

CITY OF BAYPORT  
BAYPORT CITY COUNCIL MEETING MINUTES  
BAYPORT CITY COUNCIL CHAMBERS  
March 3, 2003  
7 P.M.

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Rick Schneider called the regular City Council meeting of March 3, 2003, to order at 7:03 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

**ROLL CALL**

Members present: Mayor Rick Schneider, Councilmembers Jon Nowaczek, Sharon Ridgway, Bob Kamps and Dan Johnson.

Members absent: None.

Others present: Acting Administrator Wendi Lindquist, City Attorney Jim Lammers, City Engineer Barry Peters, Police Chief John Gannaway, Fire Chief Mike Bell, Jeff Davis – SEH and Mike Darrow of Northwest Associated Consultants (NAC).

**PETITIONS/INDIVIDUALS/DELEGATIONS & COMMENDATIONS**

None.

**OPEN FORUM**

Planning Commission Chairperson Jennifer Schneider, 1 Lakeside Drive, stated she wanted to encourage people to attend the March 13 session on land use that will be given by Northwest Consulting. Now that CPCD has withdrawn their plans for Bayport West, the City, the Planning Commission and Council have some work ahead of us. Commissioner Schneider went on to explain what the session will consist of.

**CONSENT AGENDA**

Councilmember Johnson stated he wanted to remove the January Payables and Receipts list (Item C) from the Consent Agenda and add it to the New Business agenda as Number Nine (9).

Councilmember Nowaczek stated there was a mistake in the minutes from the February 3, 2003 meeting relating to the Consent Agenda. There is an inconsistency about which item was pulled from the Consent Agenda and subsequently passed in the Resolution. It states that Item C was pulled but then it suggests Consent Agenda items A, C and D were approved. It should be A, B & D – unless C was incorrect.

Wendi Lindquist stated she would go back and look into that.

Councilmember Johnson introduced the following resolution and moved its adoption as amended:

**Res. 03-21**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
RESOLUTION #03-21 APPROVING CONSENT AGENDA ITEMS A, B AND D FROM  
FEBRUARY 3, 2003 COUNCIL AGENDA.**

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Nowaczek.

The motion passed unanimously.

## **PUBLIC HEARINGS**

### **Jane Keyes Street Vacation – Approve Resolution 03-16**

Barry Peters stated at the February Council meeting the process was started to vacate a small portion of Lake Street – the very south end adjacent to a property owned by Jane Keyes. The vacation would allow Jane Keyes to do some improvements to her home. Barry Peters further stated that the recommendation at the February meeting was that the City vacate that portion of right-of-way and there was no minute public usage by the City for that area – the same with maintaining any kind of easement, there are no public utilities that would be further extended to the south. During the discussion portion of the public hearing there was discussion from the residents directly north of the petitioner indicating they owned a lot somewhere in the range of 900 to 1000 feet south of the Jane Keyes house and were talking about desiring some kind of access to their property at some time if this vacation proceeded. The Council then tabled the hearing and tried to come to some kind of private easement dedication agreement between the two property owners. Peters further stated the City Administrator, Planning Consultant and Peters did meet with the two residents – at that meeting there was further discussions, but no agreement was reached. Barry Peters stated he heard from Jane Keyes that there was some kind of agreement determined and recommends the City vacate this portion of right-of-way and the City does not maintain any kind of public easements over that.

Councilmember Johnson inquired as to what the agreement consisted of.

Philip St. Ores stated they came up with their own agreement – the St. Ores' are going to swap Jane Keyes that land for some land on her north side. St. Ores' stated he thought it should be somewhat equitable for both sides. St. Ores further stated that everybody signed it and he welcomed the Council to look at it if they so wished.

Councilmember Johnson questioned Philip St. Ores if he still had an objection with the vacation with that agreement being made. Philip St. Ores stated he did not have any objections, it was okay with him.

Mayor Schneider asked Phyllis Nelson if she had property on the point.

Phyllis Nelson stated that the property she has paid taxes on for years is no longer listed on Bayport's plat. Phyllis stated that her land is Mill Lot 24 but if you look at Bayport's plot, that point doesn't go down that far. Phyllis stated that she asked the Washington County Courthouse for a definition of her property and she was told you could own the property even if its underwater, you just aren't paying taxes on it. Phyllis further stated that she isn't concerned with it at all, unless someone is going to dredge it up and use it for something.

Mayor Schneider inquired to Barry Peters if that is meandered or surveyed. Mayor Schneider stated that the way he understood it, if its meandered that would mean that property on the river goes to the low water line.

Barry Peters stated he believes that is the case, but they are platted lots out there. Twenty-four was a platted lot, the lots that the St. Ores' and Keyes owns are platted lots called First Lakeside Addition to Bayport, its just that the water has changed.

Mayor Schneider inquired to Barry Peters that if that water dried up, their land would go to low water out in the river. Barry Peters stated yes, it would be dry land at that point.

Councilmember Johnson stated that Dave Magnuson showed him the plot and how the vacation would work. Johnson stated that his original concern was that if the portion to be vacated hooked onto the part that was previously vacated, the St. Ores would be deprived of some access with their agreement, but with his review of that situation, that does not appear to be the case. The vacation would not deprive anyone of any access that he can see. Johnson confirmed with Phyllis Nelson that she had no objection to the vacation.

Moved by Councilmember Johnson, seconded by Councilmember Ridgway to approve Resolution 03-16 – Jane Keyes Street vacation. Motion passed unanimously.

## **COUNCIL LIAISON REPORTS**

Jon Nowaczek stated there was a vacancy on the Library Board due to a member moving out of town. Nowaczek read an announcement for the vacancy on the Board.

Sharon Ridgway reported that a St. Croix Valley Joint Cable Communications Commission meeting was held on Wednesday, February 19<sup>th</sup>, 7:00 p.m. Ridgway stated they appointment a budget committee and a personnel committee. The Chairperson is John Rhineberger, vice chair is Jack Door and Secretary/Treasurer is Sharon Ridgway. The budget committee consists of Sharon Ridgway, Rene Stone, Linea Burns (former name, couldn't remember new name) and Gary Talbot. The personnel committee is Mark Swenson, Jack Door, John Rhineburger and Linea.

Sharon Ridgway further reported the regular meeting commenced at 7:20; had a report from the cable company representative and the merger between Comcast and AT&T is complete and of February 14, 2003 the company is officially named Comcast.

Sharon further stated that the Valley Access Channels has their website up and running – website is [www.valleyaccesschannels.com](http://www.valleyaccesschannels.com).

Sharon stated the Cable Communications Commission approved meeting every other month instead of every month and the next meeting will be held on April 16.

Bob Kamps reported that the Watershed Commission had one meeting and one workshop. The meeting was an informational session for new members on how the Commission works and what they do. The workshop laid out a plan for eight criteria, what is important, Kamps would like the Council to review the criteria and specify which issues are important. Bob Kamps stated there would be another meeting next week.

Dan Johnson stated that on February 19, 2003 he attended a meeting of the Lower St. Croix Partnership, which is a group of people who are appointed from various municipalities, townships and marina associations. Their mission is to provide some input to the Lower St. Croix Management Commission – the Lower St. Croix Management Commission is funded by the National Park Service and the DNR's of Minnesota and Wisconsin. The main issues the Commission will deal with are:

- 1) Changing the boundary of the actual scenic river way. The change would take a lot of Bayport out of the national scenic river way so it would no longer be subject to their jurisdiction.
- 2) The Commission will be dealing with surface regulations on the river. If anyone has any opinions along, Dan would be happy to take them back to the Committee.

The Committee consisted of about 60 people who didn't know each other – even appointing a chair was not accomplished but a nominating committee was appointed and at the next meeting a chair will be appointed.

## **CITY CONSULTANT REPORTS**

1. City Attorney Report – none.
2. City Engineer Report –

### **Inflow/Infiltration Study**

Barry Peters stated that the City was required to prepare an inflow/infiltration study related to the southeast quadrant of the City – this process has been going on for some time now. Bayport West development moved up the timetable that the Minnesota Council Environmental Services required but still need a study done. Barry Peters discussed the steps that have already been done and what the process entails.

Barry Peters recommended that the Council submit the implementation plan presented earlier and moving the plan up to start work in 2003. Peters further stated that the first part of his recommendation would be authorization to submit that plan to the Met Council for their review and approval. The second part would be to start some kind of construction

Bayport City Council Meeting Minutes  
March 3, 2003

or plan this year – some investigative work needs to be done – one of the major items that needs to be done is start re-televising sanitary sewer lines down in that area. Barry Peters asked for authorization from the Council to proceed with obtaining quotes for that type of work. The estimated cost for the televising that was discussed is about \$5,500. The cost for the engineering to put together that bidding/quote document would be around \$300.

Dan Johnson asked Barry Peters if the Council submits this plan to the Met Council, is it for their information or do they need to approve it. Barry Peters stated they would have comments on the approval – he would assume they would approve it. The rest of the study they've had no problems with. They want to see some commitment that the City has put together a plan and is willing to stick to start taking care of the I/I down there. Barry Peters stated he believed the Met Council wanted to make an approval on that plan.

Dan Johnson asked if the Council needs their approval before the City undertakes it or if it is just wise to get it. Barry Peters stated it was a wise thing to get it.

Dan Johnson also inquired to Barry Peters about the televising of the sewers, what purpose will the televising do if it will be sleeved anyway. Barry Peters stated the goal is to find out which lines are the worst right now and try to eliminate/reduce that I/I as soon as possible. The televising tapes that the City has are five to six years old (or older) and things do change in those old clay lines. If there were cracks that were showing up earlier, over time those will get worse and more infiltration coming in. It needs to be televised to find out where the worst cases are to start on the program at those spots.

Mayor Schneider asked Barry Peters if this has been discussed with Mel. Barry Peters stated yes, he has seen the plan, is aware of it, and was at the meeting when it was discussed back in January.

Mayor Schneider stated the City needs to get moving on this issue, but has the same question about re-televising certain areas that are known to be big problems. Barry Peters stated that the City does not have the funds to take care of all of it so the best bet would be to find out where those worst case problems are and concentrate on those for the first couple years. We don't have that information from the old reports.

Mayor Schneider stated he was looking to save the \$5,500. Barry Peters stated it would be his recommendation to get the televising done.

Jon Nowaczek commented on how the City might pay for this work to be done. Wendi Lindquist confirmed that a \$40,000 surplus was budgeted for 2003 in Sewer Department. So about half of the outlay of Barry Peters plan is covered, and there should be no stretch caused in the first year or two of this project.

Mayor Schneider confirmed to everyone that the City is getting charged a sewer charge and with all the "fresh water" that gets into the sewer system it costs a lot more money and this project has to be done.

Moved by Councilmember Kamps, seconded by Councilmember Nowaczek, to submit Barry Peters' plan as proposed to the Met Council. Motion passed unanimously.

Barry Peters stated the second motion would be to authorize the preparation of bidding documents for the televising.

Sharon Ridgway moved, seconded by Jon Nowaczek, to authorize Barry Peters to get quotes for televising the sewer lines. Motion passed unanimously.

### **National Pollutant Discharge Elimination System Permit Application**

Barry Peters stated this came to his attention today (March 3) and apologized for not being more aware of this. The City is required to submit a National Pollutant Discharge Elimination System Permit Application (NPDS Permit); part of that is a storm water pollutant prevention plan. It is a federally mandated program as part of the Storm Water Phase II planning – the idea is to reduce the pollutants that are coming off of industrial properties – keep to a minimum, reduce what gets down to a body of water. Public works facilities of cities are considered industrial sites and a permit does need to be prepared for those sites. They are concerned about fuel storage on site, fuel spills and waste products – dirt that has been excavated sitting on site, brush piles, waste or debris from construction, etc. The City has to put together a plan to eliminate the runoff that could come from those. There are two ways of doing that: (1) treat it on site or adjacent site through a ponding process or (2) to cover it. Barry Peters further stated that due to the size of the materials existing, a building would have to be built to cover it, tarps would not be sufficient.

Barry Peters reported that this process has been talked about since October, that the permit would be needed, but the permit application has been worked on by the Pollution Control Agency for some time. In January the PCA prepared a draft version of the permit application and decided in February they were going to use this in the application process. There is a March 10<sup>th</sup> date to get these in and they did not extend that submittal date with the letter that went out on February 18<sup>th</sup>. Unfortunately the City Engineer did not receive the letter, nor did the Administrator or the Public Works Director. Something slipped through the works on getting that information out, but it is a requirement that it be submitted.

Barry Peters referred to his letter to the Council and stated that failure to submit the permit opens the City up to civil or criminal action. The United States Environmental Pollution Control Agency has the authority to levy up to \$25,000 per day in civil action and they can still bring criminal actions against the City and/or individuals that do not proceed with this process. The Minnesota Pollution Control Agency can also levy administrative fees up to \$10,000 per day for failure to submit permits. The worst case scenario for a City is if there were a third party lawsuit that arrived because the permit application was not submitted on time. Barry Peters stated that he was told there are at least two lawsuits that Minnesota has under this program for non-compliance with this submittal. Barry Peters stated that SEH does prepare these and have done so for other cities and estimated a not to exceed cost of \$4,000 to prepare and get it in by the March 10<sup>th</sup> date. Mel received a quote from another company that was over twice that number, around \$8,000. Barry Peters further stated he recommended that the City get the transmittal done and recommends that the City authorize SEH to prepare that plan.

Bayport City Council Meeting Minutes  
March 3, 2003

Jon Nowaczek commented to Barry Peters that one of the remediation options that might be required would be some type of building to cover these materials, the permit would not require us to do that?

Barry Peters stated that the storm water pollution prevention plan talks about the City's options, and with the Lake Street improvements the City will be building a treatment ponding area just east of the public works building and that would be a spot where the runoff could be treated. The two options are to treat the water as it comes off to get rid of the pollutants or to prevent storm water, rainfall, from hitting it and washing it down into a system, that's where you start talking about cover.

Discussion – in the application the City will have to put together a plan – specify what the City's approach will be.

Barry Peters stated the City is lucky in some of the cases – the City does not have fuel tanks, storage, spills, anything along those lines. There are a number of things the City does not have at that site that they look for. There is a small area of sand/salt that Mel has stockpiled on site, put on blacktop, barricades around it, covered with tarp, that would work for a cover on that case. But it would hard to cover the remaining articles down there with a tarp.

Mayor Schneider confirmed with Barry Peters that just to complete the application is \$4,000, and that's no cure or fix of what the City might have to do. Schneider further stated that there isn't any toxic waste stored there, just branches and sand and some class five or street toppings.

Barry Peters stated that it seems a little extreme, but it is federally mandated to do this. Peters further stated that they looked into it to see if the City could go with a non-exposure permit but the piles are too large at this point. Another option would be to set up a program with public works to temporarily store some materials there but move some of the debris off-site on a regular basis and get some of those materials off-site.

Mayor Schneider inquired about whether if the City didn't have the storage site south of the public utilities building, would the City still have to develop this plan for the public utilities building.

Barry Peters stated if the City did not have those materials out there, the City would still have to do a permit, but it would be a non-exposure permit, a very small permit application to send in saying there's nothing there, but there is salt and sand, it is covered so there's no exposure to weather.

Mayor Schneider asked Barry Peters after the application is developed is there a chance that they might make the City jump through all sorts of hoops to store that material there.

Barry Peters stated that the City needs to either store it in a building or treat it. The City already has a plan in place for the Lake Street improvements next year – its done over a period of time – has a plan to build a treatment pond just east of the public works facility which would work as treatment for this site. So the process is already underway. Barry

Bayport City Council Meeting Minutes  
March 3, 2003

Peters further stated that he's been told that the pond has been sized to handle the general area where the debris is stored right now. The plan is already somewhat in process to make the treatment available.

Mayor Schneider inquired as to what is stored there and if those materials could be eliminated – its going the cost the City a lot of money to store things that aren't worth anything.

Bob Kamps stated it was sand, dirt and branches.

Barry Peters stated those are viewed as waste materials which are covered under the permit application.

Jon Nowaczek stated that it might be cheaper for Mel to hire people to haul it away as debris is created than to get wrapped up in this thing.

Barry Peters stated the City still needs to do this, the materials are out there right now, there is no choice but to do the long form of this permit application at this point.

Mayor Schneider asked if that was because of the March 10<sup>th</sup> date.

Wendi Lindquist stated yes, and the fact that its frozen and can't be moved.

Barry Peters stated that its out there now and there's no way to get rid of it before that period – its frozen in place.

Jon Nowaczek stated that you really find out what unfounded mandates are all about.

Mayor Schneider stated that every municipality is going through the same thing – this has got the potential to cost the City a lot of money.

Barry Peters stated that at this point the City has no choice, the permit has to be submitted or there is a chance of the City having action taken against it.

Jon Nowaczek stated that Barry is right, the City has no choice but to go ahead with the permit application but longer term the City ought to get the public works department to have an arrangement that could prevent the material from building up.

Barry Peters stated that the goal generally is to get rid of that material over a fairly short period of time. A lot of the debris down there right now is some clean fill that was supposed to go on the street project when it goes. Barry Peters further stated that Mel has indicated that normally over a period of time he lets some accumulate and then its shipped off site – one of the places it goes is the Miller Gravel Pit area. Barry Peters gave some examples of hauling materials in for projects and storing; also examples of waste material.

Mayor Schneider stated that it sounded like an awfully expensive application.

Barry Peters stated again that it's a "not to exceed" number. SHE would work on an hourly basis, they are familiar with the City and he thought they could do it for something a little bit less than that, but does have it as a not to exceed number.

Jon Nowaczek stated that the permit is the least expensive thing, its all the supporting materials and plans are the expensive things. Jon Nowaczek further stated that he didn't see that there's a choice and moved to appropriate \$4,000 to have SEH submit the NPDS application for us. Sharon Ridgway seconded the motion. Motion carried unanimously.

DeEon Phillippi stated that Stillwater had a portable television for televising sewers and wondered if that would be something Bayport could borrow or share resources to save some money.

Barry Peters stated he believed DeEon is right in that Stillwater does have a camera for televising sewer lines and that the cities have worked together for these things occasionally. It would take their forces to run their equipment so the City might still be charged something to run the camera equipment.

Barry Peters stated he would check with the City of Stillwater and see if its feasible and if there would be a charge to the City.

### 3. City Planner Report –

#### **Comprehensive Plan Process**

Mike Darrow stated he asked Steve Grittmann of NAC to come and answer any questions on the direction in which the City wants to go now that the applications for Bayport West are withdrawn. Mike Darrow stated that NAC was asked to prepare a brief overview of the Comprehensive Plan process along with certain plans (transportation, water sewage) that may need amending. Darrow stated that he wanted to answer any questions and talk about the process. As the planning chair mentioned, the open house would be a great opportunity to get involved and understand the process of planning.

Steve Grittmann stated that Mike Darrow has provided quite a bit of background information on the planning process, but would like to emphasize that the core part of this project is more of a goal and objective setting kind of project. If you can define what kinds of development you would expect to see you can get a plan put together easily that a developer can respond to. Steve Grittmann further explained the development process and what needs to be done.

Mayor Schneider stated that obviously NAC could see that the City is struggling with this.

Steve Grittmann stated that he's aware of the project and the City's struggles. Grittmann further stated that from his third-party view that the biggest problem for the City was not being able to identify what its objectives might be so that a developer came forward it was hard to answer all the questions because the City hadn't been through that process. Grittmann further stated that it would be their vision to help the City verbalize those

Bayport City Council Meeting Minutes  
March 3, 2003

objectives so that a developer knows what they have to meet, what the City's expectations are. Hopefully then the City will have something to evaluate the development plan with.

Mayor Schneider thanked Steve Grittman and stated that everyone is concerned about the impact on the community, whether fiscal or social.

Jon Nowaczek asked Steve Grittman if he could take them through some of the options that he has seen used in other communities to gather input from the community to help build that vision, and some of the pros and cons of different mechanisms like focus groups, workshops, surveys, etc.

Steve Grittman explained that workshops are beneficial for a reasonably well defined area to work on because a group of interested people can go through the process together and see and hear what the pros and cons of the various ideas are and develop a consensus as to what the City should be setting as an objective for that land use. Workshops rely on a good participation from the community. Grittman further explained that surveys are used quite a bit – in his experience they're sometimes difficult to work with simply because many times its difficult for the respondents what is being asked and educate them enough to know what their options are when they want to respond. Surveys are useful if the issues are well identified and the community is aware of those issues. Grittman went on to explain that focus groups, smaller groups, or individual interviews that is typically used when doing a comprehensive plan for a full community – “starting from scratch” – and really trying to develop a list of issues at the beginning of a project.

Jon Nowaczek stated the biggest concern is trying to find a way to build a consensus that everyone can live with and support. The process that the City went through didn't arrive at a result that the citizens could support – the City doesn't want to make the same mistake twice.

Steve Grittman stated that the objective of NAC is an education process about the pros and cons of any particular set of objectives that are established. “Its not just a matter of dragging everyone to the same conclusion, but making sure everyone at least understands how you got there.” So even if people don't agree at the end, they have an appreciation for the process and feel that it was fair, that they had their voice heard.”

Dan Johnson stated that his feeling with the last process was that it was pretty tainted because it was plan driven. The city needs to go through the process of figuring out what the City wants the comprehensive plan to say about that area without being reactive to a plan, the City needs to be proactive. Dan Johnson further stated that the feedback received from the last citizens advisory commission was maybe not reflective of what they all thought, it came back leave it industrial, but Johnson stated he thought the feeling on the commission was that if they told the City Council it was okay to build one house they would build 900. Dan Johnson went on to state that the City needs to come up with a process that gives everyone a degree of confidence that they can participate in the process and have some open ears on the Council and he stated he assures everyone his ears will be open. Despite what people have heard or read in the Pioneer Press on Sunday, he is not necessarily in favor of a residential development up there, not necessarily opposed to it either, he can see that whatever development would have a residential component.

Bayport City Council Meeting Minutes  
March 3, 2003

Johnson further states that he thinks the City is tainting the process if we begin with the assumption that its going to be residential as opposed to industrial, as opposed to open space, as opposed to part commercial. The City can't even begin with that assumption. Johnson further states that he can "see the benefit of a workshop to see where we are and what the sense of the community is and then deciding at the workshop what roots we're gonna go from there based on what public comments we get."

Dan Johnson stated that part of that process is that the City needs to approach this from the perspective of the budget. As a community we need to be educated about what the various development types would mean on the bottom line of the budget. There was not much confidence in the numbers the last time around. There needs to be a system for developing numbers that would show what those development types would mean and have some confidence in what those numbers come out to be.

Dan Johnson stated that he appreciates the fact that Steve Gritman isn't guiding in any particular direction, he would suggest that there will be two chances to look at this issue – one at the planning open house and the March 17<sup>th</sup> public hearing that was scheduled for Bayport West. Dan Johnson asked for comment from Council members as to whether to use the March 17<sup>th</sup> meeting as a workshop to try to come up with how to do the process and where to go from here. Dan Johnson further stated that Bob Kamps had suggested that there should be a discussion about the misconceptions from the last process, but it might be counterproductive to be debating the pros and cons of the last plan.

Bob Kamps stated it would be counterproductive to look back two months, the City needs to move forward.

Dan Johnson stated that the Council should look to having that meeting on the 17<sup>th</sup> and asked Wendi Lindquist if it is still scheduled.

Wendi Lindquist stated that it is scheduled, it was on the agenda under Staff Reports to consider canceling, but the Library is still scheduled.

Dan Johnson stated that would be a good time to have a workshop session to take public comments on what the process should be and how it should move forward.

Jon Nowaczek stated that it would be of value to have it just a few days after NAC shows some of the details about some of the different types of developments and so it will be fresh in everyone's minds.

Dan Johnson asked Steve Gritman at that time to go through how the City did the last comp plan four years ago. Dan Johnson further stated that he would like know what was tried and how well it worked.

Mayor Schneider inquired as to whether the workshop should be set on March 17.

Jenny Schneider asked if the meetings on March 13<sup>th</sup> and March 17<sup>th</sup> could be combined to one meeting for the sake of time and less meetings.

Bayport City Council Meeting Minutes  
March 3, 2003

Mike Darrow stated there might be a conflict with Alan's schedule – he was going to do the March 13<sup>th</sup> meeting.

Jon Nowaczek stated that the meeting on the 13<sup>th</sup> would be more informational and with a couple of days to think about the material people would be primed to have a workshop setting to discuss and think about moving forward; maybe having two meetings would be the best thing to do.

Dan Johnson stated that if people are going to take the trouble to come to the meeting he would like to make it as easy as possible – and not having people come out twice in four days. Dan Johnson read the purpose of the meeting on March 13 and stated maybe it would be best to have two meetings – one for “other stuff” and the second for Bayport West.

Someone from audience asked if the meetings were going to be televised if people couldn't attend them.

Wendi Lindquist stated that at this point it wasn't planned to be televised. There was a conflict with doing that on the 13<sup>th</sup>.

Dan Johnson inquired as to whether the meeting on the 17<sup>th</sup> would be televised.

Wendi Lindquist stated that Don Fixmer, the cable guy, is all booked up. She stated it could be taped, but not televised live.

Mayor Schneider stated that most of the discussion on March 13<sup>th</sup> would be Andersen West.

Jon Nowaczek stated that there might be some sense in having it as one meeting to avoid bringing people out twice – but on the other hand trying to jam it all into one big long meeting might be harder for some people than to do it in two separate less lengthy meetings. The community needs an adequate look at this, not rushing it or cutting it short – in interest of due process, maybe there should still be two meetings.

Mayor Schneider suggested setting the workshop for March 17<sup>th</sup> and asked Wendi Lindquist if that needed a motion. Wendi Lindquist stated that it does.

Mayor Schneider moved to have the workshop held on March 17<sup>th</sup>.

Dan Johnson moved to have a work session on March 17 at 7:00 at the Library. The purpose of the work session will be to discuss guiding the property referred to as Bayport West for purposes of the comprehensive plan for the City of Bayport and what processes the City should undertake to begin that guiding process. Dan Johnson further stated he would like a general informational approach regarding the comprehensive plan at the beginning of the meeting, but have the comments restricted to Bayport West property.

Dan Johnson went on to state that the work session needs to be televised so everyone can see it. Even if the cable channel is not going to televise it, it should be arranged by the City to have it televised.

Wendi Lindquist stated they can televise it, they just won't be able to do it live.

Dan Johnson stated that as long as people can see it at home, so they know what's going on.

Jon Nowaczek seconded the motion to have the work session held on March 17<sup>th</sup>. Motion passed unanimously.

## **UNFINISHED BUSINESS**

### **Bayport West EIS – Termination of EIS Process**

Mike Darrow stated the City submitted letters to the EQB terminating the process. NAC also sent letters to the Met Council mentioning the process and asking them to return all reports regarding the Comp Plan amendment back to the City. The termination notice was also published in the Stillwater Gazette and a letter was sent to everyone who commented as part of the EIS distribution list. From a legal standpoint all the letters have been sent out as far as EIS process.

Attorney Jim Lammers stated that was acceptable and follows the recommendations of his letter.

Bob Kamps moved, Sharon Ridgway seconded, to terminate the EIS process. Motion passed unanimously.

### **Resolution 03-22 – Approving Plans and Specifications for Storm Sewer Phase II**

Jeff Davis stated that SEH has completed the development of the plans and specifications for the State of Minnesota Storm Sewer Phase II. SEH is seeking authorization from the Council to start the bid process and accept bids on March 25 – they will then review bids and make a recommendation to the Council for approval or acceptance at the April Council meeting.

Mayor Schneider stated this is nothing new from what the Council talked about previously. Mayor Schneider asked for clarification on the fact that the Council is not bound at all by this and at that time the Council can decide what they want to do with it. Jeff Davis stated that was correct.

Bob Kamps commented that as a point of clarification between himself and Barry Peters, is this contingent upon these two bills.

Barry Peters stated that the question asked was are the two bills in front of the House and Senate related to the appropriation 1.1....

Jeff Davis stated this is totally separate. Right now the WMO, the City of Bayport is acting as the fiscal agent – there's about \$1 million in the overall program for construction of Phase II. The bills that are in front of the House and Senate right now are for additional funding for Phase III. The Council approved the contract to start the study for Phase III in the last meeting. Those are two separate projects.

Jeff Davis stated the bids will be accepted on March 25 at 2:00 at City Hall. There will be a pre-bid meeting for contractors the week before to answer any questions. Jeff Davis stated hoped to start construction started the first part of May if proposal is approved tonight.

Dan Johnson moved, seconded by Sharon Ridgway, to approve Resolution 03-22 – approving plans and specifications for the State of Minnesota Storm Sewer Phase II Project. Motion passed unanimously.

### **Discuss/Approve Middle St. Croix Watershed Management Organization Annual Fees**

Bob Kamps stated he typed up an explanation of the Middle St. Croix Watershed Commission and asked for any questions. Bob Kamps further stated that the only reason he can come up with that only \$2,500 was allocated in the budget instead of \$4,000 was that the Watersheds were in a legal battle last year and they didn't know if they would be in existence now. So instead of saying \$4,000 or \$0 they split the difference high and that is why the budget calls for \$2,500. Bob Kamps further stated that's the only possible explanation he can get.

Mayor Schneider stated that everyone may have some problems with the state mandated programs that are unfunded. He went on to state that if the City doesn't join the Middle St. Croix Watershed it will end up costing the City a lot more money, so there may not be a choice. In the future some the state mandated programs may go away, but right now the City is stuck with it.

Mayor Schneider stated the chair will entertain a motion to approve Middle St. Croix Watershed Management Organization annual fee.

Jon Nowaczek moved, seconded by Bob Kamps to approve the Middle St. Croix Watershed Management Organization annual fee.

Bob Kamps stated the fee will have to paid half now (\$4,000) and half in July.

Mayor Schneider confirmed that next year the fee will go back down to where it was.

Sharon Ridgway inquired as to the fees – this year the City pays \$8,000, next year it will be \$4,000, and \$4,000 is the normal fee.

Wendi Lindquist stated that is based upon 2002 fees.

Sharon Ridgway inquired as to whether the Watershed has a budget of any kind to submit. Bob Kamps stated that he didn't have it with him, but he could get it. Sharon Ridgway stated she would like to see a budget.

Motion passed unanimously.

## **NEW BUSINESS**

### **Fire Siren Use Policy**

Fire Chief Mike Bell stated that he included in the Council packets some fire siren use so everyone knows what the fire siren is used for – from fire siren down to civil defense siren. Chief Bell stated they reduced the noise on the siren. Chief Bell further stated that in the November meeting staff had directed SEH to conduct a study on different types of warning lights to put across from the fire hall. On further discussion funds would not be available for such lights so it wasn't cost effective to go through with a big expense if it couldn't be done anyway. Mel Horak and Chief Bell discussed the idea of reducing the noise on the siren with a limiting switch or other equipment, which was done. City staff has noticed a huge difference in the noise level on the siren since it was turned down. Chief Bell asked for Council approval to continue to use the siren until something better can be put in its place. Chief Bell further stated that he won't shut it off if something can't replace it or do something different with the siren.

Mayor Schneider stated that this is a very controversy issue. There are two sides and hopefully a compromise can be reached that everyone can live with.

Chief Bell stated that's what they were trying to do by reducing the noise on the siren, and since funds would not be available to do something different, it was a step towards a compromise but still be able to use the siren.

Dan Johnson inquired to Chief Bell if he is asking that the siren be left at the current level and apply the policy or go back up to the previous level and the policy be applied that that level.

Chief Bell stated that either could be done. From newspaper reports it didn't seem like it changed anything by limiting the noise on the siren. The feeling of the fire department is that it be brought up to the previous level, but it can be left where it is.

Bob Kamps and Chief Bell confirmed that it would not be the real old level, but the three rotation, 18 seconds.

Sharon Ridgway inquired to Mike Bell that the fire department feels that the pagers are not really dependable in all instances.

Chief Bell stated that was correct, they were using the pagers as a backup as they always were and they will continue to use them as a backup. The County is making advances towards the new system with the radio system – the pagers would run off of that same

Bayport City Council Meeting Minutes  
March 3, 2003

system. Chief Bell further stated that that system would change things a lot at that point, but at this time the fire department is not fully dependent on it.

Jon Nowaczek inquired to Chief Bell if he had any statistics that would shed some light on the reliability of the pagers in Bayport – any page failures that they know of.

Chief Bell stated that several members can attest to pager failure – everyone has relied on it at one time or another – but he didn't have specific statistics regarding pager failures. Every member has stated that it has affected them at one time or another, but they've heard the siren versus their pager.

Jon Nowaczek further inquired to Chief Bell about dead zones in the valley area and if he had any kind of map to show where the areas are or gathered information regarding those areas.

Chief Bell stated he didn't have dead spots but as the tower usage for the paging system changes the “dead spots” change as well, so its not really a specific are, but the valley is the worst area.

Police Chief Gannaway stated that the dead spots do fluctuate.

Dan Johnson asked Chief Bell what the policy is for fire department members, if they are required to wear pagers 24/7.

Chief Bell stated that they are required to wear pages, unless they are out of town.

Bob Kamps discussed a house fire – mutual aid call - two months ago where two departments did not tone out, respond to the call.

Chief Bell stated that Scandia and Marine did recently have some communication problems with Washington County.

Bob Kamps stated that he was at the League of Minnesota Cities workshop the previous weekend and met someone from Marine who said they have had a lot of problems.

Chief Bell stated that Marine has had a lot of communications problems in the last few years.

Mayor Schneider asked whether the siren would go off at its previous level if there were a civil defense emergency.

Chief Bell stated that was correct, and the weather warning will sound at the previous tone also for three minutes.

Jon Nowaczek asked Chief Bell if Washington County has a separate tone or activation system that triggers the civil defense side of the siren.

Chief Bell stated that it runs off the same system but it has a separate tone.

Jon Nowaczek further asked whether it sounded the pagers at the same time.

Chief Bell stated that some of the pagers had the weather tone in them just so they know that the weather siren is going off, but not all of them have it.

Jon Nowaczek asked whether that weather tone is specific to Bayport or does it activate surrounding areas.

Chief Bell stated it is specific to Bayport, they have to set off a separate tone for each locality.

Jon Nowaczek asked if the same Washington County Dispatch Center dispatches all communities.

Chief Bell stated yes, they are.

Mayor Schneider stated the concern is that the firefighters will not answer the call because the pagers aren't working.

Chief Bell stated that the concern here is one of safety at this intersection. There are people constantly crossing the street here and going down the highway, the fire hall is in the busiest part of Bayport. Chief Bell further stated the people deserve to get a little bit of advanced warning that the fire trucks will be coming onto the street.

Mayor Schneider stated again that everyone is concerned with safety issues and this is a very controversial issue and there needs to be some common ground.

Member of audience stated that most of the time there's a police officer helping the kids cross the street along with a guard. Most of the traffic doesn't happen until after the fire whistle is long gone. She suggested putting warning bells outside the firehouse to warn the kids. She stated she was at a business across the street and people commented that they don't miss the whistle because they could hear it in North Hudson where they live. She further stated that if the kids' safety is a concern, there are alternatives to warning them.

Chief Bell stated they discussed things like the bells previously but the Council was indicating that that type of equipment wouldn't be available for the fire department to purchase.

Jon Nowaczek stated that the issue under discussion at that time was involving the Highway 95 intersection and would have to be a traffic light arrangement and that would dramatically increase the expense, but something like a burglar alarm bell could be purchased for less of an expense.

Chief Bell stated that covering a couple block radius is their concern and that might not be effective.

Bayport City Council Meeting Minutes  
March 3, 2003

Mayor Schneider stated that people who lived here for a lifetime used to run up to the fire station when the alarm went off, but now there are a lot more calls than there were in the past. Its not fair to the residents that a lot of the calls go to West Lakeland and Baytown and Oak Park. The City needs to work hard to find some common ground.

Paul Vogel, 314 North 4<sup>th</sup> Street, stated that he wanted to expel the rumor that this is one man's personal agenda to turn off the fire whistle. Some residents of Bayport have been trying to turn off the fire whistle for years previously. Paul Vogel further stated that over the past eight month process he happened to be the point person for a community group to submit a petition of 50-60 residents (both business and residential) requesting that the fire whistle be turned off. Throughout the whole process other citizens came forward to speak about the fire whistle and their wish to have it turned off. Paul Vogel went on to state that he is no more than a one man committee to get the fire whistle turned off than Chief Bell is one person fireman trying to keep the fire whistle on. Chief Bell represents the fire department, Paul Vogel represents the community concerned about the fire whistle. Paul Vogel further stated that he finds it hard to believe that Bayport, which has the tone come off the King stack, has a pager problem and Stillwater doesn't have a pager problem. Paul Vogel called the Washington County dispatcher asking if there had been a tone failure to Bayport in the last two or three years and they said there was not. The County has a very elaborate backup program that if the primary tone fails to the King stack then it goes to a backup tower located by Mills Fleet Farm in Oakdale. If that fails also, there are a number of departments that can issue a tone for them also. Paul Vogel went on to explain the information he obtained about paging systems and Fire Main (system to come online this spring). Vogel went on to say that the person in charge of the Fire Main project stated that Bayport could not have a better situation in reference to the King Stack which is where their primary tone comes from; even when Fire Main comes on it will not affect Bayport in their ability to receive a tone from their antennas.

Paul Vogel went on to state that the fire department does not budget for all members to respond to each fire call or EMS call. In order for their pagers to be ineffective, more than half of the department has to have a pager failure at the same time so they don't receive the tones. Vogel further reported that Chief Bell has gone on record saying that the fire whistle is used as a backup for the fire department when they're not wearing their pagers. Every other fire department he has talked to wear their pagers on their shift unless they're in the shower, then they set it on the sink.

Paul Vogel discussed some information from an overhead projector presentation regarding number of fire calls over a five year period. The loudness of the whistle affects the quality of life and is a psychological drain with it going off so often. Its inappropriate for the fire department to ask citizens to endure the fire whistles. Vogel went on to report the number of false calls, called turned back en route, etc. (tape cut off at this point).

Paul Vogel stated the issue back in July was that the whistle was needed to alert people that the volunteers were coming to the station house – the citizen group showed that was not true because the fire department is supposed to obey the same traffic laws as everyone else and the fire chief went on record stating it would not increase the risk to public safety if the whistle was not used. Paul Vogel discussed other fire stations on busy roads that don't have fire whistles and are on busy roads. In regard to the school issue, Vogel contacted the Ramsey County Safety Patrol Foundation and asked them if turning off the

Bayport City Council Meeting Minutes  
March 3, 2003

fire whistle presented any danger to the kids. The Foundation stated the crossing guards are trained to hold the traffic.

Paul Vogel further stated that the intent of the fire whistle when it was created was to call the volunteers to the fire house, not to alert traffic, not to alert pedestrians. There has not been an accident on Highway 95 because of the fire whistle – there has not been an accident because the fire personnel are driving their trucks safely. Not having the whistle is not going to change how they leave and return from the station house. Paul Vogel went on to compare different river valley cities that don't have whistles but do have heavy traffic. Vogel stated that a former council member asked them to come up with some reason to have the fire whistle, and they have yet to produce that information. Vogel stated that he is not against the fire department, he is thankful for them being here, but he doesn't understand why the fire whistle is needed. Vogel reported the upgrades and differences in pagers.

Some members of the audience started speaking at the same time. (Wendi Lindquist asked them to come up to the microphone to speak).

Bob Kamps stated to Paul Vogel that he understands he studied this issue, but he stated three times his family must "endure" this whistle. If the City goes back to what the fire department asks, it would be 3 rotations, 18 seconds – 1 ½ times a day times 18 seconds is 27 seconds out of 86,400 seconds in a day that his family would have to "endure" the whistle. Kamps further stated you have to be flexible. Kamps discussed past firefighters and you can train yourself to listen for it, you can train yourself not to be bothered by it. Kamps further stated that with a little education and a little tolerance, the City can get by with this.

Gerry Dalluge, 297 4<sup>th</sup> Street, stated he agreed with Paul, and he did a great job presenting the information. The whistle goes off about 1,000 times a year, 3 times a day, and stated it is a nuisance. Regarding education – maybe send the fire chief and assistant fire chief over to some communities that don't use a fire whistle to learn how they do it safely. Regarding the pagers – on January 31<sup>st</sup> the fire whistle was off for over two weeks and they made every call and they make the calls when the whistle is off after 9:00 p.m.

A member of the fire department stated that during the test period he missed five calls, so everyone didn't make it. He further stated that if they don't show up, who is going to?

Sarah Newman (sp) stated that the fire whistle isn't a nuisance. When she was a crossing guard there wasn't a policeman out there every day and it really does help warn people close by and everyone around town because the fire trucks do not only travel in one intersection. People need the warning to know that the fire trucks are out on the road so they know to look.

Peanuts stated that Bayport has never had a problem with the fire whistle until some of the newer people moved to town. He further stated that he realizes there are more calls now than there used to be, but the City is very fortunate to have the fire department they have. There are very few places that have a fire department as well equipped and as well mannered as Bayport does. He stated that he asked a couple kids by the school if the fire

Bayport City Council Meeting Minutes  
March 3, 2003

whistle bothered their ears when it went off and they replied, no, that they liked it so they could come and see the fire trucks leave. He stated he doesn't understand what the problem is.

Phyllis Nelson stated that when the fire whistle goes off, someone needs help, and if there are more calls, there are more things that need to be attended to. Its not just fires, its health emergencies too and if someone is having a heart attack its always the first few minutes that count. Phyllis went on to state that she doesn't understand why people have a problem with the siren, when it goes off it means there's a difficulty – its for the fireman to get to the station and for citizens to look around and get out of the way. The fire department has fantastic equipment and the only way it can be used if it the fireman get there to use it.

Paul Vogel stated that at one of the previous meetings the fire chief was going to look into a two tone system – one tone from dispatch would set off the whistle for all fire calls, the second tone would not set off the fire whistle but only the pagers for an EMS call or other type of call. They can make all the EMS calls with a tone to their pagers, but somehow the pagers don't work for fire calls so they need the whistle. “You either need your whistle for all the calls or don't need the whistle for any calls.” Paul Vogel further inquired as to how the fire department can say they don't need the whistles for fire calls and say the pagers don't function effectively enough to do the job.

Chief Bell stated in response to Paul Vogel's statement that its because they could afford to do with less personnel on a medical call at that point and it was in conjunction with putting some kind of warning light system on highway or across from the fire hall.

Dick Beberg, 5<sup>th</sup> Street, stated that sometimes you have to accept progress. Dick further stated that he doesn't like the sound of the toned down whistle. Instead of making fun of Paul, he should be recognized for all the time and effort he put into it. Dick further stated there's always a better and more moderate way to handle a situation. Bayport should not be split over this situation. Dick Beberg quoted Benjamin Franklin “when they made the Constitution and two pieces of wood didn't fit, take a little off of each side and see if they'll fit together.” Dick Beberg stated he deals with everything from his heart and he would like everyone to look into their hearts a bit and see if there can be a compromise to make Bayport better. Dick Beberg asked the Council and the people of Bayport to open up their hearts and try to compromise for the good of Bayport.

Matt Bell stated that if people wanted to get rid of the fire whistle, then the church bells should go, the train going through town blowing their horns, and the prison bell should also be gone. Matt stated that he bought a house by the prison and the siren doesn't go off as much, but when it does, its annoying, but he deals with it. His grandparents raised three kids behind the firehouse and it never affected anyone.

Mayor Schneider stated this issue has “polarized” the community and he agrees with Mr. Beberg in that the City needs to find a compromise that works for everyone – there are enough issues tearing the town apart a bit.

Jon Nowaczek stated that Bayport does value the fire department services to the community, and the community is behind the fire department one hundred percent. The support for the fire department needs to be separated from the whistle and other tools that

Bayport City Council Meeting Minutes  
March 3, 2003

the fire department uses. The whistle is just a tool, just like the engines and other equipment they have. The reason the Bayport Fire Department is the envy of the St. Croix Valley is not because of the whistle, its because of the people that do an outstanding job. Jon Nowaczek further stated that the world has moved on – the City no longer uses horse-drawn steam pumps – because there is a better way. The City and the fire department are here to provide services and the residents are the customers – so this is a customer service issue. It its looked at that way, it might put a different light on how to solve this matter. One key element to customer service is not to impose your values on the customer. Jon Nowaczek read a letter signed by the entire fire department and challenged the fire department to re-evaluate and look at it from a customer service perspective. Jon Nowaczek suggested a “cooling off period” and see if the City can live without the whistle. He further stated that it would be a time to gather statistics (missed calls, etc.) and at the end of that period make an informed decision based on facts.

Bob Kamps stated that the decision should be left to Mel Horak and Mike Bell. Bob Kamps further stated it was his opinion that the fire department has tried – the original complaint was that it was too noisy, now it should be shut off altogether....”I’m confused here.”

Paul Vogel discussed a letter at the first meeting held regarding medical reasons and quality of life issues.

Bob Kamps stated it should be left up to Chief Bell and the rest of the fire department. Its their policy.

Sharon Ridgway stated that eventually the City will have to depend more on pagers, but until there is a very reliable system the siren shouldn’t be turned off. The fireman stated their pagers don’t always work, there is no reason they would be lying. If they don’t always work and they have trained themselves to listen for the whistle, why would the Council even consider turning it off. Sharon further stated that Mike Bell indicated Washington County would be looking into better equipment, supposedly in the near future, the Council should wait until a better technology is in place to have dependable pagers.

Jon Nowaczek stated that there are no statistics or facts that the pagers are not dependable at the present time. He further stated that over the last nine months someone could have put together a summary of statistics of pager failures. Jon Nowaczek stated he was disappointed that the fire department hasn’t given the Council more information. From a customer service standpoint, the City is not doing right by its customers.

One of the fire department personnel stated they have tried hard to figure out a “numbers game.” The company that repairs the pagers has two or three of them every month for repairs. One of the captains was out of service a month and a half ago for three days, not because he was out of town, but because his pager didn’t work. “You don’t know if they don’t work if they don’t go off.” The fire department used to do a pager test every other Monday but they don’t do that anymore. After 9:00 the whistle doesn’t go off, there are times when they don’t make the calls. The pagers aren’t that loud anymore, it can’t be heard in the next room. The fire department has made compromises, and its sad that its

Bayport City Council Meeting Minutes  
March 3, 2003

gotten to be a huge issue. He agrees with Jon's recommendation for the "cooling off period."

DeEon Phillippi suggested altering the siren somehow – maybe a baffle or bending the plates would reduce the sound closer to the fire house but send the sound waves out further.

Jason Severson, 422 South 2<sup>nd</sup> Street, discussed the petitions and numbers of signatures obtained on both sides. He further stated that no matter what, everyone is not going to be pleased.

Mary Goulette, 204 North 5<sup>th</sup> Street, stated she agrees with a compromise – maybe the fire chief and Mr. Vogel came together with people in the community and develop a plan over the next 30 days and present it as a group instead of as individuals.

Mayor Schneider thanked Mary and stated it sounds like an excellent idea.

Dan Johnson stated this doesn't have to be a divisive issue. The pagers do work around here – example – paging doctors at a ballgame or a movie. The City has to take into consideration that the noise bothers the people who hear it loud and clear. Dan Johnson further stated that this is not a hard issue, this City has to move on with the rest of the world. The fire station is a tool to get the firemen to the fire station and it has served its purpose and now there's another tool – pagers – and they should be used. If the City will be doing studies, the siren should be turned off while those studies are done and see what the outcome is.

Stan Tolonen stated that this has been discussed and the Council needs to make a decision.

Dan Johnson stated that Mike Bell has asked the Council to approve the fire siren policy which is that it would be used for all fire and medical calls between the hours of 7:00 and 9:00 P.M., the 9:00 curfew, severe weather, and for civil defense. Dan Johnson stated his motion would be to approve that policy with the exception of fire and medical calls.

Dan Johnson moved to approve the siren usage policy with the exception of the fire and medical calls.

Jon Nowaczek suggested an amendment to Dan Johnson's motion which is to approve policy for curfew, weather and civil defense, but instead of fire and medical calls, state specifically that there will be a six month trial period with no siren for fire or EMT calls and at the end of that period make a final determination on whether the siren should be left off permanently.

Dan Johnson stated that he accepts that as a friendly amendment.

Jon Nowaczek stated he seconded the motion.

Mayor Schneider stated that the motion has been seconded and asked for any other discussion.

Bob Kamps stated six months is a very long time.

Sharon Ridgway stated that six months is very long time to take anything under advisement.

Dan Ridgway, 337 North 5<sup>th</sup>, stated that six months sounds like a long time, but suggested that if the fire department has any significant trouble before six months is over, they let the Council know when it goes on right away.

Dan Johnson stated that if the fire department can show that there's a real problem he would certainly like to hear it.

Someone from the audience (fireman?) inquired that if someone misses one call that's all it going to take to turn it back on.

Dan Johnson stated that if there are any problems, let the Council know what they are.

Jon Nowaczek stated the purpose is to gather information about how this works and get to the point where the City can live without it.

Chief Bell requested to the Council that the fire department have the authority to turn the whistle back on if they deem it necessary, if they get a major call or something of that nature.

Mayor Schneider stated "absolutely."

Jon Nowaczek stated that the siren could be used as a backup if not enough personnel arrived at the station for a call, it could be used to manually sound the siren to get enough personnel.

Police Chief John Gannaway suggested from a public safety perspective, if there is a major structure fire or some type of significant rescue, it should be turned on.

Wendi Lindquist tried to confirm the motion – allowing them to turn it on with any problems, what kind of problems....

Discussion among the Council members on the amendment to the original motion.

Dan Johnson stated he would withdraw the original motion and make a new one. Dan Johnson moved to approve Mike Bell's siren usage policy with the exception of using the whistle (item 1) for fire and EMT calls – instead of item 1 – on any matter that the Chief deems it to be such an emergency that the siren is required to be sounded for the safety of the community. Not to be sounded for the safety of the pedestrians but for the people who need to respond to it. Dan Johnson further stated that the siren is to be turned off for six months and re-evaluate and take comments from community at that time.

Jon Nowaczek seconded Dan Johnson's new motion.

Bayport City Council Meeting Minutes  
March 3, 2003

Mayor Schneider asked for further discussion.

Sharon Ridgway stated that six months is too long.

Mayor Schneider suggested to shut it off for three months.

Sharon Ridgway stated she didn't want to see it shut off at all.

Dan Johnson stated he would accept three months as a friendly amendment.

Jon Nowaczek stated he would go along with that but he feels it needs to be long enough to gather meaningful results.

Wendi Lindquist inquired as to who would be gathering the results.

Jon Nowaczek stated the fire department would gather statistics on failures and such and bring that back to the Council.

Mayor Schneider asked Dan Johnson to go over his motion again.

Dan Johnson reviewed his motion to adopt the fire siren use with the exception of item number 1 (all fire and EMT calls) and instead state for any emergency that Chief Bell determines is of sufficient magnitude that it requires the immediate response of all firefighters within hearing range and that the siren be turned off for three months per the new policy. At the end of three months the Council will reconsider the policy and decide whether to extend it or drop it. The Council will take comments at the end of three months from any fireman or Bayport residents.

Jon Nowaczek seconded Dan Johnson's motion.

Mayor Schneider asked for any other discussion. Hearing none, upon roll call being taken, the following voted via voice:

Bob Kamps – Nay  
Dan Johnson – Aye  
Rick Schneider – Aye

Jon Nowaczek – Aye  
Sharon Ridgway – Nay

Chief Bell stated it would take them about a week to turn it off because some wiring was done to turn it down and they need some time to re-wire it so the weather siren isn't shut off too.

Mayor Schneider stated there wasn't a problem with that. Mayor Schneider also stated that he hopes everyone can pull together on this and work it out.

Chief Bell stated he would keep track of what information they find out.

Bayport City Council Meeting Minutes  
March 3, 2003

Mayor Schneider introduced the next item of business – the Commission to review City Administrator Resumes. He inquired to Wendi Lindquist as to if the number of applicants was at 13.

Wendi Lindquist stated that there were two that weren't listed – Nile Kriesel and Larry Hanson. Councilmember Ridgway spoke to both of them and they were interested in serving on the committee.

Mayor Schneider stated there was an excellent number of applicants and moved that the Council accept all of the applicants that had applied.

Dan Johnson seconded Mayor Schneider's motion.

Sharon Ridgway asked how that would work.

Bob Kamps inquired as to whether the old grading system was available.

Wendi Lindquist stated she looked through all the files that Nile had when the Council chose Dan Johannek and a good portion of the information is there. Wendi stated that the information has begun to be retyped so the new Commission can use it if they think its necessary.

Bob Kamps inquired as to whether the Council wanted to go with the grading system which was used before.

Jon Nowaczek stated, and Mayor Schneider agreed, that it could be one of the options but the Commission should determine what approach they want to use. Mayor Schneider stated there were some excellent members, the Council should appoint them and move at this meeting to appoint a chair and the Committee can decide how to move forward.

Sharon Ridgway stated she wanted to know exactly what the duties of the Commission were going to be.

Jon Nowaczek stated that, as discussed at a previous meeting, the Commission's purpose would be to narrow the field from the 40 or 50 applications down to a list of 3 to 5 finalists and then the Council would make the final selection.

Mayor Schneider stated that the Council would appoint the new City Administrator.

Sharon Ridgway stated she would like more than 3 to 5 finalists.

Jon Nowaczek stated the Council would not be bound by the Commission's recommendation but it would narrow them down.

Sharon Ridgway stated she would like a printout of their findings of fact, how each one was rated, and inquired as to how the Commission would be rating the application.

Bayport City Council Meeting Minutes  
March 3, 2003

Mayor Schneider stated that the Council should let the Commission figure out their own procedure.

Bob Kamps inquired to Attorney Jim Lammers as to the Council giving the Committee directions, is that not the job of the Council?

Attorney Jim Lammers stated that the Council could just give them general direction, the Committee could appoint their own chair, and make up their own approach.

Mayor Schneider inquired as to why the Council should appoint the Commission if they can't make any decisions.

Bob Kamps stated that the Commission needs to know what the Council wants....

Mayor Schneider stated that the Council needs to know what the community wants and that's the reason for appointing the Commission.

Jon Nowaczek stated the Council is trying to fill a position that has fairly well-defined duties and the Council is asking for help of willing and qualified citizens to determine the best candidates to fill that job. As they present their report in however long it takes, the Council can determine whether to accept one of the candidates the Commission recommends or go with someone else.

Mayor Schneider inquired to Bob Kamps if he is not comfortable with the Commission.

Bob Kamps stated that he was informed there was a grading system that was always used and if the Council allows the Commission to go outside of those parameters that have been previously used, he doesn't know where they will go, and would prefer to use the parameters that have been set within the last 2 city administrators other than Mr. Kriesel.

Jon Nowaczek stated there is no set, best way to make hiring decisions.

Wendi Lindquist stated that Nile Kriesel formulated the rating system, there was no set standard before. Wendi further stated that she didn't want to put too much precedence on some pre-set, pre-determined way, Nile Kriesel came up with questions and a formula.

Mayor Schneider stated he didn't want to micro-manage, if the Council is going to put their faith in the community to do this, they should be able to choose their own format.

Wendi Lindquist inquired to Mayor Schneider if they wanted to go with the 14 people. Mayor Schneider stated that with people out of town and such, he would be in favor of appointing the whole group.

Bob Kamps inquired as to whether the application process for the Commission is closed, and will not be taking any more applications for the Commission.

Wendi Lindquist stated that it was decided that everyone should have their interests in before this City Council meeting.

Bayport City Council Meeting Minutes  
March 3, 2003

Jon Nowaczek stated he wanted to clarify there are 14 people on the list, 15 with Wendi Lindquist but she would be a non-voting liaison. Jon Nowaczek further stated the he would agree with Mayor Schneider to appoint the whole group and have them get to work immediately.

Jon Nowaczek moved to appoint the 15 candidates for the selection Commission for the City Administrator to make recommendations of a list of five finalists to the City Council.

Sharon Ridgway stated she didn't want a limit of 5, say the top 10.

Jon Nowaczek stated that if Sharon saw a candidate she liked that the Commission has eliminated, she can say she prefers that candidate and move to appoint that person. This is just a recommendation, the Council is not bound by it.

Sharon Ridgway stated she wanted more than five finalists.

Dan Johnson seconded Jon Nowaczek's motion.

Sharon Ridgway stated she would like to amend the motion to have 5 to 10 finalists.

Jon Nowaczek stated he didn't see any point to that, he would like to stay with his original motion.

Dan Johnson stated that these finalists are the people that will be invited back here and talking to them in some detail and meeting members of the staff and community, ten people will be too many. He stated he agrees with Jon, it can't be more than 5, otherwise it will get disruptive.

Mayor Schneider stated the motion was moved and seconded, and upon roll call being taken, the following voted via voice:

Bob Kamps – Nay  
Dan Johnson – Aye  
Rick Schneider – Aye

Jon Nowaczek – Aye  
Sharon Ridgway – Nay

Mayor Schneider introduced the next item of business – resolution appointing Kim Vick as Secretary/Receptionist for the City of Bayport. Mayor Schneider asked for discussion.

Bob Kamps stated he would like to know where that came from, is the City creating another job.

Wendi Lindquist stated that the prior Council approved it and budgeted it for and Wendi is just trying to fill it.

Bob Kamps inquired about when a City Administrator is hired, what happens to Kim?

Wendi Lindquist stated she stays on staff.

Bayport City Council Meeting Minutes  
March 3, 2003

Jon Nowaczek stated that the City Administrator is not going to be answering phones or performing the secretarial duties.

Bob Kamps stated that was Wendi's job. Wendi Lindquist stated that the former Council created an Administrative Assistant position for Wendi. Wendi stated that they approved an Administrative Assistant position and a City Planner position and budgeted for them.

Bob Kamps inquired as to whether the Secretary position was only until they found a City Administrator. Sharon Ridgway stated they did create those positions but wanted some clarification from Mayor Schneider about a rumor she heard that Schneider wanted to hire a part-time administrator.

Mayor Schneider stated that the Council acts as a Council.

Sharon Ridgway stated that her concern was that Mayor Schneider wanted Wendi to handle most of the administrator duties when she hasn't been trained in on them. Sharon further stated that the resolution for the Secretary/Receptionist was fine with her as long as they hired a full-time City Administrator.

Wendi Lindquist stated that hiring Kim Vick has nothing to do with the City Administrator, they are totally separate issues.

Bob Kamps stated that once the Administrator's position is filled, the City has four people on staff.

Wendi Lindquist stated that the Administrative Assistant position with the understanding that she would step up from the Secretary/Receptionist to Administrative Assistant and then the vacated Secretary position would be filled. Wendi further stated that at most cities an Administrative Assistant by governmental guidelines does provide a higher level of support to the City Administrator. That person does not run the City, but provides backup support. Its not an Assistant City Administrator, its an Administrative Assistant.

Sharon Ridgway stated that maybe she didn't make herself clear. She stated this is fine with her as long as the City has a full-time City Administrator.

Sharon Ridgway stated that the Mayor is looking to cut the budget... Mayor Schneider stated that everyone has to look to cut the budget. Sharon Ridgway stated that there is enough work to have all of these people – an Administrator, Administrative Assistant, Secretary and Clerk. Sharon Ridgway further stated that she wants to be assured that if the Council hires Kim as a full-time Secretary, nothing else will be cut out.

Dan Johnson inquired to Wendi if the reason to hire Kim was that it was too expensive to keep her on as part-time. Wendi stated that it was costing \$28 an hour through the temp agency, that is too expensive to keep her on. But the other side is that she decided to fill the position and hope the Council understands how busy we are and why we need it. Wendi further stated that she could have filled the position when the old Council was here, but she held off because she wasn't sure where the budget was going. Wendi went on to state that the City office is too busy to not think about filling that position, and if Kim isn't

Bayport City Council Meeting Minutes  
March 3, 2003

hired, the Council needs to consider offering Kim some kind of short term contract, but how long is that?

Dan Johnson inquired to Jim Lammers about any obligations to Kim Vick if the Council wants to replace her in that position.

Jim Lammers stated that any employee in the City is an employee at will. The only exposure would be unemployment compensation if a person was terminated and they did not find a job immediately.

Jon Nowaczek stated that its important to realize that the City is on track to pay Kim almost \$60,000 a year through the temp agency and given the work load and these positions have been previously authorized and given that the structure makes sense, it makes sense to put Kim in that position and save \$40,000 a year.

Wendi Lindquist stated that as Bayport West goes forward, it will add to City staff and services for web sites and customer service, everyone has a full load.

Mayor Schneider stated that chances of getting a new City Administrator on board within two months are not realistic and the money saved from paying the temp agency would be worth it for the rest of the year.

Wendi Lindquist stated that on the current track the City will have to do a budget transfer because this has been paid since December.

Sharon Ridgway inquired about accrediting benefit time.

Wendi Lindquist stated that John Nash brought that up because the City did that for the last Secretary hired from Oak Park Heights. Its accrediting any time coming retroactive to the first day of work.

Mayor Schneider stated that Kim has been doing a very nice job, that would be a nice favor.

Sharon Ridgway inquired about benefits – Wendi stated it would be vacation time earned, which is maybe two days of vacation and less of sick time.

Sharon Ridgway inquired about employee benefits consistent with City Council's Personnel Policy, what would be the date on that.

Wendi Lindquist stated the Council hired the Secretary from Oak Park Heights under the same assumption and the City Administrator and Council at that time had no problems with it.

Jon Nowaczek moved to adopt the resolution appointing Kim Vick as the City of Bayport Secretary/Receptionist effective February 4, 2003 with an annual salary of \$24,128.

Bayport City Council Meeting Minutes  
March 3, 2003

Dan Johnson seconded the entire resolution as written.

Upon roll call being taken, the following voted via voice:

Bob Kamps – Aye  
Dan Johnson – Aye  
Rick Schneider – Aye

Jon Nowaczek – Aye  
Sharon Ridgway – Aye

Mayor Schneider introduced the next item of business – resolution approving Christopher M. Vierling’s membership in the Public Employee’s Retirement Association Police and Fire Plan.

Jon Nowaczek moved, seconded by Bob Kamps, to approve the resolution approving Christopher M. Vierling’s membership in the Public Employee’s Retirement Association Police and Fire Plan.

Upon roll call being taken, the following voted via voice:

Bob Kamps – Aye  
Dan Johnson – Aye  
Rick Schneider – Aye

Jon Nowaczek – Aye  
Sharon Ridgway – Aye

Mayor Schneider introduced the next item of business – approve Planning/Zoning Staff Meetings.

Wendi Lindquist stated that its an attempt by the staff to come together on a more regular basis – the City Administrator, City Planner, City Inspector and City Engineer to stay on track with certain projects that are going on or coming up. Cities typically do this, it helps staff in knowing the same amount of information to act more proactively. If the Council thinks this is a good idea the City will start to have them monthly or bi-monthly.

Jon Nowaczek stated that would be an excellent idea, but since some of those people are contract personnel to the City that it could present a cost issue.

Wendi Lindquist stated that if there aren’t any projects going on that would require their feedback, they wouldn’t be involved.

Jon Nowaczek inquired if they could be more than once a month.

Mike Darrow stated that typically they are once a month and NEC’s charge rate would go down, it wouldn’t be charged as a meeting, it would be charged as a staff meeting.

Jon Nowaczek asked Mike Darrow what the difference would be. Mike Darrow stated he thought it was \$15 an hour but it would be not to exceed, to include travel time as well. The issue is to be proactive to get everyone on the same page to look at plans, typically a planning commissioner is at those meetings as well.

Bayport City Council Meeting Minutes  
March 3, 2003

Wendi Lindquist stated that more often than not it would be the City Administrator, Public Works director and building inspector and engineer if appropriate.

Jon Nowaczek asked Barry Peters what his office policy is for that type of staff meetings. Barry Peters stated their policy is nothing different from the hourly rate; something could be put together for the City of Bayport, but nothing is set up currently.

Mayor Schneider stated he thought it was an excellent idea if it was used frugally.

Barry Peters stated that if SHE is brought into it, it will be project driven so it's a cost....

Wendi Lindquist stated it will be charged back to the project.

Jon Nowaczek stated the City Administrator should hold monthly staff meetings to discuss ongoing projects and to be proactive, up to one meeting a month.

Sharon Ridgway seconded the motion.

Mayor Schneider asked for any discussion. Upon hearing none, motion passed unanimously.

Mayor Schneider introduced the next item of business – approve and establish a date for the Lake Street Neighborhood Meeting.

Wendi Lindquist stated that the City needs to get going on approving bids for the Lake Street project so H.R. Green and consultants can get bids they need so the homeowners on Lake Street affected by this can move forward with choosing their contractors. Wendi stated she has spoken to H.R. Green and Greg Stonehouse – they think it would be helpful to have an additional neighborhood meeting so the residents and the new Council know what's going on and make sure the project gets on track.

Mayor Schneider stated it would be a great idea to have a meeting with the neighborhood. These are tougher fiscal times and the City needs to see if the money will be there.

A member of the audience stated that the residents down there have spent a lot of money and if that were to get rescinded the residents, since this has already been talked about, would come back and ask the Council for their money back.

Mayor Schneider stated the Council wants to have a meeting to see where its at, the City has moved forward a long ways with the project.

Jon Nowaczek stated that nobody is questioning the need for the improvements and the goal that has been set out. In previous discussions the Council has had some reservations about the timing – just the fiscal uncertainties – whether now is the time to spend that kind of money.

A member of the audience stated that its easily \$100,000 and if anybody were to back off from this project there would be serious repercussions because there are many people

Bayport City Council Meeting Minutes  
March 3, 2003

down there who have spent a significant amount of money and are living in an unusual situation because of this plan.

Mayor Schneider stated they don't want to be adversarial about this project at all.

Jon Nowaczek stated it may very well be the Council continue as planned, but they would like to have that conversation.

A member of the audience inaudible because of no microphone.

Discussion about a date for a future meeting. Wendi Lindquist stated the 13<sup>th</sup> and the 17<sup>th</sup> are slated for City meetings, and she will be in a conference from the 18<sup>th</sup> through the 21<sup>st</sup>, which has been approved. H.R. Green would not be available on the 24<sup>th</sup>.

Discussion about a date for the Lake Street Meeting between Council and consultants.

Wendi stated that the meeting should be scheduled for the week of the 24<sup>th</sup> and will confirm.

Mayor Schneider introduced the next item of business – approve Subdivision Ordinance Revisions. Mayor Schneider stated that Mike Darrow did a nice job those and thought they were in order and had no problem with it.

Sharon Ridgway stated she wasn't done reading hers yet, and could the Council wait to approve.

Mike Darrow inquired to Jim Lammers that the Subdivision Ordinance goes into effect after the date of publication.

Jim Lammers stated that yes, the Council would approve the Ordinance, then the Ordinance has to be published before it becomes effective.

Mike Darrow asked about the time frame. Jim Lammers stated there is no time limit, its within a reasonable time.

Mayor Schneider asked Sharon Ridgway if she would like to table it until the next City Council meeting. Sharon answered affirmative.

Jon Nowaczek seconded the motion to table the Ordinance.

Motion passed unanimously.

Mayor Schneider introduced the next item of business – approve the 2003 Board of Appeals and Equalization/Open Book Meeting scheduled for April 7, 2003, and asked if anyone had a problem with it.

Wendi Lindquist stated that date has been set by Washington County, there's not much we can do to alter that.

Bayport City Council Meeting Minutes  
March 3, 2003

Jon Nowaczek moved, seconded by Sharon Ridgway, to accept the schedule of meetings. Motion passed unanimously.

Dan Johnson removed the payables from the consent agenda because Bayport is a City that does not have a City Manager that has discretionary budget authority, all the payables have to be approved by the Council. In this case, everyone has to ask the Council and the mayor has to sign the checks, and there was some discussion about whether the mayor could or could not refuse to sign a check. The problem is that the City doesn't have a clear certification in the numbers that they are reasonably necessary and in the budget. Dan Johnson further proposed that anything submitted for the consent agenda on payables must carry a certification by the City Administrator and by department heads that payables are reasonably necessary and there's money in the budget. In that case there is no reason for the mayor to second guess the checks.

Police Chief John Gannaway stated the department heads and the City Administrator does approve each individual bill and sign off and code them.

Dan Johnson asked John Gannaway that in that process does he make sure there's money available in the budget, so by approving the list the Council isn't detouring from the budget or creating new items.

John Gannaway stated that they can't anticipate every expenditure but all of it has been budgeted; some of them are just routine monthly bills.

Wendi Lindquist stated there will occasionally be items.... (the tape ran out at this point)

....(tape started in progress) Wendi Lindquist stated that they do sign the receipts, compare them against the monthly budget that John Nash provides, so to some degree they've been certified. The only other problem after talking with John Nash today is that a lot of the receipts don't come in until the last minute so if they're posted until the very last minute, produce the reports, they're lucky to be done on Thursday prior to the Friday packets going out. The only problem that would create is that the department heads wouldn't have time to sign off on them a second time and certify everything before it goes to Council.

Mayor Schneider asked John Gannaway if he reviewed this every month. John Gannaway stated, yes, he does review every bill. Mayor Schneider inquired to John Gannaway that he has certified everything on the budget. Gannaway stated, yes, everything on the police budget.

Mayor Schneider stated he assumes every department head will certify every expenditure on the expense report. Wendi Lindquist stated that every department head has to sign off on their department's invoice, they have to approve it and code it. Coding means going through the current budget, go back and see where they allocated from it from on the yearly budget or monthly budget to make sure it still fits within expenses and code it so it comes out of the appropriate account that it was designated for.

Bayport City Council Meeting Minutes  
March 3, 2003

Dan Johnson asked if the City Administrator could certify that process has been gone through for all the items on the payable except for items highlighted or something like that.

Wendi Lindquist inquired to Dan Johnson if she or any administrator would be willing to certify that each department head actually looked at the budget and looked at the budget.

Dan Johnson stated that if the administrator is not willing to certify it then it should be passed around for signatures and have the department heads sign off on it too.

Wendi Lindquist stated that John Nash needs to be involved in this process. A lot of these invoices don't come in so John Nash would need to create procedures and polices for the invoices – a cutoff date. A date the report goes out, a date the department heads have to have it back.

Mayor Schneider stated that he is uncomfortable with the checks and balances and we need to have accountability.

Wendi Lindquist stated that one of the upcoming agenda items is to set up a Council workshop to go over budget items.

Dan Ridgway stated that he looked at last year's budget and there were some concerns to him if he were running a business.

Mayor Schneider stated that John Nash will have to "step up to the plate a little bit" and get us comfortable with this.

Jon Nowaczek stated that the Council should ask John Nash for recommendations on how to implement that and get some accountability.

Dan Johnson instructed Wendi to take those comments and see if she can come up with some kind of policy to address those concerns.

Dan Johnson moved, seconded by Sharon Ridgway, to approve the payables previously on the consent agenda. Motion passed unanimously.

## **STAFF REPORTS**

Mayor Schneider introduced the next item of business – discuss Bayport West hearing date cancellation. Wendi Lindquist stated the public hearing for Bayport West was cancelled and kept the date for a workshop.

Mayor Schneider introduced the next item of business – discuss date for budget workshop. Jon Nowaczek stated the first monthly meeting wasn't until April 7<sup>th</sup>, maybe the meeting could be March 31<sup>st</sup>.

Dan Johnson suggested having the meeting at 5:00 instead of 7:00. Jon Nowaczek stated that would be awkward for him. Jon Nowaczek suggested having a budget workshop on March 31 at 7:00 p.m.

Bayport City Council Meeting Minutes  
March 3, 2003

Bob Kamps moved, Jon Nowaczek seconded, to have a budget workshop on Monday, March 31, 2003 at 7:00 p.m.

Motion carried unanimously.

Mayor Schneider introduced the next item of business – discuss City web site.

Wendi Lindquist stated she included some information through gov office dot com – it was approved as a budgetary item by the last Council and it went over approximately \$120. There is a one time license fee. A lot of cities use it because it is so easy to maintain, develop and put information into. They do all the set up – you tell them what information you want, they set it up, and they maintain it.

Jon Nowaczek reviewed it and the Council may want to supplement it with some other things that he has talked with Wendi about. Jon further stated that he wanted to point out that there is some commitment involved in staff time in making this workable and its just like starting a newsletter. It sounds like a great idea, it's a useful thing, helps communications but it loses its value if its not kept current and not maintained.

Jon Nowaczek moved, seconded by Sharon Ridgway, to approve the website as laid out by Wendi in her presentation.

Motion passed unanimously.

Bob Kamps stated he would like to apologize to the Chief of Police and the DARE officer – he did not make it to the DARE graduation. Kamps realizes that its an important program for the children, parents and for the teachers. Kamps further stated he apologized to the chief in private, he was a lot easier than his daughter who graduated from the DARE program that day. Kamps stated he would like to apologize publicly to the chief and the DARE officer.

Jon Nowaczek stated that he had the graduation slated for March 28<sup>th</sup>. Bob Kamps thought it was too, but he was informed by his daughter, it was actually February 28<sup>th</sup>. Jon Nowaczek stated he wanted to apologize too because he thought it was March 28<sup>th</sup> and he was planning to attend.

Bob Kamps moved, seconded by Jon Nowaczek, to adjourn the meeting at 10:29 p.m.  
Motion passed unanimously.

## **COMMUNICATIONS/REQUESTS**

None.

## **COUNCIL REQUEST ITEMS**

Bayport City Council Meeting Minutes  
March 3, 2003

**ADJOURN**

Councilmember Schneider moved, seconded by Councilmember Kamps, to adjourn at 9:45 p.m. Motion passed unanimously.

Respectfully submitted,

Wendi Lindquist  
Acting Administrator