

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
JANUARY 7, 2002
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council Meeting of January 7, 2002, to order at 7:00 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members Absent: None.

Others Present: Ken Hartung, City Administrator; Barry Peters, City Engineer, Jim Lammers, City Attorney, Mike Bell, Fire Chief and Wendi Lindquist, City Secretary/Receptionist.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-01

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, D, E AND F FROM THE JANUARY
7, 2002 COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council Meeting of December 3, 2001.
- B. Approve the minutes of the Truth and Taxation Public Hearing Meeting and Special City Council Meeting of Wednesday, December 12, 2001.
- C. Approve the minutes of the Council Workshop of December 12, 2001.
- D. Approve expenses in the amount of \$1,696,954.11.
- E. Approve receipts in the amount of \$941,952.62.
- F. Approve the building, plumbing, and heating permits issued during the month of December 2001.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

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

PETITIONS

Mayor Kosmo Read the following statement

Pursuant to the provisions of Minnesota Statutes Section 471.705, and based upon the advice of the City Attorney, I recommend that, at the end of the regular meeting of the City Council, the Council adjourn to a closed meeting. The purpose of this closed meeting will be to discuss threatened litigation between the City of Bayport and Charlie Kaiser. A written record of the members of the Council and all other persons present at the closed meeting will be made available to the public following the meeting. A tape recording will be made of the closed meeting and if any action is taken by the City Council, a roll call will be taken at the meeting. Following the closed session, or at the next regular meeting of the Bayport City Council, for the benefit of the public, the Council will summarize the discussion or action which took place at the closed meeting. I request a motion to hold a closed meeting for the purposes previously stated.

CITY ATTORNEY

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

CITY ENGINEER

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

DEPARTMENT HEADS

Ken Hartung, City Administrator, stated he had no department head reports unless Councilmembers had specific questions related to department operations.

COUNCIL LIAISON REPORTS

Central St. Croix Valley Joint Cable Commission Meeting

Councilmember Sharon Ridgway stated the Joint Communications Cable Commission met on Wednesday, December 19, 2001, in the River Heights Plaza Valley Access Studio. She stated Chairman Jerry Turnquist resigned his position from the Cable Commission because he is moving from the City of Oak Park Heights. She stated she is acting Chair of the Cable Commission until such a time as a new Chair is elected. She noted AT&T Broadband representative David Nyberg stated AT&T has discovered they have been overpaying the franchise payments to the Central St. Croix Valley Cable Commission. She stated the Cable Commission has its attorney's reviewing AT&T's claim. She noted the Cable Commissions legal advisors will be reporting at the next Cable Commission Meeting regarding this issue.

Councilmember Sharon Ridgway stated the next Cable Commission Meeting is scheduled for Wednesday, January 16, 2002 at 7:00 p.m. at the River Heights Plaza Valley Access Studio.

OLD BUSINESS

Ken Hartung stated there is no old business slated for this evening's meeting.

NEW BUSINESS

Discuss Appointing the City Attorney

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-02

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING THE LAW FIRM OF ECKBERG, LAMMERS, BRIGGS, WOLFF &
VIERLING AS THE CITY'S ATTORNEY IN MATTERS OF CIVIL AND CRIMINAL
REPRESENTATION.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Appointing the City Deputy Clerk

Councilmember Schultz introduced the following resolution and moved its adoption:
RES. 02-03

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING JOHN NASH AS DEPUTY CLERK, EFFECTIVE JANUARY 7, 2002.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Approving the 2002 Appointment and Assignment Schedule

Mayor Kosmo stated he is presenting for Councilmembers review this evening a list of appointment and assignments associated with various committees and commissions for Councilmember assignment. He asked Councilmembers if they had any questions or concerns about his suggested appointments.

Councilmember Schultz introduced the following resolution and moved its adoption:

RES. 02-04

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING APPOINTMENTS AND ASSIGNMENTS FOR 2002.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Approving the Appointment of Citizens to the City Commission and Boards

Ken Hartung stated three Planning Commission members terms expired on December 31, 2001, he noted those members are Jennifer Schneider, Kirk Hogberg, and Connie Paulson. He indicated Jennifer Schneider and Connie Paulson have stated they would like to continue as members of the Planning Commission. He stated Kirk Hogberg is not seeking reappointment. He state the City has received an application from Michelle Montpetit, 401 S Lakeside Drive, indicating her interest in serving on the Planning Commission.

Ken Hartung stated the City has received a letter from Library Board Chairman Beth Hogberg stating the Library Board is recommending the appointment of Debbie Laiti for a term to expire on December 31, 2004, Daniel Nichols for a term to expire on December 31, 2003, and Sandy Ness for a term to expire on December 31, 2004.

Moved by Councilmember Schultz, second by Councilmember Menard to make the following appointments:

1. Appointments to the Planning Commission

- a. Connie Paulson, 247 North 4th Street, term to expire on December 31, 2004.
- b. Jennifer Scheider, 6 Lakeside Dr. North, term to expire December 31, 2004.
- c. Michelle Montpetit, 401 Lakeside Drive South, term to expire December 31, 2004.

2. Library Appointments

- a. Debbie Laiti, 182 S. 7th St., term to expire December 31, 2004
- b. Daniel Nichols, 515 Minnesota St. South, term to expire December 31, 2003.
- c. Sandy Ness, 218 State Street South, term to expire December 31, 2004.

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

Voting against: None.

Discuss the Appointment of the City Engineer

Councilmember Nyenhuis introduced the following Resolution and moved its adoption:

RES. 02-05

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPOINTING SHORT, ELLIOT AND HENDRICKSON AS THE CITY'S CONSULTING ENGINEER AND RESERVING THE RIGHT FOR THE CITY COUNCIL TO HIRE OTHER ENGINEERING FIRMS IF THE CITY DETERMINES IT IS IN THE BEST INTEREST OF THE CITY.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Appointment of the City's Official Publication Newspaper and Minute Publication Newspaper

Ken Hartung, City Administrator, stated the City Council is required to appoint an official newspaper to publish its state mandated legal notices. He noted in the past the City has used the Stillwater Evening Gazette as its official legal publication newspaper because it is published five days a week. He indicated the City Council has also authorized the publication of the City Council Minutes in the Courier. He indicated the

City is not required to publish its Council Minutes but has done so, as a courtesy, for the past 12 years.

Councilmember Jack stated he is against publishing the City Council minutes. He noted in 2001 the City spent \$3,119 in publishing minutes in the Courier which is circulated to 141 households in the City of Bayport. He stated given the significant budget shortfalls at the state and the likely potential that the state will reduce local government aide to the City in 2002, he believes the City can put its money to better use than by publishing minutes in the local newspaper. He stated the minutes are available at City Hall and at the Library.

Ken Hartung stated any resident who would like a copy of the minutes can obtain a copy of those minutes at no charge.

Mayor Jim Kosmo, Councilmember Sharon Ridgway and Councilmember Menard agreed the City should not publish its minutes in a newspaper.

Councilmember Sharon Ridgway stated if residents call City Hall and would like to continue the publication of minutes in a newspaper the Council could revisit this issue at a future date.

Councilmember Nyenhuis introduced the following Resolution and moved its adoption:
RES. 02-06

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING THE STILLWATER EVENING GAZETTE AS THE CITY'S OFFICIAL
LEGAL PUBLICATION NEWSPAPER FOR 2002.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Appointing the Animal Impound Agency

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-07

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
DESIGNATING THE ST. CROIX ANIMAL SHELTER IN WOODBURY AS THE CITY'S
ANIMAL IMPOUND AGENCY FOR 2002.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss a Request to Establish No-Truck Parking on the North Side of First Ave North between Highway 95 and State Street

Ken Hartung stated the City has received a letter from Dr. Brenda Clemmens of the Clemmens Chiropractic Health Center requesting the City establish a no-truck parking on the north side of 1st Avenue North. He stated in 1994 the City Council adopted a resolution establishing no-truck parking between the hours of 8:00 p.m. and 6:00 a.m. on 1st Avenue North between Highway 95 and State Street. He indicated the City Council establish the no-truck parking area because of complaints from residents that semi-truck drivers would park their trucks late in the evening and early in the morning leaving the engines running and waking local residents. Dr. Clemmens states that large semi-truck are parking in front of her clinic and leaving the engines running between the hours of 6:00 a.m. and 8:00 p.m. She noted this situation creates the following problems:

1. Because the trucks are parked in front of her clinic there is no available parking for patients
2. Exhaust fumes from the trucks enter the clinic.

Dr. Brenda Clemmens stated the truck driver's park in front of her clinic leaving the trucks run while they sleep.

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-08

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING A NO-TRUCK PARKING AT ANY TIME IN THE AREA DESIGNATED
ON THE NORTH SIDE OF 1ST AVENUE NORTH BETWEEN HIGHWAY 95 AND
STATE STREET.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss a Request for Proposal to Complete an Engineering Feasibility Study Associated with Eliminating Inflow and Infiltration in the Southeast Quadrant of the City's Sanitary Sewer Collection System

Ken Hartung, City Administrator, reviewed with City Councilmembers a requirement by the Metropolitan Council that the City complete an inflow and infiltration study in the Southeast Quadrant of the City's Sanitary Sewer Collection System. He noted the Southeast Quadrant is an area which is subject to flooding by the St. Croix River. He indicated that during times of flooding the City has significant inflow and infiltration of floodwaters into the City's Sanitary Sewer Collection System. He noted that there is also significant inflow and infiltration into the private sanitary sewer services which provide sanitary sewer services to individual residents. He indicated funding for the feasibility study would come from the Capital Improvement Trunk Utility Fund #206 which has a

fund balance of \$311,000. He noted the City has identified six engineering firms which the City will be sending the RFP to for their consideration and possible RFP response.

Member Menard introduced the following Resolution and moved its adoption:

RES. 02-09

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING A REQUEST FOR PROPOSAL TO COMPLETE AN ENGINEERING
FEASIBILITY STUDY ASSOCIATED WITH ELIMINATING INFLOW AND
INFILTRATION IN THE SOUTHEAST QUADRANT OF THE CITY'S SANITARY
SEWER COLLECTION SYSTEM.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution
Approving the Restate By-Laws to the Articles of Incorporation of the Bayport
Fireman's Relief Association**

Member Menard introduced the following Resolution and moved its adoption:

RES. 02-10

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RATIFYING THE RESTATED BY-LAWS OF THE ARTICLES OF INCORPORATION OF
THE BAYPORT FIREMAN'S RELIEF ASSOCIATION DATED DECEMBER 11, 2001.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Approving a City Planner Position Establishing the Salary Range and
Authorizing Advertising the Position**

Ken Hartung stated at the City Council workshop of December 12, 2001, the City Council discussed the possibility of adding a City Planning position to compliment City Staff. He noted Councilmembers believe it is important for the City to consider adding a planning position to ensure residents continue to get good planning services associated with variances, conditional use permits and questions relating to zoning issues. Additionally, he noted the Council expressed a need to step up compliance of conditional use permit requirements. Additionally, Councilmembers have noted potential development of the Bayport West Property will require a considerable amount of staff

time to process any application which may come from the Developer Contract Properties Developers Company. Ken Hartung indicated a tentative salary range for the position was discussed at a grade 6 of the City of Bayport's salary schedule which would put the salary range at \$33,500-\$45,124. He noted the ultimate salary classification would be determined by a job evaluation performed by the City's Pay Consultant, Paul Ness, of Helping Minnesota Cities, Inc. Ken Hartung indicated approving the City Planning position and authorizing advertising does not commit the City Council to hire a planner. He noted after advertising for the position and seeing the pool of candidates along with the salary requirements for each candidate the City Council can determine whether or not it is in the City's best interest to move forward and hire a planner. He noted the City Council ultimately has total control over whether or not a City Planner is hired for the City of Bayport.

Moved by Councilmember Schultz, seconded by Councilmember Menard, to approve the City Planner job description authorizes a salary range of \$33,500-\$45,124 and authorize advertising the City Planner job opening.

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

Voting against: None

Discuss Adopting a resolution authorizing Change Order #4 Associated with the State of Minnesota Storm Sewer Project in the Amount of \$21,410.76

Member Menard introduced the following Resolution and moved its adoption:

RES. 02-11

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING CHANGE ORDER #4 ASSOCIATED WITH THE STATE OF
MINNESOTA STORM SEWER PROJECT IN THE AMOUNT OF \$21,410.67.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Adopting a Resolution Authorizing a Transfer of \$8,577 from the 2001 Emergency Reserve Budget to the Bayport Fire Equipment Replacement Fund

Ken Hartung stated during a strategic planning meeting between the Bayport City Council and Oak Park Heights City Council on August 24, 2001, members discussed the acquisition of an Infrared Camera for the Bayport Fire Department. He noted a handheld thermal imaging camera would be used to detect individuals or animals in a burning structure. Additionally, he noted the thermal image unit can be used to provide firefighting personnel with fire temperature data within various points of a burning structure. He noted this information can be extremely useful in protecting the lives of firefighters as they enter a burning structure.

Ken Hartung review the cost associated with the purchase of an infrared camera with the table below:

Table I
Bayport Fire Department Infrared Camera cost

Infrared Camera Components	Cost
Camera	\$17,100.00
Camera transmitter & monitor	9,000.00
Training	2,000.00
Subtotal	\$28,100.00
Sales Tax 6.5%	1,827.00
Total	\$29,927.00

Ken Hartung indicated the City has received considerable donations from various organizations within the City of Bayport's Fire Department Service Area. He reviewed with Councilmembers donations which have been acquired and how those donations offset the total cost of the infrared camera with the table below:

Table II
Funding Bayport Fire Department Infrared Camera

Total cost -- Infrared Camera		\$29,927.00
Donations		
Stillwater VFW	\$ 200.00	
Stillwater Legion	\$ 100.00	
DahlTech	\$ 50.00	
WalMart	\$ 1,000.00	
Eagles	\$ 5,000.00	
St. Paul Foundation	\$ 7,000.00	
Bayport Fire Department Dance 2001	\$ 2,500.00	
Bayport Fire Department Dance 2002	\$ 2,500.00	
Total	\$18,350.00	-\$18,350.00
Amount still required		\$ 11,577.00

Ken Hartung noted with the donations received to date it is necessary to acquire an additional \$11,577 to meet the infrared purchasing goal of \$29,927. He indicating that the Strategic Planning Committee Meeting of August 23, 2001, the Oak Park Heights City Council committed to fund \$3,000 toward the purchase of an infrared camera. He noted this would mean that the City of Bayport would need to fund \$8,577 to raise the additional amount necessary to purchase the camera. He stated looking at the 2001 Emergency Reserve Fund Balance indicates there is \$18,015 remaining. He noted if the City Council would like to fund the remaining portion of the infrared camera with the \$8, 577 required the City Council could adopt a resolution authorizing the transfer of \$8,577 from the City's 2001 Emergency Reserve to the Fire Equipment Replacement Fund.

Fire Chief, Mike Bell, indicated the Fire Department has tested two different infrared cameras from two vendors. The fire department believes the infrared camera with camera transmitter and monitor listed with a price of \$29,927 would best accommodate the fire departments needs. He also indicated the Bayport Fire Department Dance of 2002 may result in a larger donation, than indicated, of \$2,500.

Member Schultz introduced the following Resolution and moved its adoption:

RES. 02-12

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE TRANSFER OF \$8,577 FROM THE CITY OF BAYPORT'S 2001
EMERGENCY RESERVE BUDGET #44100-540 TO FIRE DEPARTMENT EQUIPMENT
REPLACEMENT FUND #200 EFFECTIVE DECEMBER 31, 2001.**

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

Discuss the City Administrator's Performance Review

Mayor Jim Kosmo stated the City Administrator's contract requires the City Administrator be evaluated on his job performance on an annual basis by the City Council. He noted each Councilmember did an independent performance review of the City Administrator and forwarded their comments to a performance review subcommittee consisting of Councilmembers Jack Nyenhuis and Jim Menard. He indicated Councilmember Jack Nyenhuis will summarize the administrator's performance review.

Councilmember Nyenhuis stated he and Councilmember Menard met with City Administrator, Ken Hartung, on Monday, December 31st at 9:30 a.m. in Bayport City Hall. He stated he has prepared a performance appraisal from individual Councilmembers which averaged the score Councilmembers used for rating the City Administrator's performance on each of the goals and objectives outlined in 2001. Additionally, he stated that he transferred individual Councilmembers comments to each of the performance categories. He noted the overall performance of the City Administrator for addressing the identified goals and objectives for 2001 was good. He indicated the performance rating scale goes from 1, which is unacceptable to 11 which is outstanding. He noted the City Administrator's performance average a rating of 9 and 10 throughout the rating categories. He indicated the City Administrator does a very good job of keeping Councilmembers informed about critical City issues. Additionally, he indicated he spends whatever hours are necessary to ensure the City Council and citizens have good service. He noted one exemplary characteristic is the City Administrator's ability to accept responsibility for mistakes that are made relative to the City's operation. He stated the City Administrator accepts full responsibility for those mistakes and addresses those addresses by outlining a procedure which will ensure the mistake will not happen again. He indicated in the future he would like to see people other than the City Councilmembers involved in the City Administrator's review process. He noted that it is important in include staff members who work with the City Administrator such as the

department heads of Public Works, Police and Fire. He noted that he would also like to have comments from the City Engineer, City Attorney, and Citizens.

Councilmember Nyenhuis stated that he and Councilmember Menard are recommending that the City Administrator receive a 4% salary increase which is consistent with the City Council approved salary increase for other staff members for the year 2002.

Moved by Councilmember Nyenhuis, seconded by Councilmember Ridgway to authorize the 4% salary increase for the City Administrator annual salary effective January 1, 2002.

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

Voting against: None

ADMINISTRATOR'S REPORT

Establish February Workshop

Ken Hartung, City Administrator indicated the City Council may want to establish a workshop in February to deal with a number of issues.

City Councilmembers identified Tuesday, February 12, 2002, as a Council Workshop date.

Moved by Councilmember Menard, seconded by Councilmember Ridgway to establish a City Council Workshop on Tuesday, February 12, 2002, Bayport City Council Chambers at 7:00 p.m. for the purpose of discussing the following issues:

1. Discuss Planning Commission recommended language changes to the Planned Unit Development Section of the City's Zoning Ordinance.
2. Establish the City Administrator's Goals and Objectives for 2002.
3. Discuss Fire Department Goals for 2002

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

Voting against: None.

Establish a March Council Workshop

Ken Hartung stated a Metropolitan Representative would like to present a Non-point Pollution Education Program to a joint meeting of the Planning Commission and City Council in March.

Councilmembers indicated they would prefer the Non-point Pollution Education Program be presented at a regular Planning Commission meeting. Councilmembers indicated if they have an interest in Non-Point Pollution Education Program they will attend the Planning Commission meeting which is scheduled for March 11, 2002.

Discuss Lake Street Feasibility Change in Scope of Work and Cost

Ken Hartung stated On October 22, 2001, the City Council adopted Resolution 01-133 approving a contract with Howard Green, Engineering Firm, to conduct the Lake Street Utility and Road Reconstruction Feasibility Study for a cost not to exceed \$19,294. Since the approval of the contract Howard Green has conducted two neighborhood meetings and completed a great deal of work associated with the feasibility study. During the course of the neighborhood meetings a number of issues came up which were not originally discussed in the scope of work outline for the Howard Green Engineering Firm associated with the Lake Street Feasibility Study. New items which have come up as a consequence of the neighborhood meetings are:

1. Conduct a developable lot analysis of the Schneider property which lies north of the McPhearson Property. The estimate cost for conducting this evaluation is \$700.
2. Conduct an interim street elevation analysis on Lake Street to determine whether portions of Lake Street can be raised to the 691 foot mean sea level elevation required by the Flood Plain Ordinance while other portions of Lake Street can remain at its current elevation. The cost of the street and elevation analysis is \$1,000.
3. Conduct one additional public meeting for the neighborhood at a cost of \$400.

The additional work is projected to cost an additional \$2,100. The original contract was \$19,294 the additional \$2,100 would bring the total contract to \$21,394.

Member Menard introduced the following Resolution and moved its adoption:

RES. 02-13

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
MODIFYING THE CONTRACT WITH HOWARD GREEN AND COMPANY
AUTHORIZING AN ADDITIONAL EXPENSE OF \$2,100 ASSOCIATED WITH THE
LAKE STREET UTILITY AND ROAD RECONSTRUCTION FEASIBILITY STUDY
BRING THE TOTAL COST TO \$21,394.**

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

Jim Menard – aye
Jack Nyenhuis – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

Appointment of Bradley Zeuli as Bayport Firefighter

Mike Bell, Fire Chief, indicated Brad Zeuli, a resident of Baytown Township, applied as a volunteer firefighter for the City of Bayport on August 22, 2001. He noted during that time Mr. Zeuli has attended many fire department meetings, successfully completed a background check and has successfully completed his physical examination requirements. Therefore, the Bayport Fire Department is asking the City Council to appoint Brad Zeuli as a Bayport Firefighter effective January 7, 2002.

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Moved by Councilmember Schultz, seconded by Councilmember Menard to appoint Bradley Zeuli as a Bayport Firefighter effective January 7, 2002.

Voting in favor: Councilmember Schultz, Menard, Kosmo, Ridgway and Nyenhuis.

Voting against: None

ADJOURN

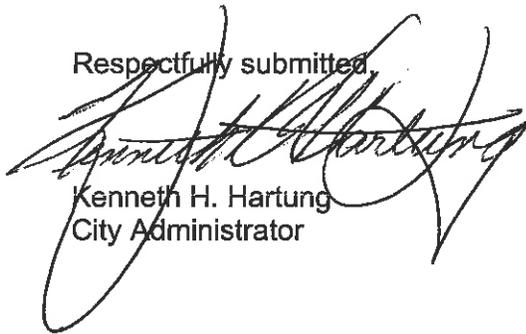
Moved by Councilmember Schultz, seconded by Councilmember Menard, to adjourn the regular City Council meeting of January 7, 2002, and convene into a closed City Council meeting to discuss threatened litigation.

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

Voting against: None.

The regular City Council meeting was adjourned and convened to a closed City Council session at 8:14 p.m.

Respectfully submitted,

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

Kenneth H. Hartung
City Administrator

CITY OF BAYPORT
BAYPORT CLOSED CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
JANUARY 7, 2002
8:20 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the closed City Council Meeting of January 7, 2002, to order at 8:20 p.m. and asked the City Administrator to call roll.

ROLL CALL

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

Members Absent: None.

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

Ken Hartung stated at the last City Council closed meeting of December 3rd the City Council authorized the City Administrator to discuss with Charlie Kaiser the City's proposal to pay for blacktopping his driveway. The City is proposing to pay for blacktopping his driveway as a way of settling a dispute in which Mr. Kaiser claims the City has significantly adversely impacted his ability to use his driveway because of constructing Lakeside Drive to the mandatory flood plain elevation of 691 feet mean sea level elevation.

Ken Hartung stated he spoke with Mr. Kaiser regarding the City's proposal to pay for and installing asphalt in his driveway and parking area. Ken Hartung stated Mr. Kaiser indicated he would also like to have the City install four 8-foot high Blackhills Spruce Trees on the south side of his property to help screen the bolder retaining wall to the south. Ken Hartung stated he had Mel Horak, Public Works Supervisor, obtain quotes from two blacktop contractors and two nursery contractors to determine what would be an equitable price for blacktopping Mr. Kaiser's parking and installing four 8-foot high Blackhills Spruce on his south property line. Ken Hartung stated the low quotes for installing blacktop came from Blackman Blacktopping Company in Stillwater for \$2,835 and the low quote for installing the four 8-foot high Blackhills Spruce Trees came from Abrahamson's Nursery in Stillwater for \$1,556.76. He noted the total cost for blacktopping Mr. Kaiser's driveway and parking area along with installing the four 8-foot high Blackhills Spruce Trees is \$4,391.76.

Ken Hartung indicated he spoke with Mr. Kaiser about the proposed blacktop work and installation of Blackhills Spruce Trees and indicated he would be willing to take the proposal to the City Council at a closed meeting session on Monday, January 7th. Mr. Kaiser stated since he's put his house on the market he would prefer the city pay him cash associated with the blacktop and nursery installation in an amount of \$4,391.76.

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He stated Mr. Kaiser would sign an agreement holding the City harmless for any future issues associated with the Lakeside Drive road construction.

There was general discussion by Councilmembers that they were not willing to pay \$4,391.76 to Mr. Kaiser in cash. It was the general consensus, by Councilmembers, that the City would pay an amount equal to the cost of blacktopping Mr. Kaiser's driveway and parking area which amounted to \$2,835. Councilmembers indicated they would be willing to pay the entire \$4,391.76 in cash to Mr. Kaiser but only if the League of Minnesota Cities Trust reimbursed the City for \$1,556.76 associated with the cash payment in lieu of planting four 8-foot high Blackhills Spruce Trees.

Moved by Councilmember Menard, seconded by Councilmember Ridgway to authorize a cash payment to Charles and Robin Kaiser in the amount of \$2,835 and that the City Council would authorize an additional cash payment of \$1,556.76 bringing the total cash amount paid to Mr. Kaiser to \$4,391.76 contingent upon The League of Minnesota's Cities Insurance Trust reimbursing the City in an amount of \$1,556.76.

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

Voting against: None

ADJOURN

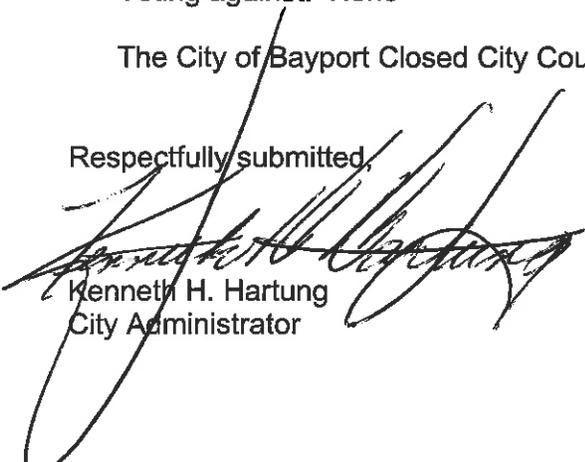
Moved by Councilmember Nyenhuis, seconded by Councilmember Menard to adjourn the closed City Council meeting of January 7, 2002.

Voting in favor: Councilmember Nyenhuis, Menard, Kosmo, Ridgway and Schultz.

Voting against: None

The City of Bayport Closed City Council meeting was adjourned at 8:35 p.m.

Respectfully submitted,



Kenneth H. Hartung
City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY HALL COUNCIL CHAMBERS
FEBRUARY 4, 2002
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council Meeting of February 4, 2002, to order at 7:00 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members Absent: None.

Others Present: Wendi Lindquist, City Secretary; Barry Peters, City Engineer, Mark Vierling, City Attorney, Mike Bell, Fire Chief and John Gannaway, Chief of Police.

STATE OF THE CITY ADDRESS

Mayor Kosmo read a prepared statement to address the "State of the City" to include past growth, future growth, financial status of the city, plans not to increase future property taxes, and pointed out how well current city staff is doing to keep the city functions running smoothly. The Mayor also encouraged those in the audience and other residents to volunteer their free time by calling the Community Volunteer Services in Stillwater at 439-7434 for more information regarding volunteer services. Mayor Kosmo urged parents to become involved with their children and talk frankly with their children about what it means to take responsibility for their actions. Consequently, Mayor Kosmo ended by praising the condition of the City of Bayport.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, D, AND E FROM THE FEBRUARY
4, 2002 COUNCIL AGENDA.

- A. Approve Minutes of the Regular City Council Meeting of January 4, 2001 (Distributed in the Council Information Packet of January 11, 2001).
- B. Approve Charles and Robin Kaiser Release Agreement Dated January 23, 2003.

E₁

- C. Approve Bills as Presented.
- D. Approve Receipts as Presented.
- E. Approve Building/Plumbing/Heating Permits Issued during the Month of December, 2001.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PUBLIC HEARINGS

Mayor Kosmo welcomed open public discussion on the Application for a Final Plat Conditional Use Permit and Zoning Ordinance Variance for construction of three town homes associated with Twin Homes of Bayport Second Addition. A public hearing was previously held by the Planning Commission on the issue on Monday, January 28, 2002. Councilmember Nyenhuis was present at the public hearing and stated that the Planning Commission members recommended approval of the variances. Consequently, the Planning Commission recommended that the City Council approve the Application for Final Plat, Application for a Conditional Use Permit and Grant lot width variances for lots 1,2 and 3 of the Twin Homes of Bayport Second Addition.

Councilmember Schultz moved for approval of the Final Plat. The motion for approving the foregoing application was duly seconded by Councilmember Menard and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Schultz moved for the approval of the Conditional Use Permit. The motion for approving the foregoing application was duly seconded by Councilmember Menard and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Councilmember Menard moved for the approval of the Lot Width Variance. The motion for approving the foregoing application was duly seconded by Councilmember Nyenhuis and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

PETITIONS

Bruce Drier, Project Administrator, Metropolitan Council Transportation addressed the Council to explain Transit Service changes for Bayport effective March 16, 2002. Specifically, a new plan to achieve the following goals:

1. Simplify existing schedules.
2. Provide additional service to Boutwell's Landing.
3. Routing the 294 to downtown Stillwater on every trip.
4. Provide Bayport and Oak Park Heights residents with the appropriate service for the number of riders.

The 245 Stillwater Route will operate in an alternating fashion beginning March 16, 2002, from downtown Stillwater bouncing off of the downtown area in a clockwise rotation one hour and then return the other direction.

The 294 route will now provide coverage along 4th Street between downtown and along Highway 36 as well as adding service to Oak Park Heights and the Stillwater Prison.

The 246 route which is the Bayport route will be replaced with the dial-up service that will allow for Oak Park Heights and Bayport residents to access Target and Wal-Mart and the Washington County Government Center. The Met Council provided a map outlining the new changes. With the dial-up service a rider could call two hours before their scheduled pick-up for service.

Chris Hayner, 8 Point Road, discussed city employees and Councilmembers policy when they represent the City on multi jurisdiction commissions and boards. Mr. Hayner is concerned about the position city personnel take when they represent the city on issues. Specifically, whether or not they are acting in the best interest for what the residents would want. Mayor Kosmo stated the city **does** not have any formal policy on this issue.

Mr. Hayner also pointed out that the condition of the Ice Rink has not been as good as when he was growing up in the City of Bayport. He recommended that the public works department cut down on the amount of water they are introducing at one time onto the rink. Mayor Kosmo assured residents that the city would take a look at any possible solutions to fixing the problems with the Ice Rink, weather permitting.

Jonathan Nowaczek presented the Bayport Community Development Advisory Committee Report on the "Bayport West" Property. The committee provided a hard copy

Bayport City Council Meeting Minutes
February 4, 2002

of the research and findings on the development of the property. Mr. Nowaczek also stated he is in the process of providing the city with an electronic version of the report.

Mr. Nowaczek opened his statement by reading the "conclusions" section of the committee report. A complete copy of the Bayport Community Development Advisory Committee Report is appended to these Minutes. The committee evaluated the proposed plan against the agreed fundamental community priorities, which were:

- ✓ Development must generate more tax revenues than expenses incurred for the City
- ✓ Housing must be affordable in a fashion similar to existing Bayport
- ✓ School system infrastructure must be able to cope with the impact of any development
- ✓ Indian burial sites located on the property must be protected
- ✓ Small-town ambience must be preserved: Layout, architecture, and home sizes should be similar to existing Bayport/Baytown; concerns about traffic and public safety.

The Committee recommended that the Council vote 10-1, with 1 abstention, that the Council not make any changes in the zoning of the property at this time. Mr. Nowaczek closed his presentation by saying the Bayport Community Development Advisory Committee was a great idea, and could be viable tool as a liaison. They want to continue to be involved in building neighborhood philosophically, culturally, and harmoniously into a healthy, growing, and slowly evolving great little river town. Other members of the Committee to make independent statements before the City Council were:

- ✓ Ron VanZee
- ✓ Dick Beberg
- ✓ Deb Gregory
- ✓ Ted Thompson
- ✓ Sheryl Corrigan
- ✓ Bill McManus

Citizens supporting the Committee's findings and making statements before the Council included:

- ✓ Bill Metcalf
- ✓ Bill Hunke

CITY ATTORNEY

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

CITY ENGINEER

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

DEPARTMENT HEADS

There were no department head reports.

COUNCIL LIAISON REPORTS

There were no Liaison Reports offered at the meeting.

OLD BUSINESS

There was no old business slated for this evening's meeting.

NEW BUSINESS

Discuss Approving Bayport Hockey Rink Use by Peoples Congregational Church

Councilmember Menard moved for the approval of the use of the Bayport Hockey Rink by Peoples Congregational Church.

The motion was duly seconded by Councilmember Schultz and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Discuss Adopting a Resolution Approving a State of Minnesota Sub-Grant Agreement for Federal Assistance Under the Public Assistance (Infrastructure) Program to Reimburse The City Expenses Associated with the 2001 Spring Flood

Councilmember Schultz introduced the following resolution and moved its adoption:

RES. 02-14

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE EXECUTION OF A SUB-GRANT AGREEMENT BETWEEN THE
CITY OF BAYPORT AND THE DIVISION OF EMERGENCY MANAGEMENT IN THE
MINNESOTA DEPARTMENT OF PUBLIC SAFETY FOR THE PUBLIC ASSISTANCE
(INFRASTRUCTURE) PROGRAM.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution Approving Fire
Contracts for the City of Oak Park Heights,
Baytown Township and West
Lakeland Township**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-15

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING AN AGREEMENT FOR THE CITY OF BAYPORT TO FURNISH FIRE
AND RESCUE SERVICES TO THE CITY OF OAK PARK HEIGHTS, WEST LAKE-
LAND TOWNSHIP AND BAYTOWN TOWNSHIP.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution Authorizing A Purchase
Of Two (2) Sony Mavica MVC-CD300
Digital Cameras for the Police
Department**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-16

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF TWO SONY MAVICA MVC-CD 300 DIGITAL
CAMERAS WITH CARRYING CASES FROM SAUL MINEROFF ELECTRONICS FOR
A PRICE OF \$2,146.

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Authorizing a Grant Application to Secure
From the Andersen Corporation to Fund the
Purchase of a 2002 Police Chevrolet
Impala Squad Car**

Moved by Councilmember Menard, second by Councilmember Nyenhuis to authorize a grant application to secure funds from the Andersen Corporation to fund the purchase of a 2002 Police Chevrolet Impala squad car. Upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss adopting a Resolution Authorizing the Purchase
of Exercise Equipment for the Police Department**

Councilmember Nyenhuis expressed the following concerns regarding the purchase of exercise equipment for the Police Department/City Staff:

- ✓ Proper instruction on use of the equipment
- ✓ Policy's in place for employees who participate in using the equipment
- ✓ Reimbursing City employees for a membership to a professional health club rather than the City purchasing equipment outright
- ✓ Actual longevity of the equipment and how long employees will make use of it

Chief Gannaway stated he has spoke with members of his department as well as other City staff who all expressed great enthusiasm about using the equipment to stay in good physical health.

Councilmember Menard introduced the following Resolution and moved its adoption:
RES. 02-17

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF EXERCISE EQUIPMENT FOR THE POLICE
DEPARTMENT AND CITY STAFF PERSONNEL IN THE AMOUNT OF \$4,211.**

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

Jim Menard - aye
Jack Nyenhuis - against
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss adopting a Resolution Approving Police Officers
Membership in the Public Employees Retirement
Association Police and Fire Plan**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-18

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CHAD T. MEYER'S MEMBERSHIP IN THE PUBLIC EMPLOYEES
RETIREMENT ASSOCIATION POLICE AND FIRE PLAN.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss adopting a Resolution Approving Police Officers
Membership in the Public Employees Retirement
Association Police and Fire Plan**

Councilmember Menard introduced the following resolution and moved its adoption:
RES. 02-19

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING JASON A. GIAMPOLO'S MEMBERSHIP IN THE PUBLIC EMPLOYEES
RETIREMENT ASSOCIATION POLICE AND FIRE PLAN.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss a Resolution Accepting the Resignation of
Kenneth H. Hartung as City Administrator**

Member Menard introduced the following Resolution and moved its adoption:
RES. 02-20

**A RESOLUTION ACCEPTING THE RESIGNATION OF KENNETH H. HARTUNG AS
CITY ADMINISTRATOR**

The motion for the adoption of the foregoing Resolution was duly seconded by Member Schultz and upon vote being taken thereon, the following voted via voice:

Jim Kosmo - aye
Jack Nyenhuis - aye
Jim Menard - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss a Resolution Appointing Nile Kriesel as
Interim City Administrator**

Member Menard introduced the following Resolution and moved its adoption:

RES. 02-21

A RESOLUTION APPOINTING NILE KRIESEL AS ACTING CITY ADMINISTRATOR

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

**Discuss Adopting a Resolution for the Purchase of a
Desktop Computer for the City Administrator
And Printers/Office Furniture for the
City Clerk's Office not to
Exceed \$10,000.00**

Member Schultz introduced the following Resolution and moved its adoption:

RES. 02-22

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AUTHORIZING THE PURCHASE OF A DESKTOP COMPUTER FOR THE CITY
ADMINISTRATOR AND PRINTERS/OFFICE FURNITURE FOR THE CITY CLERK NOT
TO EXCEED \$10,000.00.**

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

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

Advertise for a New City Administrator

Councilmember Menard moved for the approval to advertise for the position of City Administrator.

Bayport City Council Meeting Minutes
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The motion was duly seconded by Councilmember Schultz and upon roll being taken thereon, the following voted via voice:

Jim Menard - aye
Jack Nyenhuis - aye
Jim Kosmo - aye

Sharon Ridgway - aye
Allen Schultz - aye

ADJOURN

Moved by Councilmember Menard, seconded by Councilmember Schultz, to adjourn the regular City Council meeting of February 4, 2002 at 8:36PM.

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

Voting against: None.

Respectfully submitted,



Nile Kriesel
Interim City Administrator

1

State of The City
Bayport – February 4, 2002
Mayor Jim Kosmo

In recent years the city of Bayport has faced many challenges and in each case we have grown stronger.

We have endured three 100-year floods in the past eight years. Our police, fire and scores of volunteers made the best of bad situations – in fact we are getting a lot more training and experience in dealing with floods than we want. Now we are working hard to minimize the impact of future flooding.

In 1998 we faced an economic crisis that threatened to bankrupt the city when court action reduced the taxable value of Andersen Corporation property by 75%. Under the court order the city was required to repay \$2 million and to reduce Andersen's future taxes by 75%. Inasmuch as Andersen was paying more than half of the city's tax bill such a reduction would have been catastrophic for the city. Andersen offered to pay the \$2 million and they also agreed to voluntarily pay an annual fee for city services in the amount of \$400,000 to \$500,000 above their required taxes. Today homeowners in Bayport pay 24% of the city's expenses, Andersen covers 46% and the

balance is from other businesses and other revenue sources.

On the north side of the city there is a 100 year old storm sewer that was built by the state of Minnesota to drain water from the state prison. If this system fails before it can be replaced many homes and businesses will be flooded. We have obtained \$2.6 million from the state to solve the problem the state created. The governor opposed us on the earlier funding and he has not included the final \$1.6 million to complete the project in his current capital budget. Apparently he feels this is a local problem. I am confident we will obtain funding eventually; hopefully, before it becomes an emergency and a huge legal and financial problem for the state.

As an old city we find our sewer, water and street systems aging. We have begun a plan to upgrade our infrastructure. Money is being set aside and we will begin this year with planning for utility work on Lake Street and Second Avenue near Lakeside Park.

Speaking of sewers and floods – during last year’s flood water infiltrated our system and severely taxed the Metropolitan Council’s sewage treatment plant. This infiltration increased our treatment expenses enormously and threatened to shut down the regional

treatment plant. We are currently soliciting engineering bids to determine the scope of the problem and to develop a plan for action.

We are also working with the U.S. Corps of Engineers to determine what other actions can be taken to reduce flood damage. This is critical not only to reduce city and private costs, but because the federal government has indicated that cities and residents that do not take every reasonable action to minimize flood damage face the risk of being denied flood insurance.

When a mother and her two young children were struck down right in front of the school our city was in shock. Fortunately they have recovered after many long months of pain. We worked with the school to ensure that an adult supervisor is always on Highway 95 even after the school patrol goes inside. And, we position a police officer at the intersection every day unless they are on a call.

Last year we assisted local business owners in organizing a business group. The Bayport committee of the area Chamber of Commerce provides a forum for idea exchange and a resource for local business people. The group sponsored a holiday party in the park that was attended by scores of youngsters eager

to talk with Santa and gather bags of goodies from the merchants.

As everyone knows our city administrator is not here. That may create some problems for the city council tonight because he is the one person who knows the most about the issues we are discussing, but with your indulgence, we will proceed. I can assure you that city services are not affected and are in great shape thanks to the outstanding people on your city staff. We have one of the best volunteer fire departments in the country as was evidenced by the improved rating they recently received from the ISO. Last year we added a new 100' ladder truck and a new pumper truck and we remodeled our fire station with financial support from Andersen. We are continuing to provide a very high level of fire and medical emergency services to Bayport, Oak Park Heights, Baytown and West Lakeland.

The story is the same for our police department that has only five fulltime members but is bolstered by a corps of part time officers and volunteer reserves.

Our library keeps growing in circulation -- up 20% last year. And, the staff is providing more and more service to residents of all ages.

Our public works staff just keeps on doing all the hard work that no one ever notices unless it is a few minutes later than expected – and that doesn't happen often.

Financially we have not been better. In recent years the city council has had a firm policy to:

- Eliminate debt -- \$6.4 million in 1993; \$1.9 million and falling in 2002
- Set aside funds and pay cash for all purchases, including major equipment, to avoid financing costs.
- Extend the Andersen Agreement
- Establish a tax stabilization fund to protect taxpayers from unexpected revenue loss.

After some severe challenges I can tell you that the city has met these goals and today our financial condition is excellent. In fact, I will recommend to the city council later this year that there be absolutely no increase in property taxes next year. I say this despite the fact that while the Minnesota Legislature and the Governor were busy slapping themselves on

the back for last year's smoke and mirrors tax reform they forgot to mention that all they did was move money around they didn't cut anything. They injured our schools and they took money from the cities -- \$166,656 from Bayport. Now the Governor is recommending an additional reduction of \$70,000 to \$100,000 for our city. The only positive point is that there isn't much more that they can take away -- however, the Governor also does want to put a limit on what cities can levy -- I only wish that the state would handle its finances as well as cities do. Maybe we should put a limit on state taxing authority.

We are prepared to deal with the budget, but please bear in mind that there is a potential dark cloud on the distant horizon. The city's agreement with Andersen Corporation to voluntarily pay for services is not guaranteed forever. One possible solution would be to develop the old prison farm on the west side so that taxes generated there benefit the entire city. Over the coming months we will continue to very cautiously explore the potential for economic benefit of any development plan.

All that having been said, I agree with the Governor in saying that government officials at all levels must recognize the current economic conditions people are enduring and find ways to live within their means. In

Bayport we reduced taxes this year and for 2003 we absolutely will not raise property taxes and will do everything possible to reduce taxes without harming the quality of city services.

Finally, following up on recent statements by President Bush and Governor Ventura I want to strongly encourage every citizen to decide right now what you are going to do to make your community a better place. Volunteer service feels even better for the giver than it does for the receiver. Make a commitment right now to contact a youth group, school, church, library, hospital or senior center tomorrow morning and become a volunteer. If you don't know who to contact call Community Volunteer Services at 439-7434.

And, if you are a parent sit down with your children. Encourage them to become volunteers and talk to them frankly about what it means to take responsibility for your actions.

We have a beautiful city full of outstanding people. The condition of our great city is excellent. If we all do our part it will only get better.

Bayport Special City Council Meeting Minutes
February 12, 2002

CITY OF BAYPORT
SPECIAL CITY COUNCIL MEETING
BAYPORT CITY HALL COUNCIL CHAMBERS
TUESDAY, FEBRUARY 12, 2002
7:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the City Council Meeting of February 12, 2002 to order and asked the City Administrator to call.

ROLL CALL

Members

present: Mayor Kosmo, Councilmembers Jim Menard, Jack Nyenhuis, Sharon Ridgeway and Allen Schultz.

Absent: None

Others: Nile L. Kriesel, interim City Administrator, Jennifer Schneider, Alan Brixius, Northwest Associates, Inc., Larry Isdahl, LIS & Associates, John Halloran, Scenic River Inc., Planning Commission members: Michelle Montpetit, Jennifer Schneider and Rene Stone.

DISCUSS APPROVING PLANNING AND ZONING ADMINISTRATION CONSULTING SERVICES CONTRACT.

Interim City Administrator Nile Kriesel explained the proposal by Northwest Associated Consultants, Inc. ("NAC") to provide planning and zoning consulting services. The services would include meeting with applicants, processing development applications, providing Comprehensive Plan or development regulation information to interested parties, review of development plans and subdivisions, preparation of planning reports and planning agendas, presentation of reports to the City Council and the Planning Commission and drafting of necessary resolutions and ordinances. Compensation for services rendered would be according to the rate schedule submitted by NAC. Mr. Kriesel also presented a draft of an agreement between the City of Bayport and Northwest Associated Consultants. City Attorney Lammers had reviewed the agreement and he recommended some changes that were

Concilmember Menard asked how the rate schedule compared to what other communities were charging. Nile Kriesel stated that he had not conducted a survey, however the rates appeared to be reasonable. Alan Brixius said that the proposed rates were similar to what

NAC charged other communities and that NAC had a staff of nine very experienced planners and presently serves 26 communities including the City of Oak Park Heights. Mr. Brixius said that NAC could set up staff hours at Bayport City hall to be available to the public or applicants and suggested that attendance at Council or Planning Commission meetings could be billed at a flat rate of \$250 per meeting.

Councilmember Nyenhuis asked if the mileage and rates included trips to and from NAC's home office. Mr. Brixius replied that this is normally the case.

Mayor Kosmo said that some of the meetings only lasted about an hour and suggested that a flat rate of \$250 may be high given the time spent at meetings. Mr. Brixius said that he would look at the possibility of charging for meetings on a different basis. Mayor Kosmo also asked who would be assigned to the City of Bayport. Mr. Brixius said that NAC had very experienced staff and that anyone of the individuals would be capable of providing excellent service to the City.

Mayor Kosmo said that the cost of processing planning and zoning applications would probably increase because the City would be billing applicants at a higher rate than currently charged by city staff it is important that we let applicants know what the potential cost might be.

Councilmember Menard asked if NAC staff worked with other Cities in the Bayport areas. Mr. Brixius said that the Scott Richards was the staff person assigned to the City of Oak Park Heights and that other staff provides service to Baytown Township. Mr. Brixius said that different staff would be assigned to serve different cities in this area to avoid any conflicts between the Cities. Mr. Brixius also said that NAC would not provide consulting services to private developers that may have development proposals before the City.

Mr. Kriesel asked Council for authority to incur consulting services charges before final approval and execution of the consulting contract. Mr. Kriesel said that the City has received planning and zoning applications, which would need processing before the contract would be finalized at the March 4, 2002 meeting.

Moved by Councilmember Schultz, seconded by Councilmember Menard to direct the City Administrator to work with the City Attorney and Northwest Associated Inc. to develop a final consulting services contract and to authorize the City Administrator to incur charges for consulting services related to planning and zoning applications.

Voting in favor: Councilmembers Kosmos, Menard, Nyenhuis, Ridgeway and Schultz.

Voting against: None.

ADJOURN

Moved by Councilmember Menard, seconded by Councilmember Nyenhuis to adjourn the Special City Council Meeting of February 12, 2002.

Voting in favor: Councilmembers Kosmos, Menard, Nyenhuis, Ridgeway and Schultz.

Voting against: None.

The Special City Council Meeting of February 12, 2002 was adjourned at 7:28 P.M.

Respectfully submitted:



Nile L. Kriesel
Interim City Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT PUBLIC LIBRARY
March 4, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of March 4, 2002, to order at 7:05 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members present: Mayor Jim Kosmo, Councilmembers Jim Menard, Sharon Ridgway, Allen Schultz and Jack Nyenhuis.

Members absent: None.

Others present: City Attorney Jim Lammers, Fire Chief Mike Bell, Public Works Director Mel Horak, and Brad Carmichael, Fire inspector/Fire Code Inspector.

It was noted the meeting was being held in the Bayport Public Library due to water damage at City Hall. It is hoped repairs will be completed by April 1.

CONSENT AGENDA

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-22

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, D, D, E AND F FROM THE MARCH 4,
2002, COUNCIL AGENDA.

- A. Approve Minutes of the Regular City Council Meeting of Feb. 4, 2002. (Distributed in the Council Information Packet of Feb. 8, 2002.)
- B. Approve Minutes of the City Council Special Meeting of Feb. 12, 2002. (Distributed in the Council Information Packet of Feb. 15, 2002.)
- C. Adopt Resolution 02-23 approving Interim City Administrator contract agreement
- D. Approve bills as presented.
- E. Approve receipts as presented.
- F. Approve building/plumbing/heating permits issued during the month of February 2002.

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

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

Jim Menard – aye; Sharon Ridgway – Jack Nyenhuis – aye; Allen Schultz – aye; Jim Kosmo – aye.

Discuss resolution approving final payment of Phase II State Storm Sewer Project

Mr. Kriesel told the Council this is the same situation as the Phase I payment.

Councilmember Jim Menard introduced the following resolution and moved its adoption:

Res. No. 02-27

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING FINAL PAYMENT OF \$5,187.68 TO S.M. HENTGES & SONS UPON
RECEIPT OF FINAL MECHANICS RIGHTS LIEN WAIVERS FROM ALL CONTRACTORS
PERFORMNG WORK FOR S.M. HENTGES & SONS ASSOCIATED WITH THE STATE
STORM SEWER PHASE II PROJECT**

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

Jim Menard – aye; Sharon Ridgway – aye; Jack Nyenhuis – aye; Allen Schultz – aye; Jim Kosmo – aye.

NEW BUSINESS

Receive report from Fire Inspector/Fire Code Inspector

Brad Carmichael, the City's fire inspector/fire code inspector, updated the Council on the work that he has been doing. He said he has reviewed plans and done inspections at Boutwell's Landing, new development on Memorial Avenue, the Stillwater Ford/Rainbow Foods complex, the Andersen Corp. property at the St. Croix Mall and the main Andersen plant, as well as at both the Oak Park Heights and Bayport corrections facilities. Also, he stated the new residential property on the Hill are required to have sprinkler systems because the grade is too steep.

Mr. Carmichael provided statistics on fire deaths and said it would be his recommendation that the City require sprinkler systems in all multi-family housing. There was a question about cost, and Mr. Carmichael stated cost is dependent on square footage. Councilmember Schultz noted that issue was discussed by the Blue Ribbon Fire Committee. Councilmembers were in consensus this is an issue worthy of further study. Councilmember Menard suggested that Mr. Carmichael put together a draft ordinance for consideration.

Discuss resolution accepting a feasibility report on Lake Street utility and street improvement

John Anderson of Howard R. Green Company, which conducted the feasibility study, told the Council a field survey was conducted and three neighborhood meetings were held. He said the feasibility report provides three options with the recommended option being option I which includes raising all of Lake Street to 691 feet, rather than just a portion of Lake Street, as well as extension of utility, and raising Second Avenue at Lake Street. Cost of option I, he said, is \$1,155,000. Included in the project was the improvement of Lakeside Drive from 3rd Ave South to 2nd Ave South at the cost of \$120,000. The City would pay \$89,388 and \$30,612 would be assessed. Therefore the total project cost would be \$1,275,000. Mr. Anderson also said that the assessments, based on the City's current policy, would range from \$4,000 to \$70,000 for the Marina which has half the frontage on the west side of the street. It was recommended that the Council hold a public hearing on April 1. Councilmember Nyenhuis noted that the consulting firm was asked to look at other possible funding sources. Mr. Anderson noted that they have checked into possible state and federal grants. However, the grants for flood proofing are targeted at purchase and removal of properties out of flood prone areas, and this project does not qualify.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. No. 02-28

**RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
RECEIVING REPORT AND CALLING FOR APRIL 1, 2002, HEARING ON LAKE STREET
IMPROVEMENT**

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

Jim Menard – aye; Sharon Ridgway – aye; Jack Nyenhuis – aye; Allen Schultz – aye; Jim Kosmo – aye.

Receive report from City Administrator regarding placement of boulders in Common Area easement of Bayport Estates Town Homes (Bart Montanari)

Mr. Montanari was present. He explained that he had worked out an agreement with the Corps of Engineers to mitigate for 4,000 square feet of fill by planting vegetation. Mr. Montanari said the request to place boulders in the town house commons areas is to prevent vehicular traffic from traveling over private property. The boulders will be placed on private property and will not encroach on the Ice Road easement. He stated that his application with the Corp will require that he work with the Coast Guard to put a buoy system marking the boulders. Mr. Kriesel noted that vehicles can still access the River off the platted Ice Road.

Councilmember Schultz questioned whether the boulders would be placed far enough off the road. Councilmember Nyenhuis expressed his disappointment with the Corps of Engineers, the

DNR and Mr. Montanari's plan. Adding more boulders will not solve the problem, Councilmember Nyenhuis said. Mr. Montanari responded that he was just working with the Corps and following their directions.

When asked what action was requested of the Council, Mr. Kriesel responded that it might be better if the Council takes no action other than to request that Mr. Montanari provide a letter from the DNR and Corps of Engineers indicating their approval of the plans. City Attorney Lammers agreed that the City has no authority in the matter, and agreed that it would be good to request Mr. Montanari to provide a letter from the Corps and DNR indicating they have no objection to the placement of the boulders. Councilmember Nyenhuis moved, seconded by Councilmember Menard, to have Mr. Montanari provide a letter from the Corps of Engineers and DNR indicating they have no objection to the placement of the boulders. Motion passed unanimously.

Discuss establishing an annual fee for yard waste pickup

Mr. Kriesel informed the Council that BFI has requested offering an annual fee of \$45 for unlimited yard waste pickup as an option to purchasing stickers for individual bags. Several members questioned whether residents would still have an option of buying the individual stickers, and Mr. Kriesel agreed that language should be added to the resolution indicating the annual fee is just an option.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. No. 02-29

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING AMENDING SECTION 6, COLLECTION FEES, OF THE RECYCLING AND
REFUSE COLLECTION AGREEMENT BETWEEN THE CITY OF BAYPORT AND BFI, TO
INCLUDE AN OPTIONAL ANNUAL PERMIT FEE OF \$45 PER YEAR, PER
HOUSEHOLD, FOR PICKUP OF UNLIMITED QUANTITIES OF YARD WASTE.

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

Jim Menard – aye; Sharon Ridgway – aye; Jack Nyenhuis – aye; Allen Schultz – aye; Jim Kosmo – aye.

Discuss approving the continuance of Memorandum on Goodwill Recycling Program for the cities of Bayport, Oak Park Heights and the City of Stillwater.

Mr. Kriesel noted there is no cost to the City. The money comes from Washington County and there is no other alternative use for the grant money.

Councilmember Menard moved, seconded by Councilmember Schultz, to continue the memorandum on Goodwill Recycling Program for the cities of Bayport, Oak Park Heights and Stillwater. Motion passed unanimously.

OTHER ITEMS

Councilmember Nyenhuis asked about the status of the work on the fire hall. Mr. Kriesel said he was meeting with Engineer Barry Peters the following week to discuss that issue.

Mayor Kosmo stated he had talked with the warden of the Minnesota Correctional Facility at Bayport regarding a concern with potential cuts in state funding that might mean a 25 percent reduction in guards. That is a potential safety issue, he noted.

ADJOURN

Councilmember Menard moved, seconded by Councilmember Schultz, to adjourn at 8:15 p.m. Motion passed unanimously.

Respectfully submitted,

Nile L. Kriesel
Interim Administrator