



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: November 24, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Wanda Madsen, Finance Officer
Subject: Certification of Past Due Water and Sewer
Bills to 2010 Property Taxes

BACKGROUND

Bayport's Municipal Code contains provisions allowing the city to certify past due water and sewer bills to a homeowner's property taxes. This certification is due to the county no later than December 28, 2009.

Attached is a list of accounts as of November 24, 2009, that have past due balances. Delinquency notices were sent to these customers, and collection efforts will continue over the next month. Any accounts on this list that still have past due balances by the cut-off date will be certified to the county.

RECOMMENDATION

City staff recommends that the City Council accept the attached list of past due Water and Sewer bills for certification to Washington County.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: November 30, 2009

To: Mayor and City Council

From: Mitch Berg, City Administrator
Wanda Madsen, Finance Officer

Subject: Certification of past due waste collection bills to property taxes payable in 2010

BACKGROUND

According to the City's agreement with Allied Waste Services, the City shall, at the request of Allied Waste Services, certify for collection with real estate taxes, all accounts subject to the agreement and billed by Allied Waste that are at least sixty (60) days in arrears as of September 29th upon proper documentation of such delinquent accounts being submitted to the City. A penalty charge of \$25.00 or ten percent (10%) of the delinquent charges due, whichever is greater, shall be added to the amount to be certified to reimburse the City for its administrative expenses resulting from the delinquency. When received by the City as part of its tax settlement, these funds shall be remitted to Allied Waste within thirty (30) days after receipt of the tax settlement distribution report prepared and submitted by Washington County to the City.

Attached is a list of accounts that have past due balances meeting the criteria defined above and have been reported to the City by Allied Waste Services. Delinquency notices were sent to these customers, and collection efforts will continue over the next month. Any accounts on this list that still have past due balances owing at year-end will be certified to the county.

RECOMMENDATION

City staff recommends the City Council accept the attached list of Allied Waste Services past due balances for certification to Washington County.

Attachment

NAME	ADDRESS	DELINQUENT AMOUNT
Michael Bergum	965 Osprey Dr	\$ 343.78
Karyl Walcher	529 Mariner Dr	\$ 244.98
*Monica Gilbert/Phil Burton	632 Minnesota St S	\$ 123.48
*Denise Rodenburg/Jeanne & Keith Nelson	488 5th St N	\$ 382.08
*Brian Roeller/Luann Woodson	252 State St S	\$ 86.19
Paul Marcuson	354 5th St N	\$ 57.38
Kevin Hallen	349 3rd Ave S	\$ 39.02
Daniel Asmus	248 3rd St S	\$ 101.04
Robert Radke	460 6th St N	\$ 52.38
Jim Menard, Jr.	555 2nd St N	\$ 575.91
Greg Russell	852 6th St N	\$ 244.98
Tom Radke	316 9th St N	\$ 168.64
Dennis Hecker	106 Mariner Way	\$ 88.04
Keith Zielsdorf	673 2 nd St N	\$ 315.97
Dave Ness	232 4th St N	\$ 186.08
*Matt Zeuli/Eric Baitz	565 8th St N	\$ 140.00
Clayton Norman	844 6th St N	\$ 139.98
Peter Wegier	955 Osprey Blvd	\$ 57.38
Robin Allen	110 4 th Ave N	\$ 309.65
Robb Poutre	504 5th St N	\$ 292.98
*Nang Tran/Mark Loehrer	143 3rd Ave S	\$ 114.84
Joe/Bridget Groschen	501 Minnesota St S	\$ 551.87
Jennifer Puga-Lopez	372 Minnesota St S	\$ 286.65
	TOTAL	\$4,903.30

*Owner/renter



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

DATE: November 18, 2009
TO: Mayor and City Council
FROM: Mitch Berg, City Administrator
RE: Annual step increase for Assistant City Administrator/Planner

BACKGROUND

Employees are eligible to earn step increases, based on performance, according to years employed with the city. As of October 27, 2009, Sara Taylor has been with the city for 6 years, most recently in the position of Assistant City Administrator/Planner, which was reclassified January 1, 2007. As such, she is eligible for an annual step increase. I met with Sara to discuss her performance and I am recommending a step increase.

RECOMMENDATION

Staff recommends the City Council adopt a motion approving an annual step increase for Sara Taylor, Assistant City Administrator/Planner, from step 4 to step 5, to reflect a salary of \$66,047.00, effective January 1, 2010, which is consistent with the proposed city salary step schedule for 2010.



November 4, 2009

Hello, Mr. Berg!

As I stated in our phone conversation this morning, I am the newly elected President of BCAL. We sponsor several community events during the course of the year and one of the last events of the year is the "Lighting of the Green".

Because of the recent transition of appointment, the paperwork and protocol for approval of this event was inadvertently overlooked. The event will take place on the evening of December 2nd at the Village Green in Bayport and traditionally begins with a children's reading time at the Library, "Lighting of the Green" Ceremony on the Village Green, bonfire, cocoa, caroling and a visit by Santa to round out the event.

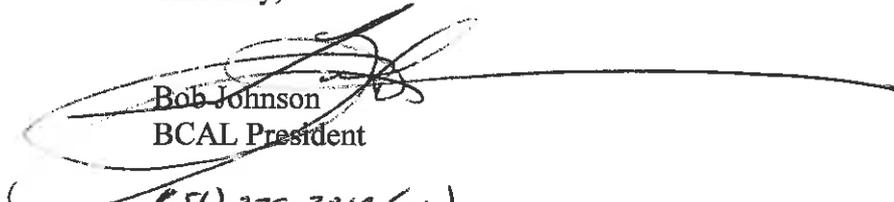
I have attached the "Special Event" application form for your review and approval. Again, I apologize for the delay in getting the request to you for expediting approval prior to the next Council Meeting which will take place on 12/7 – after the event will have taken place. I ask that you please do whatever is necessary to get the event approved.

As you'll note on the application form I am requesting:

- Use of the Village Green from 5:30 p.m. to 7:30 p.m. on Wednesday evening 12/2/09.
- Electricity for the Lighting of the Green.
- Bonfire burning by 6:15 p.m.
- Arrival of Santa by the Bayport Fire Department.
- Waiving of the application fee.

Thanks so much for the special handling of this request !

Sincerely,


Bob Johnson
BCAL President

(651) 379-3212 (w)

(651) 439-8894 (h)

bobje@mirinc.com



City of Bayport
 294 North Third Street
 Bayport, Minnesota 55003
 Phone 651-275-4404
 Fax 651-275-4411
<http://bayport.govoffice.com>

City of Bayport
SPECIAL EVENT APPLICATION

Licensing Requirements

A special event application form is required for individuals or organizations who wish to hold a public or private event in the city and require the use of city property and/or special city services. For most special events, City Council approval is required. Therefore, it is important to plan ahead and submit the application form to City Hall at least two weeks prior to a regularly scheduled City Council meeting, which is usually held the first Monday of the month. For example, if the proposed event is to be held on April 15, 2006, the special event application form and fee must be submitted by March 20, 2006 in order to be considered at the April 3, 2006 City Council meeting.

Following the City Council meeting, city staff will inform the applicant whether or not the event was approved. City staff will also work with the applicant to coordinate special requests for city services associated with the event.

Property Information	
Address:	
City: Bayport	State: Minnesota Zip Code: 55003
Owner Name:	
Home Phone Number:	Work/Cell Phone Number:
Owner Address:	
City/State/Zip:	

Applicant Information	
Applicant Name: <i>Bayport Community Action League - Bob Johnson - President</i>	
Home Phone Number: <i>(651) 439-8894</i>	Work/Cell Phone Number:
Address:	
City/State/Zip: <i>130 So. 6th St., Bayport, MN 55003</i>	
Email Address: <i>bobj@mirinc.com</i>	

Description of Request	
<i>"Lighting of the Green" Ceremony located at Village Green</i>	

Event Information	Start Date: <i>12/2/09</i>	End Date: <i>12/2/09</i>
Days of Operation (check all that apply)		
<input type="checkbox"/> Sunday <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input checked="" type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Saturday		
Hours of Operation:		
Weekdays: <i>5:30 p.m. - 7:30 p.m.</i>		
Weekends:		

Requested City Assistance and/or Services

- Use of "Village Green" 5:30 p.m. - 7:30 p.m.
- Electricity
- ~~Request to be held by the Fire Dept.~~ Bonfire by 6:15
- Arrival of Santa by the Fire Department
- Writing of application fee

Application Process and Fees

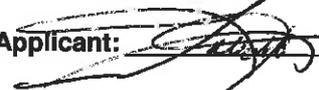
The processing fee for the application is \$50.00 and must be submitted with the application form to City Hall. Any additional fees and expenses associated with this request are the responsibility of the applicant/property owner, and will be billed to the applicant/property owner by the city.

Attachments to be submitted with application

- A diagram of the proposed premises
- If the request involves the sale of produce, uncooked meat, or dairy, etc., the applicant must provide a copy of all license applications required by the Department of Agriculture for City Council approval. For license information, please contact JoNell O'Neil at 651-779-5015.
- If the request involves cooked/prepared food or beverages, the applicant must provide a copy of all license applications required by Washington County Public Health and Environment for City Council approval. For license information, please contact 651-430-6655.

The undersigned understand that this application will be processed in accordance with established city review procedures at such time as it is deemed complete. Failure by the applicant to supply accurate and necessary information as requested by the city may be cause for denying this application.

The undersigned hereby apply for the request as stated in this application form and in understanding the conditions of this application as described above, declare that the information and materials submitted in support of this application are complete to the best of their knowledge.

Applicant:  BCAL - Bob Johnson

Date: 11/4/09

Property Owner: _____

Date: _____

Office Use - Dept. Review	Inspection	Date	Approved/Denied	Inspector
Administration	<input type="checkbox"/> Site Inspection			
Office Use - Fees	Amount Received	Date Received	Method of Payment	Staff Initials
Processing Fee	\$50.00			
Escrow or cost incurred				



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PHONE 651-275-4404 FAX 651-275-4411

Date: November 24, 2009
To: Mayor and City Council
Mitch Berg, City Administrator
From: Wanda Madsen, Finance Officer
Subject: **Budgeted fund transfers**

BACKGROUND

In the 2009 budget process, the city budgeted for the following fund transfers:

- Transferring \$5,000.00 from the city's Water Department Fund # 601 to the city's Public Works Equipment Replacement Fund # 203, effective December 31, 2009.
- Transferring \$115,000.00 from the city's Sewer Department Fund # 602 to the city's Public Works Equipment Replacement Fund # 203, effective December 31, 2009.
- Transferring \$5,500.00 from the city's General Fund # 101 (Cemetery Department) to the city's Public Works Equipment Replacement Fund # 203, effective December 31, 2009.
- Transferring \$54,900 from the city's General Fund # 101 (Street Department) to the city's Public Works Equipment Replacement Fund # 203, effective December 31, 2009.
- Transferring \$10,100 from the city's General Fund # 101 (Street Department) to the city's Street Reconstruction Fund # 102, effective December 31, 2009.
- Transferring \$15,000.00 from the city's General Fund # 101 (Police Department) to the city's Police Equipment Fund # 413, effective December 31, 2009.
- Transferring \$90,000.00 from the city's General Fund # 101 (Fire Department) to the city's Fire Equipment Replacement Fund # 200, effective December 31, 2009.
- Transferring \$475 from the city's General Fund # 101 (Mayor & Council) to the City's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$2,844 from the city's General Fund # 101 (Administration) to the city's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$2,370 from the city's General Fund # 101 (Planning & Zoning) to the city's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$2,370 from the city's General Fund # 101 (Police Department) to the city's Office Automation Fund # 414, effective December 31, 2009.

- Transferring \$475 from the city's General Fund # 101 (Street Maintenance) to the city's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$475 from the city's General Fund # 101 (Parks Department) to the city's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$475 from the city's Water Department Fund # 601 to the city's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$475 from the city's Sewer Department Fund # 602 to the city's Office Automation Fund # 414, effective December 31, 2009.
- Transferring \$500 from the city's General Fund # 101 (Mayor & Council) to the city's Municipal Buildings Maintenance Fund # 415, effective December 31, 2009.
- Transferring \$3,500 from the city's General Fund # 101 (Administration) to the city's Municipal Buildings Maintenance Fund # 415, effective December 31, 2009.
- Transferring \$1,000 from the city's General Fund # 101 (Police Department) to the city's Municipal Buildings Maintenance Fund # 415, effective December 31, 2009.
- Transferring \$2,500 from the city's General Fund # 101 (Fire Department) to the city's Municipal Buildings Maintenance Fund # 415, effective December 31, 2009.
- Transferring \$500 from the city's General Fund # 101 (Street Maintenance) to the city's Municipal Buildings Maintenance Fund # 415, effective December 31, 2009.
- Transferring \$1,000 from the city's Water Department Fund # 601 to the city's Municipal Buildings Maintenance Fund #415, effective December 31, 2009.
- Transferring \$1,000 from the city's Sewer Department Fund # 602 to the city's Municipal Buildings Maintenance Fund #415, effective December 31, 2009.

RECOMMENDATION

Staff recommends the City Council approve the budgeted fund transfers listed above.



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PHONE 651-275-4404 FAX 651-275-4411

Date: November 24, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Subject: Non-unionized employee paid holiday hours for 2010

BACKGROUND

It has been the city's policy to establish annual paid holiday hours for employees, to observe designated Federal Holidays, as well as allow flexibility to observe alternative holidays of their choice. To be consistent with the Washington County Government Center, the city is suggesting the following paid holiday hours for 2010:

Martin Luther King Jr. Day	Monday, January 18	10 hours
President's Day	Monday, February 15	10 hours
Memorial Day	Monday, May 31	10 hours
Independence Day	Monday, July 5 (observed)	10 hours
Labor Day	Monday, September 6	10 hours
Veteran's Day	Thursday, November 11	10 hours
Thanksgiving Day	Thursday, November 25	10 hours
Christmas Day	Thursday, December 23 (observed)	10 hours
Personal floating holiday time	to be requested by the employee	16 hours

RECOMMENDATION

Staff recommends the City Council adopt a motion to approve the employee paid holiday hours listed above for 2010.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

DATE: December 1, 2009
TO: Mayor and City Council
FROM: Mitch Berg, City Administrator
Sara Taylor, Assistant City Administrator/Planner
RE: Reappointments to the Planning Commission

BACKGROUND

At the November City Council meeting, staff informed the City Council that the terms of Planning Commission members Dan Goldston and David Levy expire December 31, 2009 and both have expressed a desire to continue on the Planning Commission. Because both Dan and David have been exceptional members, staff felt it would be in the best interest of the city to reappoint both to the Planning Commission for another term, rather than advertising for a vacancy. As such, staff is requesting that the City Council formally reappoint Dan and David to serve another term on the Planning Commission.

RECOMMENDATION

Staff recommends the City Council adopt a motion appointing Dan Goldston and David Levy to each serve on the Planning Commission for a three-year term.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: November 17, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Subject: Red Flag Municipal Utility Identity Theft Policy

BACKGROUND

The Federal Trade Commission (FTC) is mandating that all entities that “defer” payments to customers, as a means of protecting against identity theft, adopt this policy. The FTC created this requirement particularly for banks, credit card providers, and large private utilities. Although the types of fraud encountered through entities providing utilities are more limited in nature, because the city supplies utilities, we are required to adopt this model policy prepared by the Minnesota Municipal Utility Association (MMUA).

RECOMMENDATION

Staff recommends the City Council adopt the model Municipal Utility Identity Theft Policy prepared by the MMUA, to comply with FTC regulations.

**CITY OF BAYPORT
IDENTITY THEFT PREVENTION PROGRAM**

I. PROGRAM ADOPTION

The City of Bayport ("Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City of Bayport, and therefore approved this Program on December 7, 2009.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

"Identifying information" is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address,

telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Notify the Program Administrator for determination of the appropriate step(s) to take;
7. Notify law enforcement; or
8. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure complete and secure destruction of paper documents and computer files containing customer information;
2. Ensure that office computers are password protected and that computer screens lock after a set period of time;
3. Keep offices clear of papers containing customer information;
4. Ensure computer virus protection is up to date; and
5. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once a year, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of

Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: December 7, 2009

To: Mayor and City Council
City Administrator Mitchell Berg

From: Chief of Police Laura Eastman

Subject: Appointment of Part-time Police Officer

BACKGROUND

Please consider this memorandum as my request to appoint one additional part-time officer to the Police Department complement.

As you are aware, part-time officers relieve our full-time positions by filling in during training, vacation, compensatory leaves, and when staff becomes sick or injured. In addition, the part-time officers assist in augmenting our summer staffing levels, special events, details and grant work.

We currently have one part-time officer that is available to work varied night shifts. This can cause scheduling issues and cost the department overtime when an unforeseen absence occurs. The Police Department will have some leftover funds in 2009 from wages and salaries, due to the fact that we did not hire a 5th full-time officer. As such, I would like to begin training for this part-time officer in 2009, as this will lessen the burden on the 2010 part-time budget, which has already been reduced from the previous years.

RECOMMENDATION

If approved, I would like to appoint Reserve Officer Keith Frank as a part-time officer with the starting pay of \$13.67 an hour.

Reserve Officer Frank has been with our department for three years and he is POST/license eligible. Mr. Frank has spent many volunteer hours getting to know the requirements of the job. Most importantly, Mr. Frank understands and embraces the importance of community policing and he would be a wonderful addition to the team!



CITY OF BAYPORT
294 NORTH THIRD STREET
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PHONE 651-275-4404 FAX 651-275-4411

DATE: December 2, 2009

TO: Mayor and City Council
Mitchell Berg, City Administrator

FROM: Laura Eastman, Chief of Police

RE: **GRANT AGREEMENT FOR OPERATION NIGHTCAP PROJECT**

BACKGROUND:

Annually, the Bayport Police Department participates in grant agreements with the Minnesota Department of Public Safety, Officer of Traffic Safety projects. The current agreement is for the project entitled Operation Nightcap, during the project period of October 1, 2009 through September 30, 2010. The project focuses on intoxicated drivers and attempts to minimize the impact they have on our city and surrounding communities.

RECOMMENDATION:

Staff recommends that the Bayport City Council approve the resolution authorizing execution of the Operation Nightcap agreement, to be signed by the Mayor and City Administrator.



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PHONE 651-275-4404 FAX 651-275-4411

Date: December 2, 2009

To: Mayor and City Council
Mitch Berg, City Administrator

From: Mel Horak, Public Works Supervisor

Subject: Purchase of Public Works replacement pickup truck

BACKGROUND

The Public Works department requests authorization to purchase a new Chevrolet 4-wheel drive pickup truck, snowplow package and other related equipment. This truck will replace a 1995 Ford pickup truck with snowplow. The department had anticipated the acquisition of this truck and related equipment, with the purchase included in the 2009 Capital Improvement Plan (CIP), at an estimated aggregate total price of \$50,000.00.

Quotes for a moderately equipped 1-ton, 4-wheel drive Chevrolet work truck were obtained from Stillwater Motor Company and the Minnesota Cooperative Venture Program vendor, Polar Chevrolet. The quotes are as follows:

Stillwater Motor Company, Stillwater, MN.....\$24,914.00
Polar Chevrolet, White Bear Lake, MN.....\$23,158.35
(State of Minnesota release #442495)

This new truck has an approximate delivery date of 90 days after order. Public Works will present quotes for the snowplow package, service body, crane and other appurtenances at the January City Council meeting.

RECOMMENDATION

Staff recommends the City Council adopt a motion authorizing the Public Works department to purchase a 2010 Chevrolet Silverado pickup truck, model CK30903, through the Minnesota Cooperative Venture Program/Polar Chevrolet, White Beak Lake, Minnesota, for \$23,158.35, plus \$1,565.29 tax and license, for a grand total price of \$24,723.64. Funding for this purchase will be obtained from the Public Works Equipment Replacement Fund, which currently has a balance of approximately \$529,848.00.



SANDERS WACKER BERGLY, INC.
Landscape Architects And Planners

TRANSMITTAL

TO: Mitch Berg

FROM: Larry Wacker

COMPANY: City of Bayport

DATE: 12/1/2009

RE: Miller Payment Application #6

SWB PROJECT NUMBER:

COPY TO:

Attached please find Miller Excavating, Inc. Payment Application #6 for work on the Barker's Alps Park Site Improvement contract. Payment reflects a reduction in the retainage from 5% to 2% of the contract amount. An additional value of \$7,000.00 is withheld to cover the value of plants and mulch to be installed in spring 2010. We recommend payment in the amount of \$19,832.83.

We request approval of Pay App. #6.

END

Miller Excavating, Inc.
 3636 Stagecoach Trail North
 Stillwater, MN 55082

Pay Application
 Barker's Alps Park Improvement

A Item NO.	B Description of Activities	C SCHEDULE OF VALUES		D Work Completed		E THIS PERIOD		F MATERIAL PRESENTLY STORED (NOT IN D or E)	G		H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
		VALUES		From Previous Application (D+E)		THIS PERIOD			TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% COMPLETE (G/C)		
1	Base Bid	\$ 274,042.90	\$ 271,993.12	\$ 1,049.78				\$ 1,000.00	100%	\$ 1,000.00		
2	Alternate # 1	\$ 41,700.00	\$ 41,700.00						100%			
3	Alternate # 2	\$ 25,792.50	\$ 25,792.50						100%			
4	Alternate # 3	\$ 51,798.50	\$ 51,798.50						100%			
5	Alternate # 4	\$ 21,107.00	\$ 21,107.00						100%			
6	Alternate # 5	\$ 17,024.00	\$ 17,024.00						100%			
7	Alternate # 6	\$ 12,700.00	\$ 9,130.00	\$ 2,570.00				\$ 1,000.00	92%	\$ 1,000.00		
8	Unit Price # 1	\$ 9,950.00	\$ 7,880.40						79%	\$ 2,069.60		
9	Unit Price # 2	\$ 5,000.00	\$ 4,250.00						85%	\$ 750.00		
10	Unit Price # 3	\$ 14,925.00	\$ 12,437.50						83%	\$ 2,487.50		
11	Unit Price # 4	\$ 29,850.00	\$ 29,850.00						100%			
12	Unit Price # 5	\$ 1,990.00	\$ 1,990.00						100%			
13	Change Order # 1	\$ 47,895.46	\$ 47,895.46						100%			
14									#DIV/0!			
15									#DIV/0!			
16									#DIV/0!			
20									#DIV/0!			
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25									#DIV/0!			
TOTALS		\$ 553,775.36	\$ 542,848.48	\$ 3,619.78				\$ 546,468.26	99%	\$ 7,307.10		

11/23/2009

6:45 PM



SANDERS WACKER BERGLY, INC.
Landscape Architects And Planners

TRANSMITTAL

TO: Mitch Berg

FROM: Larry Wacker

COMPANY: City of Bayport

DATE: 12/1/2009

RE: Minnesota/Wisconsin Change Order No. 1
- Barker's Alps Park Improvements

SWB PROJECT NUMBER:

COPY TO:

Attached please find Change Order No. 1 to the contract with Minnesota/Wisconsin Playground to supply and install play equipment at Barker's Alps Park. The change order adds \$800 to the contract for installation of the wood fiber mulch and filter fabric beneath the mulch for a total commitment for Phase I park improvements of \$630,603.52. The amount budgeted for Phase I is \$631,675.00.

We request approval of Change Order No. 1.

END

RESOLUTION NO. 09-

EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA HELD DECEMBER 7, 2009

Pursuant to due call and notice therefore a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at the Bayport City Hall in said municipality on the 7th day of December, 2009, at 6:00 p.m.

The following members were present:

The following members were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING BUDGETS FOR THE GENERAL FUND, SPECIAL LIBRARY FUND, DRUG FORFEITURE FUND, WATER FUND, SEWER FUND, TRUNK WATER AND TRUNK SEWER UTILITY CAPITAL IMPROVEMENT FUND, FIRE EQUIPMENT REPLACEMENT FUND, PUBLIC WORKS EQUIPMENT REPLACEMENT FUND, TAX STABILIZATION FUND, RECREATION CAPITAL EQUIPMENT MAINTENANCE FUND, CEMETERY CAPITAL IMPROVEMENT FUND, POLICE EQUIPMENT REPLACEMENT FUND, OFFICE AUTOMATION FUND, RESTRICTED INVESTMENT FUND, AND PARK IMPROVEMENT FUND FOR THE YEAR 2010

WHEREAS: The City of Bayport established a preliminary certification of the City of Bayport's Levy at its September 8, 2009 meeting; and,

WHEREAS: The City Council of the City of Bayport wishes to establish its 2010 Budget.

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

1. The City Council of the City of Bayport, Washington County, Minnesota, hereby adopts the 2010 Budget of the General Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the General Fund Departments for the calendar year of 2010 shall be:

<u>Dept. Number</u>	<u>Description</u>	<u>Amount</u>
41400	Administration	\$144,198.00
43300	Cemetery	\$ 10,027.00
42200	Fire Protection	\$385,867.00
41100	Elections	\$ 5,040.00
41200	Mayor & Council	\$140,895.00
41940	Municipal Buildings	\$ 33,318.00
43200	Parks	\$ 87,683.00

41910	Planning & Zoning	\$206,147.00
42100	Police Protection	\$648,897.00
41240	Recycling	\$ 7,280.00
43100	Street	\$290,353.00
43160	Street Lighting	\$ 21,821.00
44100	Unallocated	\$ 50,000.00
44200	Transfer - Debt Service	\$ 38,215.00
Total Appropriations General Fund		\$2,069,741.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
General Property Taxes	\$893,950.00
License and Permits	\$125,875.00
Other Gov. Agencies	\$497,329.00
Charges for Services	\$332,118.00
Fines and Forfeits	\$ 35,000.00
Other Revenue	\$185,469.00
Total Source of Financing	\$2,069,741.00

2. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Special Library Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations of the Special Library Fund Department for the (211) calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Operating Expenses	\$272,125.00
Total Appropriations	\$272,125.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
General Property Taxes	\$148,025.00
Other Revenue	\$ 14,000.00
Grants	\$110,100.00
Total Source of Financing	\$272,125.00

3. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Drug Forfeiture Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Drug Forfeiture Fund (202) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Drug Forfeiture Expenditures	\$ 2,541.00
Total Appropriations	\$ 2,541.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Forfeitures	\$ 5,000.00
Total Appropriations	\$ 5,000.00

4. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Water Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Water Fund (601) for the calendar year of 2010 will be:

<u>Description</u>	<u>Amount</u>
Pumphouses	\$ 45,200.00
Water Department	\$395,860.00
Total Appropriations	\$441,060.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Charges for Services	\$307,454.00
Total Source of Financing	\$307,454.00

5. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Sewer Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Sewer Fund (602) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Sewer Department	\$340,025.00
MWCC	\$315,072.00
Total Appropriations	\$655,097.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Charges for Services	\$680,241.00
Total Source of Financing	\$680,241.00

6. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Trunk Water and Trunk Sewer Utility Capital Improvement Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington

County, Minnesota, that all appropriations for the Trunk Water and Trunk Sewer Utility Capital Improvement Fund (206) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Trunk Water & Trunk Sewer Utility Capital Improvement Fund	\$270,000.00
Total Appropriations	\$270,000.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Water and Sewer Trunk Charges	\$140,000.00
Total Source of Financing	\$140,000.00

7. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Fire Equipment Replacement Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Fire Equipment Replacement Fund (200) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Fire Equipment Replacement Fund	\$0.00
Total Appropriations	\$0.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Transfer from the General Fund	\$ 90,000.00
Total Source of Financing	\$ 90,000.00

8. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Public Works Equipment Replacement Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Public Works Equipment Replacement Fund (203) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Public Works Equipment	\$130,000.00
Total Appropriations	\$130,000.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of the financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Transfer from General Fund	\$ 60,100.00
Transfer from Water Fund	\$ 5,000.00
Transfer from Sewer Fund	\$115,000.00
Total Source of Financing	\$180,100.00

9. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Street Reconstruction Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Street Reconstruction Fund (102) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Street Reconstruction Fund	\$100,000.00
Total Appropriations	\$100,000.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of the financing the sums appropriated shall be:

<u>Description</u>	<u>Amount</u>
Special Assessments	\$ 10,100.00
Total Source of Financing	\$ 10,100.00

10. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Tax Stabilization Fund.

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Tax Stabilization Fund (205) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Transfer to General Fund	\$ 0.00
Transfer to Library Fund	\$ 0.00
Total Appropriations	\$ 0.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Tax Stabilization Fund appropriated shall be:

<u>Description</u>	<u>Amount</u>
Transfer from General Fund	\$ 0.00
Total Source of Financing	\$ 0.00

11. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Recreation Capital Equipment Maintenance Fund:

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Recreation Capital Equipment Maintenance Fund (204) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Recreation Capital Equipment	\$ 0.00
Maintenance Expenditures	\$ 0.00
Total Appropriations	\$ 0.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Recreation Capital Equipment Maintenance Fund appropriated shall be:

<u>Description</u>	<u>Amount</u>
Gambling Taxes	\$ 5,000.00
Total Source of Financing	\$ 5,000.00

12. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Park Improvement Fund:

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Park Improvement Fund (207) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Park Improvement Exp:	\$ 10,000.00
Total Appropriations	\$ 10,000.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Park Improvement Fund shall be:

<u>Description</u>	<u>Amount</u>
Park Fees:	\$3,000.00
Total Source of Financing	\$3,000.00

13. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Cemetery Capital Improvement:

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Cemetery Capital Improvement Fund (412) for the calendar year 2010 shall be:

<u>Description</u>	<u>Amount</u>
Cemetery :	\$ 0.00
Total Appropriations	\$ 0.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Cemetery Fund shall be:

<u>Description</u>	<u>Amount</u>
Cemetery Fees:	\$5,575.00
Total Source of Financing	\$5,575.00

14. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Police Equipment Fund:

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Police Equipment Fund (413) for the calendar year 2010 shall be:

<u>Description</u>	<u>Amount</u>	
Police Equipment	\$0.00	* \$15,000 for a squad 2011
Total Appropriations	\$0.00	

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Police Equipment shall be:

<u>Description</u>	<u>Amount</u>
Transfer Police Budget:	\$15,000.00
Total Source of Financing	\$15,000.00

15. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Office Automation Fund:

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Office Automation Fund (414) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Equipment	\$2,500.00
Total Appropriations	\$2,500.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Office Automation Fund shall be:

<u>Description</u>	<u>Amount</u>
Transfer from General Fund:	\$ 9,009.00
Transfer from Water/Sewer Fund:	\$ 950.00
Total Source of Financing	\$ 9,959.00

16. The City Council of the City of Bayport, Washington County, Minnesota, does hereby adopt the 2010 Budget of the Municipal Buildings Maintenance Fund:

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that all appropriations for the Municipal Buildings Maintenance Fund (415) for the calendar year of 2010 shall be:

<u>Description</u>	<u>Amount</u>
Equipment	\$ 0.00
Total Appropriations	\$ 0.00

BE IT FURTHER RESOLVED: By the City Council of the City of Bayport, Washington County, Minnesota, that the source of financing the Municipal Buildings Maintenance Fund shall be:

<u>Description</u>	<u>Amount</u>
Transfer from General Fund:	\$ 8,000.00
Transfer from Water/Sewer Fund:	\$ 2,000.00
Total Source of Financing	\$10,000.00

The motion for adoption of the foregoing resolution was duly seconded by Councilmember _____ and upon roll call being taken thereon, the following voted via voice:

Jon Nowaczek –
 Connie Carlson –
 Dan Johnson –

Torry Kraftson –
 Judy Seeberger –

Thereupon said resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Administrator. Passed by the City Council, City of Bayport, Washington County, Minnesota on this 7th day of December 2010.

ATTEST:

 Mitchell Berg
 City Administrator

 Jon Nowaczek
 Mayor

RESOLUTION NO. 09-

**EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE
CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
HELD DECEMBER 07, 2009**

Pursuant to due call and notice therefore, a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at the Bayport City Hall in said municipality on the 7th day of December 2009, at 6:00 p.m.

The following members were present:

The following members were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING THE 2010-2014 CAPITAL IMPROVEMENT PLAN**

WHEREAS: The preliminary Capital Improvement Plan for 2010-2014 was presented to and accepted by the City Council at its September 8, 2009 meeting.

WHEREAS: The City of Bayport wishes to establish its 2010-2014 Capital Improvement Plan, as delineated on the document attached to this resolution.

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

1. Be it resolved that the City Council of the City of Bayport, Washington County, Minnesota, hereby adopts the 2010-2014 Capital Improvement Plan as follows:

2010	\$ 527,000.00
2011-2014	\$2,972,500.00

The motion for adoption of the foregoing resolution was duly seconded by Councilmember _____ and upon roll call being taken thereon, the following voted via voice:

Jon Nowaczek –	Torry Kraftson –
Connie Carlson –	Judy Seeberger –
Dan Johnson –	

Thereupon said resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Administrator. Passed by the City Council, City of Bayport, Washington County, Minnesota on this 7th day of December 2009.

ATTEST:

Mitchell Berg
City Administrator

Jon Nowaczek
Mayor

CITY OF BAYPORT

CAPITAL IMPROVEMENT PROJECTS PLAN

2010

FUND	203 Public Works Equipment Fund	206 Water/ Sewer Improve- ment Fund	102 Street Recon- struction Fund	412 Cemetery Capital Improve- ment Fund	207 Park Dedication Fund	200 Fire Equipment Fund	413 Police Equipment Fund	414 Office Automation	415 Municipal Bldgs Maint Fund
Squad Car Replacement							\$15,000		
New Fire Hall									
GIS Parcel Info System			\$20,000						
Radio Meter Reading System		\$70,000							
Acquire property for Storm Water Treatment Ponds			\$50,000						
Sewer Rehab Project		\$100,000							
Well House # 3 Rehab Proj.		\$100,000							
Pavement Mgmt Program			\$15,000						
Perro Park-Master Plan					\$10,000				
Computer							\$ 2,000		
Replacement 97 Blue Chev	\$25,000								
Misc. Grading & Seeding			\$15,000						
Salt/Sand Storage Shed	\$75,000								
Replace Bobcat 2100 Veh.	\$10,000								
Replace 1991 Toro Mower	\$20,000								
2010 Total	\$130,000	\$270,000	\$100,000	\$0	\$10,000	\$0	\$15,000	\$2,000	\$0

CITY OF BAYPORT										
CAPITAL IMPROVEMENT PROJECTS PLAN										
2011-2014										
FUND	203 Public Works Equipment Fund	206 Water/ Sewer Improve- ment Fund	102 Street Recon- struction Fund	412 Cemetery Capital Improve- ment Fund	207 Park Dedication Fund	200 Fire Equipment Fund	413 Police Equipment Fund	414 Office Automation	415 Municipal Bldgs Maint Fund	
New Fire Hall						\$1,750,000				
Replace 1 Patrol Vehicles (every other year)							\$60,000			
Radio Meter Reading System		\$70,000								
Acquire Property for Storm Sewer Treatment Ponds			\$50,000							
Replace 97 Blue Chevy	25000									
Pavement Mgmt Program										
Perro Park - Master Plan and Improvements			\$15,000		\$150,000					
Replace White 97 Chev.	\$25,000									
Tanker Truck	\$25,000									
Water Main & Street Construction			\$800,000							
Replace Admin Computer (every year)								2,500		
2011-2014 TOTAL	\$75,000	\$70,000	\$865,000	\$0	\$150,000	\$1,750,000	\$60,000	\$2,500	\$0	\$0

RESOLUTION NO. 09-

**EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE
CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
HELD DECEMBER 07, 2009**

Pursuant to due call and notice therefore, a regular meeting of the City Council of the City of Bayport, Minnesota was duly held at the Bayport City Hall in said municipality on the 7th day of December 2009, at 6:00 p.m.

The following members were present:

The following members were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY FOR THE
YEAR 2010 BUDGET AT \$1,041,975.**

WHEREAS: The City of Bayport established a preliminary levy certification for the City of Bayport's Levy at its September 8, 2009 meeting; and,

WHEREAS: The City Council of the City of Bayport wishes to establish its levy for its year 2010 budget.

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

1) Certify its payable 2010 levy as follows:

A.	General Fund Levy	\$ 855,735.00
B.	Debt Service Levy	\$ 38,215.00
C.	Special Library Fund Levy	\$ 148,025.00
	Total 2010 Levy	\$1,041,975.00

The motion for adoption of the foregoing resolution was duly seconded by Councilmember _____ and upon roll call being taken thereon, the following voted via voice:

Jon Nowaczek –
Connie Carlson –
Dan Johnson –

Torry Kraftson –
Judy Seeberger –

Thereupon said resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Administrator. Passed by the City Council, City of Bayport, Washington County, Minnesota, on this 7th day of December 2009.

ATTEST:

Mitchell Berg
City Administrator

Jon Nowaczek
Mayor



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: November 18, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Subject: Consider adopting Chapter 4 of the Washington County Development Code related to Subsurface Sewage Treatment System Regulations (SSTS)

BACKGROUND

This agenda item was continued from the November meeting, in order to allow Councilmembers and residents sufficient time to review the proposed changes to the ordinance, which are available on the Washington County website. Staff contacted Washington County in hopes of obtaining a summary of the proposed ordinance changes, for easy comparison with the existing ordinance. Washington County has not prepared a summary, but did provide the city with a mark-up version of the ordinance, which tracks the proposed changes in the margin, as well as the following excerpt from a recent Washington County Board Meeting, that gives a brief explanation of the changes, as follows:

"State rule changes include: Management Plans, the county cannot issue a permit unless a management plan is included in the design; Dispute Resolution, the county ordinance must address how disputes over depth of the periodically saturated soil will be resolved between two, or more, private inspectors; Operating Permits, must be issued for Type IV and V Systems, MSTs (5,000 gpd-10,000 gpd) and holding tanks; and Operating Permits, must include maintenance requirements, operational requirements, compliance limits and boundaries, reporting frequency, notification by permittee, identify reserve area, and prohibited discharges.

Proposed new requirements include: reduced design flow determination for subdivisions; reduced septic tank sizing for subdivisions; reduced holding tank minimum sizes for dwellings and other establishments; minimum rock below pipe in drainfields reduced from 12" to 6"; Section 7.1 requires operating permits for Type III Systems, and SSTS Serving Food, Beverage, Lodging, Establishments and Hazardous Waste Generators; Section 8.10 requires compliance inspections prior to the transfer of any real property, unless the age of the system is less than five years, and when deemed necessary by the Department to ascertain the compliance of an existing system; Section 13.6, MR 7080 requires two tanks and an effluent screen if the dwelling has a garbage disposal and/or a sewage ejector; the Department has required two tanks since 1992; and the Department will require an effluent screen on all systems."

Due to the length of the mark-up document (85 pages), we decided it was probably not the best use of city resources to distribute a printed hard copy with the City Council packet. However, staff would be happy to either email or provide a hard copy to Councilmembers, upon request. Please keep in mind that this ordinance only applies to properties within the city that have individual sewage systems (a majority of the city is connected to the city's municipal sewer system). Feel free to contact me with questions, preferably prior to the meeting, and I will do my best to help answer them.

RECOMMENDATION

Staff recommends the City Council adopt Chapter 4 – Subsurface Sewage Treatment System Regulations of the Washington County Development Code, and other subsequent additions, as required by Minnesota Rules.



Department of Public
Health and Environment

Lowell Johnson
Director

Sue Hedlund
Deputy Director

September 23, 2009

City of Bayport
C/O Michael McGuire
294 North Third Street
Bayport MN 55003

COUNTY SSTS ORDINANCE

On September 8, 2009, the Washington County Board of Commissioners passed a resolution repealing the Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations (Ordinance #128) and adopting the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations (Washington County Ordinance #179). The effective date of the ordinance is September 23, 2009.

Minnesota Rules, Chapter 7082.0050, Subpart 1, Paragraph B states:

City and township ordinances must be adopted no more than 12 months after adoption of the county ordinance in which the city or township is located and must comply with the standards of chapter 7080 to 7083 and must be as strict as the applicable county ordinance.

If City of Bayport has a current septic system ordinance, it must be revised by no later than September 23, 2010 and be as strict as Washington County Ordinance #179. If City of Bayport does not currently have a septic system ordinance, you may either adopt an ordinance that is as strict as Washington County Ordinance #179, or adopt the Washington County Ordinance #179 by reference. After September 23, 2010, if a septic system ordinance adopted in City of Bayport, has not been revised and/or adopted, the County's ordinance shall prevail.

The Department is committed to assisting communities with this ordinance revision. If your community would like assistance from the Department in any way, please contact Chris LeClair at 651-430-6673 or Pete Ganzel at 651-430-6676. Once the City's ordinance has been revised or adopted, please advise the Department as to the effective date of that revision.

Government Center • 14949 62nd Street North — P.O. Box 6, Stillwater, Minnesota 55082-0006
Phone: 651-430-6655 • Fax: 651-430-6730 • TTY: 651-430-6246

Service Centers also located in Cottage Grove and Forest Lake

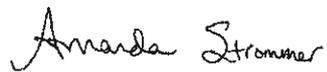
www.co.washington.mn.us

Equal Employment Opportunity / Affirmative Action

The County Ordinance is posted on the Department's website at http://www.co.washington.mn.us/info_for_residents/environment/septic/ordinance_revision/ If the community is interested in receiving a bound version of Washington County Ordinance #179, please contact Stephanie Holt at 651-430-6678 and one will be mailed once they are published.

If you would have any questions or comments about the SSTS Ordinance, please contact Chris LeClair at 651-430-6673, Pete Ganzel at 651-430-6676, or me at 651-430-6744.

Sincerely,



Amanda Strommer, Program Manager
Washington County Department of Public Health & Environment

CC: Jim Schug, County Administrator
Lowell Johnson, Director
Chris LeClair, Sr. Environmental Specialist
Pete Ganzel, Sr. Environmental Specialist
Meredeth Magers, Asst. Attorney III

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING CHAPTER 58 – UTILITIES OF THE BAYPORT CITY CODE**

Section 1. The Bayport City Code is hereby amended to add the following:

ARTICLE IX. INDIVIDUAL SEWAGE TREATMENT SYSTEMS

Section 58-280. Adoption of Washington County regulations.

The City of Bayport hereby adopts the Washington County Development Code,
Chapter 4 – Subsurface Sewage Treatment System Regulations and other subsequent additions.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 2nd day of November, 2009.

Attest:

Jon Nowaczek, Mayor

Mitch Berg, City Administrator



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Barry Peters

DATE: December 1, 2009

RE: Sanitary Sewer Ordinance Revision
SEH No. ABAYPO080100 14.00

At the November meeting, we noted that a large percentage of sanitary sewers in the City are located on private property. We discussed that to reduce Inflow/Infiltration (I/I) that the City sends to Metropolitan Wastewater Disposal System (MWDS), private systems need to be inspected and owners be required to improve deficiencies to their systems to remove I/I. To ensure that the City has the ability to require improvements to private systems, we recommended that Council authorize SEH and the Attorney to review the City's Sanitary Sewer Ordinance and to make recommendations. Attached is a copy of the existing ordinance with recommendations. The recommended revisions are highlighted.

The recommended revisions include:

- Add "clear water" as an unlawful discharge and define "clear water".
- Require property owners to allow City personal access to inspect for illegal connections. An option to City personal would be to allow property owners to provide an inspection report from a licensed plumber.
- Allow for re-inspections of properties found to not be in compliance.
- Allow the Building Inspector to check for unlawful connections if on the property for a building permit inspection.
- Requiring corrections and if not completed by the property owner, allow the City to make the correction and charge the property owner. Cost can be assessed similar to a delinquent utility bill.
- If the City is not allowed to inspect or does not receive an inspection report, or if corrections are not made, allow the City to assess a monthly surcharge to each sewer and water bill.
- Allow the City to suspend water service for non-compliance.
- Provide for temporary waivers.
- Revises "metropolitan waste control commission" to the "Metropolitan Council of Environmental Services (MCES)".

We will be available to review the recommendations with the Council at the December 7, 2009. If the recommendations are agreeable with the Council, we would recommend that the Council authorize staff to incorporate the revisions into the Sanitary Sewer Ordinance.

bcp

Attachment

c: Mitch Berg, City Administrator
Sara Taylor, Assistant Administrator
Nick Vivian, City Attorney

s:\ac\b\baypo\080100\2009\san sewer ordinance\2009-12-01 ss ordinance revision memo.doc

ARTICLE IV. SEWER SYSTEM

DIVISION 1. GENERALLY

Sec. 58-111. Sewer charge levied.

For the purpose of providing funds to meet the costs of operating and maintaining the city sewer collections system and facilities connected therewith and for the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed against each lot, parcel of land, building or premises having any connection with the public sewer system of the city or otherwise discharging wastewater, industrial wastes, water or other liquids directly or indirectly into the public sewer system of the city a sewer charge payable as provided in this article and in an amount as determined in this article.

(Ord. No. 589, § 1, 12-1-75)

Sec. 58-112. Unlawful discharges; installation of grease, oil and sand interceptors.

(a) It shall be unlawful to discharge into the municipal sanitary sewer system of the city any of the following described waters or wastes:

- (1) Any water or vapor having a temperature higher than 150 degrees Fahrenheit.
- (2) Any water or waste containing more than 100 parts per million by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other inflammatory or explosive liquid, solid or gas.
- (4) Any garbage that has not been ground or shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, plastic, wood, manure or any other solid viscous substance which is likely to or capable of causing obstruction to the flowage in sewers or which otherwise might interfere with the proper operation of the sewage system.
- (6) Any waters or wastes containing toxic or poisonous substances in quantity sufficient to injure or interfere with the sewage treatment process or which constitute a hazard to persons or animals or which create a hazard in the receiving waters of the sewage treatment plant.
- (7) Any waters or wastes containing suspended solids of such character and quantity that special attention or extra expense is required to handle such materials at the sewage treatment plant.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (9) Any ~~storm water, surface water~~ or water from any air conditioning system.
- (10) Any clear water. "Clear water" for the purpose of section is defined as storm water; natural precipitation; melting snow; ground water; water flow from a roof; ground surface; subsurface drainage; down spout; eave trough; rainspout; yard drain; sump pump; foundation drain; yard fountain; pond; swimming pool; cistern overflow; or air conditioning unit or system; or any other water that is not required to be treated by state or federal law

(b) The city may require the installation by the owner or occupant of any premises of grease, oil and sand interceptors when, in the opinion of the city engineer, such interceptors are necessary for the proper disposition of liquid wastes containing grease in excessive amounts or of any inflammable waste, sand or other ingredient harmful to the sewage system. Interceptors shall be of substantial construction, shall be watertight and shall be equipped with easily removable covers which when bolted in place shall be gastight and watertight. They shall be maintained by the owner or occupant in such manner as to produce efficient operation at all times.

(c) No person or corporation shall discharge into the municipal sanitary sewer system industrial wastes without written approval of the city engineer.

(d) Regular inspections. Within 30 days after written notice from the city, every person owning improved real estate that discharges into the city's sanitary sewer system must allow the city or a designated city representative to inspect the buildings to determine whether there is a prohibited discharge into the sanitary sewer system. In lieu of having the city inspect the property, a person may furnish an inspection report in a form acceptable to the public works director from a licensed plumber approved by the city engineer.

(e) Re-inspections. A property that is found to be not in compliance with this section is subject to re-inspections to confirm that the property is subsequently brought into compliance. Thereafter, the property is subject to re-inspections on an annual basis to confirm continued compliance. Properties that are in compliance may also be subject to re-inspections to confirm continued compliance.

(f) Inspections with building permits. If a city inspector is on a property for the purpose of inspecting for compliance with a building permit, the city inspector has the authority to also inspect the property for compliance with this section.

(g) Corrections. The owner of a property found to be in violation of this section must make the necessary corrections to comply with this section within the time specified in the written notification from the city. If the owner fails or refuses to make the required corrections within the specified time, the city may make the necessary corrections and charge the cost to the property owner. Costs that are not paid are a lien against the property and may be certified for collection as a special assessment in the same manner as delinquent utility bills.

(h) Surcharges. A monthly surcharge in the amounts specified in section _____ of this code will be added to each sewer and water bill for property where (a) an inspection has not been allowed or certification provided within 30 days after notice by the city, (b) the necessary corrections have not been made within the time specified, or (c) there has been a reconnection of a previously disconnected prohibited discharge when the property is owned by the same or a related owner who owned the property when disconnection occurred. A surcharge will be added for every month during which the property is not in compliance, whether the non-compliance has been for the entire month or a portion of it.

The surcharge for a reconnection will be charged beginning with the month after the inspection or certification that confirmed the previous disconnection.

(i) Suspension of service. The city may suspend water service to a property that is not in compliance with this section or when the owner has not allowed a required inspection or provided an alternative certification.

(j) Temporary waiver. The city engineer may allow or require a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage to other property, the environment, or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the public works director specifying the reasons for the request. If a waiver is required or granted, the property owner must pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system as estimated by the public works director. The city engineer may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. The city engineer must give five-days advance written notice of the termination to the property owner with the reasons for the action. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

(k) Remedies. The remedies provided in this section are cumulative and do not limit the right of the city to pursue any available legal remedy.

(Ord. No. 559, § 16, 3-11-68; Ord. No. 567, § I, 3-17-69)

Sec. 58-113. Private sewer system not permitted.

Prior to any premises being connected to the city sanitary sewer system, all private sewer systems shall be pumped and filled or removed from the premises. The city building official shall inspect the premises prior to connections to determine whether such private sanitary sewer system has been properly filled or removed.

(Ord. No. 559, § 21, 3-11-68)

Sec. 58-114. Basis for sewer charges.

(a) The sewer charge shall be based on water consumption, as determined from the meter records of the city, unless actual wastewater flow is measured by a recording meter of a type approved by the city engineer. Installation and maintenance of the meter shall be at the expense of the property owner.

(b) When water is used for lawn sprinkling by single-family, multiple-family, institutional and governmental users, the water consumption, as determined from the meter records of the city, shall be used for computing the wastewater flow in January, February and March of each year. For the remaining months of each year, the average monthly water consumption for January, February and March shall be used as the wastewater flow in each remaining month. In the event the water consumption on any

parcel of property for any other quarter of the year is less than the first quarter, the waste water charge for that quarter shall be based on the water consumption for that quarter.
(Ord. No. 589, § 4, 12-1-75; Ord. No. 724, § 724.01, 8-3-98)

Sec. 58-115. Determination of rates for unmetered water.

If any lot, parcel of land, building or premises discharging wastewater, industrial waste, water or other liquids into the sewer system of the city, either directly or indirectly, is not entirely supplied with water from the waterworks of the city, and the water used thereon or therein is not measured by a city meter or by a meter installed for that purpose by the city, then in each such case the sewer rental charge shall be fixed and determined by the city council by resolution in such manner and by such method as they may find just, equitable and practicable in the light of conditions and attendant circumstances of the case.

(Ord. No. 589, § 5, 12-1-75)

Sec. 58-116. Adjustment of rates.

The city council shall have the power by resolution to increase, decrease or change the amount and basis of the sewer charges and sewer connection charge as such increase, decrease or change may be reasonably required.

(Ord. No. 589, § 3, 12-1-75; Ord. No. 618, § 1, 3-2-81)

Sec. 58-117. Statement of charges; due date; late payment penalty.

The city administrator shall compute the amount due to the city for sewer charges and shall render a statement thereof, either monthly or quarterly, as directed by the city council, to the owner or occupant of any premises served by the sewage system. All sewer charges shall be due and payable pursuant to section 58-162. If such charges are not paid by the due date, an additional charge as set by resolution of the city council shall be made.

(Ord. No. 589, § 6, 12-1-75)

Sec. 58-118. Multiple-family dwellings, responsibility for payment of charges.

Each owner, lessor, corporation or person renting, leasing or otherwise assuming responsibility for the occupancy of any multiple-family habitation shall be billed and be responsible for payment of all sewer charges incurred by property under his/her/its jurisdiction.

(Ord. No. 589, § 7, 12-1-75)

Sec. 58-119. Notice of change in occupancy required; penalty.

Written notice must be given to the office of the city administrator by the owner, or other person responsible for the occupancy of any apartment, of any change in the occupancy status of any apartment under their management. Failure to file such written notice shall result in full service charges until written notice of any change is received. Failure to file written notice of occupancy of any premises newly activated or previously declared vacant shall result in a penalty as established by resolution of the city council and printed in appendix D of this Code in addition to rental from date of occupancy.

(Ord. No. 589, § 8, 12-1-75)

Sec. 58-120. Reserved.

Editor's note: Ord. No. 785, § 1, adopted Feb. 12, 2007, deleted § 58-120, which pertained to collection of unpaid charges; lien, and derived from Ord. No. 589, § 9, adopted Dec. 1, 1975.

Sec. 58-121. Sewer fund.

The moneys received from the rates and charges established in this article shall be deposited in a separate fund to be known as the "sewer fund," and shall be used to meet the costs of operating and maintaining the sewage system and facilities, and for the reasonable requirements for replacement and obsolescence.

(Ord. No. 589, § 10, 12-1-75)

Sec. 58-122. Delayed connection charge.

Any owner of a residence or commercial building to which sewer service is or becomes available shall be subject to an additional charge established by resolution of the city council upon connecting to such service if such connection is not made within two years after such service becomes available.

(Ord. No. 559, § 25, 3-11-68)

Secs. 58-123--58-135. Reserved.

DIVISION 2. SEWER INDUSTRIAL USE REGULATIONS*

***State law references:** Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500 and Public Law 93-243), or as modified by M.S.A. chs. 115 and 116.

Sec. 58-136. Recitals.

The ~~metropolitan waste control commission, a metropolitan commission~~ Metropolitan Council Environmental Services organized and existing under the laws of the state (the ~~commission~~) (MCES), in order to receive and retain grants in compliance with the Federal Water Pollution Control Act Amendments of 1972 and regulations thereunder (the "act"), has determined to impose an industrial user sewer strength charge upon users of the metropolitan disposal system (as defined in M.S.A. § 473.121, subd. 24) to recover operation and maintenance costs of treatment works attributable to the strength of the discharge of industrial waste, such sewer strength charge being in addition to the charge based upon the volume of discharge. In order for the city to pay such costs based upon strength of industrial discharge and allocated to it each year by the ~~commission~~ MCES, it is hereby found, determined and declared to be necessary to establish sewer strength charges and a formula for the computation thereof for all industrial users receiving waste treatment services within or served by the city. Furthermore, M.S.A. § 444.076, subd. 3, empowers the city to make such sewer charge a charge against the owner, lessee, occupant or all of them and certify unpaid charges to the county auditor as a tax lien against the property served.

(Ord. No. 600, § 1, 10-2-78)

Sec. 58-137. Establishment of strength charges.

(a) *Generally.* For the purpose of paying the costs allocated to the city each year by the ~~commission~~ MCES that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charge based upon the volume of discharge, a sewer charge upon each person receiving waste treatment services within or served by the city, based upon strength of industrial waste discharged into the sewer system of the city (the "strength charge").

(b) *Strength charge formula.* For the purpose of computation of the strength charge established by subsection (a) of this section, there is hereby established, approved and adopted in compliance with the act the same strength charge formula designated in Resolution No. 76-172 adopted by the governing body of the ~~commission~~ MCES on June 15, 1976, such formula being based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average based on the proportionate costs of operation and maintenance of waste treatment services provided by the ~~commission~~ MCES.

(c) *Strength charge payment.* It is hereby approved, adopted and established that the strength charge established by subsection (a) of this section shall be paid by each industrial user receiving waste treatment services and subject thereto before the 20th day next succeeding the date of billing thereof to such user by or on behalf of the city, and such payment thereof shall be deemed to be delinquent if not so paid to the billing entity before such date. Furthermore, it is hereby established, approved and adopted that if such payment is not paid before such date, an industrial user shall pay interest compounded monthly at the rate of two-thirds of one percent per month on the unpaid balance due.

(Ord. No. 600, §§ 2--4, 10-2-78)

Sec. 58-138. Establishment of tax lien.

As provided by M.S.A. § 444.075, subd. 3, it is hereby approved, adopted and established that if payment of the strength charge established by section 58-137(a) is not paid before the 60th day next succeeding the date of billing thereof to the industrial user by or on behalf of the city, such delinquent sewer strength charge, plus accrued interest established pursuant to section 58-137(c), shall be deemed to be a charge against the owner, lessee and occupant of the property served, and the city or its agent shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected; provided, however, that such certification shall not preclude the city or its agent from recovery of such delinquent sewer strength charge and interest thereon under any other available remedy.

(Ord. No. 600, § 5, 10-2-78)

Secs. 58-139--58-160. Reserved.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: December 1, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Sara Taylor, Assistant City Administrator/Planner
Subject: Utility Rate Analysis

BACKGROUND

At the September 8, 2009 City Council meeting the City Council adopted the 2009 Enterprise Fund Utility Rate Study but did not take any formal action on adopting a rate structure for 2010. Since my arrival to Bayport, I have met twice with representatives of Andersen Windows who expressed some concerns regarding the Utility Rate Study. Staff has also fielded a few calls from residents also concerned about the pending utility rate increases.

As a result, staff began identifying alternative scenarios to help lessen the rate increase upon the 685 residential customers (and the commercial, industrial, and institutional users) within the City. Below lists three alternative rate scenarios and their impact to the typical residential user, based on a typical usage of 22,500 gallons a quarter. There is also an example from a 2008 quarterly read from a commercial user (with usage of 495,000 gallons in the quarter) for comparison purposes, as well.

TO SEE A SUMMARY OF ALL THE OPTIONS GO TO THE LAST PAGE

OPTION #1 - Current rate schedule (NO CHANGE)

Residential water

\$10.00 flat fee for 1st 1,000 gallons
\$2.50/1,000 gallons for usage exceeding 1,000 gallons

Residential sewer

\$10.00 flat fee for 1st 1,000 gallons
\$2.75/ 1,000 gallons for usage exceeding 1,000 gallons

Water usage (quarter)	\$63.75
Sewer usage (quarter)	\$69.13
Total	\$132.88
Change to current schedule:	N/A

Commercial water

\$10.00 flat fee for 1st 1,000 gallons
\$2.50/1,001-100,000 gallons
\$3.50/100,001-300,000 gallons
\$5.50 above 300,000

Commercial sewer
 \$10.00 flat fee for 1st 1,000 gallons
 \$3.10/1,001-100,000
 \$3.50/100,001-300,000
 \$6.00/ above 300,000

Water usage (quarterly)	\$2,030.00
Sewer usage (quarterly)	\$2,186.90
Total	\$4,216.90
Change to current schedule:	N/A

OPTION #2 - Rate structure proposed in plan (presented July 30, 2009):

Residential water
 \$10.00 flat fee for 1st 1,000 gallons
 \$3.30/1,001 – 25,000 gallons for usage exceeding 1,000 gallons
 \$4.30 above 25,000

Residential sewer
 \$10.00 flat fee for 1st 1,000 gallons
 \$3.45/ 1,000 gallons for usage exceeding 1,000 gallons

Water usage (quarterly)	\$80.95
Sewer usage (quarterly)	\$84.18
Total	\$165.13
Change to current schedule:	\$32.25
Percent change	24%

Commercial water
 \$10.00 flat fee for 1st 1,000 gallons
 \$4.00/1,001-100,000 gallons
 \$5.00/100,001-300,000 gallons
 \$7.00 above 300,000

Commercial sewer
 \$10.00 flat fee for 1st 1,000 gallons
 \$5.00/1,001-100,000
 \$5.40/100,001-300,000
 \$7.90/ above 300,000

Water usage (quarterly)	\$2,771.00
Sewer usage (quarterly)	\$3,125.50
Total	\$5,896.50
Change to current schedule:	\$1,679.6
Percent Change	40%

OPTION #3 - Rate increase stayed over 5 years (Year 2010 only) - September 23, 2009

Residential water
 \$10.00 flat fee for 1st 1,000 gallons
 \$2.75/1,001 – 25,000 gallons for usage exceeding 1,000 gallons
 \$3.75 above 25,000
 (year 2011 – \$0.25 increase, year 2012 \$0.35 increase, and year 2013 \$0.35 increase)

Residential sewer
\$10.00 flat fee for 1st 1,000 gallons
\$3.05/ 1,000 gallons for usage exceeding 1,000 gallons
(year 2011 - \$0.30 increase, year 2012 \$0.35 increase, and year 2013 \$0.35 increase)

Water usage (quarterly)	\$69.13
Sewer usage (monthly)	\$75.58
Total	\$144.71
Change to current schedule:	\$11.83
Percent Change	9%

Commercial water
\$10.00 flat fee for 1st 1,000 gallons
\$3.25/1,001-100,000 gallons
\$4.25/100,001-300,000 gallons
\$6.25 above 300,000
(year 2011 - \$3.75/4.75/6.75, year 2012 \$4.30/5.30/7.30, and year 2013 \$4.90/5.90/7.90)

Commercial sewer
\$10.00 flat fee for 1st 1,000 gallons
\$3.60/1,001-100,000
\$4.00/100,001-300,000
\$6.50/ above 300,000
(year 2011 - \$3.95/4.35/6.85, year 2012 \$4.30/4.70/7.20, and year 2013 \$4.65/5.05/7.55)

Water usage (quarterly)	\$2,433.90
Sewer usage (quarterly)	\$2,400.50
Total	\$4,834.40
Change to current schedule:	\$617.50
Percent Change	15%

OPTION# 4 - Rate increase stayed over 5 years (Year 2010 only)

Residential water
\$10.00 flat fee for 1st 1,000 gallons
\$2.88/1,001 – 25,000 gallons for usage exceeding 1,000 gallons
\$3.88 above 25,000
(year 2011 – \$0.37 increase, year 2012 \$0.39 increase, and year 2013 \$0.44 increase)

Residential sewer
\$10.00 flat fee for 1st 1,000 gallons
\$3.05/ 1,000 gallons for usage exceeding 1,000 gallons
(year 2011 - \$0.30 increase, year 2012 \$0.35 increase, and year 2013 \$0.35 increase)

Water usage (quarterly)	\$71.92
Sewer usage (monthly)	\$75.58
Total	\$147.50
Change to current schedule:	\$14.62
Percent Change	11%

Commercial water
\$10.00 flat fee for 1st 1,000 gallons
\$2.88/1,001-100,000 gallons
\$3.88/100,001-300,000 gallons
\$5.88 above 300,000

(year 2011 \$3.25/4.25/6.25, year 2012 \$3.64/4.64/6.64, and year 2013 \$4.08/5.08/7.08)

Commercial sewer

\$10.00 flat fee for 1st 1,000 gallons

\$3.60/1,001-100,000

\$4.00/100,001-300,000

\$6.50/ above 300,000

(year 2011 - \$3.95/4.35/6.85, year 2012 \$4.30/4.70/7.20, and year 2013 \$4.65/5.05/7.55)

Water usage (quarterly)	\$2,217.72
Sewer usage (quarterly)	\$2,400.50
Total	\$4,618.22
Change to current schedule:	\$401.32
Percent Change	10%

ANALYSIS

Below is a listing of some of the benefits (pros) and costs (cons) to each option:

OPTION #1 – NO CHANGE

Benefit – Residents and commercial users won't be impacted by a rate increase.

Costs – The City will continue to fall deeper into the red in its ability to operate its water and sewer enterprise fund.

OPTION #2

Benefit – By raising the rates on a “one time shot” this will ensure the water and sewer fund are not operating in the red.

Costs – The proposed rate increase may be difficult to implement in this tough economy, resulting in a higher rate of non payment.

City Administrator's note – If this option is selected in 2010 water rates will increase 32% for residential and 60% for commercial and sewer rates will increase 25% for residential and 37% for commercial and industrial users.

OPTION #3

Benefit – This proposal spreads the increase out over a four year period which helps to mitigate the cost to our residents and commercial and industrial users.

Costs – Both the water and sewer fund will run into the red until the fifth year.

City Administrator's note – If this option is selected in 2010, water rates will increase 10% for residential and 30% for commercial and sewer rates will increase 11% for residential and 16% for commercial and industrial users. If the Council chooses this option, the fund will not operate in the black until the fifth year. However, some of depreciation costs can be absorbed with revenue coming into the Water and Sewer Trunk Fund, which is currently at 12% of the water and sewer bill.

OPTION #4

Benefit – This proposal spreads the increase out over a four year period, which helps to mitigate the cost to our residents and commercial and industrial users.

Costs – Both the water and sewer fund will run into the red until the fifth year.

City Administrator's note – If this option is selected in 2010 water rates will increase 15% for residential and 15% for commercial and sewer rates will increase 11% for residential and 16% for commercial and industrial users. The only difference between options #3 to #4 is that the rate percentage increase for water is borne equally between the residential and commercial users. If the Council chooses this option, the fund will not operate in the black until the fifth year. However, some of depreciation costs can be absorbed with revenue coming into the Water and Sewer Trunk Fund, which is currently at 12% of the water and sewer bill.

RECOMMENDATION

2010 RESIDENTIAL	OPTION 1		OPTION 2	% Difference to Option 1	OPTION 3	% Difference to Option 1	OPTION 4	% Difference to Option 1
WATER	\$ 63.75	N/A	\$ 80.95	27%	\$ 69.13	8%	\$ 71.92	13%
SEWER	\$ 69.13	N/A	\$ 84.18	22%	\$ 75.58	9%	\$ 75.58	9%
Total	\$ 132.88		\$ 165.13	24%	\$ 144.71	9%	\$ 147.50	11%

2010 COMMERCIAL	OPTION 1		OPTION 2	% Difference to Option 1	OPTION 3	% Difference to Option 1	OPTION 4	% Difference to Option 1
WATER	\$ 2,030.00	N/A	\$ 2,771.00	37%	\$ 2,433.90	20%	\$ 2,217.72	9%
SEWER	\$ 2,186.90	N/A	\$ 3,125.50	43%	\$ 2,400.50	10%	\$ 2,400.50	10%
Total	\$ 4,216.90		\$ 5,896.50	40%	\$ 4,834.40	15%	\$ 4,618.22	10%

While the ultimate decision rests with the Council, staff recommends option #4 on the merit that is the most equitable. Although, the overall sewer rate usage will be higher for commercial and industrial users, the Council should be made aware there can be greater sewage costs associated with maintaining a wastewater collection system for commercial and industrial users. When you **average** the water rate increase over the four year period (2010-2013) the rate increase for water is 13% a year for residential and 13% for commercial and the rate increase for sewer is 10.175% a year for residential and 10.675% for commercial. Furthermore, staff is recommending after the second or third year that the City Council authorizes another rate study to be conducted on the merits of an improving (or worsening) economy.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: December 1, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Subject: Renewal of employee health/dental insurance policy for 2010

BACKGROUND

The City of Bayport received a 3% premium increase for dental insurance for 2010. Because the increase is reasonable, I recommend we renew the policy at the proposed rate.

The City of Bayport also received a 27% premium increase for health insurance for 2010. However, because the amount the City contributes into each employee Health Savings Account (HSA) is not changing, the overall impact to the City will be an 18% increase in costs.

I have been working to identify some alternative cost savings to reduce the overall health insurance burden, some of which include:

- Unblend all of the active and non-active employee insurance premium costs

Presently, the City blends or averages employee premium costs for both the single and family plan participants. By including the non-active employees in the blend, the result is that the non-active employees pay the same rate for health insurance as the active employees. Furthermore, those active employees having more children and/or who are older end up paying the same rate of health insurance as the active employees who are younger and/or those with fewer children.

By unblending the rates, requiring both the active and non-active employees to pay for their **actual costs** of insurance, non-active employees will see their monthly premiums increase (in upwards of 55% a month), due to the fact the active employees are no longer subsidizing their rates. Furthermore, some active employees with dependent health care may see either an increase or a decrease in their rates, dependent upon their age and the size of their family.

Although in this scenario, the cost of insurance is still going up 18%, by shifting the actual cost of insurance onto both the non-active (where they have to pay 100% of their insurance) and the active employees (where the City pays 100% for single and 90% for families with dependent coverage) the overall cost to the City is only a 3% increase.

- Allowing employees to participate in a lower cost medical plan

While the union agreements may not allow the City to switch the deductible and the percentage of coverage, I am researching a more limited insurance plan which would reduce the number of health care providers within the plans network but still allow the City to retain the same \$2,500 deductible with 100% coverage after the deductible has been met.

- Reducing the dollar amount the City contributes to each individual employees HSA account each month

RECOMMENDATION

While I am still working out the details, the recommendation to the Council, and upon further legal review, is to unblend the health insurance rates of all active and non-active employees that participate in the plan. As a result, the overall impact to the City would be an approximate 3% increase over 2009.

Should this option be unavailable to the City, I have been talking to staff on the two other alternatives. Although the reduction in savings wouldn't be as significant (as the unblended option), I believe these alternatives would limit the increased cost of insurance to the City by no more than 11%.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: December 1, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Sara Taylor, Assistant City Administrator/Planner
Subject: Fee schedule updates for 2010

BACKGROUND

Staff reviews the city's established fee schedule on an annual basis, for changes and updates. Staff's proposed deletions are indicated in ~~strike through~~ and additions are indicated in **bold underline** on the attached draft. Please be advised that a majority of the proposed changes are a result of an increase in administrative costs. Below, please find a brief summary of the changes, for reference.

<u>Fee description</u>	<u>Reason for proposed change</u>
Liquor – On sale club license	The city currently charges \$200.00/yr. State statute allows the city to charge up to \$300.00/yr. This license fee has not been increased for 5+ years. Staff suggests an increase to \$250.00/yr.
Cemetery – sale of single grave	The city currently charges \$600.00. To be similar to St. Michael's Cemetery fee of \$800.00, staff suggests an increase to \$700.00.
Cemetery – sale of single cremains grave	The city currently charges \$200.00. To be similar to St. Michael's Cemetery fee of \$400.00, staff suggests an increase to \$300.00.
Cemetery – open and close grave (cremains)	The city currently charges \$200.00. To be similar to St. Michael's Cemetery fee of \$350.00, staff suggests an increase to \$250.00.
City code book	Remove fee – can be accessed via the internet at no cost.
Map – Zoning and flood	The city currently charges \$2.00 for a black and white copy. Since we are now able to produce color copies, staff suggests an increase to \$3.00.

Park usage fee for nonresidents up to 50 (includes rental of 2 shelters)	The city currently charges \$100.00. To provide a reasonable incremental increase to the next rental fee of \$250.00 for 51-100 people, staff suggests an increase to \$150.00.
Park usage fee for the beach house	To simplify the rental process, accommodate additional rental requests, and recover costs associated with the use of the fireplace, staff suggests a resident flat fee of \$50.00 + \$100.00 deposit and a \$25.00 optional fireplace usage fee and a nonresident flat fee of \$150.00 + \$100.00 deposit and a \$25.00 optional fireplace usage fee.
Utility rates for water and sewer	Depending upon discussion of the proposed water and sewer rate increases, these fees are subject to change.
Water reconnection shutoff after nonpayment	Remove from Administration Department – duplicate listing under Engineering/Public Works Department
Water hydrant access and usage charge	To recover costs associated with providing private parties access to bulk water via hydrant, staff suggests a fee of \$35.00 + cost incurred for water usage.
Police audio, video, photo, CD/DVD	The city currently charges \$10.00 - \$30.00, based on the type of media requested. To simplify, staff suggests a uniform fee of \$25.00 for all media types.
Service availability charge (SAC)	The state has notified the city that the fee will increase to \$2100.00, effective January 1, 2010.
Contractor state license verification and state electrical application	Remove fees – both can be accessed via the internet at no cost.

RECOMMENDATION

Staff recommends the City Council adopt a motion to approve the updates to the city’s fee schedule, effective January 1, 2010.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING APPENDIX D, FEE SCHEDULE, OF THE CITY CODE.

THE CITY COUNCIL OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA DOES HEREBY ORDAIN AS FOLLOWS:

Appendix D of the Municipal Code of the City of Bayport is hereby amended to delete the existing text in its entirety and replace with the following:

Section 1. The City of Bayport is authorized to impose fees, rates, or charges, and the same shall be enumerated in this section or elsewhere in this Code. In the event of any conflict between this section and any other provision of the code, this section shall control.

Section 2. Fees shall be in accordance with the following:

Description	Fee
<i>Administration Department – License fees</i>	
Adult use license	\$10,000.00 /yr
Adult use investigation fee	\$1,500.00
Commercial / residential refuse hauler license	\$200.00/yr
Fireworks - sale of consumer fireworks	\$350.00 for exclusive license \$100.00 for non-exclusive license
Fireworks – public outdoor display permit	\$100.00
Gambling – license fee for gambling exempt under Minnesota Statutes 349.166	\$100.00 /yr
Gambling - investigation fee or renewing premises permit	\$100.00
Gambling proceeds	10%
Liquor - off-sale liquor	\$100.00 /yr
Liquor - on-sale liquor	\$2,000.00 /yr
Liquor - on-sale temporary (1-4 days)	\$50.00 /day
Liquor - Sunday	\$200.00 /yr
Liquor - on-sale club	\$200.00 /yr \$250.00 /yr
Liquor – 3.2% malt liquor (on or off sale)	\$100.00 /yr
Liquor – on sale wine only	\$750.00 /yr

Liquor, wine, tavern investigation - in state last 10 years	\$500.00
Pawnbroker / secondhand dealer license	\$100.00 /yr
Pawnbroker investigation - in state last 10 years	\$3,000.00
Pawnbroker investigation - out of state in last 10 years	actual cost (\$10,000.00 max.)
Pawnbroker investigation – new manager	\$500.00
Pawnbroker transaction fee	\$2.00 per transaction
Peddler / solicitor license	\$25.00
Tobacco (over the counter only)	\$250.00 /yr
<i>Administration Department - General fees</i>	
Admin. charge for tree removal	cost incurred, plus 10% for city overhead costs
Admin. charge for weed cutting / debris removal / etc.	cost incurred, plus 10% for city overhead costs
Admin. charge for certification of delinquent accounts	\$5.00 water and sewer
Admin. charge for retrieval of public information	cost incurred
Cemetery - sale of single grave	\$600.00 \$700.00
Cemetery - sale of single cremains grave	\$200.00 \$300.00
Cemetery - open and close grave (casket)	\$700.00
Cemetery – open and close grave (cremains)	\$200.00 \$250.00
Cemetery - additional charge for winter burial of casket	\$500.00
Cemetery - additional charge for winter burial of cremains	\$250.00
Cemetery – additional charge for Saturday burial	\$100.00
Cemetery - set and / or reset single marker	\$100.00
Cemetery - set and / or reset double marker	\$150.00
Cemetery - set urn holder post in cement	\$75.00
Cemetery - transfer of title (per gravesite)	\$100.00 + cost incurred
Cemetery - marking placement of headstone (non-veteran)	\$75.00
Cemetery - headstone deposit	\$300.00
City code book	-\$100.00 + 100.00 /yr
Comprehensive plan / zoning code / subdivision ord. - copy	\$15.00
Filing for election - affidavit of candidacy application	\$2.00
Fines - liquor violation-first in 12 months	\$500.00
Fines - liquor violation-second in 12 months (subject to suspension or revocation by City Council)	\$1,000.00
Fines - liquor violation-third in 12 months (subject to suspension or revocation by City Council)	\$2,000.00

Fines - liquor violation-fourth in 12 months (subject to suspension or revocation by City Council)	discretion of City Council
Fines - tobacco violations-first in 12 months	\$250.00
Fines - tobacco violations-second in 12 months (subject to suspension or revocation by City Council)	\$500.00
Fines - tobacco violations-third in 12 months (subject to suspension or revocation by City Council)	\$1,000.00
Fines - tobacco violations-fourth in 12 months (subject to suspension or revocation by City Council)	discretion of City Council
Interest rate for certification of delinquent accounts	6%
Map - City streets (11x17 max.) – black and white only	\$2.00
Map - Zoning (11x17 max.) - color	\$2.00 \$3.00
Map - Flood (11x17 max.) - color	\$2.00 \$3.00
Parking permit – vehicles with boat trailers	\$10.00/yr
Park usage fee for residents – up to 50 people (includes rental of up to two park shelters)	free
Park usage fee for residents – 51 to 100 people (includes rental of up to three park shelters)	\$100.00
Park usage fee for residents – 101 to 500 people (includes required rental of all park shelters)	\$150.00
Park usage fee for residents – over 500 people (includes required rental all park shelters)	\$1000.00
Park usage fee for non-residents – up to 50 people (includes rental of up to two park shelters)	\$100.00 \$150.00
Park usage fee for non-residents – 51 to 100 people (includes rental of up to three park shelters)	\$250.00
Park usage fee for non-residents – 101 to 500 people (includes required rental of all park shelters)	\$500.00
Park usage fee for non-residents – over 500 people (includes required rental of all park shelters)	\$1500.00
Park usage fees for Lakeside Park beach house (see below)	
Resident – Memorial Day-Labor Day, Monday-Thursday, 7am-11am or 7pm-11pm (exclusive interior use); 12pm-3pm or 3pm-6pm (interior seating area use)	\$25.00, plus \$100.00 deposit
Resident Memorial Day-Labor Day, Friday-Sunday, 7am-11am or 7pm-11pm (exclusive interior use); 12pm-3pm or 3pm-6pm (interior seating area use)	\$50.00, plus \$100.00 deposit
Resident Before Memorial Day or after Labor Day, Monday-Thursday, any 4 hour block of time during park hours, sunrise to sunset (exclusive interior use)	\$25.00, plus \$100.00 deposit
Resident Before Memorial Day or after Labor Day, Friday-Sunday, any 4 hour block of time during park hours, sunrise to sunset (exclusive interior use)	\$50.00, plus \$100.00 deposit
Resident – A 4 hour block of time, May through September	\$50.00 + \$100.00 deposit and \$25.00 optional fireplace usage fee

Non resident or business Memorial Day Labor Day, Monday-Thursday, 7am-11am or 7pm-11pm (exclusive interior use); 12pm-3pm or 3pm-6pm (interior seating area use)	\$150.00, plus \$300.00 deposit
Non resident or business Memorial Day Labor Day, Friday-Sunday, 7am-11am or 7pm-11pm (exclusive interior use); 12pm-3pm or 3pm-6pm (interior seating area use)	\$300.00, plus \$300.00 deposit
Non resident or business Before Memorial Day or after Labor Day, Monday-Thursday, any 4 hour block of time during park hours, sunrise to sunset (exclusive interior use)	\$150.00, plus \$300.00 deposit
Non resident or business Before Memorial Day or after Labor Day, Friday-Sunday, any 4 hour block of time during park hours, sunrise to sunset (exclusive interior use)	\$300.00, plus \$300.00 deposit
Nonresident – A 4 hour block of time , May through September	\$150.00 + \$100.00 deposit and \$25.00 optional fireplace usage fee
Photocopies	\$0.25
Returned checks	\$35.00
Small bird/fowl permit	\$25.00/yr
Special assessment search	\$25.00
Utility rate for commercial/industrial sewer – up to 1,000 gal	-\$10.00
Utility rate for commercial/industrial sewer – 1,001 to 100,000 gal	-\$3.10 per 1,000 gal
Utility rate for commercial/industrial sewer – 100,001 to 300,000 gal	-\$3.50 per 1,000 gal
Utility rate for commercial/industrial sewer – over 300,000 gal	-\$6.00 per 1,000 gal
Utility rate for residential sewer – up to 1,000 gal	-\$10.00
Utility rate for residential sewer – each additional 1,000 gal	-\$2.75 per 1,000 gal
Utility rate for commercial/industrial water – up to 1,000 gal	-\$10.00
Utility rate for commercial/industrial water – 1,001 to 100,000 gal	-\$2.50 per 1,000 gal
Utility rate for commercial/industrial water – 100,001 to 300,000 gal	-\$3.50 per 1,000 gal
Utility rate for commercial/industrial water – over 300,000 gal	-\$5.50 per 1,000 gal
Utility rate for residential water – up to 1,000 gal	-\$10.00
Utility rate for residential water – each additional 1,000 gal	-\$2.50 per 1,000 gal
Warming house reservation	\$25.00 per hour
Water reconnection after shutoff from non-payment or request of property owner – during city business hours	\$25.00
Water reconnection after shutoff from non-payment or request of property owner – during non-city business hours	\$50.00
Special event application	\$50.00
<u>Engineering/Public Works Department</u>	
Engineering plan review	cost incurred
Permitted encroachment application fee	\$250.00

Right-of-way excavation, obstruction, or utility work permit fee	\$250.00 + 1,000.00 escrow and any other costs incurred
Right-of-way inspection fee	\$50.00
Sewer inspection charge	\$50.00
Sewer connection/access charge	\$750.00 per unit
Water Connection/access charge – with SAC Assessments	
up to 1 inch (plus cost of meter)	\$1,000.00 per unit
greater than 1 inch (plus cost of meter)	\$1,200.00 per unit
Water Connection/access charge – irrigation systems or without SAC assessment	
5/8 inch meter (plus cost of meter)	\$1,000.00
1 inch meter (plus cost of meter)	\$2,000.00
1 ½ inch meter (plus cost of meter)	\$4,000.00
Water hydrant access charge and water usage	\$35.00 + cost incurred for water
Water meter – up to 1 inch	\$200.00
Water meter – greater than 1 inch	cost incurred
Water reconnection after shutoff from non-payment – during city business hours	\$25.00
Water reconnection after shutoff from non-payment – during non-city business hours	\$50.00
Water - tap charge	\$300.00
Trunk area charge – sanitary sewer	\$1,000.00/acre
Trunk area charge – water system	\$1,200.00/acre
Trunk area charge – storm sewer with on site ponding	\$1,000.00/acre
Trunk area charge – storm sewer without on site ponding	\$3,000.00/acre
<i>Fire Department</i>	
Burning permit	\$ 20.00
Incident Fire Reports	\$ 25.00
Rental of engine/tanker for mutual aid	\$ 250.00/hr
Rental of fire chief for mutual aid	\$ 75.00/hr
Rental of fire engine for mutual aid	\$ 250.00/hr
Rental of grass fire vehicle for mutual aid	\$ 125.00/hr
Rental of ladder truck for mutual aid	\$ 350.00/hr
Rental of light rescue for mutual aid	\$ 125.00/hr
Rental of special rescue for mutual aid	\$ 250.00/hr
Rental of tanker for mutual aid	\$ 200.00/hr
Rental of utility vehicle for mutual aid	\$ 75.00/hr

<i>Planning and Zoning Department</i>	
Conditional use	\$250.00 + 500.00 escrow
Interim conditional use	\$125.00 + 500.00 escrow
Minor subdivision (lot division/combination)	\$250.00 + 500.00 escrow
Planned unit development (includes fees for rezoning, site plan review, variance)	\$650.00 + 2,500.00 escrow
Plat	\$300.00 + 50.00 per lot over two
Rezoning	\$500.00 + 1,000.00 escrow
Variance	\$150.00 + 300.00 escrow
Comprehensive plan amendment	\$300.00 + 500.00 escrow
Environmental assessment worksheet	\$200.00 + cost incurred
Park dedication – commercial/industrial (per single family equivalent)	\$1,000.00
Park dedication – per residential unit	\$1,000.00
Site plan review	\$300.00 + escrow
Telecommunication towers-application fee	\$250.00 + 500.00 escrow
Vacations	\$250.00 + 500.00 escrow
<i>Police Department</i>	
Animal - dangerous dog registration	\$500.00
Animal - dog or cat license-spayed or neutered when rabies shot expires	\$10.00/yr
Animal - dog or cat license-unspayed when rabies shot expires	\$20.00/yr
Animal - dog or cat license late fee	\$5.00/yr
Animal - kennel license-1-4 animals	\$400.00
Animal - kennel license-5+ animals	\$400.00 + 75.00 per animal
Animal impound-first offense	\$50.00
Animal impound-second offense	\$75.00
Animal impound-third offense	\$100.00
Animal impound-fourth or more offenses	\$125.00
Audio tape copy Audio, video, photo, CD/DVD	\$10.00 \$25.00
Digital photo copy	\$25.00
Fingerprinting	\$20.00
Police report	\$0.25 per page
State accident reports	\$0.25 per page
Video tape copy	_____ \$30.00
	\$25.00

Permit to carry (handgun)	
<i>Building Department</i>	
Building permit fees (based on total valuation):	
\$1.00 to \$500.00	\$25.00, plus state surcharge
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00, plus \$3.25 for each additional \$100.00, including \$2,000.00, plus state surcharge
\$2,001.00 to \$25,000.00	\$73.75 for the first \$2,000.00, plus \$14.75 for each additional \$1,000.00, including \$25,000.00, plus state surcharge
\$25,001.00 to \$50,000.00	\$413.00 for the first \$25,000.00, plus \$10.75 for each additional \$1,000.00, including \$50,000.00, plus state surcharge
\$50,001.00 to \$100,000.00	\$681.75 for the first \$50,000.00, plus \$7.50 for each additional \$1,000.00, including \$100,000.00 plus state surcharge
\$100,001.00 to \$500,000.00	\$1,056.75 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00, including \$500,000.00 plus state surcharge
\$500,001.00 to \$1,000,000.00	\$3,456.75 for the first \$500,000.00, plus \$5.00 for each additional \$1,000.00, including \$1,000,000.00, plus state surcharge
\$1,000,001.00 and up	\$5,956.75 for the first \$1,000,000.00, plus \$4.00 for each additional \$1,000.00, plus state surcharge
<i>Determination of valuation: Determination of value or valuation under any provisions of the adopted building code(s) shall be made by the building official. The value to be used in computing permit and plan review fee shall be the total of all construction work for which the permit is issued.</i>	
Other building inspections and fees:	
Inspections outside of normal business hours	\$47.00 per hour*
Reinspection fees	\$47.00 per hour*
Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$47.00 per hour*
Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour*

For use of outside consultants for plan checking and inspections or both	actual costs**
Plan review fee	65% of building permit fee
Additional plan review – similar plans	25% of building permit fee
Minor improvements per Minnesota Statutes 16B.655 (no modifications to electric/gas service, total cost of \$500.00 or less, excluding the fixture or appliance, and work is done by homeowner or licensed contractor)	5% of the cost of improvements, installation, or replacement, or \$15.00, whichever is greater, plus \$0.50 state surcharge
License fees:	
General contractor	\$50.00 commercial (residential require a state contractor license)
Special contractor: asphalt/blacktop	\$30.00/yr
Special contractor: building moving	\$30.00/yr
Special contractor: concrete and masonry	\$30.00/yr
Special contractor: demolition and excavation	\$30.00/yr
Special contractor: fire suppression	\$30.00/yr
Special contractor: mechanical – air conditioning, gas fitting, heating, and ventilation	\$30.00/yr
Special contractor: outside sewer and water	\$30.00/yr
Special contractor: siding	\$30.00/yr
Special contractor: signs and billboards	\$30.00/yr
Special contractor: swimming pool installation	\$30.00/yr
Special contractor: tree trimmer	\$30.00/yr
Excavation/grading permit fee:	Per building permit fee schedule, based on project valuation, plus state surcharge
Mechanical permit fees:	
Commercial/Industrial	1% of contract price***, with a minimum of \$75.00, plus \$0.50 state surcharge
Residential	\$75.00, plus \$0.50 state surcharge
Plumbing permit fees:	
Commercial/Industrial	1% of contract price***, with a minimum of \$75.00, plus \$0.50 state surcharge
Residential	\$75.00, plus \$0.50 state surcharge
Service availability charge (SAC) to Metropolitan Council to connect to the metropolitan wastewater system	\$2000.00 \$2100.00 per unit
Sign permit fees:	
Permanent	\$30.00 + 0.50 per sq. ft., plus \$0.50 state surcharge

Temporary	\$25.00 per week, plus \$0.50 state surcharge
Vegetative cutting within River Bluffland and Shoreland Zoning District permit fee:	\$50.00
State license verification	\$5.00/permit
State electric application	\$2.00 each
* Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs include administrative and overhead costs.	
*** Contract price shall be defined as the fair market value of all materials and labor reasonably incurred for the installation, repair or alteration of plumbing equipment or by building official using the May 2002 Building Valuation Data as determined by the MN State Building Codes and Standards.	

Section 3. EFFECTIVE DATE. This Ordinance shall become effective upon January 1, 2010 and upon publication according to law.

Passed and adopted by the City Council of the City of Bayport, Washington County, Minnesota this 7th day of December, 2009.

Mitch Berg, City Administrator

Jon Nowaczek, Mayor



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

All meetings will be held at 6:00 p.m., unless otherwise noted

2010 City Council Meeting Dates

Monday, January 4

Monday, February 1

Monday, March 1

Monday, April 5

Monday, May 3

Monday, June 7

Tuesday, July 6 *

Monday, August 2

Tuesday, September 7 **

Monday, October 4

Monday, November 8 ***

Monday, December 6

- * Due to the Independence Day holiday, staff recommends scheduling the meeting for Tuesday, July 5.
- ** Due to the Labor Day holiday, staff recommends scheduling the meeting for Tuesday, September 7.
- *** Due to the city having to canvass results following Election Day, staff recommends scheduling the meeting for Monday, November 8.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

Date: November 17, 2009
To: Mayor and City Council
From: Mitch Berg, City Administrator
Subject: Appointments, designations, and assignments for 2010

BACKGROUND

Listed below are individuals/agencies appointed in 2009. The City Council shall designate the following for 2010:

<u>Position</u>	<u>2009</u>	<u>2010 – Changes only</u>
Planning Commission Liaison	Judy Seeberger	Torry Kraftson, alternate
Library Board Liaison	Dan Johnson	Connie Carlson, alternate
Cable Commission Liaison	Dan Johnson	Torry Kraftson, alternate
Middle St. Croix Watershed Liaison	Torry Kraftson	Connie Carlson, alternate
Lower St. Croix Partnership	Connie Carlson	Dan Johnson, alternate
Andersen Citizen Advisory Liaison	Judy Seeberger	Dan Johnson, alternate
Deputy Mayor	Dan Johnson	
City Attorney	Eckberg Law Firm (Nick Vivian)	
City Engineer	SEH (Barry Peters)	
City Planning Consultant	SEH (Mike Darrow)	
City Auditor	Abdo Eick & Meyers, LLP	
Deputy City Clerk	Assistant City Administrator (Sara Taylor)	
Emergency Preparedness	Fire Chief (Mike Bell)	
Deputy Fire Chief	Matt Bell	
Weed Inspector	Mayor (Jon Nowaczek)	
Assistant Weed Inspector	Public Works Supervisor (Mel Horak)	
Animal Control	Police Chief (Laura Eastman)	
Financial Advisor	Northland Securities	
Assessor	Washington County	
Official Depository	First State Bank	
Official Newspaper	Stillwater Gazette	
Animal Impound Agency	St. Croix Animal Shelter-Woodbury	
On Site Septic Inspection	Washington County	

RECOMMENDATION

Staff recommends the City Council review the individuals/agencies appointed for 2009 and adopt a motion to approve the appointments, designations, and assignments for 2010.



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-275-4404 FAX 651-275-4411

DATE: December 2, 2009
TO: Mayor and City Council
FROM: Mitch Berg, City Administrator
RE: **City Administrator Report**

I have been making an attempt to meet one-on-one with all of the Council members in order to get to know them a little better. So far I have had the privilege of sitting down with Council members Carlson and Kraftson and Mayor Nowaczek. For the remaining Council members, we have already scheduled a time to meet and I look forward to chatting with you.

In addition, I have had the opportunity to attend a Planning Commission meeting and I am scheduled in January to attend a Library Board meeting.

I again want to give my appreciation to the Council in allowing me to take time-off without pay to go back up to Mahnommen to assist them with their transition. In addition, in the employment agreement I am allowed to take an additional week off within the first six months of employment. Therefore, I am asking the Council if I could take off the week of January 11-15, 2010 to go back up to Mahnommen to train in their new Administrator and to assist them with the audit.

I would also like to make the Council aware that I have had to take some additional hours of unpaid time-off in relationship to something that happened while I was employed with the City of Afton.

Furthermore, the below summary highlights some of the activities I have been involved in since the last Council meeting, including but not limited to:

- Became the Chair of the Washington County's City Administrators group
- Met with representatives from Andersen Windows to discuss their concerns with the proposed water and sewer rate study
- Met with representatives of Andersen Windows (along with Chief Eastman) for an informal meet and greet
- Met with a representative of DEED to discuss economic development
- Met with the City's Auditor
- Attended a portion of the League of Minnesota Cities Regional dinner
- Met with the AT Group (with Wanda) to negotiate the City's 2010 health insurance plan
- Met with Mike McGuire to discuss the 2010 budget and worked with Wanda to finalize the budget
- Met with the landscape architect regarding some of the punch list items on Barker's Alps Park
- Conducted an employee review