

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
April 1, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Vice Mayor Allen Schultz called the regular City Council meeting of April 1, 2002, to order at 7:02 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members absent: Mayor Jim Kosmo.

Others present: City Attorney Jim Lammers, City Engineer Barry Peters, City Secretary Wendi Lindquist, Bayport Fire Department Members – Mark Swenson, Steve Buege and Mike Galowitz.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-41

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS A, B, C, D, E, F, G, AND H FROM THE APRIL 1, 2002, COUNCIL AGENDA.

- A. Approve Minutes of the Regular City Council Meeting of March 4, 2002. (Distributed in the Council Information Packet of March 15, 2002.)
- B. Approve bills as presented.
- C. Approve receipts as presented.
- D. Approve building/plumbing/heating permits issued during the month of March, 2002.
- E. Approve adopting resolutions approving the 2001 Budget Revenue and Expenditures adjustments and transfers.
- F. Adopt resolution approving Central St. Croix Valley Joint Cable Communications Commission revised 2002 Budget.
- G. Adopt resolution approving 2001 Budget for the Recreation Capital Equipment and Maintenance Fund.
- H. Adopt resolution approving Omar Maklad's membership in the Public Employees Retirement Association Police and Fire Plan.

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

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

PETITIONS

Mark Swenson, Steve Buege, and Mike Galowitz of the Bayport Fire Department, addressed the Council to present Vice Mayor Allen Schultz with a check in the amount of \$5,000.00 to apply towards the purchase of a Thermal Imaging Camera.

PUBLIC HEARINGS

This was the day and time for the public hearing for the Lake Street Improvement project. Notice of the hearing was published in the Stillwater Gazette on March 18 and March 25, 2002 and mailed to the affected property owners. Nile Kriesel, Interim City Administrator and John Anderson, Consulting Engineer, described the project and the impact that the assessments would have on the properties that would be affected by the project. Vice Mayor Allen Schultz opened the public hearing and invited comments and questions from members of the audience.

Nancy McPherson, 315 North Lakeside, asked why this project was necessary and why did Lake Street have to be elevated to 691 feet. Will Antell, 317 South Lake Street, stated that according to the Minnesota Department of Health, the wells for the homes along Lake Street could contain volatile organics such as TCE's and this was a reason for installing municipal water. Mr. Phil St. Ores also said that he had recently found out about the well contamination issue and agreed that this was a valid reason for bringing municipal water to the area. Mayor Schultz said that the project was necessary for this reason and also because the Minnesota Department of Natural Resources would not allow a street to be reconstructed unless it was brought up to a minimum elevation of 691 feet. Vice mayor Schultz also explained that the septic systems in this area could pollute the St. Croix River when they failed. Mr. St. Ores asked why the Lake Street homeowners did not get a notice from the Minnesota department of Health about possible well contamination in that area. Mr. Kriesel said that the City of Bayport had given the Lake Street addresses to the Department of Health and said he would look into why the Lake Street homeowners did not get a notice. Mr. St. Ores also asked if it was possible to expedite the construction process to bring municipal water to homes that may have contaminated wells. Mr. Anderson said the timetable for the project was established in order to get better bids on the project and that the work should be done in the fall when the water table is low. Bill Huhnke, 164 North 4th Street asked why the City's share of this project, which would be paid by taxpayers, was so high. Vice Mayor Schultz stated that the City's share was high because the project costs were high and that this project needed to be done.

Moved by member Nyenhuis and seconded by member Ridgway to close the public hearing.

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

Voting against: None.

Member Nyenhuis introduced the following resolution and moved its adoption:

Res. 02 –35

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND
SPECIFICATIONS FOR LAKE STREET IMPROVEMENT.**

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

Jim Menard – aye

Jack Nyenhuis – aye

Sharon Ridgway – aye

Allen Schultz - aye

Jim Kosmo – absent

Member Nyenhuis introduced the following resolution and moved its adoption:

Res. 02 –36

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, APPROVING THE CONTRACT WITH HOWARD R. GREEN
COMPANY TO COMPLETE LAKE STREET IMPROVEMENTS**

Mr. Kriesel explained that the agreement was a standard engineering services agreement. The engineering fees are a flat fee not to exceed \$157,500.00. Council directed staff to include provisions for cash flow information and change the construction timetable to be consistent with the feasibility report.

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

Jim Menard – aye

Jack Nyenhuis – aye

Sharon Ridgway – aye

Allen Schultz - aye

Jim Kosmo – absent

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

Councilmember Schultz reported the Middle St. Croix River Water Management Organization held its regular March meeting and hired a recording secretary. The next regular meeting will be held April 18, 2002 at 7 p.m. at Bayport City Hall Council Chambers.

Councilmember Ridgway reported on the March meeting of the St. Croix Valley Joint Cable Communications Commission. There is a pending merger between AT&T Broadband and CommCast. Councilmember Ridgway will provide more information following the next regular meeting scheduled for April 17, 2002. She mentioned that local agencies have shown some interest in constructing a local web-page site for local communities who are interested in getting information out to their communities.

OLD BUSINESS

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

NEW BUSINESS

Discuss Approving of Worker's Compensation Insurance Premium

Interim City Administrator Kriesel explained the premium for the 2002 Workers Compensation insurance. Mr. Kriesel said that the premium had increased by about \$1,900 due to the increase in rates for the various work groups. Mr. Kriesel said that the rates had not increased since 1992 and that the premium appeared to be reasonable. Member Menard said that the City's net cost could be lower because the City normally gets a rebate on its insurance.

Councilmember Menard moved for the approval of the Worker's Compensation Insurance Premium.

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 – Absent

Sharon Ridgway – Aye
Allen Schultz – Aye

**Discuss adopting a resolution appointing the primary and
alternate members to the Lower St. Croix Land
Use Advisory Group**

Interim Administrator Kriesel explained that, with the departure of Ken Hartung, the City needed to appoint a member to serve on the Lower St. Croix land Use Advisory Group. Councilmember Menard volunteered to serve on the advisory group. Mr. Kriesel recommended that Mayor Kosmo be appointed as a primary representative and that Councilmember Menard be appointed as an alternate member.

Vice Mayor Schultz introduced the following resolution and moved its adoption:

Res. 02 – 30

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, APPOINTING PRIMARY AND ALTERNATE MEMBERS TO LOWER
ST. CROIX LAND USE ADVISORY GROUP.**

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo - absent

Jack Nyenhuis – aye
Allen Schultz - aye

**Discuss approving a resolution awarding the bid for
Repair of Council Chambers**

Mr. Kriesel explained the City received one bid in the amount of \$4850 from Fredkove Construction for the repair of the Council Chambers that was damaged when the sprinkler system froze during the previous month. Although City received only one bid, Mr. Kriesel said the bid by Fredkove Construction appeared reasonable and recommended approval.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 37

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, AWARDED BID TO FREDKOVE CONSTRUCTION FOR REPAIR OF
COUNCIL CHAMBERS.**

A motion for adopting the foregoing resolution was duly seconded by Vice mayor Schultz and upon roll being taken thereon the following voted via voice:

Jim Menard – aye

Jack Nyenhuis – aye

Bayport City Council Meeting Minutes
April 1, 2002

Sharon Ridgway – aye
Jim Kosmo – absent

Allen Schultz - aye

**Discuss request from Contractor Properties Development
Company to set a Joint City Council/Planning
Commission workshop to discuss plans for
The Bayport West Development**

Councilmember Menard moved for discussing and establishing a date for a Joint City Council/Planning Commission workshop to discuss plans for the Bayport West Development. The Council established the following date(s) for the meeting:

April 22, 2002, at 7 P.M. – as the primary date
April 29, 2002, at 7 P.M. – as the alternate date

Once the final date has been determined, based upon attendee availability, the information will be distributed to the City Council in the regular Friday Information Packets.

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 – Absent

Sharon Ridgway – Aye
Allen Schultz – Aye

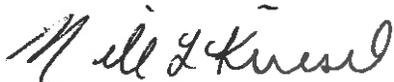
ADMINISTRATOR'S REPORT

There were no items to present on the Administrator's report.

ADJOURN

Councilmember Menard moved, seconded by Councilmember Nyenhuis, to adjourn at 8:04 p.m. Motion passed unanimously.

Respectfully submitted,



Nile L. Kriesel
Interim Administrator

April 5, 2002

To Whom It May Concern:

The following are the finalists for the Bayport City Administrator position:

Kenneth Anderson (formerly Community Development Director at Columbia Heights and Belle Plaine).

James Elmquist (currently City Administrator at Mora, MN and was an Administrative Assistant to the City Manager at Buchanan, MI and an Administrative Intern to the City Manager at St. Louis Park, MN)

Robert Haeussinger (currently City Administrator at Dodge Center, MN and was Village Administrator at Winneconne, WI)

Dan Johanneck (currently City Administrator at Ada, MN, and was City Administrator at Red Lake Falls, MN)

Larry Whittaker (currently City Administrator at Afton, and was City Administrator at Oakdale, MN, Lake Elmo, MN and Mahtomedi, MN)

Patrick Wussow (currently City Administrator at Big Lake, MN and was City Administrator at Tonka Bay, MN).

The Bayport City Council was pleased that the City received over 50 applications for the position and believes that the City will be able to hire a very capable individual given the qualifications of the final candidates. Note that all of the final candidates have had “small city” experience, which I think will be the type of experience the Bayport City Council is looking for in its new Administrator.

Also, having had the opportunity to work for the City as the Interim City Administrator, I think the person that is hired for the position will really enjoy working for this City. It is a wonderful small town with all of the attributes and amenities you could ever ask for in a community – especially the natural beauty of the St. Croix Valley and especially the kind of people you find living in small communities like Bayport.

A “Community Open House” event will be held at Bayport City Hall from 4:00 P.M. to 6:00 P.M. on Friday, April 12th to allow individuals and organizations an opportunity to meet the candidates and to also allow the candidates to get to know some of the people and organizations that are important to the Bayport community. The candidates will then be interviewed by the City Council on Saturday, April 13th.

The “target start date” for the new Administrator is mid May to early June 2002.

Submitted by:

Nile L. Kriesel
Interim City Administrator

EXHIBIT A
PROPOSED
CITY ADMINISTRATOR SELECTION PROCESS

DATED MARCH 15, 2002

<u>ACTION</u>	<u>DATE OF ACTION</u>
1. Council selects a committee to screen applications and selects 10 to 12 candidates for full Council review and consideration.	March 15 th
2. Committee meets and selects 10 – 12 Candidates.	March 18 th - March 31 st
3. Full Council meets to pare candidates down to 5 - 6 for interviews.	April 1 st
4. Council interviews final candidates.	
A. Social session (day before interviews).	April 12 th
1. Coffee/cake meeting with community and staff (4 pm to 6 pm).	
B. Council interviews candidates.	April 13 th
5. Council selects an Administrator.	May 6 th
6. Administrator starts.	June 3 rd

CITY OF BAYPORT
BAYPORT CITY COUNCIL SPECIAL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
April 22, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the special City Council meeting of April 22, 2002, to order at 7:03 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members absent: None.

Also present: Nile Kriesel, Interim City Administrator, Commissioners Michele Montpetit, Jennifer Schneider, Rene Stone and Cindy Sherman, Planning and Zoning Consultant, Julie Kink, Courier, Mary Divine, Pioneer Press.

NEW BUSINESS

Discuss adopting a Resolution reestablishing unchanged Precincts and Polling Places

Mayor Kosmo explained that the City needed to reestablish precincts and polling places due to the recent redistricting by the Legislature. Although the precinct boundaries and polling places had not changed, the City Council still had to adopt a resolution reestablishing the precinct boundaries and polling place.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 44

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, REESTABLISHING UNCHANGED PRECINCTS AND POLLING
PLACES.

The motion 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

JOINT CITY COUNCIL AND PLANNING COMMISSION WORKSHOP

Discuss revised plans for the Bayport West property

Homer Tompkins, Mike Waldo and Tim Whitten, Contractor Properties Development Company, were present to explain the revised plans that have been developed for the Bayport West property.

Councilmember Nyenhuis asked what type of housing was being proposed. Mr. Whitten, stated that the plans included 200 to 250 senior rental units, 200 young professional units, 120 empty nester units 80 large custom single family lots and 160 smaller single family lots.

Mayor Kosmo asked if the project could be phased in. Mr. Whitten stated that the project build out timetable could be controlled.

Councilmember Menard said that he didn't see enough parks or playground areas. Mr. Whitten stated that the plans still need some work in this area.

Councilmember Nyenhuis asked how much the various housing units would cost. Mr. Whitten stated that the young professional units would be priced between \$140,000 to \$150,000; the empty nester units would be priced between \$160,000 to \$200,000; the smaller single family units would be priced between \$200,000 to \$260,000; the larger custom homes would be priced at \$400,000 and higher and the senior units could include assisted living units.

Mayor Kosmo asked about the economic impact the development would have on the City taxpayers. Mr. Whitten said that the some of the development areas could have associations and the associations would handle the maintenance of the infrastructure. Mayor Kosmo also asked about the impact the development would have on the school systems. Mr. Whitten stated that the developers need to meet with the school officials to determine the impact and how the school would handle the projected increase in school age children.

Councilmember Nyenhuis asked what the most desirable timetable for build out was. Mr. Whitten stated that they would like to open up housing availability opportunities in all areas of the development and that they could probably build out in 3 to 4 years. Councilmember Nyenhuis asked what would be a desirable timetable if restrictions were put on the development. Mr. Whitten stated that there is a threshold for build out but maybe they could open up so that the scale is under control or they could do the development by neighborhood and complete one area before they develop another area. Councilmember Nyenhuis also asked if a 7-year build out period would be acceptable. Mr. Tompkins stated that they might be able to do it in 7 years but that 3 to 4 years was the optimum timetable.

Bayport City Council Meeting Minutes
April 22, 2002

Planning Commission Chair Jennifer Schneider asked how much of the area would be undeveloped. Mr. Tompkins stated that approximately 161 acres would be used for the development and about 81 acres would be used for streets, parks and open space. Councilmember Schultz asked how wide the streets would be. Mr. Whitten stated that the streets would be between 28 to 32 feet wide.

Mayor Kosmo asked if anyone in the audience would like to ask questions or comment on the proposed development. Questions, comments and responses involved the Indian Burial Grounds, impact on school systems, affordable housing, connection to existing town, economic impact analysis, conducting a referendum, the purchase agreement between Andersen Corporation and Contractor Properties Developer Company and the rezoning of the property.

Cindy Sherman, planning and zoning consultant, stated that, if the development were to proceed, it would be processed as a Planned Unit Development, in accordance with the City's zoning and subdivision code.

Mayor Kosmo thanked Mr. Tompkins, Mr. Waldo and Mr. Whitten for their presentation and Mayor Kosmo also thanked members of the audience for their interest and comments in regard to the proposed Bayport West development.

ADJOURN

Moved by Councilmember Nyenhuis, seconded by Councilmember Menard, to adjourn the Special City Council and Workshop meeting of April 22, 2002.

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

Voting against: None.

The Special City Council and Workshop meeting of April 22, 2002, was adjourned at 9:06 P.M.

Respectfully submitted,



Nile L. Kriesel
Interim Administrator.

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
May 6, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of May 6, 2002, to order at 7:04 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, Allen Schultz, Sharon Ridgway, and Jack Nyenhuis.

Members absent: None.

Others present: City Attorney Jim Lammers, City Engineer Barry Peters, City Secretary Wendi Lindquist, Police Chief John Gannaway, Bayport Fire Inspector Brad Carmichael and Pam Carmichael, Cindy Sherman of Northwest Associated Consultants (NAC), Larry Isdahl, I.s.i and Associates, John Halloran, Scenic River Inc.

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-45

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, D, E, AND F FROM THE MAY 6,
2002, COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council meeting of April 1, 2002.
- B. Approve the minutes of the special City Council meeting of April 22, 2002.
- C. Approve the bills as presented.
- D. Approve receipts as presented.
- E. Approve the building, plumbing and heating permits issued during the month of April 2002.
- F. Approve resolution designating the 2001 General Fund Balance Effective December 31, 2001.

Bayport City Council Meeting Minutes
May 6, 2002

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

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

PETITIONS

Mayor Jim Kosmo presented a plaque to Brad Carmichael in appreciation for 22 years of dedicated service to the Bayport Fire Department.

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

Councilmember Nyenhuis reported that the Planning Commission met at its regular meeting of April 8, 2002. He stated that the Planning Commission Staff reviewed the minutes from the January meeting and there was a chart included with recommended parking ratios. The Commission recalled that the recommendation was to require 4 spaces for office, not two. The Planning Commission approved adopting the parking requirements as outlined by the chart with the change from 2 to 4 stalls for office use.

Councilmember Menard reported on the April Land Use Advisory Committee Meeting. The meeting lasted 2.5 hours and the agenda consisted of proper dock ordinances related to the St. Croix River.

Councilmember Schultz reported the Middle St. Croix River Water Management Organization held its regular April meeting. The committee is a bit delayed due to the Browns Creek issues. The committee hopes to be granted the extension. The next regular meeting is scheduled for 7:00 P.M. on May 16, 2002, at Bayport City Hall.

Councilmember Ridgway reported that the St. Croix Valley Joint Cable Communications Commission did not meet during the month of April. The next regular meeting will be held on May 15, 2002.

OLD BUSINESS

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

NEW BUSINESS

Discuss Casperson Motors request to rezone land from R-4 Single Family Residential to B-3 General Business District.

Ms. Sherman, NAC, stated that Richard and Brenda Casperson have submitted a request to rezone property located at 325 5th Avenue North from R-4 Single Family Residential to B-3 General Business District. The site is currently used as a Laundromat and it is a non-conforming use in the R-4 District. The Casperson's would like to convert the Laundromat to an auto repair garage, which requires a rezoning of the site. There would be no expansion of the footprint of the building.

Automobile repair is a permitted use in the B-2 zone subject to an approved certificate of compliance. As required under Section 508 of the zoning code regarding amendments, the applicant has submitted a survey and site details regarding the proposed use.

The rezoning is proposed to allow an auto repair business use. The existing building would have two 10' overhead doors installed on the north elevation and the existing door would provide access into the storage and office area of the business.

Councilmember Menard moved to approve the Casperson request to rezone from R-4 Single Family Residential to B-3 General Business District.

The motion 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 request from Scenic River, Inc. to rezone land from R-4 Single Family Residential and B-2 General Business District to B-3 Central Business District.

Cindy Sherman, NAC, stated that Scenic River, Inc. has submitted an application for rezoning of lots 5,6,7,8 and 10 all of Block 28, City of Bayport. The rezoning is being requested to allow for the development of a two-story office building with related parking and site improvements. The building footprint is 7,758.78 square feet in size and at two stories would be 15,517.56 square feet in size plus underground parking. The property that is included with the application includes land that is currently zoned R-4 and B-2, it is requested that all of the property be rezoned to B-3.

The rezoning is proposed to allow an office building use. The Site would be developed with access off of 5th Street North into a parking lot or underground parking area and an additional parking lot off of Argus Square.

Councilmember Menard moved to approve the Scenic River, Inc. request to rezone from R-4 Single Family Residential and B-2 General Business District to B-3 Central Business District.

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 request from Metropolitan Airports Commission to provide Police Security

Mr. Kriesel explained that since the 911 tragedy that the Metropolitan Airports Commission (“MAC”) was mandated to provide extra security at the Minneapolis and St. Paul Airport. The Minnesota National Guard had performed the additional security but the Guard would not be providing the security after April 27, 2002. Therefore, MAC was working with local law enforcement agencies to have police officers perform the security duties. Chief Gannaway had attended meetings with MAC to learn more about providing City of Bayport police officers and thought it would be appropriate to allow some off duty police officers to perform security duty at the Airport. Mr. Kriesel said that the main problem with allowing City officers to provide patrol activity was that League of Minnesota Cities Insurance Trust (“LMCIT”) officials were taking the position that the insurance coverage for cities excluded working at airports. LMCIT was working with MAC to come up with an acceptable agreement that would include indemnification for any incident that might lead to litigation. However, an agreement did not exist at this time and Mr. Kriesel said that he had to recommend not allowing City of Bayport police officers to perform patrol activities at the airport.

Councilmember Menard asked Police Chief Gannaway if there might be training or experience from working at the airport which the officers could bring back to the city and utilize here. Chief Gannaway stated the officers did attend training, however, it would be limited experience that could be applied to situations in Bayport. Chief Gannaway also stated that if an agreement is not reached soon that the situation at the airport would become critical. Chief Gannaway stated the coverage at the airport would last approximately six to eight months.

Councilmember Nyenhuis asked Chief Gannaway how other agencies are handling this situation. Gannaway responded that some agencies are honoring their commitment while others are withdrawing until such a time that a contract can be reached between agencies.

Chief Gannaway stated that he would go along with the recommendation of the City Administrator that there will be no further scheduling of officers until an agreement has been reached between the City of Bayport and MAC.

Discuss request from Filson Dental to hold a Family Fun Run on May 18, 2002.

Interim Administrator Kriesel explained that Filson Dentistry was requesting the blocking of 2nd Avenue North between 3rd Street North and 2nd Street North from 6:30 A.M. to 10:00 A.M. for a "family fun run" event. Police Chief Gannaway and Public Works Supervisor Horak had reviewed the request and did not see any problems with the event or the blocking of the streets. Mr. Kriesel also reported that Filson Dentistry would be contributing the proceeds from the event to the Bayport Fire Department. Mr. Kriesel recommended approval of the request.

Councilmember Schultz moved to approve the request from Filson Dental permitting them to block 2nd Ave. North (between 3rd Street North and 2nd Street North) from 6:30 a.m. to 10:00 a.m., Saturday, May 18, 2002, for purpose of conducting a "family fun run". The proceeds of the event will be donated to the Bayport Fire Department. This event is very similar to that which has been conducted in the past (without any problems). Police Chief Gannaway and Public Works Supervisor Horak do not have any concerns and will assist as necessary

The motion 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 request to hold the Annual St. Charles Summer Festival and Car Show on August 17, 2002.

Interim Administrator Kriesel explained that the Church of St. Charles was requesting the following approvals for their annual Summer Festival and Car Show:

1. Blocking off 3rd Avenue North from 2nd Street North to Highway 95 from 9:00 A.M. to 10:00 A.M. on August 17, 2002.
2. A one-day temporary on-sale liquor license.
3. Approval of an application for exemption from the lawful gambling license.
4. The use of Perro Park, including the electrical outlets.
5. The use of Perro Park hockey rink and the Village Green Park.
6. The use of North 4th Street from 2nd Avenue North to 5th Avenue North.

Mr. Kriesel said that St. Charles Church had submitted all applications required for the temporary on-sale liquor license and for the gambling permit. Mr. Kriesel also said that this event was identical to the events that had been held in prior years and he recommended

approval. Chief Gannaway and Public Works Superintendent Horak had reviewed the request and did not see any problems with the event.

Councilmember Nyenhuis moved to approve the request from St. Charles Church to hold their Annual Summer Festival and Car Show and permitting them to:

- 1) Block off 3rd Avenue North from 2nd Street North to Highway 95 from 9:00 a.m. to 10:00 p.m. on Saturday, August 17, 2002.
- 2) Obtain a one-day temporary on-sale liquor license and waive all local fees.
- 3) Use Perro Park and Perro Park electrical outlets for festival activities.
- 4) Approve an Application for Exemption from Lawful Gambling License.
- 5) Use Perro Park hockey rink and Village Green.
- 6) Use of North 4th Street from 2nd Avenue North to 5th Avenue North and North 2nd Street from 4th Avenue North to 2nd Avenue North for the Car Show.
- 7) The Bayport Police Department will post no-parking signs on the east and west sides of North 4th Street from 2nd Avenue North to 5th Avenue North and North 2nd Street from 4th Avenue North to 2nd Avenue North on Friday afternoon, August 16, 2002 through August 17, 2002.
- 8) Public Works staff will provide additional trash containers for the Village Green area and the Perro Park area to accommodate trash.

The motion 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 establishing the City of Bayport's Sexual Harassment/Discrimination Policy.

Interim Administrator Kriesel explained the purpose and contents of the Sexual Harassment Policy and recommended approval.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02 – 47

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, APPROVING A SEXUAL HARASSMENT POLICY FOR CITY
EMPLOYEES.**

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss adopting a resolution establishing the City of Bayport's Employee Rules of Conduct Policy.

Interim Administrator Kriesel explained the purpose and contents of the Rules of Conduct Policy and recommended approval.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 48

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING EMPLOYEE RULES OF CONDUCT POLICY FOR CITY EMPLOYEES.

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo – aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss adopting a resolution establishing the City of Bayport's Computer and Internet Use Policy.

Interim Administrator Kriesel explained the purpose and contents of the Computer and Internet Use Policy and recommended approval.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 49

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A COMPUTER AND INTERNET USE POLICY FOR CITY EMPLOYEES.

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss complaints regarding recreational fires

Interim Administrator Kriesel explained that he had received a complaint in regards to the use of recreational fires. The complainant claimed that a resident was using the fire pit on a frequent basis and that the resident was burning material that was creating dense smoke and cinders. Mr. Kriesel said that the use of recreational fire pits could create problems if a resident abused the privilege. Mr. Kriesel recommended that the Council direct the City Attorney to review the City's ordinance to see if the ordinance could be modified to include some language that would discourage the use of the fire pits for anything other than recreational fires.

Jim Lammers, City Attorney, stated that the ordinances clearly define how a recreational fire is to be used. Mr. Lammers also stated there may be very little further revisions that can be done to the ordinances.

Discuss adopting a resolution approving the purchase of a 2002 Chevy Impala for the Bayport Police Department.

Interim Administrator Kriesel explained that Chief Gannaway had assumed that former City Administrator Hartung had applied for the grant for financing the new police squad car and that the purchase of the squad car had been approved. Mr. Kriesel said that the grant application had been submitted but had not been approved at this time. Mr. Kriesel also said that the City had purchased and received the new squad car so the Council needed to take action on this matter at this time. Mayor Kosmo said that it appeared that the City was obligated to pay for the vehicle because it had already been delivered.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 50

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, APPROVING PURCHASE OF A 2002 CHEVROLET IMPALA POLICE
SQUAD CAR FROM HINCKLEY CHEVROLET.**

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo – aye

Jack Nyenhuis – aye
Allen Schultz - aye

ADMINISTRATOR'S REPORT

Discuss Excel Energy Plans to upgrade King Plant

Mr. Kriesel reported that he had attended a meeting with Excel Energy officials this past Friday. The officials informed him and members of adjoining communities that Excel planned to upgrade three major energy producing plants including the King Plant in Oak Park Heights. Mr. Kriesel said that the construction would not be completed until about 2007. At that time, consumers would experience a rate increase of about \$3.50 to \$4.00 per month to pay for the upgrades.

Discuss request from Woody's Bar to set Public Hearing related to granting a Conditional Use Permit, parking variances and liquor license amendment.

Mayor Kosmo moved to set a public hearing date to review a previously denied request for Brad Smith, owner of Woody's Bar, to be granted a conditional use permit, parking variances and liquor license amendment related to outside eating and consumption of alcohol at his business located at 109 North 3rd Street in the City of Bayport.

The motion 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

ADJOURN

Councilmember Schultz moved, seconded by Councilmember Menard, to adjourn at 8:07 p.m. Motion passed unanimously.

Respectfully submitted,

Nile L. Kriesel
Interim Administrator

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
June 3, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of June 3, 2002, to order at 7:04 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 Allen Schultz, Sharon Ridgway, and Jack Nyenhuis.

Members absent: Jim Menard.

Others present: City Attorney Jim Lammers, City Engineer Barry Peters, City Secretary Wendi Lindquist, Police Chief John Gannaway, Assistant Fire Chief Scott Radke, Cindy Sherman of Northwest Associated Consultants (NAC).

CONSENT AGENDA

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-51

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING CONSENT AGENDA ITEMS A, B, C, D, E, F, G, H, I, J, K AND L
FROM THE JUNE 3, 2002, COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council meeting of May 6, 2002.
- B. Approve the bills as presented.
- C. Approve receipts as presented.
- D. Approve the building, plumbing and heating permits issued during the month of May 2002.
- E. Approve adopting a resolution authorizing a transfer from the City's 2001 General Fund 101 to the City's Street Reconstruction Fund 102 effective December 31, 2001.
- F. Approve resolution authorizing renewal of the City's Insurance Policy related to property, inland marine, liability, auto liability, auto physical damage, excess liability, employee dishonesty bond, volunteer accident plan coverage, open meeting law, boiler and equipment coverage, workers' compensation, and waiving the monetary limits on municipal tort liability.
- G. Approval of Resolution employing Daniel R. Johanneck as City Administrator and approve employment agreement between The City of Bayport and Daniel R. Johanneck.

Bayport City Council Meeting Minutes
June 3, 2002

- H. Approve Resolution exempting Daniel R. Johanneck from the Public Employee Retirement association retirement fund.
- I. Approve request of Andersen Corporation to use Lakeside Park for annual employee picnic.
- J. Approve renewal of a Class B Premise Permit for Church of Incarnation to conduct Class B Lawful Gambling Activities at Woody's.
- K. Approve a resolution adjusting salary schedule for John Nash.
- L. Request for financial assistance from Bayport American Legion Post 491 for Memorial Day Ceremonies at Hazelwood Cemetery.

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

Jim Menard – absent	Sharon Ridgway – aye
Jack Nyenhuis – aye	Allen Schultz – aye
Jim Kosmo – aye	

Swearing in of City Administrator Dan Johanneck.

Mayor Kosmo read the swearing in statement along with Dan Johanneck.

PETITIONS

Mayor Kosmo presented a plaque to Caitlin Andersen in recognition for earning the Girl Scout Gold Award -- the highest award in Girl Scouting.

Mayor Kosmo also presented a Proclamation recognizing the 80 Year Anniversary of Bayport Boy Scout Troop 113.

PUBLIC HEARINGS

Discuss a request to vacate a portion of Turtle Street

This was the day and time for the public hearing for the to consider a petition of Robert and Doris Hayner and the Croixdale Residence to vacate a portion of Turtle Street. Notice of the hearing was published in the Stillwater Gazette on May 17th and 24th of 2002 and posted in City Hall then mailed to the affected property owners on May 24, 2002. Nile Kriesel, Interim City Administrator, then referred to Cindy Sherman, NAC, to described the project and the impact that the project would have on the properties that would be affected.

Cindy Sherman described the road as an unimproved road right-of-way that was dedicated when the original city of platted. There has never been a roadway constructed there and Mr. Hayner submitted a petition to vacate a portion of the right-of-way. Upon reviewing the request it only makes sense that if you are going to vacate a portion to go ahead and vacate all of the roadway. Vacating half would not do any good for anyone. The Public Works Supervisor contacted Gopher State One. Gopher State One was on site and did not locate any utilities in the right-of-way.

Ms. Sherman stated that the centerline for the road would become the new property boundary for the parcels and the land would then vacate to the adjacent properties abutting the site. In this case, not only the Hayner's would benefit from the vacation but also adjacent property owners along the right-of-way.

Different options for action on the vacation were outlined in the staff report provided by Cindy Sherman. The Council can either find that it is no longer serving a public service to have Turtle Street as a public right-of-way and vacate it. Another option is to recommend denial of the vacation. The Public Works Supervisor has indicated the City's interest in retaining drainage and utility easements over the right-of-way should it be vacated for road way purposes.

City Attorney Jim Lammers added that when a petition like this one is presented that the Council must make a finding that the area in question has no present or future use for a public road before you take the action to vacate. He also added that frequently when City's vacate a public road right-of-way they retain the right to place public utilities in that right-of-way. Mr. Lammers recommended that the Council take action for the city to retain the right to locate utilities in the public right-of-way.

Mayor Jim Kosmo opened the public hearing and invited comments and questions from members of the audience.

Councilmember Ridgway asked if Mr. & Mrs. Hayner owned all of the parcels. Cindy Sherman stated Mr. Hayner owned all the parcels to the south as well as a couple of others. Councilmember Ridgway wanted to know who owns the other two parcels. Mr. Hayner identified the other property owners as being Matt Bell, Holmstrom Family, Winther Family and Clarence Richart, who are all residents of Bayport. Cindy Sherman also stated that Croixdale submitted a letter supporting the vacation. Croixdale has expressed some future plans to redevelop a portion of their site and this vacation would help them with some of their land area issues.

Councilmember Ridgway was concerned that the other parcel owners in the area may not have access to the their property if the vacation were granted.

City Engineer Barry Peters stated that it was unlikely that a street would be installed in the future.

Moved by member Schultz and seconded by member Nyenhuis to close the public hearing.

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

Absent : Councilmembers Menard.

Member Nyenhuis introduced the following resolution and moved its adoption:

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, VACATING A PORTION OF TURTLE STREET IN THE CITY OF
BAYPORT, WASHINGTON COUNTY, MINNESOTA.

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

Jim Menard – absent
Sharon Ridgway – nay
Jim Kosmo – aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss a adopting a resolution amending the Bayport Cookery's On-sale Liquor License to permit service and consumption of liquor in the outside service area.

This was the day and time for the public hearing for the to consider a resolution amending the Bayport Cookery, 328 – 5th Street South, On-sale Liquor License to permit service and consumption of liquor in the outside service area. Notice of the hearing was published in the Stillwater Gazette on May 20th and posted in City Hall then mailed to the affected property owners on May 17, 2002. Nile Kriesel, Interim City Administrator, described the project and the impact that the project would have on the properties that would be affected.

Council moved to recess the hearing until later in the agenda at which time Council will discuss an application by the Bayport Cookery for a conditional use permit and variance to permit outside seating or consumption of food and alcohol.

Moved by member Nyenhuis, seconded by member Schultz to recess the public hearing.

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

Absent: Councilmembers Menard.

Discuss a adopting a resolution amending Woody's Bar & Grill On-sale Liquor License to permit service and consumption of liquor in the outside service area.

This was the day and time for the public hearing for the to consider a resolution amending Woody's Bar & Grill, 109 – 3rd Street North, On-sale Liquor License to permit service and consumption of liquor in the outside service area. Notice of the hearing was published in the Stillwater Gazette on May 20th and posted in City Hall then mailed to the affected property owners on May 17, 2002. Nile Kriesel, Interim City Administrator, described the project and the impact that the project would have on the properties that would be affected.

Bayport City Council Meeting Minutes
June 3, 2002

Council moved to recess the hearing until later in the agenda at which time Council will discuss an application Woody's Bar & Grill for a conditional use permit and variance to permit outside seating or consumption of food and alcohol.

Moved by member Nyenhuis, seconded by member Ridgway to recess the public hearing.

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

Absent: Councilmembers Menard.

Discuss request from Tory and Rebecca Kraftson for a variance to allow repair of an existing garage and an addition of a carport at 394- 4th Street South.

Torry and Rebecca Kraftson submitted an application for a variance to allow for the repair of an existing garage and an addition of a carport at a setback that does not meet the Ordinance regulations. The Planning Commission held a public hearing on May 13, 2002, and no one spoke or submitted written comments. Upon review by the Planning Commission they recommend approval of the variance because a practical difficulty exists in that the garage exists and it is the reasonable location for a carport addition.

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

Res. 02 – 61

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A VARIANCE CERTIFICATE CASE NUMBER 02-4V TO PERMIT AN 11 FOOT SETBACK VARIANCE FOR TORRY AND REBECCA KRAFTSON, 394- 4TH STREET SOUTH, BAYPORT, MINNESOTA, WITH A LEGAL DESCRIPTION OF LOT 13 AND THE SOUTH SEVEN FEET OF LOT 14, BLOCK 85, BAYPORT (FORMERLY SOUTH STILLWATER).

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

Jim Menard – absent
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss request from John Taplin for a variance to allow an addition of an attached storage area at 378 Second Avenue South.

Mr. John Taplin has submitted an application for a variance to allow the addition of an attached storage area. Mr. Taplin wishes to construct the storage area onto the rear of the existing attached garage. The Planning Commission held a public hearing on May 13, 2002. Mr. Jim Connors, 252 State Street South, neighbors of Mr. Taplin, spoke in support of the addition. No other public comments were made. Upon review by the Planning

Commission they recommended the variance allow a 7 foot setback to the side yard be granted.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02 – 62

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A VARIANCE CERTIFICATE CASE NUMBER 02-3V TO PERMIT 7 FOOT SIDE YARD SETBACK VARIANCE FOR JOHN TAPLIN, 378 SECOND AVENUE SOUTH, BAYPORT, MINNESOTA, WITH A LEGAL DESCRIPTION OF LOT 6 AND THE WEST ½ OF LOTS 4 AND 5, BLOCK 77, BAYPORT (FORMERLY SOUTH STILLWATER).

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

Jim Menard – absent
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss a request from Bart Montanari for minor land subdivision case #02-SUB of Parcels including mill lot 25 and lots 2 and 3 of Bayport Estates.

Mr. Bart Montanari submitted an application for minor subdivision to allow subdivision of three parcels that will all be attached to adjacent parcels.

Mr. Montanari and the adjoining landowner Mr. Charlie Kaiser entered into an easement to facilitate the construction of a retaining wall at the time of development of Bayport Estates. Approval of the request would allow for the wall to be located on property owned by Mr. Montanari.

Upon review by Cindy Sherman, NAC, she recommends approval of the minor subdivision subject to the parcels being combined on the deeds of the appropriate parcel and evidence of the combination is provided to the City prior to construction on the property.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02 – 63

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A MINOR SUBDIVISION CASE NUMBER 02-01SUB TO CREATE THREE PARCELS TO BE TRANSFERRED AND ATTACHED TO ADJACENT PARCELS AND INCLUDING PARTS OF LOT 2 AND 3 OF BAYPORT ESTATES AND MILL LOT 25, BAYPORT.

Bayport City Council Meeting Minutes
June 3, 2002

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

Jim Menard – absent
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss an application from The Bayport Cookery, 328 North 5th Avenue, for the City to consider granting a Conditional Use Permit and variance to permit outside seating for consumption of food and alcohol.

Moved by member Nyenhuis, seconded by member Ridgway to open the public hearing.

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

Absent: Councilmembers Menard.

Mr. Jim Kyndberg of the Bayport Cookery at 328 North 5th Avenue submitted an application for conditional use permit (CUP) to allow for the addition of an outdoor patio/dining area for consumption of food and alcohol.

The Planning Commission held a public hearing on May 13, 2002. No one spoke against the application at the hearing. Upon review by the Planning Commission they recommend approval of the CUP for outside dining and reception with a change to the hours of operation extending closing from 10:00 P.M. to 12:00 A.M.

Moved by member Nyenhuis and seconded by member Schultz to close the public hearing.

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

Absent: Councilmember Menard.

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

Res. 02 – 64

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, APPROVING AN AMENDMENT OF A CONDITIONAL USE PERMIT
TO PERMIT OUTSIDE CONSUMPTION OF FOOD AND ALCOHOLIC BEVERAGES
AT THE BAYPORT COOKERY LOCATED AT 328 FIFTH AVENUE NORTH.**

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

Jim Menard – absent	Jack Nyenhuis – aye
Sharon Ridgway – aye	Allen Schultz - aye
Jim Kosmo - aye	

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

Res. 02 – 59

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING AMENDMENT OF AN ON-SALE LIQUOR LICENSE TO PERMIT OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE BAYPORT COOKERY LOCATED AT 328 – 5TH AVENUE NORTH.

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

Jim Menard – absent	Jack Nyenhuis – aye
Sharon Ridgway – aye	Allen Schultz - aye
Jim Kosmo - aye	

Discuss an application from Woody’s Bar & Grill located at 109 North 3rd Street, for the City to consider granting a Conditional Use Permit and variance to permit outside seating for consumption of food and alcohol.

Moved by member Nyenhuis, seconded by member Ridgway to open the public hearing.

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

Absent: Councilmembers Menard.

Mr. Brad Smith of Woody’s Bar & Grill submitted an application for conditional use permit (CUP) to allow for the addition of an outdoor patio/dining area for consumption of food and alcohol.

The Planning Commission held a public hearing on May 20, 2002. Several residents opposed to the permit spoke at the meeting. During tonight’s Council Meeting several residents spoke in favor of the permit stating that they support the permit.

Upon review by the Planning Commission they recommend approval of a temporary CUP permit for outside dining and consumption of alcoholic beverages with the following changes:

Bayport City Council Meeting Minutes
June 3, 2002

Hours of operation would be limited to 10:00 A.M. – closing at 12:00 A.M. rather than 9:00 P.M., which was the Planning Commissions recommendation.

Temporary permit is valid through September 2, 2002 – Labor Day.

Moved by member Nyenhuis and seconded by member Ridgway to close the public hearing.

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

Absent: Councilmember Menard.

Councilmember Nyenhuis introduced the following resolutions and moved for adoption:

Res. 02-65

Councilmember Ridgway introduced the following resolution and moved its adoption:

Res. 02 – 60

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING AMENDMENT OF AN ON-SALE LIQUOR LICENSE TO PERMIT OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES AT WOODY'S BAR & GRILL, LOCATED AT 109 NORTH 3RD STREET.

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

Jim Menard – absent
Sharon Ridgway – aye
Jim Kosmo – aye

Jack Nyenhuis – aye
Allen Schultz - aye

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

Councilmember Nyenhuis reported that the Planning Commission met at its regular meeting of April 8, 2002. He stated that the Planning Commission Staff reviewed the minutes from the January meeting and there was a chart included with recommended parking ratios. The Commission recalled that the recommendation was to require 4 spaces for office, not two. The Planning Commission approved adopting the parking requirements as outlined by the chart with the change from 2 to 4 stalls for office use.

Councilmember Menard reported on the April Land Use Advisory Committee Meeting. The meeting lasted 2.5 hours and the agenda consisted of proper dock ordinances related to the St. Croix River.

Councilmember Schultz reported the Middle St. Croix River Water Management Organization held its regular April meeting. The committee is a bit delayed due to the Browns Creek issues. The committee hopes to be granted the extension. The next regular meeting is scheduled for 7:00 P.M. on May 16, 2002, at Bayport City Hall.

Councilmember Ridgway reported that the St. Croix Valley Joint Cable Communications Commission did not meet during the month of April. The next regular meeting will be held on May 15, 2002.

OLD BUSINESS

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

NEW BUSINESS

Discuss Casperson Motors request to rezone land from R-4 Single Family Residential to B-3 General Business District.

Ms. Sherman, NAC, stated that Richard and Brenda Casperson have submitted a request to rezone property located at 325 5th Avenue North from R-4 Single Family Residential to B-3 General Business District. The site is currently used as a Laundromat and it is a non-conforming use in the R-4 District. The Casperson's would like to convert the Laundromat to an auto repair garage, which requires a rezoning of the site. There would be no expansion of the footprint of the building.

Automobile repair is a permitted use in the B-2 zone subject to an approved certificate of compliance. As required under Section 508 of the zoning code regarding

amendments, the applicant has submitted a survey and site details regarding the proposed use.

The rezoning is proposed to allow an auto repair business use. The existing building would have two 10' overhead doors installed on the north elevation and the existing door would provide access into the storage and office area of the business.

Councilmember Menard moved to approve the Casperson request to rezone from R-4 Single Family Residential to B-3 General Business District.

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

Jim Menard – Absent
Jack Nyenhuis – Aye
Jim Kosmo – Aye

Sharon Ridgway – Aye
Allen Schultz – Aye

Discuss request from Scenic River, Inc. to rezone land from R-4 Single Family Residential and B-2 General Business District to B-3 Central Business District.

Cindy Sherman, NAC, stated that Scenic River, Inc. has submitted an application for rezoning of lots 5,6,7,8 and 10 all of Block 28, City of Bayport. The rezoning is being requested to allow for the development of a two-story office building with related parking and site improvements. The building footprint is 7,758.78 square feet in size and at two stories would be 15,517.56 square feet in size plus underground parking. The property that is included with the application includes land that is currently zoned R-4 and B-2, it is requested that all of the property be rezoned to B-3.

The rezoning is proposed to allow an office building use. The Site would be developed with access off of 5th Street North into a parking lot or underground parking area and an additional parking lot off of Argus Square.

Councilmember Menard moved to approve the Scenic River, Inc. request to rezone from R-4 Single Family Residential and B-2 General Business District to B-3 Central Business District.

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

Jim Menard – Absent
Jack Nyenhuis – Aye
Jim Kosmo – Aye

Sharon Ridgway – Aye
Allen Schultz – Aye

Discuss request from Metropolitan Airports Commission to provide Police Security

Mr. Kriesel explained that since the 911 tragedy that the Metropolitan Airports Commission (“MAC”) was mandated to provide extra security at the Minneapolis and St. Paul Airport. The Minnesota National Guard had performed the additional security but the

Bayport City Council Meeting Minutes
June 3, 2002

Guard would not be providing the security after April 27, 2002. Therefore, MAC was working with local law enforcement agencies to have police officers perform the security duties. Chief Gannaway had attended meetings with MAC to learn more about providing City of Bayport police officers and thought it would be appropriate to allow some off duty police officers to perform security duty at the Airport. Mr. Kriesel said that the main problem with allowing City officers to provide patrol activity was that League of Minnesota Cities Insurance Trust ("LMCIT") officials were taking the position that the insurance coverage for cities excluded working at airports. LMCIT was working with MAC to come up with an acceptable agreement that would include indemnification for any incident that might lead to litigation. However, an agreement did not exist at this time and Mr. Kriesel said that he had to recommend not allowing City of Bayport police officers to perform patrol activities at the airport.

Councilmember Menard asked Police Chief Gannaway if there might be training or experience from working at the airport which the officers could bring back to the city and utilize here. Chief Gannaway stated the officers did attend training, however, it would be limited experience that could be applied to situations in Bayport. Chief Gannaway also stated that if an agreement is not reached soon that the situation at the airport would become critical. Chief Gannaway stated the coverage at the airport would last approximately six to eight months.

Councilmember Nyenhuis asked Chief Gannaway how other agencies are handling this situation. Gannaway responded that some agencies are honoring their commitment while others are withdrawing until such a time that a contract can be reached between agencies.

Chief Gannaway stated that he would go along with the recommendation of the City Administrator that there will be no further scheduling of officers until an agreement has been reached between the City of Bayport and MAC.

Discuss request from Filson Dental to hold a Family Fun Run on May 18, 2002.

Interim Administrator Kriesel explained that Filson Dentistry was requesting the blocking of 2nd Avenue North between 3rd Street North and 2nd Street North from 6:30 A.M. to 10:00 A.M. for a "family fun run" event. Police Chief Gannaway and Public Works Supervisor Horak had reviewed the request and did not see any problems with the event or the blocking of the streets. Mr. Kriesel also reported that Filson Dentistry would be contributing the proceeds from the event to the Bayport Fire Department. Mr. Kriesel recommended approval of the request.

Councilmember Schultz moved to approve the request from Filson Dental permitting them to block 2nd Ave. North (between 3rd Street North and 2nd Street North) from 6:30 a.m. to 10:00 a.m., Saturday, May 18, 2002, for purpose of conducting a "family fun run". The proceeds of the event will be donated to the Bayport Fire Department. This event is very similar to that which has been conducted in the past (without any problems). Police Chief Gannaway and Public Works Supervisor Horak do not have any concerns and will assist as necessary

The motion 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 request to hold the Annual St. Charles Summer Festival and Car Show on August 17, 2002.

Interim Administrator Kriesel explained that the Church of St. Charles was requesting the following approvals for their annual Summer Festival and Car Show:

1. Blocking off 3rd Avenue North from 2nd Street North to Highway 95 from 9:00 A.M. to 10:00 A.M. on August 17, 2002.
2. A one-day temporary on-sale liquor license.
3. Approval of an application for exemption from the lawful gambling license.
4. The use of Perro Park, including the electrical outlets.
5. The use of Perro Park hockey rink and the Village Green Park.
6. The use of North 4th Street from 2nd Avenue North to 5th Avenue North.

Mr. Kriesel said that St. Charles Church had submitted all applications required for the temporary on-sale liquor license and for the gambling permit. Mr. Kriesel also said that this event was identical to the events that had been held in prior years and he recommended approval. Chief Gannaway and Public Works Superintendent Horak had reviewed the request and did not see any problems with the event.

Councilmember Nyenhuis moved to approve the request from St. Charles Church to hold their Annual Summer Festival and Car Show and permitting them to:

- 1) Block off 3rd Avenue North from 2nd Street North to Highway 95 from 9:00 a.m. to 10:00 p.m. on Saturday, August 17, 2002.
- 2) Obtain a one-day temporary on-sale liquor license and waive all local fees.
- 3) Use Perro Park and Perro Park electrical outlets for festival activities.
- 4) Approve an Application for Exemption from Lawful Gambling License.
- 5) Use Perro Park hockey rink and Village Green.
- 6) Use of North 4th Street from 2nd Avenue North to 5th Avenue North and North 2nd Street from 4th Avenue North to 2nd Avenue North for the Car Show.
- 7) The Bayport Police Department will post no-parking signs on the east and west sides of North 4th Street from 2nd Avenue North to 5th Avenue North and North 2nd Street from 4th Avenue North to 2nd Avenue North on Friday afternoon, August 16, 2002 through August 17, 2002.
- 8) Public Works staff will provide additional trash containers for the Village Green area and the Perro Park area to accommodate trash.

The motion 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 establishing the City of Bayport's Sexual Harassment/Discrimination Policy.

Interim Administrator Kriesel explained the purpose and contents of the Sexual Harassment Policy and recommended approval.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02 – 47

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A SEXUAL HARASSMENT POLICY FOR CITY EMPLOYEES.

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss adopting a resolution establishing the City of Bayport's Employee Rules of Conduct Policy.

Interim Administrator Kriesel explained the purpose and contents of the Rules of Conduct Policy and recommended approval.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 48

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING EMPLOYEE RULES OF CONDUCT POLICY FOR CITY EMPLOYEES.

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo – aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss adopting a resolution establishing the City of Bayport's Computer and Internet Use Policy.

Interim Administrator Kriesel explained the purpose and contents of the Computer and Internet Use Policy and recommended approval.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 49

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A COMPUTER AND INTERNET USE POLICY FOR CITY EMPLOYEES.

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

Jim Menard – aye
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - aye

Discuss complaints regarding recreational fires

Interim Administrator Kriesel explained that he had received a complaint in regards to the use of recreational fires. The complainant claimed that a resident was using the fire pit on a frequent basis and that the resident was burning material that was creating dense smoke and cinders. Mr. Kriesel said that the use of recreational fire pits could create problems if a resident abused the privilege. Mr. Kriesel recommended that the Council direct the City Attorney to review the City's ordinance to see if the ordinance could be modified to include some language that would discourage the use of the fire pits for anything other than recreational fires.

Jim Lammers, City Attorney, stated that the ordinances clearly define how a recreational fire is to be used. Mr. Lammers also stated there may be very little further revisions that can be done to the ordinances.

Discuss adopting a resolution approving the purchase of a 2002 Chevy Impala for the Bayport Police Department.

Interim Administrator Kriesel explained that Chief Gannaway had assumed that former City Administrator Hartung had applied for the grant for financing the new police squad car and that the purchase of the squad car had been approved. Mr. Kriesel said that the grant application had been submitted but had not been approved at this time. Mr. Kriesel also said that the City had purchased and received the new squad car so the Council needed to take action on this matter at this time. Mayor Kosmo said that it appeared that the City was obligated to pay for the vehicle because it had already been delivered.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02 – 50

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING PURCHASE OF A 2002 CHEVROLET IMPALA POLICE SQUAD CAR FROM HINCKLEY CHEVROLET.

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

Jim Menard – aye

Sharon Ridgway – aye

Jim Kosmo – aye

Jack Nyenhuis – aye

Allen Schultz - aye

ADMINISTRATOR'S REPORT

Discuss Excel Energy Plans to upgrade King Plant

Mr. Kriesel reported that he had attended a meeting with Excel Energy officials this past Friday. The officials informed him and members of adjoining communities that Excel planned to upgrade three major energy producing plants including the King Plant in Oak Park Heights. Mr. Kriesel said that the construction would not be completed until about 2007. At that time, consumers would experience a rate increase of about \$3.50 to \$4.00 per month to pay for the upgrades.

Discuss request from Woody's Bar to set Public Hearing related to granting a Conditional Use Permit, parking variances and liquor license amendment.

Mayor Kosmo moved to set a public hearing date to review a previously denied request for Brad Smith, owner of Woody's Bar, to be granted a conditional use permit, parking variances and liquor license amendment related to outside eating and consumption of alcohol at his business located at 109 North 3rd Street in the City of Bayport.

The motion 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

ADJOURN

Councilmember Schultz moved, seconded by Councilmember Menard, to adjourn at 8:07 p.m. Motion passed unanimously.

Respectfully submitted,

**Bayport City Council Meeting Minutes
June 3, 2002**

**Nile L. Kriesel
Interim Administrator**

CITY OF BAYPORT
BAYPORT CITY COUNCIL SPECIAL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
June 20, 2002
6:30 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the special City Council meeting of June 20, 2002, to order at 6:37 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 Sharon Ridgway, and Jack Nyenhuis. Councilmember Menard arrived after roll call at approximately 6:53 p.m.

Members absent: Allen Schultz and Jim Menard.

Others present: City Administrator Dan Johanneck.

Reports of Department Heads and Committees

Mayor Kosmo opened the meeting with discussion of the first agenda item which is the City's seal coating project. Dan Johanneck stated that the City of Bayport was able to join with the City of Stillwater and City of Oak Park Heights to form a bid pool and solicit seal coat services that each City needed. The idea was that by grouping the projects together between the three cities we would receive an advantage price. The City budgeted \$50,000.00 for streets that were listed in a spreadsheet and it looks like total project cost would be \$36,443.37 which is well under budget.

Mayor Kosmo asked if this was the first time we've joined in a bid pool. Dan Johanneck responded that this is the first time the City has done this project where Washington County was not involved. Dan stated that he and Mel Horak, Public Works Supervisor, had some brief discussion on Bergman Companies. Mel Horak stated that Bergman Companies had performed the work for the City in previous years and Mel feels confident that Bergman can provide a good level of service.

Mayor Kosmo addressed the Councilmember for comments regarding the project. Councilmember Ridgway asked Dan Johanneck if the details of the "bid pool" with other cities was arranged prior to Dan taking office. Dan stated that apparently this project was arranged before Nile Kriesel left office. Dan also said that the cities had discussed the desire to bid the project together and that any time you get a collaborative effort like this it streamlines the process. With the close proximity of the cities it is a real advantage to bid the project together.

Bayport City Council Meeting Minutes
June 20, 2002

Dan Johanneck pointed out that there were two resolutions included in tonight's agenda packet. The resolution for the patching and crack filling includes two written quotes on this particular piece of the project. He stated that is also something that has to be done prior to seal coating. At these rates and the estimated locations that the City will stay well under budget which was \$10,000.00.

Mayor Kosmo questioned the differences between the bids received by Bargaen Incorporated and Bergman Companies. Dan Johanneck explained that Bargaen Inc. identified less patches to be repaired in the overall project than Bergman Companies. Therefore, the price was lower with Bergman due to the fact that they identified more patches and bid on a larger scale, shown below:

- | | |
|--|---|
| 1) Bargaen, Incorporated
606 County Road I North
Mound Lake, Minnesota | Crack Repair - \$1.28/pound
Infrared Patching - \$98.00/heat |
| 2) Bergman Companies, Inc.
6615 U.S. Highway 12 West
P0 Box 659
Eau Claire, Wisconsin | Crack Repair - \$1.25/pound
Infrared Patching - \$65.00/heat |

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

Res. 02 – 68

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING BERGMAN COMPANIES, INCORPORATED OF EAU CLAIRE, WISCONSIN TO COMPLETE THERMAL PATCHING AND CRACK FILLING FOR THE CITY OF BAYPORT FOR A COST NOT TO EXCEED \$10,000.00.

Res. 02 – 69

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AUTHORIZING PARTICIPATION WITH THE CITY OF STILLWATER IN ITS 2002 SEAL COATING CONTRACT AND AUTHORIZING THE CITY OF STILLWATER TO CONTRACT FOR SEAL COATING SERVICES ON BEHALF OF THE CITY OF BAYPORT.

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

Jim Menard – absent
Sharon Ridgway – aye
Jim Kosmo - aye

Jack Nyenhuis – aye
Allen Schultz - absent

Discuss appointment of 2002 Seasonal Employees

Dan Johanneck stated that in the past the Council really has not had to address these issues. Typically what has happened is that the City went through the interview process supervised by Ken Hartung then appoint the seasonal employees. Dan Johanneck believes that this is an implied contract or an employee contract. Though they are not specifically signing a employment contract it is still an implied contract, therefore, it needs Council action. The individuals hired will be working for the public works department and they have worked with the City for several years. Dan Johanneck stated that this is most likely the last year for both individuals due to them graduating from College.

Councilmember Nyenhuis moved to approve appointment of the 2002 Seasonal Employees:

Milo Horak
Craig Alberg

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

Jim Menard – Absent
Jack Nyenhuis – Aye
Jim Kosmo – Aye

Sharon Ridgway – Aye
Allen Schultz – Absent

General Discussion of Financial Report and Budget Process

Mayor Kosmo raised the question of discussing the financial reports at tonight's meeting. Dan Johanneck explained that with the change of tonight's meeting date the auditor's were unavailable. Dan stated that the auditors would be available to attend and discuss the reports at the regular city council meeting of August 5, 2002.

ADJOURN

Councilmember Ridgway moved, seconded by Councilmember Menard, to adjourn at 6:57 p.m. Motion passed unanimously.

Respectfully submitted,


Dan Johanneck
City Administrator