

CITY OF BAYPORT  
BAYPORT CITY COUNCIL MEETING MINUTES  
BAYPORT CITY HALL COUNCIL CHAMBERS  
OCTOBER 2, 2000  
7:00 P.M.

**CALL TO ORDER**

Mayor Allen Schultz called the regular City Council Meeting of October 2, 2000 to order at 7:00 p.m. and asked City 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, Consulting City Engineer and Jim Lammers, City Attorney.

**CONSENT AGENDA**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-102**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS A, B, C, D AND E FROM THE OCTOBER 2,  
2000 COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of September 5, 2000.
- B. Approve the minutes of the Special City Council Meeting of August 17, 2000.
- C. Approve bills as presented in the amount of \$173,430.89.
- D. Approve receipts as presented in the amount of \$101,119.72.
- E. Approve building/plumbing/heating permits issued during the month of September, 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**

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

## **PETITIONS**

### **Jane Harper, Principal Planner, Washington County Updating the City Council on the Water Governance Project**

Mayor Allen Schultz introduced Jane Harper, Principal Planner with Washington County and asked her to review the Water Governance Project.

Jane Harper, Principal Planner with Washington County, indicated Washington County staff has been working with watershed districts and watershed management organizations within Washington County over the past year to consolidate the existing four watershed management organizations and seven watershed districts into six watershed districts. She stated the current scenario has Bayport within two of the new watershed districts. The northern half of Bayport would be located in Brown's Creek Watershed District and the southern half would be located in the Valley Branch Watershed District. She indicated, however, she is attending the City Council Meeting tonight to get feedback from the City Council on whether the Council would be more agreeable to locating as much of the City in the Brown's Creek Watershed District. She stated she has been looking at the possibility of including another sub-watershed area from the Bayport area in the Brown's Creek Watershed District. She indicated if the sub-watershed area could be included, a very small portion of Bayport located on the very southern edge of the 245 acres the Andersen Corporation owns would remain in the Valley Branch Watershed District.

Councilmember Ridgway asked if there is an advantage of one watershed district over the other for the City of Bayport.

Jane Harper stated the Brown's Creek Watershed District has just completed some major capital projects. She stated by the year 2001, the Brown's Creek Watershed District will have paid off all the debt associated with those projects. She indicated she is not aware of any future of Brown's Creek Watershed District's projects.

She stated the Valley Branch Watershed District has a number of projects which are still ongoing. She stated by the time the new watershed districts are formed in 2002, the Valley Branch Watershed District will still have debt to retire.

Councilmember Jim Kosmo stated he likes the idea of including as much of the City of Bayport as possible in the Brown's Creek Watershed District. He noted the Brown's Creek Watershed District includes Oak Park Heights, Stillwater and Bayport, he stated. The City of Bayport has more in common with the urban areas of Stillwater and Oak Park Heights than with the rural areas which are indicative of the Valley Branch District.

Councilmember Menard also stated he would like to see as much of the City of Bayport as possible located in the Brown's Creek Watershed District.

Mayor Schultz also stated he believes the Brown's Creek Watershed District is the best choice for the City of Bayport and would like to see as much of the City of Bayport as possible located within that watershed district.

The consensus by the Councilmembers was to have as much of the City of Bayport as possible located in the Brown's Creek area.

Jane Harper, Principal Planner for Washington County, stated she will be working with Bayport City Administrator, Ken Hartung, to work toward including as much of the City of Bayport as possible in the Brown's Creek Watershed District.

#### **CITY ATTORNEY**

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

#### **CITY ENGINEER**

Barry Peters, Consulting City Engineer, stated he had no comments at this point in the meeting.

#### **DEPARTMENT HEADS**

Ken Hartung, City Administrator, stated the Public Works Department has completed the clean up of tree debris from the storm approximately two weeks ago. He noted he would like to thank the Public Works staff for their conscientious hard work in helping residents address the tree debris following the storm from a few weeks ago.

#### **COUNCIL LIAISON REPORTS**

##### **Cable Commission**

Councilmember Sharon Ridgway stated the Cable Commission Meeting for September was canceled. She stated the next Cable Commission Meeting will be held on Wednesday, October 18, 2000 at 7:00 p.m. at Stillwater City Hall.

##### **Oak Park Heights/Bayport Blue Ribbon Fire Committee**

Mayor Allen Schultz stated the City of Oak Park Heights and the City of Bayport's Blue Ribbon Fire Committee will be meeting at Oak Park Heights City Hall on Wednesday, October 4, 2000 at 3:30 p.m.

**OLD BUSINESS**

Mayor Allen Schultz stated there is no old business slated for this evening's meeting.

**NEW BUSINESS**

**Discuss an Application for a Zoning  
Ordinance Variance to Permit Construction  
of a Detached Garage at 446 5<sup>th</sup> Avenue North  
Case No. 00-16V**

Mayor Allen Schultz introduced the agenda item related to a Zoning Ordinance variance to permit construction of a detached garage at 446 5<sup>th</sup> Avenue North and asked the City Administrator to review this item with the Council.

Ken Hartung stated the City received an application from Gary and Brenda Jinks on August 10, 2000 requesting the City consider granting a height variance to permit construction of a detached garage. He indicated the Jinks had determined they would like to add storage space above the garage which they are proposing to construct. He noted the Jinks' house does not have a basement and consequently, lacks any storage space. With the construction of the new garage, the Jinks are proposing to add storage space above their constructed garage, permitting them to store their vehicles along with items which they are not permitted to store in their house. He noted in order for the Jinks to construct the storage area above the garage, they are proposing to have a roof peak height of 19 feet, which is 2 feet above the Ordinance specified maximum height of 17 feet. He noted the Planning Commission held a Public Hearing on September 11, 2000 and adopted a motion recommending the City Council grant a height variance of 2 feet, permitting the Jinks to construct their garage at a height of 19 feet.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to approve Variance Certificate Case No. 00-16V for Gary and Brenda Jinks, 446 5<sup>th</sup> Avenue North, granting a height variance of 2 feet from the Ordinance maximum height of 17 feet, permitting a detached residential garage to be constructed at a height of 19 feet.

**FINDINGS OF FACT:**

WHEREAS: Brenda and Gary Jinks are the owners of property located at 446 5<sup>th</sup> Avenue North which is zoned R-4 Single Family Urban District; and,

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

WHEREAS: The R-4 Urban District identifies residential structures, additions to residential structures and detached garages as permitted uses within the zoning district; and,

WHEREAS: The Jinks presently do not have an attached or detached garage in which to store their vehicles and/or other equipment; and,

WHEREAS: The Jinks are looking to construct an on-slab 28' x 32' garage in an area which has previously been excavated as a parking area by former owner, Bart Fischer; and,

WHEREAS: The Jinks have asked for a garage height variance of 2 feet to construct their garage at a height of 19 feet instead of 17 feet in order to provide storage in the upper part of the garage; and,

WHEREAS: The Jinks residential house does not have a basement which would permit them to have storage space and consequently, are requesting the City Council grant a variance to allow them to construct storage space in their newly constructed garage; and,

WHEREAS: It has been determined by the City Council that if the Jinks are not permitted to construct their storage space above the garage, it would constitute a hardship; and,

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

- 1) To not grant the requested variance would result in an undue hardship to the land owner because of circumstances which are unique to the property as described above.
- 2) The requested variances are in keeping with the spirit and intent of the City Ordinances.
- 3) The variance is required to allow the property owner to put his property to reasonable use.
- 4) The circumstances creating the need for the variance are unique to the property and are not created by the landowner's actions.
- 5) Granting the requested variance 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(5)(f)(7)(b) granting a height variance of 2 feet from the maximum accessory building height of 17 feet, permitting a detached garage to be constructed with a height of 19 feet.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss an Application for Zoning Ordinance  
and Bluffland Shoreland Variances to Construct  
an Attached Garage at 530 Oakwood Street  
Case No. 00-17V**

Mayor Allen Schultz introduced the agenda item related to Steve Wolff's request for variances to permit him to construct an attached garage at 530 Oakwood Street.

Ken Hartung stated the City received a request from Steve Wolff on August 16, 2000, requesting the City consider granting variances from the City's Zoning Ordinance and Bluffland Shoreland Ordinance to permit the construction of an attached garage. Ken Hartung noted Steve Wolff does not have a Certificate of Survey on file, nor has his property been surveyed. However, he noted, the property directly to the south of Mr. Wolff's at 540 Oakwood Street was surveyed by Advance Survey and Engineering Company on March 19, 1999. He noted Mr. Wolff has been able to locate a property pin on the south side of his property line to indicate the boundary between the two properties. He noted with the location of the property pin, staff will be able to accurately determine the setback measurements for Mr. Wolff's proposed garage. He noted Mr. Wolff has a single family residential structure at 530 Oakwood Street. The existing structure, he stated, has a tuck-under garage measuring 17' x 25'. He indicated Mr. Wolff is proposing to convert the existing garage into a family room. Consequently, he noted, he is proposing to add a new attached garage measuring 25' x 28' to the south end of his existing house. Ken Hartung then reviewed sketches of the lot and elevations of the proposed addition with Councilmembers.

Ken Hartung indicated Mr. Wolff is proposing to construct a new driveway measuring 20' x 31' allowing him to gain entrance to his new attached garage. Mr. Wolff is also proposing to leave the existing driveway measuring 30' x 31', which provides access from Oakwood Street to his existing garage and boat storage area on the south side of his house. He noted Mr. Wolff wants the existing driveway to remain so it provides a parking area for his family and guests who may be visiting. He noted he needs the additional parking area because there is no on-street parking on Oakwood Street because Oakwood Street is a City alley with a total right-of-way width of 20 feet.

Ken Hartung stated Mr. Wolff's residential structure is located in an area which is controlled by the Bayport Zoning Ordinance and Bayport Bluffland Shoreland Ordinance Land Use Regulations. He indicated Mr. Wolff's proposal meets all the Zoning Ordinance criteria with the exception of the Zoning Ordinance criteria associated with slopes. The Zoning Ordinance prohibits development on areas which exceed a 12% slope. He noted Mr. Wolff's driveway and part of the retaining wall for the basketball court will be in an area where slopes are approximately 21%. Consequently, in order for Mr. Wolff to go forward with his proposal, it would require the City Council to consider adopting a variance permitting the driveway and retaining wall to be constructed in an area with a slope of 21%.

Ken Hartung also stated Mr. Wolff's house is located in an area controlled by the Bluffland Shoreland Management Ordinance land use criteria. He indicated Mr. Wolff will have a total impervious surface area which exceeds the Bluffland Shoreland

maximum impervious surface area allowed of 2,800 square feet. He noted Mr. Wolff will have a total impervious surface area of 4,700 square feet, which exceeds the allowed impervious surface area of 2,800 square feet by 1,900 square feet. He noted one factor which contributes to the excessive impervious surface area is Mr. Wolff's request to maintain his existing driveway measuring 30' x 31' and installing a new driveway to his new attached garage measuring 20' x 30'. He noted Oakwood Street has a total right-of-way of 20 feet and provides no on-street parking. Consequently, he noted, Mr. Wolff requires the additional driveway area to provide off-street parking for his family and guests. Additionally, he noted, the Bluffland Shoreland Ordinance also has a maximum land slope of 12% to permit buildings. He noted Mr. Wolff will have approximately a 21% slope where he is intending to construct his driveway to the garage and where a new retaining wall and basketball court will be constructed.

Ken Hartung noted the Planning Commission held a Public Hearing on September 11, 2000 related to the variances requested by Steve Wolff of 530 Oakwood Street. He indicated during the course of the Public Hearing, no one from the public spoke against the variance request. He indicated following the Public Hearing, the Planning Commission adopted a motion recommending the City Council approve the following variances:

1) Zoning Ordinance variance.

Recommend the City Council approve a variance from Zoning Ordinance Section 301(10) approving a slope variance of 9% above the Zoning Ordinance specified maximum slope of 12%, permitting the construction of a garage, installation of a driveway and basketball court in an area which has a maximum slope of 21%.

2) Bluffland Shoreland Management Ordinance variances.

A) Adopted a motion recommending the City Council approve a variance from Bluffland Shoreland Ordinance Section 402.01(9) granting an impervious surface variance of 1,900 square feet above the Ordinance requirement of 2,800 square feet, permitting the installation of an impervious surface area at 530 Oakwood Street with a total area of 4,700 square feet, which is equal to 34% of the total lot area of 14,000 square feet.

B) Adopted a motion recommending the City Council approve a variance from Bluffland Shoreland Management Ordinance Section 402.02 granting a slope variance of 9% from the Ordinance specified maximum slope of 12%, permitting the construction of a new attached garage, installation of a new driveway and basketball court in an area with a maximum slope of 12%.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, to approve Variance Certificate 00-17V for Steve Wolff, 530 Oakwood Street.

**FINDINGS OF FACT:**

WHEREAS: Steve Wolff is the owner of property located at 530 Oakwood Street, which is zoned R-4, Single Family Urban District; and,

- WHEREAS: The property to the north, south, east and west is zoned R-4 Single Family Urban District; and,
- WHEREAS: The R-4 Urban District identifies residential structures, including attached garages and driveways as permitted uses within the zoning district; and,
- WHEREAS: The Wolff property is also located in an area which is controlled by the City of Bayport's Bluffland Shoreland Management Ordinance; and,
- WHEREAS: Residential structures, attached garages and driveways are permitted structures within the Bluffland Shoreland Management area; and,
- WHEREAS: Mr. Wolff is proposing to construct an attached garage measuring 25' x 28' to the south side of his existing house. Mr. Wolff is also planning to construct a new driveway to his new garage measuring 20' x 31'. Mr. Wolff is also proposing to construct a new basketball court with a total area of 483 square feet. Mr. Wolff is also proposing to leave his existing driveway, which measures 30' x 31' to enable him to provide off-street parking for guests which may visit his residence because Oakwood Street which provides vehicular access to his property is a narrow alley with 20 feet of right-of-way and provides no on-street parking; and,
- WHEREAS: Mr. Wolff is proposing to construct a portion of his new garage and new driveway in an area which has a maximum slope in some areas of 21%; and,
- WHEREAS: The City's Zoning Ordinance and Bluffland Shoreland Ordinance prohibit development in areas which have slopes greater than 12%; and,
- WHEREAS: Mr. Wolff cannot add a detached garage to his existing residential structure without the City considering granting a slope variance to permit him to construct an attached garage and permit him to construct a new driveway to the attached garage in an area which has isolated slopes in excess of 21%; and,
- WHEREAS: In order for Mr. Wolff to maintain his existing driveway to provide off-street parking for visitors to his residential structure, it is necessary for the City Council to consider granting an impervious surface variance from the City's Bluffland Shoreland Management Ordinance; and,
- WHEREAS: If the City Council of the City of Bayport does not grant a slope variance to permit Mr. Wolff to construct the new attached garage measuring 25' x 28', Mr. Wolff will not be able to construct a new garage to his existing house and therefore, would constitute a hardship; and,

**WHEREAS:** If the Bayport City Council does not grant Mr. Wolff an impervious surface variance, Mr. Wolff will not be able to maintain his existing driveway and will not be able to provide off-street parking for visitors; and,

**WHEREAS:** The City of Bayport's Oakwood Street has a total width of 20' and is not designed to provide any on-street parking for residential property owners or their guests and consequently, homeowners are required to provide off-street parking for themselves and their guests. Therefore, the City Council of the City of Bayport has determined Mr. Wolff's impervious surface variance to provide off-street parking for his guests meets the hardship criteria as specified in the Bluffland Shoreland Ordinance; and,

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

- 1) To not grant the requested variance would result in undue hardship to the owner because of circumstances that are unique to the property as described above;
- 2) The requested variances are in keeping with the spirit and 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 landowner's 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) Approve a variance from Zoning Ordinance Section 301.01(10) approving a slope variance of 9% above the Zoning Ordinance specified maximum slope of 12%, permitting the construction of a detached garage, installation of a driveway and basketball court in an area which has a maximum slope of 21%.
- 2) Approve a variance from Bluffland Shoreland Ordinance Section 402.01(9), granting an impervious surface variance of 1,900 square feet above the Ordinance maximum impervious surface area of 2,800 square feet, permitting the installation of a impervious surface area at 530 Oakwood Street with a total area of 4,700 square feet, which is equal to 34% of the total lot area of 14,000 square feet.

- 3) Approve a variance from Bluffland Shoreland Management Ordinance Section 402.02, granting a slope variance of 9% from the Ordinance specified maximum slope of 12%, permitting the construction of a new attached garage, installation of a new driveway and basketball court in an area with a maximum slope of 21%.

The above Bluffland Shoreland variances are approved provided the Minnesota Department of Natural Resources approves the variances.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss an Application for a Floodplain  
Ordinance Conditional Use Permit and an Application  
for Bluffland Shoreland Ordinance and Floodplain Ordinance  
Variances to Construct a Detached Garage  
at 323 South Minnesota Street  
Case No. 00-18CUP and 00-19V**

Mayor Allen Schultz introduced the Agenda item associated with a request by the residents of 323 South Minnesota Street for the City to consider granting variances to permit the construction of a detached garage.

Ken Hartung, City Administrator, stated the City has received an application from Calvin Schumacher, 323 South Minnesota Street, requesting the City consider granting a Conditional Use Permit and Variances from the Floodplain Ordinance and Bluffland Shoreland Ordinance to permit the construction of a detached garage. He indicated the Schumachers do not have a Certificate of Survey on file nor has the property been surveyed. However, he stated, the property directly north of Calvin Schumacher is the Jim Schmidt property of 315 South Minnesota Street. He noted Mr. Schmidt had his property surveyed when he installed his garage in 1996 and the property pins are present. Consequently, he stated, staff and the building inspector can accurately determine the position of the new garage from the property lines using Mr. Schmidt's property pins. He indicated the Schumachers have a single family residential structure located at 323 South Minnesota Street. He stated the lot has an existing garage measuring 23' x 28' and a storage shed measuring 10' x 10'. The Schumachers, he stated, are proposing to tear down the existing garage because of its deteriorated condition and will construct a new garage measuring 26' x 28'. He noted the Schumacher's residential property is located in an area which is controlled by the City of Bayport's Zoning Ordinance, Bluffland Shoreland Management Ordinance and Floodplain Ordinance. He indicated the Schumacher's garage proposal meets all of the City's Zoning Ordinance criteria. He stated, however, the Schumacher's garage proposal will exceed the impervious surface area allowed by the Bluffland Shoreland Management Ordinance by 723 square feet. He reviewed the Bluffland Shoreland Management Ordinance impervious surface requirement as follows:

1. Bluffland Shoreland Management Ordinance Section 402.01(9) Impervious Surface Area.

This section of the Bluffland Shoreland Ordinance specifies the maximum impervious surface area permitted on a residential lot. The Schumacher's residential lot measures 65' x 140', equal to 9,100 square feet. The Bluffland Shoreland Ordinance allows 20% of the lot to be covered by an impervious surface. Twenty percent of 9,100 square feet allows 1,820 square feet of impervious surface area on the Schumacher lot. The Schumacher's existing residential house, sidewalks and storage shed have a total area of 1,365 square feet. The proposed new garage and new driveway add another 1,278 square feet of impervious surface area. This brings the total impervious surface area of the existing structure along with the new garage and driveway to 2,538 square feet, which is 723 square feet above the allowed impervious surface area of 1,820 square feet. Consequently, in order for the Schumachers to go forward with construction of the new garage and driveway, it would require the City to take action on a variance from the Bluffland Shoreland Ordinance Section 402.01(9) granting an impervious surface variance of 723 square feet.

Ken Hartung also stated the Schumacher's residential structure is in an area controlled by the City's Floodplain Management Ordinance. He reviewed the Conditional Use Permit and variances associated with the Schumacher garage proposal as it relates to the Floodplain Management Ordinance as follows:

1) Floodplain Management Ordinance Section 402.01 Minimum Structure Elevation

This Section of the City's Floodplain Management Ordinance specifies the lowest level of a structure must be at least at an elevation of 693 feet. The Schumachers are proposing to construct their garage with a fill elevation of 689 feet. This is 4 feet below the Floodplain Management Ordinance requirement of 693 feet in elevation. The Floodplain Management Ordinance permits an accessory building, such as a garage, to be constructed below the 693 foot elevation provided the City issues a Conditional Use Permit and provided the Schumachers construct the building of structurally dry, floodproof material in accordance with FP-3 or FP-4 floodproofing classification in the State Building Code. The Schumachers have indicated they agree to construct their building in accordance with floodproofing requirements of the State Building Code. Additionally, the City of Bayport will require the Schumachers to sign a Conditional Use Permit in which they will hold the City harmless for any damage as a result of flooding to their garage because the garage was constructed below the 693 foot elevation requirement. Consequently, if the Schumachers are to be able to go forward with construction of the garage at an elevation of 689 feet, it will require the City of Bayport to issue a Conditional Use Permit permitting the detached garage to be constructed at an elevation of 689 feet.

In order for the City Council to consider granting a Conditional Use Permit to allow a detached garage to be constructed at an elevation of 689 feet, the City Council must review the Floodplain Ordinance Section 806.04 which requires the City Council to consider all relevant factors associated with the Conditional Use Permit specified in the following:

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- i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- ii) The danger that materials may be swept on to other lands or downstream to the injury of others or that may block bridges, culverts or other hydraulic structures.
- iii) The proposed water supply and sanitation systems and availability of these systems to prevent disease, contamination and unsanitary conditions.
- iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- v) The importance of the services provided by the proposed facility to the community.
- vi) The requirements of the facility for a waterfront location.
- vii) The availability of alternate locations not subject to flooding for the proposed use.
- viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- ix) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
- x) The safety of access to the property at times of flooding for ordinary and emergency vehicles.
- xi) The expected heights, velocity, duration, rate of rise and sediment transport of flood waters expected at the site.
- xii) Such other factors which are relevant for the purpose of this Ordinance.

Following the City Council's review of the above-listed factors as they relate to the Schumacher's detached garage proposal, City Councilmembers will need to approve or deny a Conditional Use Permit for the Schumachers to be able to construct a detached garage at an elevation of 689 feet instead of at an elevation of 693 feet as required by the Floodplain Management Ordinance.

2) Bluffland Shoreland Ordinance Section 402.01 Fill Elevation Requirements

This Section of the Bluffland Shoreland Ordinance requires the fill next to the structure must be at an elevation of 692 feet and must extend out from the structure 15 feet.

The Schumachers are proposing to construct the garage with an inside fill elevation of 689 feet. Obviously, if the garage is constructed with a fill elevation of 689 feet, the fill around the building cannot be at an elevation of 692 feet because it would prevent reasonable access to the garage. Consequently, the

Schumachers are asking that the fill elevation 15 feet out from the building be a maximum of 688 feet, which would require a variance of 4 feet.

3) Bluffland Shoreland Ordinance Section 405.01 Vehicular Access Elevation

This Section of the City's Zoning Ordinance requires vehicle access to a structure to be at a minimum elevation of 691 feet.

The Schumachers will gain access to their newly constructed garage off of the City's alley. The City's alley is at an elevation of 688 feet. Consequently, the Schumachers cannot have vehicular access at an elevation of 691 feet because of the City's alley elevation of 688 feet. Consequently, in order for the Schumachers to have access to their garage, it will require the City to consider granting a vehicle access variance of 3 feet.

Ken Hartung stated the Bayport Planning Commission held a Public Hearing related to the Conditional Use Permit and variance request for the Schumachers on Monday, September 11, 2000. He indicated no one from the public spoke against the Conditional Use Permit or the variances. He indicated following the Planning Commission Public Hearing, the Commission adopted a motion recommending the City Council approve the following items associated with the Schumacher's request:

- 1) Adopted a motion recommending the City Council approve a variance from Bluffland Shoreland Ordinance Section 402.01, approving an impervious surface variance of 723 square feet above the Ordinance permitted impervious surface area of 1,820 square feet, permitting the total impervious surface area at 323 South Minnesota Street to be 2,543 square feet, which is equal to 30% coverage of the lot of 9,100 square feet.
- 2) Adopting a motion recommending the City Council approve a Conditional Use Permit consistent with Floodplain Management Ordinance Section 402.01, permitting the bottom of the concrete floor to be positioned at an elevation of 689 feet instead of the Floodplain Management Ordinance Section 402.01 requirement of an elevation of 693 feet.
- 3) Adopted a motion recommending the City Council approve a variance of Floodplain Management Ordinance 402.01 granting a fill variance of 4 feet from the required fill height elevation of 692 feet, permitting the fill to be at an elevation of 688 feet extending 15 feet out from the structure.
- 4) Adopted a motion recommending the City Council approve a variance from Floodplain Management Ordinance Section 405.01 granting a vehicular access variance of 3 feet, permitting vehicular access at an elevation of 688 feet off of the City's right-of-way alley instead of the Ordinance required vehicular access elevation of 691 feet.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to approve a Conditional Use Permit, Case No. 00-18CUP for Calvin Schumacher, 323 South Minnesota Street.

**FINDINGS OF FACT:**

- WHEREAS: Calvin and Stephanie Schumacher are the owners of property with an address of 323 South Minnesota Street; and,
- WHEREAS: The property described as 323 South Minnesota Street, is zoned R-4 Single Family Urban District; and,
- WHEREAS: The land to the north, east, west and south is zoned R-4 Single Family Urban District; and,
- WHEREAS: Single family residences and accessory buildings such as garages are permitted uses in the single family urban district; and,
- WHEREAS: The Schumacher's property is located in an area whose land use is regulated by the City's Floodplain Ordinance; and,
- WHEREAS: The Schumachers are proposing to tear down an existing detached garage measuring 23' x 28' and replace it with a new detached garage measuring 26' x 28'; and,
- WHEREAS: The Schumachers have made a conscious and free will decision to construct their garage at an elevation of 689 feet, which is 4 feet below the regulatory flood protection elevation of 693 feet, as specified in the City's Floodplain Management Ordinance Section 402.01; and,
- WHEREAS: The Schumachers further acknowledge that by constructing their garage at an elevation of 689 feet, there is the potential for the garage to be significantly damaged by flooding; and,
- WHEREAS: The Schumachers agree to hold the City of Bayport, its employees and agents harmless for any and all claims arising because they constructed their garage at an elevation of 698 feet; and,
- WHEREAS: The Schumachers cannot construct their detached garage at an elevation of less than 693 feet without the City Council issuing a Conditional Use Permit; and,
- WHEREAS: Section 403 of the Floodplain Management Ordinance states that any structure which is below the regulatory flood protection elevation of 693 feet mean sea level shall require a Conditional Use Permit and use construction material with a structurally dry flood-proofing classification of FP-3 or FP-4 as defined in the State Building Code; and,
- WHEREAS: Section 404.06(1) of the Floodplain Management Ordinance prohibits the storage of flammable explosives or potentially injurious materials to humans, animal or plant life at a time of flooding; and,

WHEREAS: Section 404.06(2) of the Floodplain Management Ordinance allows only the storage and materials and/or equipment if they are readily movable from the area within the time available after a flood warning; and,

WHEREAS: The City of Bayport Floodplain Management Ordinance Section 204(3) specifies a Conditional Use Permit may be issued but only after an in-depth review procedure and with appropriate conditions or restrictions as provided by the official zoning controls or building code and finding that:

- 1) Certain conditions as detailed in the Zoning Ordinance exist.
- 2) The structure and/or land use conforms to the Comprehensive Land Use Plan.
- 3) The structure is compatible with the existing neighborhood; and,

WHEREAS: The Council has determined that the construction of a 26' x 28' detached garage at an elevation of 689 feet meets the conditions as outlined in the Floodplain Management Ordinance Conditional Use Permit criteria.

NOW THEREFORE BE IT RESOLVED: by the City Council of the City of Bayport, Washington County, Minnesota, does hereby ordain that a Conditional Use Permit for the construction of a detached garage measuring 26' x 28' with the bottom of the garage slab floor being positioned at an elevation of 689 feet mean sea level and that such construction is to take place at 323 South Minnesota Street, owned by Calvin and Stephanie Schumacher, subject to the following conditions:

1. Water resistant materials with FP-3 or FP-4 classifications as defined in the Floodplain Management Ordinance and State Building Code shall be utilized in the construction of the detached garage and that such water resistant materials shall be used at a minimum from the garage floor level to the regulatory flood protection level of at least 693 feet.
2. A registered Civil Engineer or registered Land Surveyor shall certify that the bottom of the garage floor elevation is at a minimum of 689 feet mean sea level elevation.
3. Storage of materials at or below the regulatory flood protection elevation of 693 feet shall be temporary and all materials shall be easily removable at the time of a flood warning.
4. Storage is prohibited in the garage of materials which are flammable, explosive or potentially injurious to human, animals or plant life materials at any time of flooding.

5. Any mechanical equipment in the structure must be elevated to or above the regulated flood protection elevation of 693 feet or properly floodproofed.
6. The detached garage measuring 26' x 28' must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on the exterior walls.
7. The applicants shall submit a plan or document certified by a registered professional engineer, architect or building inspector, that floodproofing measures are consistent with the requirements of the Floodplain Management Ordinance.
8. In consideration of issuance of the Conditional Use Permit, the property owners hereby agree to hold the City and its employees and agents harmless from any and all claims arising out of such issuance of this Conditional Use Permit.
9. Failure to comply with any of the above conditions shall be grounds for revocation of the Conditional Use Permit.

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

Voting against: None.

Absent: Councilmember Newell.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to approve Variance Certificate Case No. 00-19V for Calvin Schumacher, 323 South Minnesota Street.

**FINDINGS OF FACT:**

WHEREAS: Calvin and Stephanie Schumacher are the owners of property located at 323 South Minnesota Street, which is zoned R-4 Single Family Urban District; and,

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

WHEREAS: The R-4 Single Family Urban District permits residential structures and accessory structures, such as garages, as permitted uses within the zoning district; and,

WHEREAS: The Schumachers are proposing to remove an existing detached garage measuring 23' x 28' and construct a new garage measuring 26' x 28'; and,

- WHEREAS:** The property owned by the Schumachers has land use controls established by the City's Zoning Ordinance, Floodplain Management Ordinance and Bluffland Shoreland Ordinance; and,
- WHEREAS:** The current impervious surface area with the existing garage and existing driveway equals approximately 2,700 square feet, which exceeds the Bluffland Shoreland Ordinance specified maximum impervious surface area of 1,820 square feet by 880 square feet; and,
- WHEREAS:** The Schumacher's new garage and new driveway will reduce the impervious surface area by approximately 157 square feet, and have a total of 2,543 square feet, which is 723 square feet above the maximum impervious surface area allowed by the Bluffland Shoreland Management Ordinance of 1,820 square feet; and,
- WHEREAS:** The Schumachers cannot construct their garage on their existing property without the City granting an impervious surface variance; and,
- WHEREAS:** If the Schumachers were not able to remove the existing deteriorated garage and construct a new garage, it would result in a hardship because the Schumachers would not have any place to store their vehicles and other ancillary household and yard equipment; and,
- WHEREAS:** The Schumacher's property is adjacent to an alley which provides egress and ingress to their property, specifically to their existing and proposed garage, and that the alley is constructed at an elevation of 688 feet mean sea level; and,
- WHEREAS:** Because the City's alley is at an elevation of 688 feet, it is impossible for the Schumachers to gain access to their property from a vehicular access elevation as specified in the Floodplain Management Ordinance of 691 feet; and,
- WHEREAS:** In order for the Schumachers to continue to gain access to their property from the City's alley right-of-way, it is necessary for the City Council to consider granting a vehicular access variance of 3 feet, permitting vehicular access off of the alley on Block 87 to be at the City's alley elevation of 688 feet; and,
- WHEREAS:** Floodplain Ordinance requires fill to extend from the garage at an elevation of 692 feet 15 feet out from the structure; and,
- WHEREAS:** Because of the proposed garage proximity to the adjacent property to the north, it is impossible for the Schumachers to extend fill from the existing garage at an elevation of 692 feet; and,

WHEREAS: The Schumachers are proposing to have fill extend from the existing garage at an elevation of 688 feet; and,

WHEREAS: The City Council has determined the Schumachers variance request from the Floodplain Management Ordinance meets the variance criteria specified in Floodplain Ordinance Section 805.01; and,

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

- 1) To not grant the variance would result in undue hardship to the landowner because of circumstances that are unique to the property as described above;
- 2) The requested variances are in keeping with the spirit and intent of the City Ordinances.
- 3) The variances are required in order to allow the property owner to put the property to reasonable use.
- 4) The circumstances creating the need for variances are unique to the property and are not created by the landowner's actions.
- 5) 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) Bluffland Shoreland Management Ordinance Variance
  - i) Approve a variance from the Bluffland Shoreland Management Ordinance Section 402.01 approving an impervious surface variance of 723 square feet above the Ordinance permitted impervious surface area of 1,820 square feet, permitting the total impervious surface area at 323 South Minnesota Street to be 2,543 square feet, which is equal to 30% coverage of the lot area of 9,100 square feet.
- 2) Floodplain Management Ordinance Variances
  - i) Approve a variance from Floodplain Management Ordinance Section 402.01 granting a fill height variance of 4 feet from the required height elevation of 692 feet, permitting the fill to be at an elevation of 688 feet 15 feet out from the structure.

- ii) Approve a variance from Floodplain Management Ordinance Section 405.01 granting a vehicular access variance of 3 feet, permitting vehicular access at an elevation of 688 feet off of the City's right-of-way alley instead of the Ordinance required vehicular access of 691 feet.

The variances are approved contingent upon approval by the Minnesota Department of Natural Resources.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss an Application for Zoning Ordinance  
Variances to Permit the Construction of an  
Addition to an Existing Residential Structure  
at 256 South 5<sup>th</sup> Street  
Case No. 00-20V**

Mayor Allen Schultz introduced the agenda item associated with Zoning Ordinance Variance requests to construct an addition to an existing residential structure at 256 South 5<sup>th</sup> Street.

Ken Hartung stated the City has received a request from Jim Kosmo on August 24, 2000 requesting the City consider granting Zoning Ordinance Variances to permit the construction of an addition to his existing residential structure at 256 South 5<sup>th</sup> Street. He stated Mr. Kosmo has a Certificate of Survey which was completed by Joel Anez, Lake Elmo, Minnesota. He indicated with the Certificate of Survey, staff and the building inspector will be able to accurately determine placement of the existing house and the addition as proposed by the homeowner. He noted the Kosmos are planning to add a sunroom measuring 14' x 15' to the front southeast section of the house and add a 7' x 14' dining room section to the southwest section of the house. Additionally, he noted they will be adding a 7' x 9' mudroom directly behind the existing garage on the left side of the house. Ken Hartung reviewed the Certificate of Survey along with plans for the addition to the house with Councilmembers. He noted the Kosmo's residential lot is located in an area controlled by the City's Zoning Ordinance regulations. He noted a review of the Zoning Ordinance criteria as it relates to the Kosmo residential structure addition indicates that in order for the Kosmos to proceed with their addition, it will require the City Council to take action on two variances. Those variances are as follows:

- 1) Zoning Ordinance Section 601.01(5)(f)(8) Minimum Front Yard Setback.

This section of the Zoning Ordinance specifies the minimum front yard setback shall be 30 feet.

The Kosmo's existing house is 35 feet from the front yard property line. However, the proposed addition will move the house to within 27 feet of the front yard property line. This would necessitate a variance of 3 feet from the front yard

setback requirement of 30 feet. The residential house directly north of the Kosmo property at 224 South 5<sup>th</sup> Street has a front yard setback of approximately 27 to 28 feet. If the City were to grant the front yard setback variance to the Kosmos, the front yard setback would be approximately the same as the residential structure at 224 South 5<sup>th</sup> Street.

2) Zoning Ordinance Section 601.01(5)(f)(10)(b) Minimum Interior Lot Line Setback.

This section of the City's Zoning Ordinance specifies the building setback from an interior lot line must be 10 feet.

The Kosmos are proposing to add an addition to their residential structure which parallels the most southern wall of the structure. The survey determined the most southern portion of the existing residential structure, the fire place chimney, is 5 feet from the south property line, not 10 feet as is required. The Kosmos are actually constructing the new addition approximately 1 foot north of the fire place chimney so the actual setback is 6 feet from the property line. However, because the value of the remodeling and addition to the existing structure exceeds 50% of the assessed value of the house, the Zoning Ordinance treats the existing residential structure as a new structure and consequently, the variance must be considered from the closest part of the existing residential structure to the south interior lot line. Consequently, if the Kosmos are to be able to proceed with their residential addition project, it is necessary for the City Council to grant a variance from Zoning Ordinance Section 601.01(5)(f)(10)(b) granting a 5 foot interior lot line setback variance from the required 10 foot interior lot line setback, permitting the south section of the residential structure to be positioned within 5 feet of the south interior lot line.

Ken Hartung stated the Planning Commission held a Public Hearing related to the variance request associated with the addition to the residential structure to 256 South 5<sup>th</sup> Street on Monday, September 11, 2000. He noted no one from the public spoke against the variance request. Following the Planning Commission Public Hearing, the Planning Commission recommended the City Council approve the front yard setback variance of 3 feet and the side yard setback variance of 5 feet.

Councilmember Jim Kosmo stated since the variance request is associated with his residential structure at 256 South 5<sup>th</sup> Street, he will abstain from discussion and abstain from voting on this issue.

Moved by Councilmember Menard, seconded by Councilmember Ridgway, to approve Variance Certificate Case No. 00-20V for Jim and Shelly Kosmo at 256 South 5<sup>th</sup> Street.

**FINDINGS OF FACT:**

WHEREAS: Jim and Shelly Kosmo are the owners of property at 256 South 5<sup>th</sup> Street, which is zoned R-4 Single Family Urban District; and,

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

- WHEREAS: The R-4 Single Family Urban District identifies residential structures, additions to residential structures and detached garages as permitted uses in its zoning district; and,
- WHEREAS: The Kosmos are proposing to add a sunroom measuring 14' x 15' to the front southeast section of the house and add a 6' x 14' dining room section to the southwest section of the house. Additionally, they are proposing to add a 7' x 9' directly behind the existing garage on the west side of the house; and,
- WHEREAS: The existing house has its south exterior wall positioned within 5 feet of the south interior lot line; and,
- WHEREAS: The City of Bayport's Ordinance dictate that if improvement to a house exceeds 50% of the existing assessed value of the house, City Ordinances require that the entire house, including the existing structure must meet all the Zoning Ordinance regulations; and,
- WHEREAS: The Kosmo's addition cost will exceed 50% of the assessed value of the existing house and is, therefore, required to meet all Zoning Ordinance regulations; and,
- WHEREAS: Because the existing house is within 5 feet of the south property line, the Ordinance requires the existing house to be moved 5 feet north of the south property line to meet the 10 foot setback or that the City grant an interior lot line setback of 5 feet, permitting the existing house to continue to maintain its 5 foot setback from the south property line; and,
- WHEREAS: The Kosmos are planning to add a sunroom measuring 14' x 15' to the front southeast section of the existing house; and,
- WHEREAS: The sunroom addition will be positioned within 27 feet of the east property line; and,
- WHEREAS: The residential structure at 224 5<sup>th</sup> Street North, directly north of the Kosmo property is approximately 27 to 28 feet from the east property line and the Kosmo house with the sunroom addition will be 27 feet from the east property line, which will have a setback of approximately the same distance as the residential property at 224 5<sup>th</sup> Street North, directly north of the Kosmo property; and,
- WHEREAS: The Kosmos cannot add a long addition onto the rear of the house because of the steep incline of their back yard; and,
- WHEREAS: The proposed sunroom addition will not extend out into the front yard any more than the adjoining property owner's house to the north; and,

WHEREAS: The City Council has determined the side yard setback variance and front yard setback variance meet the hardship and particular difficulty requirement as outlined in the City's Zoning Ordinance Section 301(171); and,

WHEREAS: Based on 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 variance would result in undue hardship to the landowner because of circumstances that are unique to the property as described above;
- 2) The requested variances are in keeping with the spirit and intent of the City Ordinances.
- 3) The variances are required in order to allow the property owner to put the property to reasonable use.
- 4) The circumstances creating the need for variances are unique to the property and are not created by the landowner's actions.
- 5) 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(5)(f)(8) granting a front yard setback variance of 3 feet from the Zoning Ordinance requirement of a 30 foot front yard setback permitting the residential structure to be constructed within 27 feet of the front yard lot line adjacent to 5<sup>th</sup> Street South.
- 2) Approve a variance from Zoning Ordinance Section 601.01(5)(f)(10)(b) granting an interior lot line setback variance of 5 feet from the Zoning Ordinance required interior lot line setback of 10 feet, permitting the residential structure to be constructed within 5 feet of the south interior lot line.

Voting in favor: Councilmembers Menard, Schultz and Ridgway.

Voting against: None.

Abstaining: Councilmember Kosmo.

Absent: Councilmember Newell.

**Discuss a Proposal from Charlie Kaiser  
to Provide the City a Temporary Construction Easement  
to his Property to Construct his Access to Lakeside Drive**

Ken Hartung stated at the August 7, 2000 City Council Meeting, the Council adopted a Resolution approving the plat for Bayport Estates and specifying that South Lakeside Drive be constructed at a minimum elevation of 691 feet. He noted the South Lakeside Drive cul de sac elevation of 691 feet requires the City to construct an approach off of Lakeside Drive into Charlie Kaiser's property at 555 South Lakeside Drive. Ken Hartung then reviewed the South Lakeside Drive reconstruction drawing showing South Lakeside Drive and Charlie Kaiser's property. He noted in order for Mr. Kaiser to have reasonable access to Lakeside Drive, it is necessary for the City of Bayport to construct an approach on Mr. Kaiser's property leading to Lakeside Drive. He noted for the City to be able to enter Mr. Kaiser's property, it requires the City to acquire a temporary construction easement from Mr. Kaiser. Additionally, he indicated, constructing the approach on Mr. Kaiser's property will require removing an existing retaining wall along with a large 20-foot coniferous tree. He indicated City Engineer Barry Peters and he met with Mr. Kaiser at 9:30 a.m. on Thursday, September 28, 2000. He indicated Mr. Kaiser is requesting the City reimburse him for the cost of the retaining wall and replacing the tree. The estimated cost of replacing the existing retaining wall and tree is \$5,350.00. Additionally, he noted Mr. Kaiser is requesting the City to reimburse him for past legal fees associated with the Lakeside Drive issue in the amount of \$5,046.74. This would bring the total amount to \$10,436.74. He noted if the City Council is not able to agree on the conditions associated with acquiring a temporary easement for Mr. Kaiser's property, the City would have the option of proceeding with condemnation to acquire an easement to Mr. Kaiser's property. In that case, he noted, the Council would have to adopt a Resolution authorizing the City Attorney to begin condemnation proceedings.

City Attorney Jim Lammers stated the City is required to get a construction easement to enter Mr. Kaiser's property to construct a new approach from his house to reconstructed Lakeside Drive. He stated it is reasonable to expect the City to reimburse Mr. Kaiser for the retaining wall and 20-foot coniferous tree because they must be removed as part of the access construction. He also stated if the City goes through a condemnation procedure, the City will be required to hire an appraiser to conduct an appraisal of the value of the temporary easement. The City would also be required to retain experts in condemnation in real estate and is required to pay the cost associated with the appointment of three commissioners for the condemnation proceedings. He noted the condemnation process will more than likely cost \$5,000.00 and possibly more, depending on the circumstances associated with the proceeding. Additionally, he stated, the condemnation process requires a minimum of 120 days to complete.

Jim Kosmo stated the most efficient way to resolve this issue is to agree to reimburse Mr. Kaiser for his retaining wall, 20-foot tree and certain legal expenses and thereby acquire a construction easement on Mr. Kaiser's property. Councilmember Kosmo stated the condemnation process would require the City to devote a considerable amount of energy and financial resources to the process and the end result will be delays and possibly higher costs than this proposed by Mr. Kaiser. Additionally, he stated the condemnation process puts everyone in an adversarial role, which is not productive to resolving this issue.

Councilmember Ridgway stated she believes the most cost effective way to resolve this issue is to approve a temporary easement agreement with Mr. Kaiser and reimburse him for the cost of the retaining wall, 20-foot tree and certain legal expenses.

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to approve a temporary construction easement agreement between the City of Bayport and Charlie Kaiser, 555 South Lakeside Drive, specifying that the City will reimburse Mr. Kaiser for the retaining wall, 20-foot coniferous tree and certain legal expenses in the amount of \$10,436.74 and direct the City Attorney to construct the temporary construction easement consistent with the Council direction and authorize and direct the Mayor and City Administrator to sign the easement agreement.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss Adopting a Resolution  
Awarding a Contract for the South Lakeside Drive  
Improvement Project**

Ken Hartung stated at the Council Meeting of September 5, 2000, the Council adopted a Resolution approving the plans and specifications for the Lakeside Drive improvement project and establishing the minimum elevation of Lakeside Drive at 691 feet and setting a bid date for Tuesday, September 26, 2000 at 1:00 p.m. CDT. He indicated on Tuesday, September 26, 2000, the City received one bid for the South Lakeside Drive improvement project. He noted the bid was submitted by Tower Asphalt in the amount of \$94,516.90 for all work associated with South Lakeside Drive. He indicated an alternate bid for installing a granite fieldstone retaining wall and installing a three cable guard rail was also supplied by Tower Asphalt for the cul de sac area in the amount of \$8,050.00. He noted the City has received a letter from Ronn Hechter requesting that the City include the alternate bid of installing granite fieldstone retaining wall and three cable guard rail on the cul de sac area and that Mr. Hechter has stated Carl Buechler, Bart Montanari and Luckie, M.C., LLC agree to reimburse the City of Bayport for the actual bid for installing the granite fieldstone and the guard rail in the amount of \$8,050.00. He stated the City has Mr. Hechter's letter on file and if the Council wishes to include the alternate bid for the granite fieldstone retaining wall along with the three cable guard rail as part of the South Lakeside Drive project, the bid amount would be changed to \$102,566.90.

City Attorney Jim Lammers stated he has reviewed the letter and found it to be in order. He noted the letter commits Carl Buechler, Bart Montanari and Luckie, M.C., LLC to pay for the cost of the granite fieldstone retaining wall and three cable guard rail on the cul de sac at Lakeside Drive. He stated the Resolution should also be changed to reflect their payment for this alternate bid.

Ken Hartung also stated Bart Montanari, Carl Buechler and Ronn Hechter are asking a change order be initiated which would allow the installation of a stairway down from the raised South Lakeside Drive cul de sac. Ken Hartung stated the change order could

be initiated at a later time with Tower Asphalt and would require Carl Buechler, Bart Montanari and Ronn Hechter to reimburse the City for the actual cost of said stairway.

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-103**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AWARDING THE CONTRACT FOR THE SOUTH LAKESIDE DRIVE IMPROVEMENT  
PROJECT TO TOWER ASPHALT, LAKELAND, MINNESOTA, IN THE AMOUNT OF  
\$102,566.90.

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 Authorizing a  
Reduction in the Developer's Security Deposit  
for Twinhomes of Bayport**

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-104**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE REDUCTION OF THE TWINHOMES OF BAYPORT ESCROW IN  
THE AMOUNT OF \$29,756.00.

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 - absent  
Jim Kosmo - aye

Sharon Ridgway - aye  
Allen Schultz - aye

**Discuss Adopting a Resolution  
Authorizing the Purchase and Installation  
of Computer Hardware and Software**

Councilmember Menard introduced the following resolution and moved its adoption:

**RES. 00-105**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE PURCHASE AND INSTALLATION OF A PENTIUM III, 933 MHz  
PROCESSOR, 255 MB RAM, 20.4 GIGABYTE HARD DRIVE STORAGE, CD  
READ/WRITE HARDWARE AND CD READ ONLY HARDWARE FROM DELL  
COMPUTER FOR A PURCHASE PRICE OF \$2,508.11 AND AUTHORIZE EXPENSES  
UP TO \$750.00 FOR THE TRANSFER AND UPDATING OF COMPUTER FILES.

Bayport City Council Meeting Minutes  
October 2, 2000

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

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

Sharon Ridgway - aye  
Allen Schultz - aye

## **ADMINISTRATOR'S REPORT**

### **October Council Workshop Date and Time**

The Council decided not to hold a workshop in October.

**Bayport City Council  
Candidate Forum  
Thursday, October 19, 2000  
7:00 p.m.  
Bayport City Council Chambers**

Ken Hartung reminded Councilmembers and members of the viewing public of the Bayport City Council Candidate Forum to be held on Thursday, October 19, 2000 at 7:00 p.m. in Bayport City Council Chambers.

**Discuss the Purchase of Four (4) Tables  
for Council Chambers and Eight (8) Tables  
for the Fire Department**

Ken Hartung stated the City is in the process of exploring the options for purchasing tables for the Fire Department and City Council Chambers. He noted the City is looking at purchasing 8 tables for the Fire Department and 4 tables for City Council Chambers. He noted the tables seem to be coming in at a price of around \$240.00 to \$260.00.

Councilmembers suggested the City Administrator explore state contracts, contracts with Washington County or Prison furniture manufacturing options to determine if we can get the tables for a lower price.

Ken Hartung stated he will come back with specifics on this item at the next Council Meeting.

## **ADJOURN**

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adjourn the City Council meeting of October 2, 2000.

Bayport City Council Meeting Minutes  
October 2, 2000

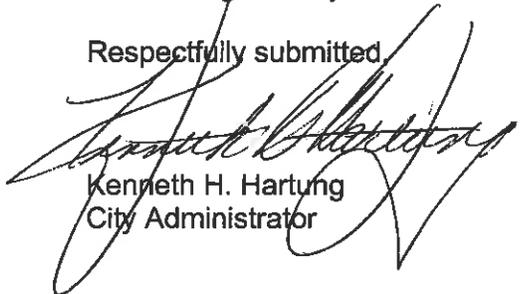
Voting in favor: Councilmembers Menard, Kosmo, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Newell.

The regular City Council meeting of October 2, 2000 adjourned at 8:20 p.m.

Respectfully submitted,

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

Kenneth H. Hartung  
City Administrator

CITY OF BAYPORT  
BAYPORT CITY COUNCIL MEETING MINUTES  
BAYPORT CITY HALL COUNCIL CHAMBERS  
NOVEMBER 6, 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 November 6, 2000 to order at 7:00 p.m. and asked City 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 and Jim Lammers, City Attorney.

**CONSENT AGENDA**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-106**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE NOVEMBER 6,  
2000 COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of October 2, 2000.
- B. Approve bills as presented in the amount of \$463,079.01.
- C. Approve receipts as presented in the amount of \$420,661.88.
- D. Approve building/plumbing/heating permits issued during the month of October, 2000.

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

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

Sharon Ridgway - aye  
Allen Schultz - aye

## **PUBLIC HEARINGS**

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

## **PETITIONS**

Ken Hartung, City Administrator, stated he received a phone call from Councilmember Kosmo on Sunday, November 5, 2000. He stated Councilmember Kosmo indicated he received a phone call from a neighbor of property located in Block 90, near Perro Creek. He stated Mr. Kosmo told him the neighbor had stated the owner of Lots 4 through 12 of Block 90 had apparently driven across the neighbor's property to gain access to his property in the south portion of Block 90. Ken Hartung used a City map to illustrate for Councilmembers the location of the property. He indicated he talked to the owners of the property on Monday at approximately 8:30 a.m. He stated he told the owners of the property that in order for him to do any work, they must first get a survey of the property which accurately defines the property lines. He noted the property is located in an area within the City which is controlled by the City's Zoning Ordinance, the City's Bluffland Shoreland Management Ordinance, the City's Floodplain Ordinance and the City's Subdivision Ordinance. He noted the property owners stated they have an interest in building two single-family residential homes on the property. Ken Hartung stated because the area is controlled by the City's Bluffland Shoreland Management Ordinance, the minimum lot size is 20,000 square feet. He noted he told the property owners in order for the City to consider residential houses on these properties, it will be necessary for the homeowners to complete a survey which includes two foot contours to re-subdivide the property with minimum lots of 20,000 square feet, determine if the area has a wetland and they must go through the normal subdivision platting process. He stated he gave the property owners a copy of the City's Zoning Ordinance, Bluffland Shoreland Ordinance, Floodplain Ordinance and Subdivision Ordinance. He noted the property owners must come back with a survey and topography map, at a minimum, before any work can continue on the property. He noted however, Public Works Supervisor Mel Horak, will be removing a tree from the property which has fallen into Perro Creek and could cause the creek to back up during heavy rains. Ken Hartung stated he will inform Councilmembers regarding any new developments on this property.

## **CITY ATTORNEY**

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

## **CITY ENGINEER**

Ken Hartung stated he told the City Engineer he did not have to attend this evening's meeting.

**DEPARTMENT HEADS**

Ken Hartung stated he had no department head reports unless Councilmembers had specific questions.

**COUNCIL LIAISON REPORTS**

**Joint Cable Commission Meeting**

Councilmember Sharon Ridgway stated the Cable Commission did not meet in October. She noted the next Cable Commission Meeting will be held on Wednesday, November 15, 2000 at 7:00 p.m. at Stillwater City Hall.

**OLD BUSINESS**

Ken Hartung stated no Old Business has been entered into this evening's Council Agenda.

**NEW BUSINESS**

**Discuss Adopting a Resolution  
Authorizing the Purchase of  
12 Meeting Room Tables**

Member Menard introduced the following Resolution and moved its adoption:  
**RES. 00-107**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE PURCHASE OF 12 MEETING ROOM TABLES FROM US OFFICE  
PRODUCTS FOR A PRICE OF \$817.48 AND THAT SUCH EXPENSE SHALL BE  
ALLOCATED FROM THE MUNICIPAL BUILDINGS BUDGET 41940-530.

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 Snow Removal Contract with the  
Minnesota Department of Transportation**

Member Menard introduced the following Resolution and moved its adoption:  
**RES. 00-108**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING AN AGREEMENT IN COOPERATION WITH THE STATE OF  
MINNESOTA FOR SNOW REMOVAL ON TRUNK HIGHWAY 95.

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 Authorizing  
the Reduction in the Developer's  
Security Deposit for the Twinhomes of Bayport**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-109**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING A REDUCTION OF THE TWINHOMES OF BAYPORT ESCROW IN  
THE AMOUNT OF \$7,199.00.

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 - absent  
Jim Kosmo - aye

Sharon Ridgway - aye  
Allen Schultz - aye

**Discuss Authorizing a Donation of the City of Bayport's  
Computer Equipment to the Minnesota  
Computers for Schools Program  
(Formerly Minnesota Department of  
Children, Family and Learning Computer  
Refurbishment Program)**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-110**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING A DONATION OF CERTAIN CITY OF BAYPORT COMPUTER  
EQUIPMENT AND ANCILLARY COMPONENTS TO THE MINNESOTA COMPUTERS  
FOR SCHOOLS PROGRAM (FORMERLY MINNESOTA DEPARTMENT OF  
CHILDREN, FAMILY AND LEARNING COMPUTER REFURBISHMENT PROGRAM).

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 Establishing the 2001  
Salaries for Non-Unionized City Employees**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-111**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING THE ANNUAL 2001 SALARY FOR THE  
SECRETARY/RECEPTIONIST AT \$33,391.00 EFFECTIVE JANUARY 1, 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	Sharon Ridgway - aye
Linda Newell - absent	Allen Schultz - aye
Jim Kosmo - aye	

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-112**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING THE ANNUAL 2001 SALARY FOR THE POSITION OF BOOKKEEPER  
AT \$43,389.00 EFFECTIVE JANUARY 1, 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	Sharon Ridgway - aye
Linda Newell - absent	Allen Schultz - aye
Jim Kosmo - aye	

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-113**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING THE ANNUAL 2001 SALARY FOR THE POSITION OF PUBLIC  
WORKS SUPERVISOR AT \$47,398.00 EFFECTIVE JANUARY 1, 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	Sharon Ridgway - aye
Linda Newell - absent	Allen Schultz - aye
Jim Kosmo - aye	

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-114**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING THE ANNUAL 2001 SALARY FOR THE POSITION OF POLICE CHIEF  
AT \$62,291.00 EFFECTIVE JANUARY 1, 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 - absent  
Jim Kosmo - aye

Sharon Ridgway - aye  
Allen Schultz - aye

**Discuss Nomination for the  
Washington County Board Groundwater  
Advisory Committee**

Moved by Councilmember Kosmo, seconded by Councilmember Menard nominating Ken Hartung, City Administrator for the City of Bayport as an applicant for the Washington County Groundwater Advisory Committee to represent the City of Bayport.

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

Voting against: None.

Absent: Councilmember Newell.

**Discuss Increasing Lakeside Park Shelter  
Reservation Fees for Non-Residents**

Councilmember Menard indicated he believes the City should be charging an additional fee for groups which exceed 200 in number. He indicated Public Works staff is required to do a great deal of work on Saturdays to make sure the facility is cleaned up for Sunday use after a large group has been in. Councilmember Menard suggested the groups from 200 to 399 be charged an additional \$150.00 and groups exceeding 400 be charged an additional \$300.00.

Mayor Allen Schultz suggested the basic park shelter fee be \$150.00 per shelter.

Councilmember Menard suggested shelters stay at \$100.00 per shelter.

Mayor Allen Schultz stated a compromised position might be \$125.00. He indicated last time the City raised its shelter rates was in 1997 to \$100.00. He feels the rate should be increased. He noted the compromised position would be \$125.00 per shelter.

Councilmembers agreed they would adopt a Resolution setting the basic park shelter fee at \$125.00 per shelter and that groups ranging from 200 to 399 would be charged an additional \$150.00 and groups exceeding 400 would be charged an additional \$300.00.

Councilmember Kosmo introduced the following resolution and moved its adoption:  
**RES. 00-115**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING THE PARK SHELTER RESERVATION FEE FOR LAKESIDE PARK.**

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	Sharon Ridgway – aye
Linda Newell – absent	Allen Schultz – aye
Jim Kosmo – aye	

**Discuss Appointing H.L.B. Tautges Redpath, Ltd.  
To Conduct the City of Bayport's 2000 Audit**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-116**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPOINTING H.L.B. TAUTGES, REDPATH, CO. LTD. TO CONDUCT THE CITY'S  
2000 AUDIT FOR A COST NOT TO EXCEED \$19,150.00.**

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

**Discuss Adopting a Resolution  
Authorizing the Installation of Sprinkler Monitoring Systems,  
Authorizing a Sprinkler Monitoring Contract,  
Authorizing an Annual Sprinkler Monitor Inspection Contract  
And Authorizing an Annual Sprinkler System Inspection Contract**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-117**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE INSTALLATION OF A SPRINKLER MONITORING SYSTEM,  
AUTHORIZING A SPRINKLER MONITORING CONTRACT, AUTHORIZING AN  
ANNUAL SPRINKLER MONITORING SYSTEM INSPECTION CONTRACT AND  
AUTHORIZING AN ANNUAL SPRINKLER SYSTEM INSPECTION CONTRACT.**

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  
Declaring a Council Seat Vacancy**

Ken Hartung said the City has received a letter from Councilmember Linda Newell stating she is resigning her position as a Councilmember with the City of Bayport effective November 1, 2000. He stated because Councilmember Newell's resignation became effective after Wednesday, August 30, 2000, Minnesota Statute 512.02, Subd. 2a states that there shall be no special election to fill the vacancy, but that the vacancy shall be filled by Council appointment until the next regular election which will be held in November 2002. He indicated this evening the Council is required to adopt a Resolution to accept Linda Newell's resignation and creating a vacancy on the City Council. He noted the City Council may want to discuss this evening a process for filling that vacancy.

City Attorney Jim Lammers stated the Attorney General of the State of Minnesota has indicated the Council must fill a vacant Council in a reasonable time. He stated a reasonable time certainly could be construed to mean the City Council could fill the position after the City Council election at the January 2001 Council Meeting.

Councilmember Kosmo stated he would like to ask any resident in the City of Bayport who is interested in filling the Council vacancy to submit, in writing, to the Mayor their desire to be considered as an applicant for the vacant position no later than 4:00 p.m. December 8, 2000. He noted he is also recommending the City Council establish a workshop on December 18, 2000 at 7:00 p.m. for the purpose of reviewing the applicants for the vacant position and that the workshop shall be attended by present Councilmembers and newly elected Councilmembers.

Councilmember Kosmo is also suggesting the City Council set the regular City Council Meeting of January 2, 2001 as the date to appoint a person to the vacant Council position.

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-118**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
DECLARING A CITY COUNCIL SEAT VACANCY EFFECTIVE NOVEMBER 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 - aye  
Linda Newell - absent  
Jim Kosmo - aye

Sharon Ridgway - aye  
Allen Schultz - aye

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to request Bayport residents who are interested in seeking appointment to the vacant Council

position on the Bayport City Council to submit to the Mayor, in writing, their desire to be considered as an applicant for the vacant Council position and that they shall submit such documentation to the City no later than 4:00 p.m. December 8, 2000 and that the City Council establish a Council workshop for 7:00 p.m. on December 18, 2000 for the purpose of interviewing individuals who have expressed an interest in being a candidate for the vacant Council position and that the Council fill the vacant Council position at its regular City Council Meeting of Monday, January 2, 2001.

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

Voting against: None.

**Discuss Adopting a Resolution  
Authorizing the Sale of the City's  
1977 Cat 910 Wheel Loader**

Councilmember Kosmo introduced the following resolution and moved its adoption:  
**RES. 00-119**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE SALE OF THE CITY'S 1977 CATERPILLAR 910 WHEEL LOADER  
TO DAVE RUSTAD FOR A PRICE OF \$16,000.00.

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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - aye

**Discuss Administrator's  
Performance Review**

Ken Hartung, City Administrator, stated the contract the City has with him requires the City Council to evaluate his performance on an annual basis. He indicated in the City Council Workshop held on December 14, 1999, the City Council listed 16 tasks or issues which had the potential to be identified as priority items for the City Administrator in the year 2000. He indicated at the January 3, 2000 City Council meeting, it was determined all members of the City Council had to rank the 16 items to determine which projects would have priority in the year 2000. However, one Councilmember had not completed the ranking and the City Council instructed the City Administrator to contact the Councilmember to have him/her complete the ranking. He noted the Councilmember never submitted the ranking and as a consequence, priorities were not established for the 16 issues. He indicated as a consequence of not having established priorities, he focused on completing as many of the items as he could during the calendar year. He noted he has provided a synopsis of the work that has been completed on each of the 16 identified items for Councilmembers review. He noted this item is on the Council Agenda tonight for Councilmembers to discuss how they would like to proceed with the Administrator's performance evaluation.

Councilmember Menard stated he would like to see a sub-committee of Councilmembers appointed to collect the other members' performance review

evaluations and meet with the City Administrator to discuss his performance and contract for the year 2001.

Moved by Councilmember Menard, seconded by Councilmember Ridgway to appoint Mayor Schultz and Councilmember Kosmo to the City Administrator evaluation sub-committee and furthermore, instructed Councilmembers to forward their performance evaluations of the City Administrator to the sub-committee on or before November 13, 2000 and that sub-committee members Mayor Schultz and Councilmember Kosmo are to meet with the City Administrator to review the Councilmembers' evaluation of his performance and recommend contract language for the 2001 City Administrator's contract and that such contract shall be presented to the City Council at their January 2, 2001 Meeting for their review and consideration.

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

Voting against: None.

## **ADMINISTRATOR'S REPORT**

### **General Election**

The City Administrator reminded Councilmembers and members of the public the General Election will be held tomorrow, November 7, 2000. He indicated the polls will open at 7:00 a.m. and close at 8:00 p.m.

### **Election Canvassing Meeting**

Moved by Councilmember Menard, seconded by Councilmember Kosmo to establish the Canvassing Meeting for the November 7, 2000 election results on Wednesday, November 8, 2000 at 6:00 p.m. at Bayport City Hall, 294 North 3<sup>rd</sup> Street.

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

Voting against: None.

### **Barker's Alps Back Stop**

Ken Hartung stated the fencing materials for the new fence and backstop have been delivered to Barker's Alps. He indicated the fence and backstop are scheduled to be installed in the next 2 – 3 weeks.

### **New 2000 Tanker Fire Truck Delivery**

Ken Hartung stated the new 2000 Tanker Fire Truck will be delivered in mid-November. He stated the truck cannot be delivered until Pierce Manufacturing receives its final payment for the truck of \$153,292.00. Ken Hartung stated the City Council will not be meeting before December 4, 2000. Consequently, he is asking the City Council to authorize final payment on the new 2000 Tanker/Pumper fire truck and that the City

Bayport City Council Meeting Minutes  
November 6, 2000

Administrator and Mayor are authorized to sign the check to initiate delivery of the 2000 Tanker Fire Truck.

Moved by Councilmember Menard and seconded by Councilmember Kosmo to authorize final payment of \$153,292.00 for the new 2000 Tanker/Pumper fire truck and authorize the Mayor and City Administrator to sign the check.

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

Voting against: None.

**ADJOURN**

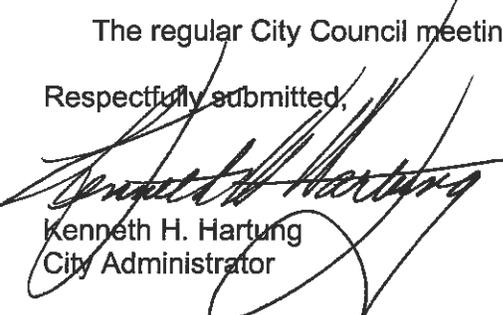
Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adjourn the City Council meeting of November 6, 2000.

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

Voting against: None.

The regular City Council meeting of November 6, 2000 adjourned at 7:52 p.m.

Respectfully submitted,



Kenneth H. Hartung  
City Administrator

CITY OF BAYPORT CANVASSING BOARD  
WEDNESDAY, NOVEMBER 8, 2000

CITY OF BAYPORT  
CITY OF BAYPORT CANVASSING BOARD  
BAYPORT CITY COUNCIL CHAMBERS  
NOVEMBER 8, 2000  
6:00 PM

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Allen Schultz called the City of Bayport Canvassing Board Meeting 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, Sharon Ridgway and Jim Menard.

Members absent: None.

Others Present: Ken Hartung, City Administrator.

**CANVASS THE RESULTS OF THE VOTES CAST IN THE GENERAL ELECTION**

Ken Hartung, City Administrator, stated the Federal, State, County and Local Government General Election was held on Tuesday, November 7, 2000. He indicated state law requires the City of Bayport Canvassing Board to canvass the tabulation of votes cast in the local election. He indicated that in the local election, the individuals who were elected to the Mayor's seat and two Councilmember seats are as follows:

- 1) Mayor-elect Jim Kosmo with a term to commence on January 1, 2001 and expire on December 31, 2002 received 803 votes.
- 2) Councilmember-elect Jack Nyenhuis whose term commences on January 1, 2001 and expires December 31, 2004 won the election with 415 votes.
- 3) Councilmember-elect Sharon Ridgway whose term commences on January 1, 2001 and expires December 31, 2004 won the election with a vote total of 517 votes.

Ken Hartung indicated he has prepared a Resolution for Councilmembers review which canvass the votes.

CITY OF BAYPORT CANVASSING BOARD  
WEDNESDAY, NOVEMBER 8, 2000

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-120**

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, CANVASSING THE TABULATION OF VOTES CAST FOR ONE (1) MAYOR AND TWO (2) COUNCIL POSITIONS AND DECLARING THE RESULTS FROM THE NOVEMBER 7, 2000 ELECTION.

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

Jim Menard – aye  
Jim Kosmo – aye

Sharon Ridgway – aye  
Allen Schultz – aye

**ADJOURN**

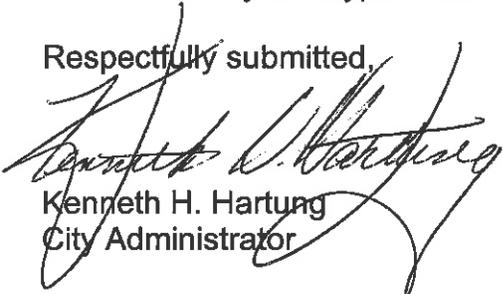
Moved by Councilmember Menard, seconded by Councilmember Kosmo, to adjourn the City of Bayport Canvassing Board.

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

Voting against: None.

The City of Bayport Canvassing Board adjourned its meeting at 6:04 p.m.

Respectfully submitted,



Kenneth H. Hartung  
City Administrator

CITY OF BAYPORT  
BAYPORT CITY COUNCIL MEETING MINUTES  
BAYPORT CITY HALL COUNCIL CHAMBERS  
DECEMBER 4, 2000  
7:00 P.M.

**CALL TO ORDER**

Mayor Allen Schultz called the regular City Council Meeting of December 4, 2000 to order and asked City 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: None.

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

**CONSENT AGENDA**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-120**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING CONSENT AGENDA ITEMS A, B, C, AND D FROM THE DECEMBER 4,  
2000 COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of November 6, 2000.
- B. Approve bills as presented in the amount of \$629,114.92.
- C. Approve receipts as presented in the amount of \$359,928.73.
- D. Approve building/plumbing/heating permits issued during the month of November, 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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - aye

## **PUBLIC HEARINGS**

### **2001 Truth in Taxation Associated with the 2001 City of Bayport Budget**

Mayor Allen Schultz opened the Public Hearing related to the City's Truth in Taxation Meeting and asked the City Administrator to read the Notice of Hearing.

Ken Hartung, City Administrator, read the Notice of Hearing stating that the Notice of the Truth in Taxation Public Hearing was posted in City Hall on November 2, 2000. He also stated on November 2, 2000, the City faxed to the Stillwater Evening Gazette, the City's official newspaper, a copy of the hearing notice which was to be published in the paper on November 27, 2000. He stated the City has documentation verifying the Public Hearing Notice for the Truth in Taxation meeting was faxed to the Gazette, along with instructions to publish on November 27, 2000. However, he stated, the Gazette did not publish the Public Hearing Notice for the Truth in Taxation meeting on November 27, 2000. He stated staff contacted the Gazette today asking them why the City's Truth in Taxation Public Hearing Notice was not published on November 27, 2000. He noted Gazette staff was unable to answer why it was not published. He stated the Gazette staff offered to publish the Public Hearing Notice today. Consequently, the notice was published today indicating the City will continue its Public Hearing for its Truth in Taxation Meeting on Tuesday, January 12, 2000. Consequently, he stated, he will be asking the City Council to continue the Public Hearing to Tuesday, December 12, 2000. He noted publishing the Public Hearing Notice for the Truth in Taxation on December 4, 2000 and holding a continuation of the Public Hearing for Truth in Taxation on December 12, 2000 will meet the statutory Public Hearing Notice requirement.

Ken Hartung went on to explain the difference between private company's modified accrued accounting system and government cash accounting systems used by the City of Bayport. He also reviewed with Councilmembers and the public, the City's designated funds, which include the general fund, DARE fund, drug forfeiture fund, fire equipment replacement fund, library fund, recreation capital equipment and maintenance fund, public works equipment replacement fund, street reconstruction fund, trunk utility and capital improvement fund, enterprise fund, and tax stabilization fund.

Ken Hartung stated the City Council's budget goals for 2001 include:

- 1) Extending the Andersen Fee for Service Agreement through the year 2005.
- 2) Establish a tax stabilization fund to cushion the financial impact should the Andersen Fee for Service be significantly reduced in the future.
- 3) Eliminate the City's debt.
- 4) Pay cash for major improvements and do not borrow.
- 5) Keep property taxes as low as possible.
- 6) Encourage new development.

Ken Hartung stated the City has three bonds which make up the City's debt structure. He indicated those bonds include a municipal buildings bond to build the public works building issued in 1991 in the amount of \$710,000.00 which requires an \$80,000.00 levy associated with payment for the year 2001. He indicated a street improvement bond issued in 1991 in the amount of \$695,000.00 will require a tax levy

Bayport City Council Meeting Minutes  
December 4, 2000

for debt payment in 2001 of \$87,000.00. He also stated the TIF bond in 1990 in the amount of \$1,850,000.00 requires a levy of \$13,000.00 to help make the debt payment on the bond in the year 2001. He stated the City of Bayport has significantly reduced its debt over the past years. He stated at the end of 1993, the City had \$6,436,000.00 in debt. He noted at the end of 2001, the City will have reduced its debt to \$2,105,000.00, which is a debt reduction of \$4,331,000.00.

Ken Hartung stated the budget process for the year 2001 began in June of 2000 with staff outlining the budget needs for the year 2001. He noted following staff preparation of the budget, the budget was assembled and distributed to Councilmembers for their review. The Council held budget workshops on July 6, 2000 at 7:00 p.m. in City Council Chambers and August 17, 2000 at 7:00 p.m. in the City Council Chambers. He noted the City Council Workshop notices were published in the City's official newspaper, the Stillwater Evening Gazette, at least a week before the workshops. He noted at the regular City Council Meeting of Tuesday, September 5, 2000, the City Council adopted Resolution 00-90 establishing a preliminary levy for the City of Bayport's general fund, debt service and library funds of \$1,062,450.00. He noted this represents a \$52,899.00 increase above the 2000 levy of \$1,009,641.00. He stated the proposed 2001 levy represents a 5.23% increase over the adopted 2000 levy.

Ken Hartung went on to summarize the increases and decreases of the general fund department budgets for the year 2001 by using the following tables:

**City of Bayport  
2001 Budget Increased  
and Decreased Expenses**

<u>Budget Category</u>	<u>Increase/ Decrease</u>
<b>Administrative</b>	<b>\$5,869</b>
Wages & Benefits	-\$2,256
Professional Services	\$2,260
Office Equipment	\$4,100
Office Supplies	\$881
Conferences & Schools	\$615
Miscellaneous	\$269
<b>Cemetery – west water line</b>	<b>-\$701</b>
<b>Elections</b>	<b>-\$3,876</b>
<b>Fire</b>	<b>\$12,894</b>
Wages – Medical increased to \$8 – number of runs increased	

Bayport City Council Meeting Minutes  
December 4, 2000

<u>Budget Category</u>		<u>Increase/ Decrease</u>
<b>Mayor &amp; Council</b>		\$4,988
Legal	\$150	
Engineering	\$644	
Audit	\$650	
Insurance	\$118	
Conferences	\$1,000	
Repair & Maintenance	\$500	
Community Projects	\$1,500	
Miscellaneous	\$356	
<b>Municipal Buildings</b>		-\$9,857
Phones	\$1,486	
Repair & Maintenance	-\$20,000	
Capital Outlay	\$8,000	
Miscellaneous	\$657	
<b>Parks</b>		\$6,563
Part-time salaries	\$8,730	
Contract Services	-\$2,650	
Chemicals	-\$630	
Trees	\$1,485	
Fuels & Repairs	-\$1,281	
Satellites	\$800	
Miscellaneous	\$109	
<b>Planning &amp; Zoning</b>		\$6,243
Wages & Benefits	\$1,040	
Legal	\$550	
Contract Services	\$850	
Microfilming	\$2,450	
Repair & Maintenance	\$120	
Engineering	\$920	
Office Supplies	\$313	
<b>Police</b>		\$50,471
Wages & Benefits	\$40,838	
Uniforms	\$1,296	
Fuel	\$750	
Legal	\$3,000	
Insurance	\$900	
Automation	\$339	
Vehicle Repair	\$552	
Community Projects	-\$1,000	
Capital Outlay	\$3,500	
Miscellaneous	\$296	

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<u>Budget Category</u>	<u>Increase/ Decrease</u>
<b>Recycling</b>	\$583
<b>Street Maintenance</b>	\$30,811
Wages & Benefits	\$3,777
Salt & Sand	\$1,725
Seal Coating	-\$10,000
Trees	\$990
Sidewalks	\$15,000
Street Capital	\$15,000
Repair & Maintenance – vehicle	\$4,383
Miscellaneous	\$64
<b>Street Lighting</b>	-\$633
<b>Transfer Debt Service</b>	\$1,000
<b>Total General Fund Increase</b>	\$104,355
<b>Library</b>	\$24,857
<b>TOTAL INCREASE</b>	<b>\$129,212</b>

City Administrator, Ken Hartung, reviewed the general fund expenses by department in the year 2000 and 2001 outlining the percentage of expenditure budget which has been allocated to each department for the year 2000 and 2001. He went on to review with the City Council and members of the public, the expenses associated with wages and benefits for the general fund. He noted approximately 46% of the general fund expenditures are associated with wages and benefits for personnel employed in those areas. He noted the general fund has 35 part-time employees which break down to 27 firefighters, 5 Councilmembers, 2 police officers and 1 streets person. He noted the full-time employees in the general fund account for 8 ½ employees. He noted wages and benefits for the library account for approximately 59% of expenditures associated with its budget. He indicated there are 4 part-time librarians and 2 full-time library personnel.

Ken Hartung then outlined for Councilmembers and the public, the Bayport 2001 revenue increases and decreases as projected by City staff. He outlined those increases as follows:

**Bayport 2001 Budget  
Revenue Increases and Decreases**

1. TAX LEVY		\$52,809
Local Levy	\$79,086	
Fiscal Disparity	-\$26,277	
2. HACA		\$ 43
3. LOCAL GOVERNMENT AID		-\$11,759
4. BUILDING PERMITS		\$ 1,000
5. LPA		-\$ 3,795
6. POLICE STATE AID		\$ 6,000
7. FIRE STATE AID		\$ 3,000

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8. PLANNING ZONING PERMITS	\$ 1,000
9. SPECIAL ASSESSMENTS	\$ 1,500
10. RENTAL INCOME	\$ 5,000
11. PARK FEES	\$ 500
12. MISC, POLICE REPORTS	-\$ 450
13. INTEREST EARNINGS	\$13,000
14. COURT FINES	\$ 5,000
15. REFUND & REIMBURSEMENTS	\$ 1,500
16. ANDERSEN FEES FOR SERVICES	\$54,864
TOTAL NON LEVY REVENUE	\$76,360
TOTAL REVENUE INCREASE	\$129,212
TOTAL EXPENDITURE INCREASE	\$129,212
EXPENDITURES ABOVE REVENUE	\$ 0

Ken Hartung went on to review the revenue sources for the City's 2001 budget coming from the following areas:

1) Taxes	47%
2) Charges for Services	29%
3) Intergovernmental Funding	16%
4) Miscellaneous	4%
5) Fines	2%
6) Licenses and Permits	2%

Ken Hartung stated in the year 2001, \$1.00 of taxes paid by Bayport residents are broken down as follows:

1) School District	\$ .42
2) City of Bayport	\$ .33
3) County	\$ .20
4) Other (i.e. Metropolitan Council)	\$ .05

Ken Hartung also indicated \$1.00 of City taxes are allocated into the following areas in the 2001 budget:

1) General fund	40%
2) Tax Stabilization fund	33%
3) Debt Service fund	17%
4) Library	10%

Ken Hartung went on to list the City tax levy comparison for 2000/2001 for Councilmembers and members of the public using the following table:

**CITY TAX LEVY  
 COMPARISON 2000/2001**

Market Value of Home 2001	\$ 88,523	\$118,030	\$147,538	\$191,730
Market Value of Home 2000	\$ 80,475	\$107,300	\$134,125	\$174,300
Tax/Proposed 2001 Levy	\$393.28	\$591.36	\$789.45	\$1,086.12
Tax/Adopted 2000 Levy	\$345.67	\$529.16	\$712.64	\$987.44
Increase	\$47.61	\$62.20	\$76.81	\$98.68

Ken Hartung went on to indicate that based on the proposed 2001 levy, a median value home of \$119,300 pays \$1.65 per day for services received from the City from Administration, Cemetery Services, Debt Service, Elections, Fire, Mayor & Council, Municipal Buildings, Parks, Police, Planning and Zoning, Recycling, Streets, Street Lighting and Library. He illustrated with the use of a table, the amount of funding of the \$1.65 per day per household which is allocated to the general fund, library fund and debt service fund.

**COST PER HOUSEHOLD PER DAY  
 MEDIAN VALUE HOME \$119,300 AS DETERMINED BY COUNTY**

	Proposed 2001 Net Levy
Home Value	\$119,300.00
GENERAL FUND	\$ 1.15
LIBRARY	\$ 0.16
DEBT	\$ 0.34
TOTAL	\$ 1.65

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to continue the Truth in Taxation Public Hearing until 6:00 p.m. Tuesday, December 12, 2000, in Bayport City Council Chambers.

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

Voting against: None.

Absent: None.

## PETITIONS

**Lawrence Rucker  
Owner of Lots 4 - 12, Block 90**

Lawrence Rucker, the owner of property listed as Lots 4 through 12, Block 90, asked to address the City Council. Mr. Rucker stated he is before the City Council this evening to discuss access to his property. He stated his property is bounded on the south by the Union Pacific Railroad right-of-way, bounded on the east by the City of Bayport alley right-of-way and bounded on the west by the City of Bayport's 2<sup>nd</sup> Street South right-of-way. He indicated on Sunday, November 5, 2000, he was planning to do some clean up work on the property which he owns. He stated he was trying to gain access to his property from what he believes is a public right-of-way which has a sign posted listed as 2<sup>nd</sup> Street South next to the Casperson residence. He stated he rented a loader and was bringing a truck to perform the clean up. He indicated before he was able to start the clean up, Mrs. Casperson made statements to the effect that he had no right to access his property down the area which was labeled 2<sup>nd</sup> Street South. Furthermore, he stated, following his conversation with Ms. Casperson, a Bayport Police Officer talked to him and told him he had to cease and desist his activity. He indicated he feels he has been unfairly denied access to his property and denied access to a public right-of-way labeled as South 2<sup>nd</sup> Street, which provides him access to his property.

Ken Hartung, City Administrator, laid out a City map outlining Mr. Rucker's property. He indicated the City map identifies a 20' easement for an alley on Block 90. He stated the sign which has been erected as South 2<sup>nd</sup> Street may or may not be a public right-of-way. He indicated the road which has been constructed on South 2<sup>nd</sup> Street was never constructed by the City. He indicated the road was constructed by residents to gain access to their property off of 3<sup>rd</sup> Avenue South by using the road. He noted the City, at the present time, does not know where the alley right-of-way is which could provide access to Mr. Rucker's property. He noted he met with Mr. Rucker and his son approximately a month ago stating that the way to solve the right-of-way issue is for Mr. Rucker to perform a boundary survey of his property. He noted the eastern boundary of his property would determine the western boundary of the 20' alley right-of-way. He stated the western boundary of his property would define the eastern boundary of the 60' South 2<sup>nd</sup> Street right-of-way.

Councilmember Kosmo stated he understands Mr. Rucker's position that he should have access to his property. He stated, however, that driving large equipment, coming into an area which normally has had access by the residents on a Sunday afternoon did cause residents to have some legitimate concerns. Councilmember Kosmo stated Mr. Rucker needs to work with City Administrator Ken Hartung to bring a resolution to this problem. He stated Mr. Rucker needs a Certificate of Survey, at a minimum, to determine his property boundaries. Once he has a Certificate of Survey, he should work with City Administrator Ken Hartung to see if he can gain access to his property on the City's alley right-of-way on Block 90.

## CITY ATTORNEY

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

## **CITY ENGINEER**

Barry Peters, Consulting City Engineer, stated he had nothing to add at this time on the Council Agenda.

## **DEPARTMENT HEADS**

Ken Hartung stated he has nothing to add related to Department Heads unless Councilmembers had specific questions.

## **COUNCIL LIAISON REPORTS**

### **Joint Cable Commission Meeting**

Councilmember Ridgway stated the Joint Cable Commission Meeting was held on November 15, 2000 at 7:00 p.m. at Stillwater City Hall. She stated items discussed at the Cable Commission Meeting were:

- 1) Identifying an estimate for remodeling the new proposed Cable Commission and Access Studio site which is in the River Heights Plaza. The Cable Commission and Access Studio are planning to move into its new facility on January 16, 2001.
- 2) Authorize the Cable Commission to purchase new computer equipment.
- 3) A meeting has been scheduled for December 6, 2000 at 7:00 p.m. at Bayport City Hall between the Joint Cable Commission and the Lower St. Croix Cable Commission.

Councilmember Sharon Ridgway stated the next Cable Commission Meeting has been slated for Wednesday, December 20, 2000 at 7:00 p.m. at Bayport City Hall.

## **OLD BUSINESS**

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

## **NEW BUSINESS**

**Discuss Adopting a Resolution  
Giving Approval for the Issuance  
Of Revenue Bonds and Authorizing  
Execution of a Joint Powers and Allocation  
Agreement Related to Bank Qualification  
Of Such Revenue Bonds  
(Boutwell's Landing Project)**

Member Kosmo introduced the following Resolution and moved its adoption:

**RES. 00-121**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, GIVING APPROVAL FOR THE ISSUANCE OF REVENUE BONDS AND AUTHORIZING THE EXECUTION OF A JOINT POWERS AND ALLOCATION AGREEMENT RELATED TO BANK QUALIFICATIONS FOR SUCH REVENUE BONDS (BOUTWELL'S LANDING 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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - aye

**Discuss a Request for a  
Sign Variance for Bayport American Legion**

Ken Hartung stated the City has received a request from Bayport American Legion at 263 North 3<sup>rd</sup> Street for the City to consider granting a variance permitting them to erect a second business sign in front of the building. He noted in July of 2000, the American Legion Club agreed to be the Bayport Senior Center. He stated the Bayport Legion, the Hugh J. Andersen Foundation and the Community Volunteer Service of the St. Croix Valley have teamed up to operate the Bayport Senior Community Center in the American Legion Facility. He noted because there is no sign identifying it as a senior center, a number of senior citizens have a problem locating the site. He indicated the Legion would like to erect a second business sign identifying the Legion as the Bayport Senior Community Center. He noted the Planning Commission held a Public Hearing on November 13, 2000 and recommended the City Council approve the variance.

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-122**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING VARIANCE CERTIFICATE CASE NO. 00-21V FOR THE BAYPORT AMERICAN LEGION POST 491, 263 NORTH 3<sup>RD</sup> STREET, BAYPORT, MINNESOTA WITH A LEGAL DESCRIPTION OF LOT 3, BLOCK 56, BAYPORT (FORMERLY SOUTH STILLWATER).

**FINDINGS OF FACT:**

**WHEREAS:** Bayport American Legion Post No. 491 is the owner of property identified in the legal description above and addressed at 263 North 3<sup>rd</sup> Street; and,

**WHEREAS:** The property addressed at 263 North 3<sup>rd</sup> Street is located in an area zoned B-3, Central Business District; and,

**WHEREAS:** The land to the north, west and south is zoned B-3 Central Business District; and,

**WHEREAS:** The land to the east is zoned R-4 Single Family Urban District; and,

**WHEREAS:** The American Legion has 2 existing signs on its property. Those signs are:

- 1) An existing business sign measuring 4' x 5' = 20 sq. ft. which states, "Bayport Post No. 491, The American Legion".
- 2) An existing nameplate sign measuring 1.3' x 16' = 21 sq. ft. which states, "Legion Club"; and,

**WHEREAS:** In July of this year, the Hugh J. Andersen Foundation and the St. Croix Valley Community Volunteer Service established the Bayport American Legion as a community senior center. The community senior center functions as a gathering place for mature Bayport residents to engage in social activities and enjoy a noontime meal; and,

**WHEREAS:** Because the Bayport American Legion currently has 2 signs which identify it as an American Legion Club, some senior citizens are confused about where the Bayport Senior Community Center is located. Consequently, the Legion would like to erect a new business sign measuring 2' x 5' stating, "Bayport Senior Community Citizen" thereby identifying for senior citizens, the location of the Bayport Senior Community Center at the Bayport American Legion; and,

**WHEREAS:** The erection of the Bayport Senior Community Center sign would locate a second business sign at the Bayport American Legion site; and,

**WHEREAS:** Zoning Ordinance Section 727.28(2) permits only one business sign to exist on any one business site. Consequently, in order for the second business sign to be erected identifying the Bayport American Legion as the Bayport Senior Community Center, it will require the City Council to grant a variance permitting a second business sign to be erected at 263 North 3<sup>rd</sup> Street; and,

**WHEREAS:** The Bayport City Council has determined that the Bayport American Legion's variance request to erect a second business sign identifying the Bayport American Legion as the Bayport Senior Community Center meets the criteria specified in Zoning Ordinance Section 301(171); and,

**WHEREAS:** Based on the 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 variance would result in undue hardship to the landowner and to the citizens of Bayport because of the circumstances that are unique to the property which is being used for both the Bayport American Legion functions and Bayport Senior Community Center activities.
- 2) The requested variance is in keeping with the spirit and intent of the City's Zoning Ordinance.
- 3) The variance is required in order to allow the property owner to put the property to reasonable use and to function as the Bayport Senior Community Center.
- 4) Granting the requested variance 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 727.28(2) granting a sign variance to permit a second business sign measuring 2' x 5' and erected at a height of 3 ½ feet stating, "Bayport Senior Community Center" be constructed at 263 North 3<sup>rd</sup> Street.

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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - aye

**Discuss Renewal of the City Issued  
Liquor Licenses for 2001**

Moved by Councilmember Ridgway, seconded by Councilmember Menard, to approve the renewal of the following liquor licenses:

<b><u>License Renewal Establishment</u></b>	<b><u>Type of Liquor License</u></b>
Bradley Smith Woody's Bar & Grill 109 North 3 <sup>rd</sup> Street	On-sale Intoxicating On-sale Sunday Intoxicating Off-sale
Jerome Foss Little Rascals Bar & Grill 193 North 3 <sup>rd</sup> Street	On-sale Intoxicating On-sale Sunday Intoxicating Off-sale

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Bruce E. Stanton  
Greystone Bar  
143 North 3<sup>rd</sup> Street

On-sale Intoxicating  
On-sale Sunday Intoxicating  
Off-sale

Hesley Jensen Post  
American Legion Post 491  
263 North 3<sup>rd</sup> Street

Club On-sale Intoxicating  
Club On-sale Sunday Intox.

Oasis Market  
Twin Cities Stores, Inc.  
174 North 3<sup>rd</sup> Street

Off-sale Non-intoxicating

James Kyndberg  
Bayport Cookery  
328 North 5<sup>th</sup> Avenue

On-sale Intoxicating  
On-sale Sunday Intoxicating

Bayport Club, Inc.  
Clyde's on the St. Croix  
101 South 5<sup>th</sup> Avenue

On-sale Intoxicating  
On-sale Sunday Intoxicating  
Off-sale

Debra Ann Place  
Bayport Liquors  
102 North 3<sup>rd</sup> Street

Off-sale Intoxicating

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

Voting against: None.

**Discuss Approving Licenses  
for the Sale of Tobacco Products**

Moved by Councilmember Menard, seconded by Councilmember Ridgway, to approve renewal of the following licenses to sell tobacco products:

1. Woody's Bar and Grill  
109 North 3<sup>rd</sup> Street
2. Little Rascals Bar and Grill  
193 North 3<sup>rd</sup> Street
3. Greystone Bar  
143 North 3<sup>rd</sup> Street
4. Twin Cities Stores, Inc. (Oasis Market)  
174 North 3<sup>rd</sup> Street
5. Clyde's on the St. Croix  
101 South 5<sup>th</sup> Avenue

6. Bayport Liquors  
102 North 3<sup>rd</sup> Street

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

Voting against: None.

**Discuss Approving Expenditures  
To Expand the Secretary/Receptionist Workstation**

Moved by Councilmember Menard, seconded by Councilmember Ridgway, to authorize Facility Systems, Inc. of Plymouth, Minnesota to complete the work associated with the Secretary/Receptionist workstation for an amount of \$600.00 and that such expenditure shall be allocated from the City's Municipal Building Department Budget 41940-420.

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

Voting against: None.

**Discuss Council Action  
Related to Tax Forfeiture Land**

Ken Hartung stated the City has received a letter from the County indicating that Parcels 13 and 14 of Block 92 are properties within the City of Bayport which are tax forfeiture land. He indicated the County has stated the City must determine within 60 days whether it wishes to have the tax forfeiture land go on public auction or whether the City wishes to acquire the property for public purposes. He stated he reviewed Parcels 13 and 14 of Block 92 with Barry Peters, the City Engineer, and Mel Horak, Public Works Supervisor, to determine if they saw any merit for the City to acquire the property. He stated at this time, the City Engineer and Public Works Supervisor do not see any benefit to the City to acquire the property.

Councilmember Kosmo introduced the following resolution and moved its adoption:  
**RES. 00-123**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE SALE OF LOTS 13 AND 14, BLOCK 92, BAYPORT (FORMERLY  
SOUTH STILLWATER) FOR PUBLIC AUCTION.**

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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - aye

**Discuss Authorizing a Donation  
To the Youth Service Bureau**

Ken Hartung stated the City has received a request from the President of the Board of Directors of the Youth Service Bureau for the City to consider making a donation to the Service Bureau.

Moved by Councilmember Kosmo, seconded by Councilmember Ridgway, to authorize a donation to the Youth Service Bureau in the amount of \$500.00 and that such donation shall come from the Miscellaneous Community Projects Budget of the City Council.

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

Voting against: None.

**Discuss Increasing Rates for  
Hazelwood Cemetery**

Ken Hartung, City Administrator, stated the last time the City authorized an increase in the Hazelwood Cemetery rates was on July 6, 1998. He reviewed with Councilmembers, the revenue and expenditures for the Cemetery over the past 6 years. He noted because of the limited use of the Cemetery by Bayport residents, he would like to establish a Cemetery Fund as a Special Revenue Fund. He noted establishing the Cemetery Fund as a Special Revenue Fund would require revenues generated by the Cemetery to at least be equal to its expenditures. He noted because of the selected use of the Cemetery by Bayport residents, it may make more sense to cover the cost of expenditures associated with the Cemetery from the revenue of those people actually using the Cemetery. He stated to ensure the Cemetery could operate as a Special Revenue Fund, the Council may want to consider raising the fees associated with Hazelwood Cemetery.

Councilmembers discussed the fee structures for Hazelwood Cemetery and determined they will adopt a Resolution approving the following fee structures associated with the operation of Hazelwood Cemetery effective January 1, 2001.

1) Sale of a single grave	\$600.00
2) Opening and closing a grave	\$600.00
3) Burial of cremains	\$200.00
4) Set and/or reset single marker	\$100.00
5) Set and/or reset double marker	\$150.00
6) Set urn holder post in cement	\$ 75.00
7) Transfer title	\$100.00
8) Additional charge for winter burial (during frost season)	\$500.00
9) Marking placement of headstone	\$ 75.00

Councilmember Kosmo introduced the following resolution and moved its adoption:

**RES. 00-124**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AMENDING RESOLUTION 98-59 DATED JULY 6, 1998 ESTABLISHING THE RATES  
FOR HAZELWOOD CEMETERY EFFECTIVE JANUARY 1, 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  
Allen Schultz – aye

Sharon Ridgway - aye  
Jim Kosmo – aye

**Discuss Certifying Delinquent Garbage Bills  
To 2001 Property Tax Rolls**

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-125**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
CERTIFYING CERTAIN PAST DUE GARBAGE BILLS TO CERTAIN RESIDENT'S  
PROPERTY TAXES TO BE PAYABLE IN 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  
Allen Schultz – aye

Sharon Ridgway - aye  
Jim Kosmo – aye

**Discuss Adopting a Resolution  
Authorizing a Salary Adjustment  
For the Public Works Supervisor Position**

Ken Hartung stated the City of Bayport hired Mel Horak as its Public Works  
Supervisor effective September 13, 1999. He stated the Resolution appointing Mr.  
Horak indicated that Mr. Horak was required to successfully acquire a Class D water  
license and a Class SC sewer collection license in order to be eligible to get the salary  
step increase to step 5 and the cost of living increase to his annual salary. He noted Mr.  
Horak had received his Class D water supply operator's license from the Minnesota  
Department of Health on August 12, 2000 and received his Class SC sewer license from  
the Minnesota Pollution Control Agency on November 17, 2000. Consequently, he  
stated, he is asking the City Council to authorize a step increase for Public Works  
Supervisor Mel Horak effective November 17, 2000 and a cost of living adjustment to his  
salary effective January 1, 2001.

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-126**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ESTABLISHING A SALARY STEP ADJUSTMENT AND COST OF LIVING  
ADJUSTMENT FOR PUBLIC WORKS SUPERVISOR POSITION HELD BY MEL  
HORAK.

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  
Allen Schultz – aye

Sharon Ridgway - aye  
Jim Kosmo - aye

**Discuss Adopting a Resolution  
Approving an Agreement With  
Lafayette Life Insurance Company  
To Provide the City of Bayport's  
Employee Life Insurance Policy**

Councilmember Kosmo introduced the following resolution and moved its adoption:  
**RES. 00-127**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING AN AGREEMENT WITH LAFAYETTE LIFE INSURANCE COMPANY TO  
PROVIDE THE CITY OF BAYPORT'S EMPLOYEE LIFE INSURANCE POLICY

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  
Allen Schultz – aye

Sharon Ridgway - aye  
Jim Kosmo – aye

**ADMINISTRATOR'S REPORT**

**City Council 2001 Budget Adoption Meeting  
Tuesday, December 12, 2000  
Bayport City Council Chambers  
6:00 p.m.**

Ken Hartung stated the City Council has scheduled the 2001 Budget Adoption  
Meeting for Tuesday, December 12, 2000. He indicated he wanted to know if  
Councilmembers wanted to add anything to the Agenda.

Moved by Councilmember Menard, seconded by Councilmember Kosmo, to  
establish a Special Meeting for Tuesday, December 12, 2000 for the following items:

- 1) Continuation of the 2001 Budget Truth in Taxation Hearing.
- 2) To adopt a 2001 City of Bayport Budget.

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- 3) Discuss Concrete Floor Options for the Bayport Fire Station.
- 4) Discuss the Washington County Proposal to consolidate Watershed Districts and Water Management Organizations into three Watershed Districts.
- 5) Discuss the Administrator's Performance Review and discuss contract renewal for 2001.

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

Voting against: None.

**City Council Workshop**  
**Monday, December 18, 2000**  
**Bayport City Council Chambers**  
**7:00 p.m.**

Ken Hartung stated this is a courtesy reminder for Councilmembers and residents of Bayport that the City Council will hold a workshop on Monday, December 18, 2000 at Bayport City Council Chambers at 7:00 p.m. for the purpose of interviewing City Council Candidates.

**2,000 Gallon Pumper/Tanker**  
**Fire Truck**

Ken Hartung stated the City has received its new 2,000 gallon pumper/tanker fire truck. He noted fire personnel have been training on the new pumper/tanker fire truck last weekend to familiarize themselves with the operation of the truck. He stated Fire Chief Brad Carmichael has indicated the new pumper/tanker truck is in service.

**ADJOURN**

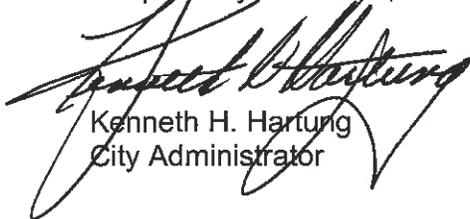
Moved by Councilmember Kosmo, seconded by Councilmember Menard, to adjourn the City Council meeting of December 4, 2000.

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

Voting against: None.

The regular City Council meeting of December 4, 2000 adjourned at 8:45 p.m.

Respectfully submitted,

  
Kenneth H. Hartung  
City Administrator

CITY OF BAYPORT  
BAYPORT SPECIAL CITY COUNCIL MEETING MINUTES  
BAYPORT CITY HALL COUNCIL CHAMBERS  
DECEMBER 12, 2000  
6:00 P.M.

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Allen Schultz called the Special City Council Meeting of December 12, 2000 to order at 6:10 p.m. and asked the City Administrator to call roll.

**ROLL CALL**

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

Councilmember Kosmo arrived at 7:40 p.m.

Absent: None.

Others Present: Ken Hartung, City Administrator; Mel Horak, Public Works Supervisor; Brad Carmichael, Fire Chief; Jack Nyenhuis, Councilmember-elect and Rene' Stone, Councilmember Candidate.

**PUBLIC HEARINGS**

**Continuation of the 2001  
Budget Truth in Taxation  
Hearing**

Mayor Allen Schultz reconvened the Truth in Taxation Hearing for the year 2001 Budget and asked the City Administrator to read the Notice.

Ken Hartung, City Administrator, indicated at the City Council Meeting of December 4, 2000, the Council recessed the Truth in Taxation Hearing until tonight at 6:00 p.m. He noted the Truth in Taxation Public Hearing Notice was published in the Stillwater Evening Gazette on Monday, December 4, 2000. He stated the purpose of tonight's Truth in Taxation Hearing is to take public comment on the City's levy and budget.

Mayor Allen Schultz opened the hearing for public comment. No one from the public spoke to the City of Bayport's proposed 2001 levy or budget.

Moved by Councilmember Menard, seconded by Councilmember Ridgway to close the Public Hearing related to the year 2001 Truth in Taxation Hearing for the City's 2001 levy and 2001 budget.

Voting in favor: Councilmembers Ridgway, Menard and Schultz.

Voting against: None.

Absent: Councilmember Kosmo.

## **NEW BUSINESS**

### **Discuss Adopting the 2001 Levy Certification and 2001 Bayport Budget**

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-128**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY FOR  
THE YEAR 2001 BUDGET AT \$1,062,450.

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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - absent

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-129**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ADOPTING THE GENERAL FUND BUDGET, SPECIAL LIBRARY FUND BUDGET,  
DARE FUND BUDGET, DRUG FORFEITURE FUND BUDGET, WATER FUND  
BUDGET, SEWER FUND BUDGET, TRUNK WATER AND TRUNK SEWER UTILITY  
CAPITAL IMPROVEMENT FUND BUDGET, FIRE EQUIPMENT REPLACEMENT  
FUND BUDGET AND PUBLIC WORKS EQUIPMENT REPLACEMENT FUND BUDGET  
FOR 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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - absent

### **Discuss Purchase Options To Replace the 1968 GMC Dump Truck**

Ken Hartung stated the year 2001 Street budget identifies \$30,000.00 to facilitate the  
replacement of the Public Works existing 1968 GMC Dump Truck. He indicated Mel  
Horak, Public Works Supervisor, has been working on options for replacing the 1968  
Dump Truck.

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Mel Horak, Public Works Supervisor, stated the City of Bayport currently operates a 1968 GMC single axle truck for hauling snow and brush. He noted the truck is equipped with a 12' long box and approximately 10.5 cubic yard capacity. He noted the weight carrying capacity is very limited to approximately 5 tons. He noted the City currently has 2 Ford L-8000 single axle plow trucks which legally can hold a 6.5 to 7 ton payload. He indicated the Public Works Department would like to replace the 1968 GMC with a 1993 Ford L-8000 tandem truck. He noted this truck was bought new by Gordon Iron and Metal Company located in Stillwater. Maintenance and minor repairs, he stated, were handled by Gordon personnel and major repairs, if needed, were handled by Valley Truck Service in Bayport. He stated the truck currently has 138,500 miles on it.

Mel Horak stated the 1993 Ford truck is equipped with an Allison automatic transmission as are the City's other 2 trucks. He noted this makes the 1993 Ford compatible and requiring the same service as the City's 2 plow trucks. He indicated the 1993 Ford truck currently does not have a dump body on it. He noted Public Works has obtained a quote for a 17' Crysteel dump body. With this dump body, he noted, the City's gravel hauling capacity would double and snow hauling would be at least 50% more effective. Mel Horak presented the estimates for purchasing the 1993 Ford L-8000 to the City Councilmembers as follows:

Purchase price from Mittelstadt Truck Sales, Rochester, Minnesota	\$20,000.00
Sales tax	\$ 1,300.00
Dump box and painting (See Crysteel quote)	\$ 9,580.00
Sales tax	<u>\$ 622.00</u>
<b>Total Replacement Cost</b>	<b>\$31,503.00</b>

Mel Horak stated he also received a quote from Lakeland Truck Center in South St. Paul for the purchase of a new Ford LT-8500 chassis. He said the cabin chassis would cost \$56,609.00. In addition, he noted it would cost an additional \$11,100.00 to fit the chassis with a dump body. He indicated the total cost of a new comparable truck is as follows:

1) An LT-8500 Ford Truck Chassis	\$56,945.00
2) Crysteel 17' 15 cubic yard tipper dump body	<u>\$11,010.00</u>
Total	\$67,955.00
Sales Tax	<u>\$ 4,417.00</u>
<b>Total</b>	<b>\$72,372.00</b>

Councilmember Menard stated he had no problem replacing the existing 1968 truck. He stated the 1968 truck is in very poor condition and should be replaced.

Mayor Allen Schultz stated the truck should have been replaced a number of years ago. He stated he fully supports replacing the truck with the used 1993 truck Mel Horak has reviewed.

Councilmember Ridgway stated she also supports purchasing a new truck. She asked City Administrator, Ken Hartung, how the City would pay for the truck.

Ken Hartung, City Administrator, stated the year 2001 budget identifies \$15,000.00 for the replacement of the 1968 truck and \$15,000.00 toward the purchase of a new loader. He indicated the City has purchased a new loader during the year 2000. He noted the City was able to pay for the purchase of the new front-end loader with assets in the Public Works Equipment Replacement Fund and reserves in the City's Sewer and Water Funds. Consequently, he noted the \$15,000.00 identified in the year 2001 budget for the purchase of a loader would not be needed. Consequently, he stated the \$15,000.00 could be used toward purchasing a replacement for the 1968 GMC truck.

Mel Horak stated if the Council decides they would like to go forward with purchasing the truck chassis and dump box, he would ask the City Council to specify the purchase contingent upon a successful dynamometer test being completed on the 1993 truck.

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-130**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING THE PURCHASE OF A 1993 FORD L-8000 TANDEM TRUCK AND  
AUTHORIZE THE PURCHASE OF A DUMP BOX AND REPAINTING OF THE FORD  
L-8000 TANDEM TRUCK FOR AN AMOUNT OF \$31,503.00.**

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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - absent

### **Discuss Concrete Floor Options For the Bayport Fire Station**

Ken Hartung, City Administrator, stated at the September 5, 2000 City Council Meeting, the Council adopted Resolution 00-99 authorizing the purchase of a 100' ladder/pumper fire truck for the Bayport Fire Department. He noted Council Letter 00-139 distributed with the September 5, 2000 Council Agenda outlined bid proposals for the 100' ladder/pumper truck along with reviewing modifications which would have to be made to the City's fire station to accommodate the new 100' ladder/pumper fire truck. During the September 5, 2000 Council meeting, he stated Brad Carmichael, Fire Chief, and he indicated they would be coming back to City Councilmembers at a City Council Meeting or Workshop to present to City Councilmembers possible modification options for the Bayport fire station to accommodate the new 100' ladder/pumper fire truck. He indicated this evening Fire Chief Brad Carmichael will be presenting options to the City

Council for renovation of the fire station to accommodate the new 100' ladder/pumper fire truck and new fire trucks which would be purchased at a future date.

Fire Chief, Brad Carmichael, stated at the initial September City Council Meeting, he indicated staff had determined that because of the angle of the fire station apron, the 100' ladder/pumper fire truck would not clear a small section of the City's fire station ceiling. Consequently, the proposal at the September 5, 2000 Council meeting was to request the City Council consider removing the concrete floor on the very east bay of the fire station lowering the concrete floor by approximately 6". Brad Carmichael indicated since that time, he and the City Administrator have changed their original proposal to now include removing all of the existing concrete floor from the four fire truck bay areas. The new proposal would remove the concrete apron in front of the fire station and the concrete floor in all four fire station bays. The proposal would lower the entire fire truck parking bay area by 12" and lower the concrete apron outside the fire station by 12". He noted John Siegfried from Siegfried Construction has taken initial elevation shots and has indicated lowering the fire station floor and apron by 12" will maintain property drainage of water away from the fire station onto 2<sup>nd</sup> Avenue North. He indicated lowering the concrete floor in the fire station by 12" should allow the fire department to accommodate the 100' ladder/pumper truck and larger trucks which will be purchased in the future. He indicated renovating the fire station's concrete floor will require the City to also make changes to bathroom facilities and entrance to the fire station to accommodate handicapped individuals.

Brad Carmichael, Fire Chief, and Ken Hartung, City Administrator, outlined the estimated cost of the fire station renovation as follows:

- 1) Lowering the main apparatus floor and exterior apron by 12".

The work consists of the following areas:

- A) Replacing 3,375 square feet of interior floor area.
- B) Replacing 1,480 square feet of exterior drive area (apron).                      \$71,000.00
- C) Work associated in this area would include:

- Saw cut and remove existing concrete floors and drives
- Excavate subsoil below slabs
- Haul all materials off-site
- Fine grade and compact
- Excavate and pour new concrete trench drains, reusing existing grates
- Pipe trench drains to sump pump and lower sump pump to ensure the drains function properly
- Install new 6" concrete slabs in all areas

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□ Reinforce all concrete with #4 rebar 12" on center EW	
□ Form and pour curbs and openings and doorways as necessary	
2) Replace exterior overhead doors with insulated glass doors at a cost of approximately \$5,000.00 for each door.	4 doors X \$5,000.00 \$20,000.00
3) Install handicapped accessible ramps and bathrooms	\$26,000.00
4) Electrical and plumbing retrofits	\$15,000.00
5) Contingency at 20% of \$140,000.00	\$30,000.00
6) Engineering and Administration expenses associated with preparing bid specifications and administering construction	<u>\$30,000.00</u>
Total	\$200,000.00

Councilmember Menard asked City Administrator Ken Hartung how the City might fund this proposal.

Ken Hartung, City Administrator, stated the City Council did designate a significant amount of funds in the year 2000 for specific expenses associated with projects to be completed in 2000. He noted some of those projects have been completed and have come in substantially under budget. Additionally, some of the projects identified for completion in the year 2000 were not completed because of staff time allocation. He stated he and Bookkeeper, John Nash, will analyze the expenditures from the designated funds for the year 2000 and a projected fund balance from the 2000 general fund and report back to the City Council with that information at the City Council meeting of January 2, 2001. He indicated there may be some merit for staff to explore with the City's Engineer engineering costs which may be associated with this project.

Moved by Councilmember Menard, seconded by Councilmember Ridgway to direct the City Administrator to:

- 1) Review the City Council approved year 2000 budget designations and review the year 2000 projected fund balances and that the City Administrator is directed to report that information to the City Council at its January 2, 2001 meeting.
- 2) Explore with the City's Engineer, Short-Elliott-Hendrickson an estimated cost associated with preparing plans and specifications and conducting the bidding process associated with remodeling at the City's fire station and that such information shall be presented to the City Council at its January 2, 2001 Council meeting.

Voting in favor: Councilmembers Ridgway, Menard and Schultz.

Voting against: None.

Absent: Councilmember Kosmo.

## **RECESS**

Moved by Councilmember Menard, seconded by Councilmember Ridgway to recess the City Council Meeting until Councilmember Kosmo arrives.

Voting in favor: Councilmembers Ridgway, Menard and Schultz.

Voting against: None.

Absent: Councilmember Kosmo.

The City Council was recessed at 7:10 p.m.

## **COUNCIL MEETING RECONVENED**

Mayor Allen Schultz reconvened the Bayport City Council Meeting at 7:38 p.m. Members in attendance were Mayor Allen Schultz, Councilmembers Sharon Ridgway, Jim Menard and Jim Kosmo.

### **Discuss the Washington County Proposal to Consolidate Watershed Districts And Watershed Management Organizations**

Councilmember Kosmo stated he had placed this item on the Agenda after having a discussion with Mayor-elect David Beaudet of Oak Park Heights. He stated David Beaudet has indicated a concern associated with the consolidation of the existing Watershed Management Organizations and Watershed Districts regarding increased tax burden on the new Watershed District residents which would include residents of Bayport.

Ken Hartung, City Administrator, indicated at the City Council Meeting of June 7, 1999, the Council reviewed and discussed the report of the Water Governance Study from Washington County dated May, 1999. During that meeting, the City Council reviewed Water Governance Study recommendations associated with the Watershed Districts and Watershed Management Organizations in Washington County. The recommendations reviewed by the City Council were the following 10:

- 1) The number of Water Management units in the County should be reduced from 11 to 6.
- 2) Each Water Management unit should provide a minimum set of services to ensure that planning is comprehensive and necessary actions are taken to prevent or solve water management problems across the County.
- 3) Local Water Management unit Board Members should be appointed by the County Board.
- 4) Local Water Management units should be Watershed Districts, not Joint Powers WMOs.

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- 5) Each Water Management unit should engage the services of a professional administrator.
- 6) Water units should cooperate with the Cities and Townships to coordinate land use and surface water management.
- 7) Water units should use a full range of financing mechanisms including ad velorum taxes, special assessments, storm water utility funds and others.
- 8) Each water unit must provide a mechanism or mechanisms for effective City involvement, such as Citizen Advisory Committees at the Watershed or sub-Watershed level.
- 9) The County should address needs for Countywide leadership and coordination of structure and groundwater management.
- 10) The County Board shall provide more leadership and direction to local Water Management Boards.

Following the City Council discussion at the June 7, 1999 Council Meeting, the Council took formal action stating the Council agreed with the 10 recommendations included in the Water Governance Study dated May, 1999.

At a City Council Meeting of October 2, 2000, the Council reviewed progress which has been made on the Water Governance Project initiated by Washington County. He stated Jane Harper, Principal Planner for Washington County, attended the meeting outlining what has taken place so far related to the consolidation of Watershed Districts and Watershed Management Organizations into 6 separate districts. He noted Ms. Harper discussed a proposal which would include virtually all of the City of Bayport within an enlarged Brown's Creek Watershed District. He indicated following discussion by Councilmembers with Jane Harper regarding the proposed proposal to include Bayport within the Brown's Creek Watershed District, the City Council reached a consensus to have as much of the City as possible located in the Brown's Creek Watershed District.

He indicated consistent with the City of Bayport's request, the Washington County Board of Commissioners petitioned the Minnesota Board of Water and Soil Resources to include a significant portion of the northern section of the Middle St. Croix Watershed Management Organization to the Brown's Creek Watershed District. The Washington County petition requested to include the cities of Stillwater, a significant portion of Oak Park Heights and almost all of the City of Bayport within the Brown's Creek Watershed District. He noted on November 27, 2000 at 5:00 p.m., the Board of Water and Soil Resources held a Public Hearing at Washington County Government Center to discuss the inclusion of Stillwater, Oak Park Heights and Bayport in the Brown's Creek Watershed District. He noted the Board of Water and Soil Resources should make a final determination regarding the County's petition to include the northern portion of the Middle St. Croix River Watershed Management Organization within the Brown's Creek Watershed District by late January or early February.

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Ken Hartung indicated the Middle St. Croix River Watershed Management Organization, which Bayport is currently a member, has no formal appointed administrative staff. The Middle St. Croix River Watershed Management Organization, he noted, uses the staff of the South Washington County Soil and Conservation District to evaluate various development proposals for compliance with the Middle St. Croix River Watershed Management Organization's Water Management Plan. Additionally, he noted, Bayport's City Administrator has served as a staff person assisting the Middle St. Croix River Watershed Management Organization with various functions. One of the reasons, he noted, the Middle St. Croix River Watershed Management Organization has been able to function without a formal administrative staff is because the organization has not undertaken any large capital projects nor has it undertaken any significant revisions to its water management plan.

Ken Hartung noted if the City of Bayport is incorporated within the Brown's Creek Watershed District, the Watershed District will have an administrative staff to manage and implement the various projects associated with the Watershed District. He stated Jane Harper, Senior Planner with Washington County, has outlined estimates on taxes on a \$125,000.00 home based on projected costs for administrative functions of Brown's Creek Watershed District at \$17.00 per year. He indicated, however, the administrative budget is set by the Board of Managers within the Watershed District. He stated the Brown's Creek Watershed District has five managers. Currently, he noted, one of the managers positions is vacant for a term which will expire on October 21, 2004. He indicated if the City of Bayport would like to have representation on the Brown's Creek Watershed District, there may be some merit for the City to address a letter to Washington County Administrator, Jim Schug. The letter would ask the Washington County Board of Commissioners not to fill the vacant managers seat on the Brown's Creek Watershed District until after BOWSR has made a decision to incorporate the northern portion of the Middle St. Croix Watershed District including the City of Bayport into the Brown's Creek Watershed District. He noted if the County Commissioners delay filling the vacant managers position until after incorporating the north Middle St. Croix River Watershed Management Organization into the Brown's Creek Watershed District, the County Board of Commissioners could appoint a representative from Bayport or Oak Park Heights to fill the vacancy. Such an appointment, he said, would give our area representation on the board.

Councilmember Kosmo stated he believes if the County is going to be consolidating the Watershed Organizations and Watershed Districts, there is a distinct advantage for the City to have all of its area included within the Brown's Creek Watershed District. He stated, however, he does have concerns about the administrative costs. He noted he would like more detail of the cost associated with the administrative budgets. He indicated this would allow him to have a better understanding of what areas are covered in the administrative costs. For example, he noted, if the administrative costs primarily cover only salaries, he would have some major concerns with the proposed budget. He also indicated it is very important for the Bayport area to have representation on the Watershed District Board. He noted on the present board, there are 2 members from Stillwater, one from Grant and one from May Township.

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to direct the City Administrator to write a letter to County Administrator Jim Schug outlining the City of Bayport's position related to the consolidation of Watershed Management Organizations and Watershed Districts.

- 1) The City of Bayport supports the merger of the land area within the City of Bayport to the Brown's Creek Watershed District.
- 2) The City Council of the City of Bayport is concerned about the projected administrative costs for the Brown's Creek Watershed District of \$303,000.00. The Bayport City Council would like a detailed line item budget for the administrative costs so that they can better analyze what administrative functions are being performed as a consequence of the identified expenditure budget.
- 3) Bayport City Council requests Washington County Commissioners delay an appointment of a manager to the vacant Brown's Creek Watershed District managers position. The City Council requests Washington County make the appointment after BOWSR has incorporated the City of Bayport into the Brown's Creek Watershed District. Following the incorporation of the City of Bayport into the Brown's Creek Watershed District, Bayport City Council requests Washington County Board appoint a Bayport representative to the vacant position.

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

Voting against: None.

**Discuss the City Administrator's  
Performance Review and  
Discuss Contract Renewal Options**

Councilmember Jim Kosmo stated the City Administrator's contract requires an annual review of his performance by the City Council. He noted he and Allen Schultz formed a committee which required Councilmembers to forward their performance evaluation forms for the City Administrator to them for review and tabulation. Councilmember Kosmo stated he has completed the tabulation of the City Councilmembers review of the Administrator's performance. He noted the City Administrator's performance for the year 2000 met the City Councilmember's expectations and, in some cases, exceeded them. He indicated specifically in the Administrator's work associated with extending the Andersen Agreement, coordinating the prison pond Storm Sewer Funding and securing grant monies for large capital purchases by the fire department are areas in which he excelled. He stated based on the summary of the evaluations, the Administrator Evaluation Committee of Mayor Allen Schultz and himself are recommending the following adjustments to the City Administrator's contract for the years 2001 and 2002:

1) 2001

- A) Adjust the City Administrator's salary by 2.5%.
- B) Increase deferred compensation by \$1,500.00.
- C) Increase vacation allocation by 2 days.

2) 2002

- A) Increase the City Administrator's salary by an amount designated for non-unionized and unionized employees.

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- B) Increase the deferred compensation by \$1,500.00
- C) Increase vacation allocation by 2 days.

Councilmember Kosmo introduced the following Resolution and moved its adoption:

**RES. 00-131**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPROVING KENNETH H. HARTUNG'S CONTRACT AS CITY ADMINISTRATOR  
FOR THE YEARS OF 2001 AND 2002.**

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  
Allen Schultz – aye

Sharon Ridgway - aye  
Jim Kosmo – aye

**ADMINISTRATOR'S REPORT**

Ken Hartung, City Administrator, stated he would like to have the City Council establish a Special City Council Meeting for December 18, 2000 at 6:30 p.m. prior to interviewing the Council candidates. He stated the purpose of having a special meeting is to appoint Jay Jackson as a Bayport Police Officer and to discuss changing health insurance programs for City employees.

Moved by Councilmember Kosmo, seconded by Councilmember Menard, to establish the Special City Council Meeting for December 18, 2000 at 6:30 p.m. at Bayport City Hall Council Chambers to discuss:

- 1) Appointing Jay Jackson as a full-time Bayport Police Officer.
- 2) Discuss adopting a Resolution establishing the City employee health insurance program for the year 2001.

The Council also established a Special City Council Workshop for the purpose of interviewing Council candidates for a vacant Council position.

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

Voting against: None.

**ADJOURN**

Moved by Member Kosmo, seconded by Member Menard, to adjourn the Special City Council Meeting of December 12, 2000.

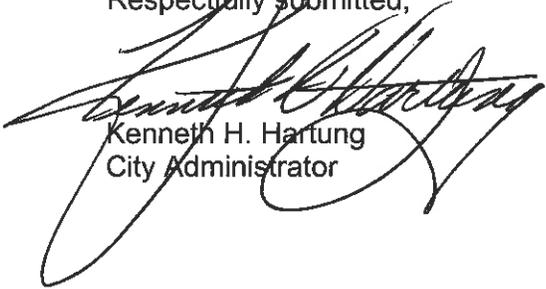
Voting in favor: Councilmembers Menard, Kosmo, Schultz and Ridgway.

Voting against: None.

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The Special City Council meeting of December 12, 2000 adjourned at 8:30 p.m.

Respectfully submitted,



Kenneth H. Hartung  
City Administrator

CITY OF BAYPORT  
BAYPORT SPECIAL CITY COUNCIL MEETING MINUTES  
BAYPORT CITY HALL COUNCIL CHAMBERS  
DECEMBER 18, 2000  
6:30 P.M.

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Allen Schultz called the Special City Council Meeting of December 18, 2000 to order at 6:40 p.m. and asked the City Administrator to call roll.

**ROLL CALL**

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

Absent: Councilmember Jim Kosmo.

Others Present: Ken Hartung, City Administrator; Jack Nyenhuis, Councilmember-elect and Rene' Stone, Councilmember Candidate.

**Discuss Appointing Jay Jackson  
As a Full-time Bayport Police Officer**

Ken Hartung stated the City received approximately 39 applicants for the vacant police officer position created when Jolynn Mayavski left the Bayport Police Department to accept a position as a correctional officer with Stearns County. He indicated all applicants were invited to test for the position. He stated 28 applicants tested for the position. In reviewing test scores from the 28 applicants indicated 8 of the candidates had scores which deserved further consideration. Invitations were sent out to the 8 applicants to interview. He stated 7 of the 8 applicants accepted the invitation for an interview. He stated interviews were conducted by Police Chief John Gannaway, Police Officer Quinn Willmarth and himself. He noted the interviews were conducted on Thursday, December 7, 2000 and Friday, December 8, 2000. Following the interview process, he indicated an independent scoring by the interview committee ranked Jay Jackson as the top candidate. He noted Jay Jackson has been a part-time officer with the City of Bayport since April 26, 2000. Jay Jackson, he indicated, is a licensed police officer with the State of Minnesota and has held a position of jailer at Chisago County Sheriff's Department since June of 1999. He indicated Mr. Jackson is an intoxicilizer operator, a field-training officer for Chisago County Jail, a first responder and an ice rescue specialist.

Member Menard introduced the following Resolution and moved its adoption:

**RES. 00-132**

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
APPOINTING JAY JACKSON AS A POLICE OFFICER WITH THE CITY OF  
BAYPORT'S POLICE DEPARTMENT EFFECTIVE DECEMBER 22, 2000.

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

Jim Menard - aye  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - absent

Mayor Allen Schultz administered the Oath of Office to Jay Jackson.

Mayor Schultz, Councilmembers and staff members congratulated Jay Jackson on his appointment as a police officer with the City of Bayport.

**Discuss Adopting a Resolution  
Establishing the City Employee  
Health Insurance Program for 2001 and 2002**

Ken Hartung, City Administrator, stated the City's Insurance Broker, Clem Duffy, has been doing extensive research on options for health insurance for City employees. He stated Mr. Duffy's research options included the State of Minnesota Public Employees Insurance Program (PEIP) which has health insurance provided by HealthPartners and Preferred One. He noted the PEIP insurance program provides better health coverage for the City's employees at a reduced premium rate. He indicated if the City enrolls in the PEIP health insurance program for its employees, the City will see health insurance premiums drop from \$78,122.00 with the current Blue Cross/Blue Shield program to somewhere in the range of \$62,738.00 to \$68,892.00. He indicated at a minimum, the PEIP insurance program would have an annual savings for the City in premium costs of \$10,000.00.

Ken Hartung stated the City employees met on Thursday, December 14, 2000 in Bayport City Hall Council Chambers to discuss health insurance options. He indicated the City's Insurance Broker, Clem Duffy and Shawn Byrne, the Public Employee Insurance Program Director, were at the meeting to explain health options to the City's employees. He noted following discussion by City employees, the employees in attendance unanimously indicated they would like to switch to the Public Employees Insurance Program. Consequently, he noted, this item is on this evening's agenda for Council discussion, review and approval.

Councilmember Menard introduced the following resolution and moved its adoption:  
**RES. 00-133**

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AUTHORIZING PARTICIPATION IN THE STATE OF MINNESOTA'S PUBLIC  
EMPLOYEE INSURANCE PROGRAM (PEIP) FOR THE PURPOSE OF PROVIDING  
HEALTH INSURANCE TO CITY EMPLOYEES FOR THE YEARS OF 2001 AND 2002.**

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  
Allen Schultz - aye

Sharon Ridgway - aye  
Jim Kosmo - absent

**ADJOURN**

Moved by Councilmember Ridgway, seconded by Councilmember Menard, to adjourn the Special City Council Meeting of December 18, 2000.

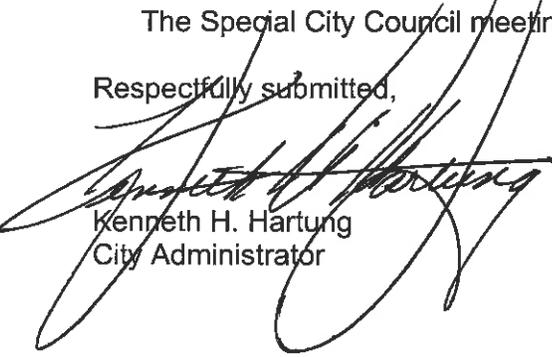
Voting in favor: Councilmembers Menard, Schultz and Ridgway.

Voting against: None.

Absent: Councilmember Kosmo.

The Special City Council meeting of December 18, 2000 adjourned at 6:50 p.m.

Respectfully submitted,



Kenneth H. Hartung  
City Administrator

CITY OF BAYPORT  
BAYPORT CITY COUNCIL WORKSHOP MINUTES  
BAYPORT CITY HALL COUNCIL CHAMBERS  
DECEMBER 18, 2000  
7:00 P.M.

**CALL TO ORDER**

Councilmember Jim Kosmo called the City Council Workshop to order at 7:10 p.m. and asked the City Administrator to take roll call.

**ROLL CALL**

Members Present: Councilmembers Jim Kosmo, Sharon Ridgway and Councilmember-elect Jack Nyenhuis.

Others Present: Rene' Stone, Council candidate' Allen Schultz, Council candidate; Sheryl Corrigan, Council candidate.

Absent: Council candidate Tim Gjerde, 545 7<sup>th</sup> Street North.

Councilmember Kosmo stated the purpose of this evening's meeting is to provide an opportunity for candidates who are seeking appointment to the vacant Council position to outline their qualifications and reasons for seeking appointment to the vacant Council seat. Councilmember Jim Kosmo then instructed each Council candidate to select a playing card from a deck of cards. He indicated the speaking order of candidates would be determined by the candidate who received the lowest playing card. Candidates would speak in ascending order from the lowest value card. Based on the card selection, the speaking order for Council candidates was determined as follows:

- 1) Rene' Stone  
368 S. 7<sup>th</sup> Street
- 2) Allen Schultz  
580 6<sup>th</sup> Ave. N.
- 3) Sheryl Corrigan  
380 4<sup>th</sup> Street S.

Rene' Stone introduced himself, stating he lives at 368 South 7<sup>th</sup> Street. He noted he has lived in the community for 27 years and has 5 children ranging in ages from 1 to 19 years. His wife, Nancy, he stated is active in the Bayport Community Action League. He noted issues which he believes are important to the community are:

- 1) Maintain and expand business.
- 2) Bring some additional businesses into the town.
- 3) Concern about the old Bayport garage site and what it will be used for.
- 4) The need to develop more affordable housing.
- 5) He would like to see younger people moving back into Bayport.

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Allen Schultz, 580 6<sup>th</sup> Avenue North stated he has lived in the community of Bayport since 1941. He spent 31 years as a police officer and 4 years as Mayor. He stated he has a long time commitment to the Bayport community. He noted he did not run as Mayor in the last election because of the time commitment. However, he stated, a Councilmember position does not require the same commitment as Mayor. He noted he would like to stay on the Council to see completion of the State Storm Sewer Project. He stated he is excited about the development that has occurred in the Hubb's Point area and would like to stay on the Council to ensure it is completed within all the rules. He indicated the Bayport community could stand some more businesses, but the types of businesses which the community would support are limited. He noted Bayport at one time had 4 grocery stores. He stated, however, the grocery stores could not compete with the large warehouse grocery stores now located in the area.

Sheryl Corrigan, 380 4<sup>th</sup> Street South, stated she would like to give the City Council some autobiographical background to help Councilmembers understand her experience and her goals for the community as a Councilmember. She stated she worked for the Minnesota Pollution Control Agency for 15 years followed by 3 years with the Metropolitan Council. She noted she worked on surface water and public water supply issues while she was employed by those agencies. She noted she then moved to Seattle, Washington working for King County Public Works Department in the area of storm sewer design to help address water quality issues. She stated she worked for King County for 3 years and decided to move back to the Midwest. She stated she was able to buy a home in Bayport and secure a job working as a consultant for a number of municipalities developing water supply plans. She stated one of the water supply plans she worked on was the City of Bayport's. She noted she now works for 3M on environmental engineering projects. She noted the projects are located in the United States and in Asia. She stated her consulting jobs have required her to work with many municipalities and other forms of local government. She believes she has a good working knowledge of local government issues and how local governments function. She stated she believes she has a legitimate right to request appointment to the Council because she ran in the November election. She stated approximately 50 votes separated her from the candidate who won, Jack Nyenhuis. She noted her goal is to press for visioning for the future to build a better foundation and base for the City of Bayport. She indicated she believes economic development is important and Bayport should strive to create a business climate which includes a grocery store in the central business district and neighborhood businesses possibly in residential areas. She stated the City of Bayport has a great asset with Lakeside Park. She would like to see the City develop that area more, possibly as an excursion boat tour area. She sees this as a way to revitalize the community.

Councilmember-elect Jack Nyenhuis asked the candidates to respond to a question on how they would attract new businesses to the community.

Rene' Stone stated it is important for the City to identify open land within the City where a business can build. He stated one area might be the old Bayport garage site. He noted the City should advertise that it wants more businesses.

Allen Schultz stated the City could use more businesses. But, he noted, businesses have to want to come to Bayport and the business has to be economically feasible. He noted Bayport does not have the people base to support a grocery store. Small grocery

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packet weekly from the City Administrator outlining key issues which have transpired during the week.

Rene' Stone stated he has had a strong commitment to the community. He noted he has helped as an advisor for the Cub Scouts in Bayport for 4 years. Additionally, he helps coach the youth baseball team and has helped with National Night Out. He stated he will put in whatever time it takes for him to do a good job as a Councilmember. He noted if he felt he couldn't do a good job, he would not have applied.

Allen Schultz stated he has no problems with commitment. He noted over the past 4 years he has served as Mayor, requiring him to attend many daytime and nighttime meetings. He stated he stops at City Hall almost daily to check and see if he has received any messages from citizens or is required to sign official documents for the City. He stated he has enjoyed attending the many meetings which involved Bayport, Oak Park Heights, Stillwater, Stillwater Prison, Watershed Management Organization and meetings with Andersen Corporation. He noted he does not have a problem with the time commitment.

Sheryl Corrigan stated she ran for City Council with the intent of taking whatever time is necessary to do a competent job in the position. She stated she will be at every meeting she is responsible for attending unless she is sick.

Councilmember Kosmo stated the City also has a number of appointments it is required to make on the Planning Commission, Cable Commission and Library Board. He asked the candidates if they would be interested in an appointment to the Planning Commission, Cable Commission or Library Board if they are not successful getting the Council appointment.

Sheryl Corrigan stated she would be disappointed if she was not appointed to the City Council position. However, she stated, she is very interested in an appointment to an advisory committee.

Rene' Stone stated if he is not appointed to the vacant Council position, he would be very interested in serving on one of the Council advisory committees.

Allen Schultz also stated if he is not appointed to the City Council, he would be very interested in serving on one of the Council advisory committees.

Jack Nyenhuis asked the candidates if they felt there was a need to improve communication between the City Council and its residents. He also asked them to indicate how they would improve communication if they felt it should be improved.

Rene' Stone stated he believes the City should send out flyers similar to the Bayport Community Action League. He noted a separate flyer could be effective in letting residents know when meetings are being held and what topics are included in the meetings.

Sheryl Corrigan stated she thinks anything the City can do to increase communication is desirable. She stated better communication could lead to more people being interested in local government issues which would result in better government. She noted a large community event board should be erected at the City

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Hall site to let people know the dates meetings are being held along with the key topics to be covered. She also favored a flyer being mailed out to residents. She stated participation in local government is extremely important.

Mayor Schultz stated the City has sent out information letters on occasion. He noted he has not noticed an increase in attendance at City Council meetings as a consequence of mailing the information letters out to residents. He noted people today seem to be very focused on their individual needs and family needs. He indicated the only time he sees attendance increasing at City Council Meetings is when something directly affects individuals or their families.

Councilmember Kosmo thanked the candidates for attending this evening's meeting. He noted the goal of the Council is to have a sub-committee make a recommendation to the Council at its January 2, 2001 meeting.

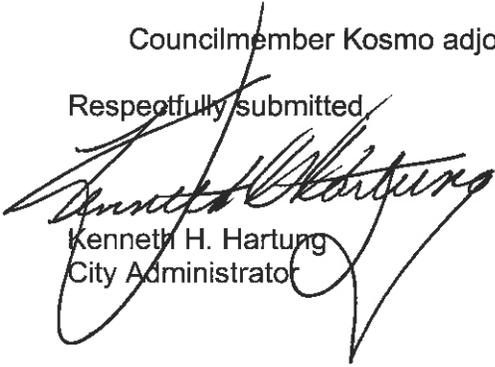
Ken Hartung, City Administrator, stated since this is a workshop setting, the Council cannot make a decision regarding which one of the candidates Councilmembers would favor. However, he stated, the Council can appoint a sub-committee of 2 Councilmembers to review the candidates and make a recommendation to the rest of the Council on who they favor for appointment.

Councilmember Kosmo and Councilmember-elect Jack Nyenhuis will form the sub-committee. Councilmember Kosmo stated he will contact the Council candidates before the Council Meeting of January 2, 2001 informing them which candidate the sub-committee of Jack Nyenhuis and himself will be recommending for appointment to the City Council.

**ADJOURN**

Councilmember Kosmo adjourned the City Council Workshop at 8:23 p.m.

Respectfully submitted,

  
Kenneth H. Hartung  
City Administrator