the fill to be at an elevation of 688 feet extending 15 feet out from the structure.
- B) Recommend the City Council approve a Floodplain Management Ordinance vehicular access variance granting a vehicular access variance of 3 feet from the required vehicle access elevation of 691 feet, permitting the vehicular access at an elevation of 688 feet off of Lake Street South.

He noted the Planning Commission made the recommendation to approve the variances contingent upon the homeowner providing the City with a Certificate of Elevation certifying the bottom of the floor joists of the residential structure is at a minimum of 694 feet in elevation and that the sub-floor of the garage is at a minimum elevation of 693 feet and that said certification shall be provided by a surveyor registered with the State of Minnesota or a licensed engineer.

Molly Shodeen, Hydrologist with the Minnesota Department of Natural Resources, stated she has some concerns associated with the Dickinson's reconstruction project. Specifically, Ms. Shodeen stated the Metro DNR Waters has reviewed the information submitted with regard to the variance application for Dennis Dickinson. She stated the Dickinsons are proposing to reconstruct their home at 307 Lake Street South. The home will be floodproof and a second story will be added. She stated the southeast corner of the house does not meet the 100 foot setback from the ordinary high water mark of 675 feet. She stated as is the case of every variance, the burden of proof of hardship is on the applicant. In this case, she stated, the Dickinsons must show what alternatives were considered that could have achieved the required setback from the new construction. She noted economic conditions do not constitute hardship. She stated the applicants should discuss why the structure cannot be rotated or differently designed to meet the setback. She noted if the structure must be raised out of the floodplain using the old foundation is less of an issue. She also indicated the applicant must discuss how the lowest level will be floodproof. She stated if the lowest level meets the definition of a basement, even a crawlspace would be considered the structure's lowest floor for flood insurance purposes. She indicated a lender would require flood insurance and the policy would be rated based on the lowest floor elevation. If the structure is elevated on fill, she noted, the only way to avoid flood insurance would be a letter of map revision through the FEMA program. She indicated the structure must be built on slab in order to be considered the structure's lowest floor. Ms. Shodeen also stated if the City does approve the variances from both the Floodplain and Bluffland Shoreland Ordinances, additional screening vegetation should be required that would be recorded and maintained through the life of the structure. A landscaping plan, she indicated, should be submitted prior to the issuance of a Certificate of Occupancy. Ms. Shodeen also stated the City should be cautious about issuing variances to road access elevation requirements and should be considering long range plans and how emergency services can be provided to these homes as they are redeveloped in the future. She indicated in a conversation with City Administrator, Ken Hartung, noted the City Council is considering installing sewer and water and elevating the road in the year 2003.

Maggie Dickinson stated they worked with an architect for many hours trying to determine the best orientation for the house. She stated because of the narrow lot, moving the southeast corner of the house back 100 feet from the river would force the garage and a good portion of the west section of the house across their property line onto Brad Smith's property. She indicated the existing house is parallel to Lake Street, but is at an angle to the St. Croix River because the St. Croix River bay area moves closer to their house as you move along the south property line. She stated there is a large cottonwood tree on the southeast side of the house which provides significant screening of the house from the St. Croix River. She noted they would be amenable to planting other vegetation by the southeast corner of the house if that is a requirement for the Department of Natural Resources. She stated the existing house has two livable floors, the basement and the first floor. She stated they are proposing to eliminate the basement and construct a first and second floor to provide approximately the same square footage as is existing in the current house. She stated the goal of the reconstruction project is to remove all parts of the house below an elevation of 693 feet. She noted the construction of a two-story house will provide them with approximately the same amount of square footage the existing house has of 1,900 square feet.

Ms. Dickinson also indicated they must have a crawl space below their reconstructed house to provide access to their private well which is located in the basement of their existing house. She stated without a crawl space, they will have no access to their existing water well. She stated a slab on grade construction would effectively eliminate any access and consequently, it would eliminate the use of the existing well for their water supply.

Councilmember Kosmo stated it seems it is not possible for the Dickinsons to move the southeast corner of the new house back to the 100 foot level without pushing the new residential structure onto the adjacent north property owner's land. He asked Molly Shodeen if the DNR would be willing to work with the Dickinsons on a screening and landscaping plan which would allow the Dickinsons to continue to have the southeast corner of their house located 87 feet from the ordinary high water mark.

Ms. Shodeen stated she would be agreeable to working with City Administrator, Ken Hartung, and the Dickinsons to come up with a landscaping plan which may address the DNR's concerns associated with the southeast corner of the house being positioned closer than 100 feet to the ordinary high water mark of 675 feet.

Councilmember Menard stated because the Dickinson's private well is located within the current residential structure, it is important for the Dickinsons to be able to have a crawl space to ensure that they have access to their well until such a time as the City provides domestic water in the area. He indicated a solution to the crawl space issue may be that the City Council grant a variance permitting a basement for access to the private well until such a time as the City provides domestic water. When domestic water is available to the site, he noted, the Dickinsons would be required to fill the crawl space to a level determined by the City's Building Inspector. He asked the Dickinsons if they would be amenable to that proposal.

Maggie Dickinson stated they would be agreeable to filling the crawl space consistent with the City Building Inspector's direction once City water has been provided.

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Ken Hartung, City Administrator, stated it would also be important to assign a time period by which the crawl space must be filled. He suggested a 90-day time period after the installation of City water. He noted one of the conditions of the variance certificate would require the Dickinsons to install City water 60 days after it becomes available. The crawl space must be filled 90 days after City water has been installed.

Moved by Councilmember Menard, seconded by Councilmember Newell, to close the Public Hearing related to the variance requests by Dennis and Maggie Dickinson of 307 Lake Street South.

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

Voting against: None.

Moved by Councilmember Newell, seconded by Councilmember Menard, to approve Variance Certificate 00-15V for Maggie and Dennis Dickinson, 307 Lake Street South, Bayport, Minnesota.

FINDINGS OF FACT:

WHEREAS: Dennis and Margaret Dickinson are the owners of property at 307 South Lake Street, which is zoned R-4 Single Family Urban District; and,

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

WHEREAS: The land to the east is the St. Croix River designated as a National Scenic River; and,

WHEREAS: The Dickinson's property at 307 Lake Street South is located in an area which has land use regulations controlled by the City's Zoning Ordinance, Bluffland Shoreland Ordinance and Floodplain Ordinance; and,

WHEREAS: Single family residential structures are a permitted use within the land area controlled by the City's Zoning Ordinance, Bluffland Shoreland Ordinance and Floodplain Ordinance; and,

WHEREAS: The existing house at 307 Lake Street South is a four bedroom rambler with a basement living space at an elevation of approximately 688 feet; and,

WHEREAS: The Dickinsons are proposing to reconstruct the existing rambler by elevating the first floor to a minimum elevation of 694 feet, eliminate the basement and adding a second story to the residential structure; and,

WHEREAS: The Dickinsons are proposing to reconstruct the residential home as a two story, four bedroom residential structure; and,

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WHEREAS: The estimated value of the reconstructed house is \$288,000.00, which exceeds the existing market value of \$119,500.00 by more than 50% and therefore, City Ordinances require the reconstructed residential structure to meet all of the City of Bayport's Code requirements as specified for a new structure; and,

WHEREAS: The Dickinsons are proposing to use the existing foundation to reconstruct the residential structure; and,

WHEREAS: The Dickinsons purchased the property at 307 Lake Street South which has a lot width and lot area which are substandard to the City's Zoning and Bluffland Shoreland Ordinance requirements; and,

WHEREAS: Because the residential lot at 307 Lake Street South is substandard, the Dickinsons will require a number of variances from the requirement of the City's Zoning, Bluffland Shoreland and Floodplain Management Ordinances in order to be able to proceed with the reconstruction project; and,

WHEREAS: Access to the property is from Lake Street South, the City street has an elevation of 688 feet, which is below the Floodplain Ordinance required access elevation of 691 feet; and,

WHEREAS: Because the City street is at an elevation of 688 feet, in order for the Dickinsons to gain access to their property from the City street, it will require the City to grant a vehicular access variance from the City's Floodplain Management Ordinance; and,

WHEREAS: The existing residential structure at the property at 307 Lake Street South is a substandard structure and is subject to flooding; and,

WHEREAS: The Dickinsons are proposing to remove the existing residential structure shell and use the existing foundation to construct a new residential structure with living area at a minimum elevation of 694 feet in order to conform with the Floodplain Ordinance residential structure elevation requirement of 693 feet; and,

WHEREAS: The Dickinsons cannot reasonably remove the existing residential shell and replace it with a new residential structure in conformance with the Floodplain elevation without the City granting a number of variances associated with the City's Zoning Ordinance, Bluffland Shoreland Ordinance and Floodplain Ordinance; and,

WHEREAS: In order for the Dickinsons to proceed with reconstructing their existing residential structure and raising the structure above the 100 year flood elevation of 692 feet, it will require the City to consider granting the following Zoning Ordinance variances:

- 1) A variance from Zoning Ordinance Section 601.01(5)(f)(4) granting a minimum lot width variance of 4 feet from the Zoning Ordinance required lot width of 75 feet, permitting the lot at 307 Lake Street South to have a front yard lot width of 71 feet.
- 2) Grant an interior lot line variance of 4 feet from Zoning Ordinance Section 601.01(f)(10)(b) required setback of 10 feet, permitting the reconstructed structure to be constructed within 6 feet of the north property line; and,

WHEREAS: The City Council has determined the strict enforcement of provisions of Zoning Ordinance Section 601.01(5)(f)(4) and Section 601.01(f)(10)(b) creates an undue hardship or particular difficulty because the Dickinsons bought the original lot with the frontage of 71 feet; and,

WHEREAS: Because of the narrow lot, the Dickinsons cannot construct the residential structure without getting closer than 10 feet to the north property line; and,

WHEREAS: The Bluffland Shoreland Management Ordinance states: "Residential properties which do not have City sewer require a minimum lot size of 43,560 square feet"; and,

WHEREAS: The Dickinsons have an existing on-site system and the drainfield has been determined to have adequate hydraulic functioning by Washington County; and,

WHEREAS: The City has adopted a Capital Improvement Program which includes installation of sewer, water and street for Lake Street South residents in 2003 and that said service would be provided to 307 Lake Street South which would reduce the lot size requirement to 12,000 square feet; and,

WHEREAS: The Dickinson's lot has an area of 17,519 square feet. Consequently, when City sewer is installed to the property at 307 Lake Street South, the Dickinson's lot will exceed the Ordinance requirement of 12,000 square feet by 5,519 square feet and will be in compliance with Bluffland Shoreland Ordinance Section 402.01(1); and,

WHEREAS: Bluffland Shoreland Management Ordinance Section 402.01(4) requires a residential structure to be positioned a minimum of 100 feet from the ordinary high water mark elevation of 675 feet; and,

WHEREAS: The Dickinsons are using the existing foundation and consequently, the southeast corner of the reconstructed house will be set back from the ordinary high water mark elevation of 675 feet a distance of 87 feet, which is 13 feet short of the 100 foot Bluffland Shoreland Ordinance setback requirement; and,

WHEREAS: The Dickinsons have worked with an architect in an attempt to position the southeast corner of their house 100 feet back from the ordinary high water mark and have determined the only way they can move the southeast corner back the required 100 feet from the ordinary high water mark would require the Dickinson's garage and portion of their house to cross the north property line and locate a portion of their house on property owned by Brad Smith; and,

WHEREAS: The Dickinsons cannot position their house on an adjacent property owner's land and consequently, are requesting the City Council grant a 13 foot variance, permitting the southeast corner of their residential house to be a distance of 87 feet from the ordinary high water elevation of 675 feet instead of the Bluffland Shoreland Ordinance required 100 feet; and,

WHEREAS: Bluffland Shoreland Ordinance Section 601.03(4) prohibits substandard structures defined as those structures which do not meet the setback requirements and that such structures are prohibited from adding a second story to the structure unless the entire structure is set back a distance of at least 100 feet from the ordinary high water elevation of 675 feet of the St. Croix River; and,

WHEREAS: The Dickinsons are proposing to construct a two-story residential structure with an approximate square footage equal to the existing structure of 1,900 square feet; and,

WHEREAS: The Dickinsons are constructing a two-story structure instead of the existing one-story structure because the Dickinsons are eliminating the basement of the existing structure to raise the entire residential structure to conform with the Floodplain Management Ordinance required minimum elevation of 693 feet for residential living space; and,

WHEREAS: The Dickinsons cannot move the southeast corner of the new structure back to the 100 foot mark because it would force a significant portion of the structure onto the property to the north owned by Brad Smith and consequently, would cause a hardship; and,

WHEREAS: The City Council has determined the variances listed below meet the hardship criteria stated in Bluffland Shoreland Ordinance Section 405 in that the plight of the landowners is

due to circumstances unique to his property and not created by the landowner after May 1, 1974;

- 1) A variance from Bluffland Shoreland Management Ordinance Section 402.01(1) requiring a variance of 26,041 square feet from the Ordinance required minimum lot size of 43,560 square feet;
- 2) A variance from Bluffland Shoreland Management Ordinance Section 402.01(4) requiring a variance of 13 feet from the minimum building setback requirement of 100 feet, permitting the southeast corner of the building to be set back 87 feet from the St. Croix River elevation of 675 feet;
- 3) A variance from Bluffland Shoreland Management Ordinance Section 402.01(2) granting a variance of 29 feet from the ordinance required minimum lot width of 100 feet, permitting the residential lot to have a total width of 71 feet;
- 4) A variance from Section 601.03(4) permitting a second story to be added to an existing substandard residential structure which does not meet the Bluffland Shoreland Ordinance required 100 foot setback from the St. Croix River ordinary high water elevation of 675 feet;

WHEREAS: The Dickinsons are requesting a variance from the fill elevation level of 692 feet 15 feet out from the building because of the narrowness of the lot and the lots existing elevation; and,

WHEREAS: The Dickinsons are requesting a variance of 3 feet from the vehicle access to their property because the City's Lake Street which provides access to the property is at an elevation of 688 feet; and,

WHEREAS: The Dickinsons do not have City water available and consequently, are required to provide their own water from their private well; and,

WHEREAS: The Dickinson's well is located inside of the existing structure and are requesting a variance to be allowed to construct a crawl space under the newly constructed house which would give them access to their on-site well should maintenance be required on the well; and,

WHEREAS: The Dickinson's proposed crawl space to gain access to their well is defined as a basement under Section 204.02 of the Floodplain Management Ordinance; and,

WHEREAS: Section 404.02 of the Floodplain Management Ordinance prohibits residential basement construction below the regulatory flood protection elevation of 693 feet; and,

WHEREAS: The Dickinson's floor elevation of their crawl space which enables them to gain access to their on-site well will be at an elevation of approximately 688 to 689 feet and consequently, is not allowed without a variance; and,

WHEREAS: The City Council has determined the Dickinson's variance request to construct a crawl space (basement) below the regulatory flood protection elevation of 693 feet is required to allow the Dickinsons to have access for maintenance on their on-site well and consequently, the City Council has determined this variance request meets the hardship criteria specified in Floodplain Management Ordinance Section 805.01; and,

WHEREAS: The City Council has determined the variance request for Floodplain Ordinance Section 402.01 fill elevation variance 15 feet from the structure and a variance from Floodplain Ordinance Section 405.01 vehicular access variance meets the variance criteria specified in Floodplain Management Ordinance Section 805.01 because of the narrow lot and the City's street elevation is below the Floodplain Management Ordinance requirement of 691 feet and because the circumstances under which the variances are needed were not created by the property owner; and,

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

- 1) To not grant the requested variances would result in undue hardship to the owner because of circumstances that are unique to the property as described above.
- 2) The requested variances are in keeping with the spirit and the intent of the City Ordinances.
- 3) The variances are required in order to allow the property owner to put his property to reasonable use.
- 4) The circumstances creating the need for variances are unique to the property and are not created by the landowners' actions.
- 5) The granting of the requested variances will not 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) Zoning Ordinances variances

- A) Grant a variance from Zoning Ordinance Section 601.01(5)(f)(4) granting a minimum lot width variance of 4 feet from the Zoning Ordinance required lot width of 75 feet, permitting the lot at 307 Lake Street South to have a front yard footage of 71 feet.
- B) Grant a variance from Zoning Ordinance Section 601.01(10)(b) granting an interior lot line variance of 4 feet from the Zoning Ordinance required setback of 10 feet, permitting the reconstructed structure to be constructed within 6 feet of the north property line.

2) Bluffland Shoreland Management Ordinance variances

- A) Approve a variance from Bluffland Shoreland Management Ordinance Section 402.01(1) granting a minimum lot size variance of 26,041 square feet from the Zoning Ordinance required minimum lot size of 43,560 square feet, permitting a residential lot size of 17,509 square feet.
- B) Approve a variance from Bluffland Shoreland Management Ordinance Section 402.01(2) granting a minimum lot width variance at the building setback line of 29 feet from the ordinance requirement of 100 feet, permitting the residential lot to have a minimum lot width at the building setback line of 71 feet.
- C) Approve a 13 foot variance from the minimum building setback of 100 feet from the St. Croix River ordinary high water mark elevation of 675 feet, permitting the building to be constructed at 87 feet from the ordinary high water mark of 675 feet.
- D) Approve a variance from Bluffland Shoreland Ordinance Section 601.02 permitting a substandard structure which does not meet the ordinary high water mark setback of 100 feet to add a second story to an existing one story structure contingent upon the residential structure being raised to a minimum elevation of 693 feet as required by the Floodplain Management Ordinance.

3) Floodplain Management Ordinance variances

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- A) Approve a variance from Floodplain Management Ordinance Section 402.01 granting a fill height variance of 4 feet, permitting the fill to be at an elevation of 688 feet 15 feet out from the structure.
- B) Approve a variance from Floodplain Management Ordinance Section 405.01 granting a vehicular access variance of 3 feet, permitting vehicle access at an elevation of 688 feet off of Lake Street South instead of the ordinance required elevation of 691 feet.
- C) Approve a variance from Floodplain Management Ordinance Section 404.02 permitting a crawl space (basement) to be constructed at an elevation of 688 feet and that such crawl space is being constructed to permit the Dickinsons to have access to an on-site water well for maintenance purposes.

The above variances are approved contingent upon the following:

- 1) The homeowner providing the City with a Certificate of Elevation certifying the bottom of the floor joists of the residential structure at a minimum of 694 feet in elevation and that the bottom of the concrete garage floor is at a minimum elevation of 693 feet and that certification shall be provided by a surveyor registered with the State of Minnesota or a Minnesota licensed Engineer.
- 2) The homeowner is required to hook up to City water and sewer within 60 days after the City has made City water and sewer service available to the property at 307 Lake Street South.
- 3) The basement crawl space must be filled in within 90 days of the Dickinsons installing City sewer and water service to their property at 307 Lake Street South and that the basement and crawl space shall be filled in accordance to specifications put forth by the City of Bayport's Building Inspector.
- 4) The Dickinsons must submit a landscaping plan which must be reviewed and approved by the City Administrator and the Department of Natural Resources and that said landscaping plan shall be recorded and maintained throughout the life of the structure.
- 5) Bluffland Shoreland Ordinance variances are granted contingent upon approval by the Minnesota Department of Natural Resources.
- 6) The Variance Certificate shall be recorded at the Washington County Recorder's Office.

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

Voting against: None.

**Discuss Adopting a Resolution
Authorizing Transfer of the Cities Duties of
Local Board of Review to Washington County
and Establishing an Open Book Meeting Format**

Mayor Allen Schultz opened the Public Hearing for the purpose of discussing the City's transfer of its Local Board of Review powers and duties to Washington County.

Ken Hartung stated Notice of this evening's Public Hearing was published in the Stillwater Evening Gazette on Thursday, August 24, 2000 and posted in City Hall on Tuesday, August 22, 2000.

Ken Hartung, City Administrator, stated if the City were to transfer its duties of the Local Board of Review to Washington County, the County would assume responsibility for making the Local Board of Review decisions. However, he stated, County Assessor, Scott Hovet, and his staff would still come to the City of Bayport's Council Chambers to have an open book session with taxpayers of the Bayport community to review their property values. He stated the open book session would be held in late afternoon or early evening and Councilmembers do have the option of attending this session.

Councilmember Linda Newell stated she would support transferring those responsibilities to the County but only with the condition that Washington County continue to have the open book sessions at Bayport City Hall.

Moved by Councilmember Kosmo, seconded by Councilmember Newell, to close the Public Hearing related to considering transferring the City of Bayport's Local Board of Review power to Washington County.

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

Voting against: None.

Member Menard introduced the following Resolution and moved its adoption:

RES. 00-86

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE TRANSFER OF THE CITY OF BAYPORT'S LOCAL BOARD OF
REVIEW POWERS AND DUTIES TO THE WASHINGTON COUNTY BOARD ON THE
CONDITION THAT THE WASHINGTON COUNTY ASSESSOR CONDUCT AN
ANNUAL OPEN BOOK SESSION AT BAYPORT CITY HALL.**

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing a Tax Increase for the
2000 Tax Levy Collectible in the Year 2001**

Mayor Allen Schultz opened the Public Hearing related to the City Council considering adopting a Resolution authorizing a tax increase for the 2000 tax levy collectible in the year 2001.

No one from the public spoke for or against the Resolution authorizing a tax increase.

Moved by Councilmember Menard, seconded by Councilmember Ridgway, to close the Public Hearing related to the City Council discussion of a Resolution to authorize a tax increase for the 2000 tax levy collectible in 2001.

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

Voting against: None.

Member Menard introduced the following Resolution and moved its adoption:

RES. 00-87

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING A TAX INCREASE FOR THE 2000 TAX LEVY COLLECTIBLE IN THE
YEAR 2001.**

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Vacating a Portion of 1st Avenue North**

Mayor Allen Schultz opened the Public Hearing associated with the City Council considering a Petition from William and Cynthia Huhnke, 164 North 4th Street, for the City to consider vacating the south 10 feet of the portion of 1st Avenue North adjacent to Lot 1, Block 62.

Ken Hartung, City Administrator, read the Notice of Hearing stating Notice of the Public Hearing was mailed to William and Cynthia Huhnke on August 9, 2000, published in the Stillwater Evening Gazette on August 16, 2000 and August 23, 2000 and posted in City Hall on August 9, 2000.

Ken Hartung stated the Huhnkes have petitioned to vacate a portion of 1st Avenue North with the primary goal of selling the vacant lot to a buyer who would like to build a single family residential structure on the lot. He noted because Lot 1 is located on the corner of the block, it requires a 20 foot setback from 1st Avenue North. He indicated the

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interior lot line setback on the south requires a 10 foot setback. Therefore, assuming the house faces North 5th Street, the maximum width of the house which could be constructed on the lot is 20 feet. He noted the Huhnkes are suggested that a 20 foot wide house may not be practical in today's residential environment. Consequently, he noted they are asking the City to vacate the south 10 feet of 1st Avenue North adjacent to Lot 1 to increase the width of the lot from 50 to 60 feet. He noted this would permit the construction of a residential home with a maximum width of 30 feet.

Councilmember Newell asked Cynthia Huhnke if the owners of the house on parcel 2 have access to their parcel across lot 1.

Cynthia Huhnke stated they do not have access across parcel 1. She stated when the City Council granted lot width variances and lot size variances for lots 1 and 2, they prohibited a perpendicular entrance into the existing garage and required the garage be entered parallel to the existing alley.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to close the Public Hearing related to considering vacating a portion of 1st Avenue North.

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

Voting against: None.

Councilmember Menard introduced the following Resolution and moved its adoption:

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
VACATING A PORTION OF 1ST AVENUE NORTH IN THE CITY OF BAYPORT,
WASHINGTON COUNTY, MINNESOTA.**

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

Jim Menard - aye
Linda Newell - nay
Jim Kosmo - aye

Sharon Ridgway - nay
Allen Schultz - nay

Resolution fails.

Cynthia Huhnke asked Councilmembers who voted against the vacation to explain their reasons for voting against the vacation.

Councilmember Ridgway stated she is generally against vacating any public right-of-ways within the City of Bayport. However, she stated, she would be willing to consider vacating a portion of 1st Avenue North, but only after a specific plan has been presented for her review.

Mayor Schultz stated the current dimensions of Lot 1, Block 62 allow for a 20 foot wide house. He noted he built a 20 foot wide house on the existing parcel a number of years ago and believes that house was of adequate size.

Councilmember Newell stated before she would vote on any vacation associated with 1st Avenue North, she would like to see a specific proposal associated with a residential structure for the lot.

PETITIONS

Ken Hartung, City Administrator, stated no petitions have been received for this evening's meeting.

CITY ATTORNEY

Mark Vierling stated he had nothing to add at this point in the agenda.

CITY ENGINEER

Barry Peters stated he had nothing to add at this point in the agenda.

DEPARTMENT HEADS

Ken Hartung stated he had no comments regarding department operations unless Councilmembers had specific questions.

COUNCIL LIAISON REPORTS

None.

OLD BUSINESS

None.

NEW BUSINESS

**Discuss Adopting a Resolution
Electing to Continue Participating in the
Local Housing Incentives Account Program
Under the Metropolitan Livable Communities Act**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 00-88

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ELECTING TO CONTINUE PARTICIPATION IN THE LOCAL HOUSING INCENTIVES
ACCOUNT PROGRAM UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT
FOR THE CALENDAR YEAR 2001.**

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

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Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
To Declare Bayport's Commitment to Join
In the "Minnesota Cities: Building Quality Communities"
Statewide Education Effort**

Councilmember Menard introduced the following Resolution and moved its adoption:
RES. 00-89

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, HEREBY
DECLARES ITS COMMITMENT TO JOIN THE "MINNESOTA CITIES: BUILDING
QUALIT COMMUNITIES" STATEWIDE EDUCATION EFFORT IN COOPERATION
WITH FELLOW MEMBERS OF THE LEAGUE OF MINNESOTA CITIES.

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Establishing a Payable
2001 Truth in Taxation Proposed
Levy Certification**

Councilmember Newell introduced the following Resolution and moved its adoption:
RES. 00-90

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR THE CITY'S
GENERAL, DEBT SERVICE AND LIBRARY SPECIAL FUND AT \$1,062,450.00.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Establishing the Payable
2001 Truth in Taxation
Hearing Dates**

Councilmember Newell introduced the following resolution and moved its adoption:
RES. 00-91

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING MONDAY, DECEMBER 4, 2000 AS THE 2000 TRUTH IN TAXATION
HEARING DATE AND ESTABLISHING TUESDAY, DECEMBER 12, 2000 AS THE
CONTINUATION DATE FOR THE TRUTH IN TAXATION HEARING AND/OR 2001
BUDGET ADOPTION MEETING DATE.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Establishing Non-Union
Employees Holidays for the
Year 2001**

Councilmember Menard introduced the following resolution and moved its adoption:

RES. 00-92

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING NON-UNIONIZED EMPLOYEES HOLIDAYS FOR THE YEAR OF
2001.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Appointment of Election Judges
for the 2000 General Election**

Member Newell introduced the following Resolution and moved its adoption:

RES. 00-93

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING ELECTION JUDGES FOR THE 2000 GENERAL ELECTION.

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Accepting a \$20,000.00 Grant From the
Katherine B. Andersen Fund
of the St. Paul Foundation**

Member Kosmo introduced the following Resolution and moved its adoption:

RES. 00-94

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ACCEPTING \$20,000.00 FROM THE KATHERINE B. ANDERSEN FUND OF THE ST.
PAUL FOUNDATION AND THAT SUCH FUNDS SHALL BE USED FOR THE
PURCHASE OF THE CITY'S NEW 100 FOOT LADDER/PUMPER FIRE TRUCK.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Amending the Plat of Twin Homes of Bayport**

Member Menard introduced the following Resolution and moved its adoption:

RES. 00-95

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING THE PLAT OF TWIN HOMES OF BAYPORT, SUBJECT TO THE
DEVELOPER PLACING ON RECORD, AT HIS OWN EXPENSE, A RESTRICTION
REQUIRING THAT LOTS 3A AND 3B, BLOCK 1, TWIN HOMES OF BAYPORT, MAY
ONLY BE CONVEYED TOGETHER AND MUST BE TREATED AS ONE TAX PARCEL.

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing a Contract to Install a Ball Field
Backstop, Side Line Fence and Dug Outs
at Barker's Alps**

Member Kosmo introduced the following Resolution and moved its adoption:

RES. 00-96

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING FIRST QUALITY FENCE OF STILLWATER, MINNESOTA TO INSTALL
A BACKSTOP, SIDE LINE FENCES AND DUG OUTS AT BARKER'S ALPS BALL
FIELD FOR AN AMOUNT OF \$10,518.00.

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Motion
Adopting Ordinance 737, an Ordinance of the
City of Bayport, Washington County,
Amending the Municipal Code by Amending Article III,
Open Burning, of Chapter 30 by
Amending Section 30-59, Recreation Sites**

Ken Hartung, City Administrator, stated the City's current open burning Ordinance requires the Fire Chief to issue all recreation fire permits. He indicated he doesn't believe it is necessary for the Fire Chief to issue burning permits for recreation fires to roast wieners and marshmallows. Additionally, he stated the Fire Chief and he are recommending the City change the open burning Ordinance to:

- 1) Restrict the size of the fire to 30 inches in diameter by 30 inches in height.
- 2) A recreation fire must have a perimeter which is either composed of rock or brick.
- 3) Recreation fires must be attended at all times.
- 4) All recreation fires must be a minimum distance of 15 feet away from any building.
- 5) Recreation fires are prohibited from burning leaves, garbage or trash.

Mayor Schultz conducted the first reading of Ordinance 737, an Ordinance of the City of Bayport, Washington County, Minnesota, Amending the Municipal Code by Amending Article III, Open Burning, of Chapter 30 by Amending Section 30-59, Recreation Sites.

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to suspend the City Council rules requiring a second reading of Ordinance 737.

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

Voting against: None.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adopt Ordinance 737, an Ordinance of the City of Bayport, Washington County, Minnesota, Amending the Municipal Code by Amending Article III, Open Burning, of Chapter 30 by Amending Section 30-59, Recreation Sites.

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

Voting against: None.

**Discuss Adopting a Motion
Adopting Ordinance 738, An Ordinance of the
City of Bayport, Washington County,
Amending the Municipal Code by Amending
Chapter 28, Article II, Nuisances, by
Adding Division 3, Junk Vehicles, Abandoned Vehicles, Etc.**

Ken Hartung, City Administrator, stated in reviewing the City's Ordinance, the Police Department and City staff realized the City does not have a junk vehicle or abandoned vehicles Ordinance. City Attorney, Jim Lammers, believes it is important for the City to have such an Ordinance to be able to enforce rules against junk vehicles and abandoned vehicles. He noted City Attorney, Jim Lammers, has constructed a draft Ordinance for City Council review.

Mayor Allen Schultz conducted the first reading of Ordinance 738, an Ordinance of the City of Bayport, Washington County, Amending the Municipal Code by Amending Chapter 28, Article II, Nuisances, by Adding Division 3, Junk Vehicles, Abandoned Vehicles, Etc.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adopt a motion waiving the City Council by-laws requirement of conducting a second reading of Ordinance 738.

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

Voting against: None.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adopt Ordinance 738, an Ordinance of the City of Bayport, Washington County, Minnesota, Amending the Municipal Code by Amending Chapter 28, Article II, Nuisances, by Adding Division 3, Junk Vehicles, Abandoned Vehicles, etc.

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

Voting against: None.

**Discuss Adopting a Resolution
Authorizing the Purchase of a New Front End
Loader, a Work Platform Attachment and Radio
For the Public Works Department**

Ken Hartung stated at the February 10, 2000 City Council Workshop, Mel Horak, Public Works Supervisor, discussed with Councilmembers the need to replace the existing 1975 front end loader. He noted it was estimated that the existing loader needed repairs around \$40,000.00. He indicated the repairs will not guarantee the loader would not require further extensive repairs. He stated between the workshop time and this Council Meeting, the Public Works staff has thoroughly reviewed the Caterpillar 924G Wheel Loader as a possible replacement for the existing loader. He noted the Public Works Department has reached a consensus that the Caterpillar 924G is the ideal replacement for the City of Bayport's Public Works Department. He stated Mel Horak, Public Works Supervisor, is also requesting the City Council purchase a

Scaff work platform for approximately \$3,000.00 and a radio for the wheel loader at a cost of \$824.00. He noted the Scaff work platform would allow City utility workers to conduct tree trimming activities and Christmas light hanging while meeting OSHA guidelines.

Member Newell introduced the following Resolution and moved its adoption:

RES. 00-97

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF A CATERPILLAR 924G WHEEL LOADER, E Z
SCAFF WORK PLATFORM AND MOBILE RADIO FOR THE PUBLIC WORKS
DEPARTMENT.**

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Authorizing the Purchase of a
100 Foot Ladder/Pumper Fire Truck
from Pierce Manufacturing, Inc. of
Appleton, Wisconsin for a cost of \$747,870.00**

Ken Hartung stated at the City Council Meeting of August 7, 2000, the Council adopted Resolution 00-79 approving the bid specifications for a 100 foot ladder/pumper fire truck and establishing a bid date for Tuesday, August 29, 2000 at Bayport City Hall at 10:00 a.m. CDT. He noted staff sent out bid specifications to 5 fire truck vendors. He noted on Tuesday, August 29, 2000 at 10:00 a.m. CDT, 2 vendors submitted bids for the fire truck. He noted those vendors were:

- 1) Clarey's Safety Equipment, Inc. of Rochester, Minnesota
on behalf of Pierce Manufacturing, Inc. of Appleton, Wisconsin
submitted a bid of \$747,870.00.
- 2) Metro Fire of Elk River, Minnesota
on behalf of E-One of Ocala, Florida
submitted a bid of \$651,900.00

Ken Hartung stated on first review, the bid prices appeared that Metro Fire of Elk River, Minnesota and the fire truck manufacturer of E-One of Ocala, Florida were the low bidders. However, further analysis of E-One's bid specifications found that they did not comply with the bid specifications in many material respects. He noted Fire Chief, Brad Carmichael, reviewed the bids from Metro Fire on behalf of E-One of Ocala, Florida and Clarey's Safety Equipment on behalf of Pierce Manufacturing of Appleton, Wisconsin. He noted Fire Chief, Brad Carmichael's review of the bid specifications determined that E-One did not comply with the 100 foot ladder/pumper truck bid specifications in many material respects. Consequently, the Fire Chief, City Attorney and City Administrator are recommending the City Council reject the bid submitted by Metro Fire of Elk River,

Minnesota on behalf of E-One of Ocala, Florida. Furthermore, he indicated, he is recommending the City Council adopt a Resolution authorizing the purchase of the 100 foot ladder/pumper fire truck from Pierce Fire Apparatus of Appleton, Wisconsin for a cost of \$747,870.00.

Member Menard introduced the following Resolution and moved its adoption:

RES. 00-98

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, REJECTING A BID FOR A 100 FOOT LADDER/PUMPER FIRE TRUCK FROM METRO FIRE OF ELK RIVER, MINNESOTA AND E-ONE OF OCALA, FLORIDA IN THE AMOUNT OF \$651,900.00.

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Member Menard introduced the following Resolution and moved its adoption:

RES. 00-99

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AUTHORIZING THE PURCHASE OF A 100 FOOT LADDER/PUMPER FIRE TRUCK FROM PIERCE FIRE APPARATUS OF APPLETON, WISCONSIN FOR A COST OF \$747,870.00

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

Jim Menard - aye
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Proclaiming Minnesota Manufacturer's Week**

Member Kosmo introduced the following Resolution and moved its adoption:

RES. 00-100

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, PROCLAIMING MINNESOTA MANUFACTURER'S WEEK OCTOBER 16 THROUGH OCTOBER 22, 2000.

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving the Plans and Specifications
for South Lakeside Drive Improvement Project
and Setting a Bid Date for Tuesday,
September 26, 2000 at 1:00 p.m.**

Ken Hartung stated at the City Council Meeting of August 7, 2000, the Council adopted Resolution 00-77 approving a plat for Bayport Estates and specifying that South Lakeside Drive will be constructed at a minimum elevation of 691 feet. He noted based on the City Council Resolution specifying the minimum elevation for Lakeside Drive, City Engineer, Barry Peters, has prepared new plans and specifications for Lakeside Drive establishing Lakeside Drive at a minimum elevation of 691 feet. He indicated the plans and specifications for Lakeside Drive along with a proposed bid date are being proposed for City Council action this evening.

Member Newell introduced the following Resolution and moved its adoption:

RES. 00-101

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING THE PLANS AND SPECIFICATIONS FOR SOUTH LAKESIDE DRIVE
IMPROVEMENT PROJECT AND SETTING A BID DATE FOR TUESDAY,
SEPTEMBER 26, 2000 AT 1:00 P.M. CDT.**

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
Linda Newell - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

ADMINISTRATOR'S REPORT

Planning Commission Meeting

Ken Hartung, City Administrator, stated the Bayport Planning Commission will be meeting on Monday, September 11, 2000 at Bayport City Hall at 7:00 p.m.

Primary Election

Ken Hartung, City Administrator, stated the Primary Election will be held on Tuesday, September 12, 2000. He indicated Bayport residents will be able to vote from 7:00 a.m. to 8:00 p.m.

Tree Clean up

Ken Hartung, City Administrator, stated the City Public Works staff is picking up downed trees and branches from residential properties through the end of this week. If residents have tree components to be picked up, they should contact City Hall to make sure the Public Works staff removes those items.

Update on Washington County Community Development Block Grant Program

Ken Hartung stated the City has received communication from the Washington County Administration Department indicating that if the City does not participate in the Washington County Community Development Block Grant Program, Bayport will be ineligible to participate in the HOME Program in the year 2001. He stated the HOME Program is designed to assist with rent for low income individuals. He noted given the new circumstances which require the City to be part of the Community Development Block Grant Program to continue its participation in the HOME Program, he is asking City Councilmembers whether they want to reconsider their position of not participating in the Washington County Community Development Block Grant Program.

Ken Hartung indicated the reason the City decided not to participate in the Community Development Block Grant Program was because of the many onerous Federal compliance regulations which require numerous hours of staff time to check Federal compliance regulations. He indicated he also finds it is interesting that the Federal government penalizes a community for participating in one program if they decide not to participate in another. He stated it seems the community should be deciding which programs best suit its population and not have the Federal government decide that the City of Bayport must participate in a number of programs to be eligible for any one program.

City Councilmembers unanimously decided they are not going to reconsider their decision not to participate in the Washington County Community Development Block Grant Program.

Council Position Filings

Ken Hartung reminded members of the community that filings have opened for the Mayor's position and two City Councilmember seats on the Bayport City Council. He noted filings can be conducted during regular business hours at the City of Bayport from 8:00 a.m. until 4:30 p.m. He noted filings will remain open until Tuesday, September 12, 2000 at 5:00 p.m.

Discuss Authorizing Staff Initiation of Building an Eligible Police Officer List

Ken Hartung stated it appears the Bayport Police Department will be losing one of its Police Officers in the near future. He indicated it is important that the Bayport Police Department start to build a list of qualified candidates from which to draw upon when a vacancy occurs. He indicated to go through the interview and testing process typically will take two to three months before the position can be filled. However, he stated, if the City is able to test a number of police candidates in advance, we can have a list of qualified applicants which would allow the City to go directly to the interview process. He noted he is asking the City Council to authorize staff to initiate that process.

Councilmember Menard asked if this would result in additional expenses this year which are not budgeted.

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Ken Hartung, City Administrator, stated it would result in additional expenses. However, he stated, we will have to incur those expenses if we are to fill the vacant police position regardless of whether we start the process early or wait until a vacancy actually occurs.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to authorize staff to initiate the process of building an eligible police officer candidate list for the City of Bayport.

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

Voting against: Councilmember Newell.

ADJOURN

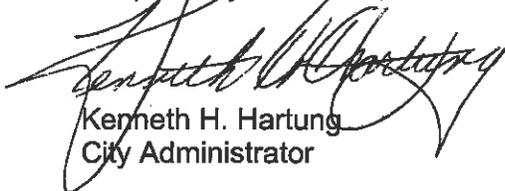
Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adjourn the City Council meeting of September 5, 2000.

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

Voting against: None.

The regular City Council meeting of September 5, 2000 adjourned at 9:25 p.m.

Respectfully submitted,



Kenneth H. Hartung
City Administrator