

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

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Rick Schneider called the regular City Council meeting of April 7, 2003, to order at 7:02 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, Attorney Tim Kelly, City Engineer Barry Peters, Fireman Mark Swenson, Public Works Supervisor Mel Horak, Police Chief John Gannaway and Mike Darrow of Northwest Associated Consultants (NAC).

**PETITIONS/INDIVIDUALS/DELEGATIONS & COMMENDATIONS**

None.

**OPEN FORUM**

Mayor Schneider thanked everyone for attending the meeting and for watching at home. Mayor Schneider stated this is a very difficult time for our country and appropriate to mention that our thoughts and wishes are there for the fighting men to come home safely. Mayor Schneider then read a short speech in support of the soldiers.

Mayor Schneider inquired as to any changes to the agenda. Wendi Lindquist stated an item needed to be added under the Consent Agenda – item K – authorizing the 2002 Budget Adjustments and Transfers.

Councilmember Nowaczek moved, seconded by Bob Kamps, to add item K, authorizing the budget transfers. Motion passed unanimously.

Councilmember Nowaczek stated the “closed session” portion of the meeting will not occur and a New Business item needs to be added to review the City Administrator finalists.

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Councilmember Nowaczek moved, seconded by Sharon Ridgway, to remove the “closed session” portion and add to the New Business reviewing City Administrator finalists. Motion carried unanimously.

**CONSENT AGENDA**

Mayor Schneider read the list of items A through K on the Consent Agenda.

Councilmember Nowaczek introduced the following resolution and moved its adoption as read:

**Res. 03-25**

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
RESOLUTION #03-25 APPROVING CONSENT AGENDA ITEMS A, B, C, D, E, F, G,  
H, I, J AND K FROM MARCH 3, 2003 COUNCIL AGENDA.**

Councilmember Kamps commented that on the back of the agenda it states all items listed under the consent agenda are considered routine and although it is agreed that it is only a transfer of money, but transferring \$478,000 is not routine in his home. Kamps further solicited opinions from the Council if they should be put somewhere else on the agenda so they can be described in better detail.

Councilmember Nowaczek stated he appreciated Councilmember Kamps’ sentiments, however, the real intent of defining the consent agenda is that they are things that shouldn’t be controversial or require additional explanation. Nowaczek further stated that if Kamps would like to go into more detail on these things, it would be appropriate to have them as an item of business.

Councilmember Kamps stated he was only asking what the other Councilmembers think; he talked to John Nash about it and John gave him a 20 second explanation on each one and he understood them. Kamps further stated that this is the City’s money and transferring almost half a million dollars and inquired how the Council felt about explaining them. It was done tonight; rather than vote on the consent agenda, Kamps stated he liked the idea of explaining them a little bit.

Mayor Schneider stated he agrees with Councilmember Kamps’ concerns, but the consent agenda is here to move the meeting along.

Councilmember Dan Johnson stated that his feeling was that any Councilmember could pull something off of the consent agenda if it requires discussion. Johnson further made the comment that any discussion should be brought up before the vote; but invited Bob Kamps to pull the item off for further discussion. Dan Johnson further stated that the Council’s goal was to have everyone in town know what the Council is doing. The Council doesn’t want to brush over City business without people knowing what the Council is doing. If people don’t know what’s going on, please let the Council know and it will be discussed further.

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Councilmember Sharon Ridgway stated that when Ken Hartung was here, all of these items would have been passed by resolutions separately. Sharon stated she liked that method because it explained why the City has that money, why it is being transferred, et cetera. Sharon Ridgway further stated that with the new City Administrator different styles and Council preferences can be discussed.

Wendi Lindquist stated that she did ask that and was told they were always put on the consent agenda.

Dan Johnson suggested mentioning everything approved under the consent agenda.

Mayor Schneider read the remaining items under the consent agenda; Appoint Jack Young to the City's Library Board seat vacated by Dan Nichols; Memorial Day Parade Permit; St. Charles Annual Summer Festival and Car Show, Saturday, August 16, 2003.

Dan Johnson commented that it is National Library Week, Bayport has a wonderful library and the City needs to support it. There have been rumors that the Council does not support the library; Dan Johnson stated he spoke to Kathy MacDonald at the library and asked if she had any concerns about what the Council is doing and she responded she didn't know where the rumors start or get circulated. Kathy recognized that the City has budget issues and suggested if anyone has any concerns, ask her about them. Dan Johnson further stated that rather than passing along rumors and creating problems where they don't exist, go to the library and find out the facts.

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Ridgway and 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

Jim Menard inquired as to whether the City of Bayport has any plans to celebrate Andersen Windows' 100<sup>th</sup> Anniversary. Menard further stated that at a minimum he would suggest the Council consider proclaiming a week in July Andersen Window Week in appreciation of the corporation's dedication to the community and support the proclamation with banners at each end of town.

Jon Nowaczek stated that that is an excellent suggestion and have talked about what would be appropriate to do and are very interested in suggestions of how to mark that occasion.

Sharon Ridgway stated the City does have to give some recognition to Andersen Windows for their many years of business and for being a good community member.

Mayor Schneider stated that Jim's idea of a banner at each end of town is an excellent idea and would show the support of the town for the corporation.

Sharon Ridgway stated it is a good idea but could maybe step it up a bit further.

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Dan Johnson stated that the Council should contact Andersen and see what they would like to do as far as timing on this issue.

Jim Menard stated he would suggest the last week in August – that's when Lumberjack Days in Stillwater is held – Andersen supports and sponsors that activity.

Wendi Lindquist stated she contacted Maureen McDonough and she is having the event coordinator contact Wendi. Maureen stated that a lot of their festivities are not open to the public; she asked Wendi to wait until she is contacted by their event coordinator.

Mayor Schneider stated he liked the idea of putting a banner up. Dan Johnson stated the City did receive a gift from the Andersen Corporation of a new squad car. It was a generous gift and the City would like to thank the corporation for the attention to this matter.

## **PUBLIC HEARINGS**

## **COUNCIL LIAISON REPORTS**

## **CITY CONSULTANT REPORTS**

1. City Attorney Report – none.
2. City Engineer Report – Barry Peters stated that at the March Council meeting he received authorization to put together the project manual to get quotes to do the televising in the southeast area of the City. Barry recommended setting a date to get the quotes returned to the City by the end of April and consider award at the first meeting in May. Barry did contact the City of Stillwater to verify their availability to assist the City in the televising; they did say they would be able to work with the City on it. It's a two-man operation, they could supply one or two people but it might be long and drawn out, depending on how it works out with schedules. The cost looked like they would be fairly comparable with what we get on a television report. The plus side of the television report – not only is there a videotape but there is a handwritten documented report expressing any concerns. Barry stated that at this time he would like authorization to receive quotes by the last Monday of the month, April 28, to have quotes back to the City. The estimate was \$5,500.00.

Jon Nowaczek inquired as to how many firms are there in the region that do this kind of work. Barry Peters stated there were about five or six. Jon Nowaczek confirmed that there would not be any significant savings by having Stillwater help. Barry stated it might draw out the process depending on what work they have to do in their own city. It wouldn't be like a contractor who could come in, do the work and get out.

DeEon Phillippi stated he was surprised there would not be a significant savings between borrowing equipment and hiring a firm to come in and provide the service.

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Barry Peters stated it would be in the range of one man crew is \$40.00 an hour and a two man crew is \$80.00 an hour; it still takes time to televise and set things up.

Mel Horak stated that Stillwater has been very gracious in assisting on short as-needed or emergency basis; televising is a time consuming process and is typically needs a two-man crew, and for Stillwater to bring guys down here they will fall behind on their projects for Stillwater.

Mayor Schneider stated that it's nice to share, but taxpayers might question Stillwater people working in Bayport.

Barry Peters stated that working with Stillwater would be a longer, drawn out process because it would have to fit into both cities' schedules to supply people.

Sharon Ridgway moved, seconded by Jon Nowaczek, authorizing Barry Peters to ask for bids. Motion passed unanimously.

3. City Planner Report – Mike Darrow stated the first item is to approve the subdivision ordinance revisions. Bob Kamps inquired as to the standard lot sizes in Bayport – why the lot sizes have doubled. Mike Darrow stated that it used to be more, it has been reduced to be within a standard of other communities. Darrow further stated that a lot of input was considered, and he would have to look into that issue.

Bob Kamps stated that he still wants to know why it was changed before the Council votes on it; Bob Kamps inquired as to whether the City wants to stay consistent with everyone else or stay consistent within the community.

Jon Nowaczek stated that it's a statement of the policy direction of where the City would like to see future development occur and he's comfortable with the numbers that were in there.

Mike Darrow stated that the new number was reduced from the old subdivision ordinance; the old one was actually bigger.

Dan Johnson inquired as to whether this issue could be deferred for Mike Darrow to look it up and brought back later in the agenda.

Jon Nowaczek stated that until the new ordinance is approved, the 30-year-old ordinance still stands.

Dan Johnson stated he's in favor of approving the ordinance tonight, but put it back a little further in the agenda.

Mayor Schneider introduced the next item of business – Resolution approving the Keyes variance.

Mike Darrow stated that this variance is not unlike the other variances on Lake Street that have been discussed for the past couple months. Jane Keyes is requesting a variance for the construction of a detached garage, remodeling lateral expansion to the north of the existing single-family house. Mike Darrow explained where the house was located. Darrow further explained that she is not looking to raise the house, but requesting a total of three variances; vehicular access variance, accessory building variance and variance from the 15-foot fill level. The application was reviewed by the Planning Commission and approved by a 4-0 recommendation with recommendations and findings. It has been reviewed by the DNR and Washington County and have approved the technical report with recommendations. The recommendations are:

- The applicant shall submit a grading plan and erosion control plan prior to construction;
- The applicant shall submit to the City and DNR a color rendering of the exterior property and proposed garage;
- The applicant shall reduce the height of the garage to be a maximum of 17 feet; in her initial drawings the garage was 17 feet, six inches; City Code indicates it can't be more than 17 feet;
- The applicant shall be required to fill the current crawl space within 120 days of the garage being finished;
- The applicant shall be required to hook up with City water and sewer within 60 days after the City has made City water and sewer service available;
- The bluffland shoreland ordinance variances are granted contingent upon approval by the DNR;
- The applicant shall provide temporary ground cover such as mulch during the construction;
- Drainage holes are subject to the review and approval of the City Engineer and building official.
- Applicant shall submit a landscaping plan which must be reviewed and approved by the DNR;
- Landscaping plan shall include the use of low growing spreading shrubs; the applicant is proposing a retaining wall; one of the staff's concerns is that the wall doesn't have a significant visual impact to the river;
- The retaining wall must be anchored and is subject to the review and approval of building official and city engineer;
- Any other recommendations from City staff, DNR, Planning Commission or City Council.

Dan Johnson inquired as to whether the buildings will be located. Mike Darrow explained a map drawing.

Sharon Ridgway inquired as to what the 15-foot fill variance is. Mike Darrow stated there has to be 15 feet of fill away from the structure; and Jane Keyes needed a variance from the 15-foot rule.

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Dan Johnson stated that this is a classic example of a hardship, there are some pieces of property that just do not fit into the zoning code very well and that is when the City needs to grant a variance.

Councilmember Johnson introduced the following resolution and moved its adoption subject to the conditions in the staff report:

**Res. 03-33**

A RESOLUTION ESTABLISHING FINDINGS OF FACT AND RESOLUTION OF THE CITY COUNCIL THAT THE REQUEST BY JANE KEYES FOR A VARIANCE TO ALLOW FOR THE RECONSTRUCTION OF THE RESIDENTIAL STRUCTURE LOCATED WITHIN THE R-4 DISTRICT AND WITHIN THE SHORELAND BLUFFLAND DISTRICT BE APPROVED WITH CONDITIONS.

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Nowaczek and 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 the Swager minor land subdivision. Mike Darrow stated that Gary and Norvin Swager have submitted and application for a minor subdivision – the applicant originally submitted the application in November 2002, however, the application was incomplete due to lack of a survey being done. The applicant submitted the survey in March and the application for minor review began. The applicant is proposing to expand the lot and meets City Code standards. The Planning Commission passed the land subdivision by a 4-0 vote and recommended the applicant submit a fee of \$200 to the City for the public recreation process (section 903.03). The applicant needs to submit a letter agreeing with the existing property owner of minor subdivision and any additional comment from City staff.

Bob Kamps confirmed that the applicant is buying ten feet to the north.

Councilmember Bob Kamps introduced the following resolution and moved its adoption:

**Res. 03-34**

A RESOLUTION ESTABLISHING FINDINGS OF FACT AND RESOLUTION OF THE CITY COUNCIL THAT THE REQUEST BY GARY AND NORVIN SWAGER FOR A MINOR SUBDIVISION REQUEST BE APPROVED WITH CONDITIONS.

The motion for adopting the foregoing Resolution was duly seconded by Councilmember Dan Johnson and 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

## UNFINISHED BUSINESS

Woody's Bar & Grill CUP. Brad Smith stated having people sit outside last year went very well and business picked up. Brad stated the problem was that by the time people got done eating it was almost 10 PM, they had to move inside to finish their drinks.

Wendi Lindquist stated the staff recommendation was for the Council to approve it for 10:00 PM now, but to take it back to the Planning Commission to consider the 11:00 PM time.

Brad Smith stated he could take it back to the Planning Commission, but since there were no complaints or problems last year, he couldn't imagine it would be any different.

Mike Darrow stated that one of the issues has been keeping good communication and with a new Council, new administrators, and keeping everyone comfortable with requests. If the Planning Commission has reviewed it and has determined there are no concerns, the Council would have that voice to go on, it's a good way to keep the communication proactive.

Mayor Schneider stated the Council is very supportive of Brad Smith's business. Mayor Schneider stated it should go back to the Planning Commission to get some input from residents.

Wendi Lindquist stated that since there were no problems last year, the Council could approve this CUP on a permanent basis so Brad Smith can start serving outside, contingent upon adding the time frame to 11:00 PM after the Planning Commission reviews it.

Mayor Schneider and Bob Kamps confirmed that staff is recommending approval of the CUP conditionally tonight; from 10:00 AM to 10:00 PM tonight and after the Planning Commission has looked at it, move it to 11:00 PM. Wendi Lindquist stated that Brad would like to start seating as soon as possible.

Dan Johnson inquired as to whether the temporary permit expired in September of last year. Brad Smith stated they give him a temporary permit last year in the event there were any problems. Bob Kamps stated that that is the most compelling thing that there were no problems last year.

Dan Johnson stated Woody's is a very responsible business and wouldn't have a problem with 11:00 PM closing time, but recommendations attached to conditional use permits need to originate with the Planning Commission and then come to the Council. Johnson further stated that the temporary permit could be extended.

Wendi stated she recommends passing the resolution as it stands and reconsider the extended time frame and later make an amendment.

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Attorney Tim Kelly stated that if the Council approves the CUP tonight to 10:00 PM and Mr. Smith wants to come in to ask for an amended CUP to 11:00 PM a public hearing is required; any amendment to a CUP requires a public hearing.

Mike Darrow stated that a public hearing requires a 14-day notice so that couldn't be done by the next Planning Commission meeting.

Dan Johnson inquired to Tim Kelly that they could extend the CUP for another year and if Brad Smith wanted to extend the hours he could go back to the Planning Commission with a new application for the extended hours. Tim Kelly confirmed that was correct; last year's CUP would be extended and he could start the process to extend the hours to 11:00 PM.

Jon Nowaczek inquired of Sharon Ridgway if she remembered what the concerns were last year. Sharon stated that people were concerned about inebriated people, litter left behind, influence on children; Sharon stated she kept an eye on it all summer and didn't see any problems.

Police Chief John Gannaway stated there were no incidents whatsoever.

Mike Darrow inquired as to if the Planning Commission could have it as a discussion item and have the public hearing at the May City Council meeting.

Attorney Tim Kelly inquired to Brad Smith if the original application was requested for a specific time. Brad Smith requested a later time but since it was a short permit last year the hours were cut. The original application was for midnight.

Sharon Ridgway stated she would be willing to extend it to 12:00 AM; but questioned whether he should be requesting a CUP and the Council wouldn't have to grant it every year.

Jon Nowaczek stated that Woody's is an asset to the community and the City wants to support that; but is reluctant to make it permanent since the residents have not had a chance to make comment on their thoughts. Nowaczek stated he would support another year of the temporary CUP or a permanent CUP with the same hours as last year and Brad could go through the process to request additional hours.

Sharon Ridgway stated the Council should grant the CUP on a permanent basis under existing conditions but then come back for extended hours.

Mayor Schneider stated that would get Brad Smith started, but also stated the Council probably wouldn't be willing to do much else without the residents' input.

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Attorney Tim Kelly stated that if the Council grants the permanent CUP tonight, Brad Smith will have to go through the whole process again for an amendment which requires a public hearing.

Dan Johnson inquired that since the public had been given notice of the request for longer hours and had a chance to comment at that time, could the Council extend the hours in this motion as long as it's consistent with what the public has already been notified. Tim Kelly stated that was correct.

Jon Nowaczek stated that the best thing is to grant the temporary CUP this year and give Brad Smith the hours that he wants; it is not permanent, if there are problems, it can be changed next year.

Jon Nowaczek moved to grant an extension of the conditional use permit for Woody's Bar and Grill for the hours of operation between 10:00 AM and 12:00 AM.....

Discussion about the length of time for the new hours.

Jon Nowaczek moved to extend the conditional use permit that was granted to Woody's Bar & Grill that was granted last summer extending the hours of 10:00 AM to 12:00 AM effective as of today through December 1, 2003.

Sharon Ridgway seconded the motion. Motion passed unanimously.

Utility/Personnel Vehicle for Fire Department. Mark Swenson discussed the number of rescue calls and the wear and tear on the rescue vehicle. The rescue vehicle is very large and can't fit through some of the alleys due to the way people park; the maintenance on the vehicle is very expensive, these trucks are not made to go from zero to 60 and stop and go the way they are every day. Mark Swenson further stated that the fire department doesn't have a vehicle to haul any small hoses, tanks, etc., they are borrowing trailers to haul these things. The fire department would like to purchase a 2003 Chevy ¾ ton pickup, four wheel drive to be used as a light rescue and utility type vehicle – to be used for light medicals, anything where there's no vehicle extrication or entrapment, just a light rescue vehicle and to haul equipment. The two pickups the fire department currently has have pumps in the back of them, so nothing else can be hauled in them; the suburban is a 1986 and there's no room to haul anything; that is used primarily as a command vehicle.

Mark Swenson stated the fire department would like to keep the suburban and use it as a command vehicle; the maintenance is minimal on that vehicle. The total cost of the new pickup would be roughly \$38, 817 – optional equipment to put on it are radios, emergency lighting, one more medical bag needs to be purchased, and automatic defibrillator, miscellaneous tools. The fire department is proposing to take \$20,000.00 out of the truck replacement fund from the City and asking for authorization to solicit funding from outside sources.

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Mayor Schneider stated it would be a much more cost efficient vehicle for the fire department. Mark Swenson stated that with the weight of the vehicle, there is much more wear and tear on the tires; when the truck was purchased the fire department didn't think there would be as many medical calls as there are. Mayor Schneider inquired as to whether the fire department looked into soliciting funds from other sources. Mark Swenson stated that they wanted authorization from the Council first; they wanted to get the money from the City first and then go out and solicit funds.

Mayor Schneider stated there is a fund for replacement vehicles. Discussion on the amount of money in the replacement fund.

Sharon Ridgway inquired as to what exactly the vehicle would be. Mark Swenson stated it would be a four-door pickup to haul light equipment; it won't replace the big rescue truck, but will be the main rescue vehicle for minor medical calls.

Mark Swenson inquired as to how the solicitation should be done – whether the City sends the letters out or the fire department sends them out. Mark Swenson suggested the fire department print them up and give copies to Wendi.

Jon Nowaczek inquired as to the replacement of other vehicles coming up. Mark Swenson stated that the other vehicles don't get the wear and tear that the rescue truck does.

Dan Johnson stated that he's very much in favor of it and wished Mark Swenson luck in the additional funding.

Jon Nowaczek moved to offer the \$20,000.00 City portion of the request as well as authorization to solicit outside funds for the fire department purchase of the medical and utility truck. Sharon Ridgway seconded. Motion passed unanimously.

Lake Street Project. Greg Stonehouse stated the plan and specifications are completed and Mel Horak reviewed them and made some changes which have been incorporated. Greg Stonehouse stated they are requesting approval of the plans and specifications and authorization to advertise for bids to be received on May 2, 2003 at 2:00 p.m. at City Hall.

Dan Johnson asked Greg Stonehouse to put up a map to explain what the project consisted of. Greg Stonehouse explained the project locations.

Mel Horak stated he would like to see the project go ahead; the houses down there are either on failing or substandard septic systems, including the bathhouse at Lakeside Park. Since that area gets flooded occasionally, the best way to remedy the situation is to hook it up to municipal sewer. Mel Horak further stated that from a health standpoint, the majority of the residences are on wells and are inside the well advisory area. Eventually they will have to filter if they are not doing so already; the water will be unacceptable without treatment.

Mel Horak further stated that there are no fire hydrants out there – in the flood of 2001 there was a temporary hose run, but the trucks couldn't be driven in the area. The road will be raised and under most high water situations there should be fire truck access and hydrants. The majority of the residents have proposed major improvements to their property and along with this project there will be a very good increase in assessed valuations.

Mel Horak went on to mention the paving of Lakeside Drive – the participants are willing to pay their share, and it is a high traffic area due to the marina and new housing developments. It is a good project and will have a good payback due to the increased valuation of the marina. It's progressive for the City and one of the best times to have it done.

Bob Kamps stated he would like it seen run down to the bathhouse; and the Girl Scout building should also be included.

Dan Johnson moved to approve the plans and specifications and ordering advertisement for bids on the Lake Street Project. Bob Kamps seconded the motion. Motion passed unanimously.

## **NEW BUSINESS**

Request from Bayport Community Action League to Serve Coffee as Part of Memorial Day Parade Festivities. Sharon Ridgway stated that BCAL serves coffee for certain events. There will be an Easter Egg Hunt at Barker's Alps at 10:00 a.m. The BCAL is always looking for new members, everyone is welcome, the meetings are every other month (even number month), and the next meeting is April 10 at 7:00 at the American Legion.

Sharon Ridgway moved to approve the request to serve coffee on the Village Green on May 26. Bob Kamps seconded. Motion passed unanimously.

Approve Request from Andersen Elementary to Donate a Wooden Bench for a Garden Project at the School. Jon Nowaczek moved that the City donate the approximately \$700.00 cost for the two benches to the Peace Garden at Andersen Elementary. Dan Johnson seconded the motion. Motion passed unanimously.

Consider New Building Inspection Contract Services Proposed by Jon Ludwig. Jon Ludwig stated he has been working with Jim Butler this spring and has been the assistant inspector for about seven years. He is now a building official in the town of Scandia. Jon Ludwig discussed inspection fees and projects he had worked on in the past; also discussed money he could save the City. (Tape ended)

Dan Johnson stated he thought it was a good proposal but would like to see it proposed to the next City Administrator.

Mayor Schneider inquired as to whether Jon Ludwig would then be the City's building inspector. Jon Ludwig stated yes, the records would be kept here, he

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would have a desk, not an office here, people call in for inspections, he would pick up those messages and he takes care of the business. There is a little bit of record keeping for the City, but the records are always here.

Mayor Schneider inquired as to whether Jon Ludwig discussed the proposal with Jim Butler. Jon Ludwig confirmed he has. Bob Kamps stated that as Oak Park expands, it will be more difficult for Jim. Jon Ludwig stated that Jim is very busy.

Sharon Ridgway stated that Bayport has been affiliated with Oak Park for a number of years and she wants to make sure there are no hard feelings and its discussed with Oak Park Heights. Wendi Lindquist stated that Jim Butler asked Jon Ludwig to approach the City.

Mayor Schneider stated he is in favor of it, but that Dan Johnson made a good point in proposing this issue to the new City Administrator.

Sharon Ridgway stated she would like to talk to Oak Park Heights and make sure this is all done amiably.

Discuss Comprehensive Plan Review. Mike Darrow stated NAC put together a memo outlining based upon feedback received on March 17 and also the letter that was submitted by the Planning Chair regarding a list of questions. Mike Darrow further stated that he contacted Decision Resources, who performed the telephone survey, their bid was about \$9,000.00 for the same type of survey which was 300 randomly selected residents within the City. Mike Darrow explained some options for starting the process of the survey.

Mike Darrow stated the City would need to determine the direction of the full-scale comprehensive plan. The survey will give the City an opportunity to focus on what the vision is, then it can be broken down to what is needed. In NAC's opinion, a full-blown comprehensive plan probably is not needed.

Jon Nowaczek stated the survey is an excellent idea and a tool that the Council will want to use to try to determine what the vision for the community is for the property. Nowaczek further stated he liked the idea of giving everyone the opportunity to have their input; maybe that can be done as part of the process, but maybe the professional telephone survey should be used again. Jon Nowaczek further went on to state concerns about methods of doing the survey. Nowaczek stated he is in favor of having Decision Resources perform the survey.

Dan Johnson stated he agreed with Jon Nowaczek after reading the surveys that were done previously; and discussed some questions and outcomes from the previous survey. Dan Johnson further stated that he would be in favor of the telephone survey even though it's more expensive just to see what's changed.

Sharon Ridgway stated that when previous surveys were done, companies like Decision Resources met with the Council in a workshop and asked the Council

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what questions to include; not just doing the old survey again, it gets updated and includes questions that the Council wants the answers to.

Jon Nowaczek stated that many of the old questions are still appropriate.

Mayor Schneider stated that to move ahead with Bayport West, the City needs to look at the comprehensive plan; if it will be residential, the comp plan will need to be amended.

Ron Van Zee, 470 So. 5<sup>th</sup> Street, stated that at a recent meeting it was discussed that the City should be addressing the City at large, look at assets, liabilities, and the “big picture.” Include in that a secondary study of the potential for the property on the west side of town. Discussion regarding the last survey.

Dan Johnson suggested having Decision Resources attend the April 21<sup>st</sup> Workshop meeting to find out what people want to know so the last survey can be modified.

DeEon Phillippi inquired as to whether this survey is going to be regarding just Bayport West. He suggested having the fire whistle added to the survey to find out what the town’s position is on that issue. As opposed to having a second survey later on, it might be best to add on to it to save a little money.

Jon Nowaczek stated that the survey should be open to all of the questions facing that community that need answers or input. The survey has to be reasonable and not keep people on the phone for hours, but everything that can be included should be.

Jon Nowaczek suggested having workshops or focus groups where people can be educated and brought up to speed which is difficult to do in a survey. NAC could do a presentation regarding some of the issues. Mike Darrow stated that is part of the process; the Council will need to determine the scope – how specific or how broad. Mike Darrow recommended keeping it specific due to budget concerns, the bigger picture can be looked at next year.

Jon Nowaczek stated the entire comprehensive plan does not need to be rehashed. Mike Darrow stated that one of the most effective ways of getting people to be a part of something is to go where they are; his recommendation would be to have a kick-off week, possibly at the Memorial Day Parade where there’s a booth for people to provide input.

Sharon Ridgway stated that people need to understand that whatever is put on that land, it has to make up the shortfall in the budget when the contributions from Andersen’s stop coming in; what would give us the money to support the budget.

Mayor Schneider stated that this tool will help understand the impact; there is a landowner that wants to develop it residential. The bottom line is whether to go residential or commercial. Mayor Schneider further stated that to try to fit the town into the budget has never been the way to go.

Sharon Ridgway stated that the City has never had a budget that is “padded”; the City has a “bare bones” budget.

Mayor Schneider stated that the City is going to have to deal with the budget shortfalls well before any revenue comes from that property.

Dan Johnson stated that the taxpayers in town (Andersen Corporation, CPDC, etc.) should have a voice in this process, and not exclude anyone.

Mike Darrow read statistics regarding the average block and lot sizes. There were larger lots in the past because most of the area was rural, but they are being reduced to be in conformance with zoning standards.

Jon Nowaczek moved, seconded by Bob Kamps, to adopt the revised Bayport Subdivision Ordinance as published by NAC. Motion passed unanimously.

Discuss/Approve Candidate finalist list for City Administrator position and establish interview dates. Mayor Schneider stated that Wendi Lindquist will call the selection one through ten and stop at seven; seven candidates will be selected.

Attorney Tim Kelly stated that once a person is selected as a finalist their name becomes a public record. Tim Kelly explained a similar case in Mankato.

Dan Johnson stated that there was a commission formed to recommend people to the City Council who would be considered for interviews. The Council received a list of ten people that could be considered based on a point scale.

Further discussion about the law regarding when the names become public information.

Dan Johnson stated that the potential interviewees will come out of the top ten, but the interviewed people will only be seven out of the ten; the Council shouldn't divulge the name of anyone not being interviewed, but that isn't known until the City Administrator calls the applicants to confirm interest in the job.

Tim Kelly stated that the best way for the Council to proceed would be to pick the top seven as the finalists.

Discussion regarding what happens if one or more of the potential candidates dropped out and the timelines for disclosing names.

Wendi Lindquist stated that staff needs some direction as to where to go from here.

Dan Johnson suggested announcing them alphabetically instead of by ranking. More discussion regarding timelines for interviews.

Dan Johnson moved to invite the first seven people of the list of ten from the commission to be interviewed. If any of them declined to be interviewed, the City Administrator will contact the next person of the ten to inquire if they are still interested in the job....

Bob Kamps stated that mentioning the eighth person will require a special meeting. Dan Johnson suggested announcing the top seven in alphabetical order, agreeing to interview them, and talk about when to hold the interviews.

Dan Johnson moved to interview (in alphabetical order), Kenneth Anderson, Loren Lodge, Lloyd Matthes, Craig Mattson, Michael McGuire, Kathleen Miller and Kathy Unertl. Jon Nowaczek seconded. Motion passed unanimously.

Attorney Tim Kelly discussed publishing the ordinance and the process of codifying it to make it easier to publish.

Sharon Ridgway inquired as to whether if Wendi cannot get a hold of someone, shouldn't there be a written notice also and give them a certain amount of response time. Wendi stated she would like to send letters to the final candidates and also to the rest of the applicants who were not chosen.

Dan Johnson inquired to Tim Kelly whether the interviews are closed meetings. Tim Kelly stated that the interviews are open meetings. Discussion about other cases involving interviews.

Dan Johnson stated he would like to have Wendi contact the finalists and inquire as to when they are available. Further discussion on what day to have the interviews on – a weekday or a weekend.

## **STAFF REPORTS**

Citizen Complaint Regarding Non-Lighting of the Flags. Wendi Lindquist stated that the police department received a valid complaint that the U.S. flag is supposed to be either lit or removed at night or during inclement weather. The City could investigate what lighting would cost or it could be taken down every day.

Jon Nowaczek inquired as to how much inconvenience or staff time would be involved in raising and lowering the flag. Wendi Lindquist replied it would depend on who is going to be responsible for it; either the police department or administrative staff, but what about the weekends.

Jon Nowaczek stated it would make sense to have the police department cover it because they have the broadest coverage, even on weekends.

Mayor Schneider suggested directing Mel Horak to investigate costs; in the meantime, direct the police department to remove the flag and put it back up at daylight.

Bayport City Council Meeting Minutes  
April 7, 2003

Set Council Workshop date for April 21, 2003. Wendi Lindquist stated the date needs to be set and also what will be on the agenda. Dan Johnson stated he would like to have Decision Resources attend; Jon Nowaczek agreed, stating they could hear what the Council wants to do and educate people on the process.

Further discussion regarding who should be invited to attend.

Jon Nowaczek moved, seconded by Sharon Ridgway, to set the workshop date for April 21, 2003 to discuss the survey. Motion carried unanimously.

**COMMUNICATIONS/REQUESTS**

None.

**COUNCIL REQUEST ITEMS**

None.

**ADJOURN**

Councilmember Kamps moved, seconded by Councilmember Ridgway, to adjourn at 9:40 p.m. Motion passed unanimously.

Respectfully submitted,

Wendi Lindquist  
Acting Administrator