

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS

July 1, 2002

7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of July 1, 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, Jim Menard and Jack Nyenhuis.

Members absent: None.

Others present: City Attorney Jim Lammers, City Engineer Barry Peters, City Secretary Wendi Lindquist, Police Chief John Gannaway, Fire Chief Mike Bell, Assistant Fire Chief Scott Radke, Fire Fighters Matt Bell, Karl Evenson, Michael Seeberger, and Jason Seversen, Cindy Sherman of Northwest Associated Consultants (NAC).

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-70

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

- A. Approve the minutes of the regular City Council meeting of June 3, 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 June 2002.
- E. Zoning Administrator's Certificate of Compliance.
- F. Approve Change Order #4 for \$2,124 on Fire Hall Project to address code related issues.
- G. Approve Annual Monetary Support of Community Service Center - \$1,200.00.
- H. Approve Annual Agreement for Monetary Support of Attended Donation Center - \$350.00.
- I. Approve purchase of new portable cassette recorder for Council Chambers – approx. \$350.00.
- J. Approve purchase of Network Server from MIG Companies with Support \$6,929.00.

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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	

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

None.

COUNCIL LIAISON REPORTS

Councilmember Nyenhuis reported that the Planning Commission did not meet at its regular meeting of June 10, 2002, due to not having a majority present.

Councilmember Schultz stated that he received a card from the Washington County Historical Society that July 14th and 15th are the dates for the Historical Society “Bayport Day.”

Councilmember Ridgway reported that the St. Croix Valley Joint Cable Communications Commission met on June 5th regarding the merger of AT&T CommCast, however, the Public Hearing was cancelled. The next regular meeting will be held on July 17, 2002.

DEPARTMENT HEADS

There were no department head reports.

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.

CITY CONSULTING PLANNER REPORT

None.

OLD BUSINESS

Discuss Fire Siren Issue and Possible Action

Johanneck stated that at the June City Council meeting the Council moved to table this issue until the July meeting in order to gather further information regarding the use of the fire siren. The Fire Department gathered some information that is included in tonight's packet. In addition, each Council member should have a copy of a report that a group of community members assembled which Paul Vogel will present tonight.

Mayor Kosmo asked for any Council comments prior to hearing the community report.

Councilmember Schultz stated that he has talked to many citizens who have asked that the Council not stop using the fire siren.

Paul Vogel, 314 No. 4th Street, addressed the Council to present the report assembled by about 13 citizens. Mr. Vogel acknowledged the great job that the Fire Department does for the City. Vogel also stated the issue is not with the Fire Department or the Firefighters only the use of the fire siren. Mr. Vogel presented the material and explained the noise level of the current fire siren in addition to how the siren, over the long-term, affects hearing loss (see full report attached to minutes).

Amy Zimmer, 287 – 5th St. No., stated that the citizens appreciate the great job that the fire department does. Zimmer asked that if the Council decides to continue or can't decide to discontinue the siren that the Council present more information supporting why the siren should be continued.

Linda Kascht, 248 – 4th St. No., stated her concern about her children, who are now 8 and 10, that their ability to sleep through the siren is a concern. Her son has a lawn mowing business. Kascht stated the week prior to tonight's Council meeting there was a tornado siren. Kascht had to go get her son because he is so used to hearing the siren that he did not know that specific siren was a tornado warning. Kascht's main concern is the fact that her children are able to sleep through the siren due to hearing it so much.

Johanneck stated that he did receive two calls just prior to the Council meeting that were not mentioned in which both citizens stated they were not in support of the fire siren.

Mayor Kosmo asked for further citizen comments.

Sheri Heading, 298 – 4th St., stated that she and her husband do not like the siren at all. Ms. Heading stated that she had hearing loss from a previous injury. Additionally, Ms. Heading stated that when she does hearing the siren, outside, that it is very painful to her ears.

Jim Kyndberg, 332 – 4th St. No., stated that he has two daughters. One daughter has had two ear surgeries and that her ears are very sensitive to noise. Mr. Kyndberg also stated that had he known the siren still blew he would not have moved in right next to it.

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Geri Dalluge, 297 – 4th St. No., referenced the amount of time that was spent by Council discussing the issue of Woody's Bar & Grill at a previous Council meeting, however, the siren issue seems to not warrant as much, if not more, discussion. Mr. Dalluge stated that he wishes he could eat meals outside, but because of the siren, he cannot.

Fire Chief, Mike Bell, stated that there are two separate areas of the siren. First, it is used as a back up to the paging system. Bell pointed out that even electronic devices can and have failed. If it were not for the siren, he would have missed calls. More importantly, he sees the siren as a public safety issue. Bell stated that in the feedback he has received, from citizens, that they see it as a safety issue more so than a hearing issue. Bell stated that the Fire Department responded to over 507 calls in 2001. Fire Chief Bells stated that he feels the siren is an added safety for the residents of Bayport. See full report attached to minutes.

Lori Asplund, 264 – 4th St., stated that she hates the fire siren. Asplund stated that at the last Council meeting Councilmember Nyenhuis directed the Fire Department to provide research or evidence supporting use of the siren. Asplund stated that she has not heard any information at tonight's meeting that sounds like evidence or research.

Councilmember Nyenhuis stated that the motion was passed at the last Council meeting for City staff to come back to Council with information on why the siren should be continued. Nyenhuis questioned Chief Bell as to why other communities have discontinued use of their siren to warn citizens that the trucks are leaving the building when the issue is the same here. Nyenhuis added that the second question is why do twenty other communities around Bayport not use the siren as a back up to their firefighters' being in the shower. The other communities do not seem to use the siren to back up these issues. Nyenhuis thanked Mr. Vogel for taking the time to compile the report. Nyenhuis requested that Fire Chief Bell bring more evidence or material to the next meeting.

Councilmember Schultz stated he was a City employee for 30 years. Schultz said that to his recollection two years ago was the first time he can remember hearing anyone complaint about the fire siren.

Councilmember Menard spoke in support of the siren, saying that he has heard nothing but positive feedback from citizens. Menard referenced a time that the siren actually went off for a fire at his house and at that time the pager system had been out of order or failed. Menard would like to see the fire siren continue, either with diffusers or some diversion methods used.

Councilmember Ridgway stated that she could see a problem as more calls generate more sirens. Ridgway stated that Council might have to work with the Fire Department to phase out the siren at some point, whether through better pager systems or some other method.

Mayor Kosmo stated that he had a couple of thoughts on the issue. First, whether it is the sirens on the trucks he thinks that it means someone needs help. Kosmo stated that he did some investigating as to hearing levels regarding damage to hearing and he could not find

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any research data that supports that high decibel attributes to causing permanent hearing damage. Not to suggest that it does not happen, just that he could not find any such information. Kosmo suggested that we need to spend more time assessing the situation.

Jason Severson, 422 So. 2nd St., stated that he has been a member of the Fire Department for nearly 8 years. Severson said when he bought his house he knew there was a fire siren. Severson also stated that a nuisance to somebody does not necessarily make it a nuisance to everybody.

Chief Gannaway stated that he feels it is hard to argue with the neighboring communities that have ceased using the sirens. However, he stated that being an emergency service person in Bayport, he stated that there are dead spots in the City where pagers do not necessarily reach. Gannaway also stated that there are times when the siren is used in excess for routine calls.

Jim Connors, 252 So. State Street, addressed the Mayor by saying that he had not heard any discussion at tonight's meeting about possibly moving the siren.

Councilmember Nyenhuis suggested that the City scale back use of the siren for specific calls. However, Chief Bell stated that in his mind every call is an important call.

Mayor Kosmo suggested that the Fire Department come up with a proposal on how the department would deal with turning off the siren if the Council so decided. The report should deal with both total elimination of the siren or limited use for certain calls, as well as other things the Fire Department would need to do in that case. Mayor Kosmo asked the Fire Department to present the information in 30-60 days.

Councilmember Menard stated that he would like to see someone from the City staff or an independent consulting firm review the problem and come up with a solution.

Mayor Kosmo asked Dan Johanneck if he were aware of any consulting firms that perform such reviews. Johanneck stated he would need a chance to investigate. Johanneck suggested that possibly the League of Minnesota City's might, however, he would need to look in to the matter.

Councilmember Nyenhuis moved to approve granting City staff 30 days to come up with a proposal of figures on how much a consultant would cost to review possible solutions.

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

NEW BUSINESS

Discuss Bethlehem Lutheran Church request to use Village Green area and block a portion of street

Johanneck stated that the request from Bethlehem Lutheran is an annual event. Both the Public Works Director and the Police Chief have reviewed the request and do not see any problems with granting the request.

Councilmember Schultz moved to approve Bethlehem Lutheran use of the Village Green area for the annual event.

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 Sexual Harassment Training Session

Johanneck explained to Council that with the passage of the Harassment Policy City staff should attend training on Sexual Harassment to be conducted by the League of Minnesota City's. There is a great deal of liability that goes along with this. Johanneck suggested that all City staff, to include Councilmembers, attend the training and Committee Members as well. Training is currently scheduled for July 9th at three separate sessions.

Mayor Kosmo stated that anyone who works for the City should attend one of the training sessions, while committee members and elected officials are strongly urged to attend.

Johanneck suggested that the Fire Department, and all compensated volunteers, view the video at an in-house Fire Department training session.

Approve final pay request of \$17,956 on Fire Hall Building Project

Johanneck explained that the contractor, Fire Chief, Building Inspector, and Architect met during the last week of June to discuss the punch list and remaining issues. Johanneck suggested that Council approve final payment to Parkos Construction contingent upon the list being completed within 2 weeks from the date the City Administrator sends a letter outlining expectations. Council stated that if Parko fails to complete all items on the current punch list within two weeks from notification further work will be awarded to another contractor.

Councilmember Schultz moved to approve final payment of \$17, 956 to Parko Construction upon completion of the punch list for an amount not to exceed \$17, 956.00.

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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

Approve Purchase of low temperature sensors for City Hall building of \$390 plus \$3 month from Electro Watchman Inc.

Mayor Kosmo explained that due to the freezing temperatures during winter months of 2002, in which much damage was cause to Council Chambers from frozen pipes that burst, City Hall should purchase low temperature sensors to prevent any future occurrences such as this.

Councilmember Nyenhuis moved to approve the purchase of low temperature sensors for City Hall in the amount of \$390.00 plus \$3.00 monthly fee from Electro Watchman, Inc.

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

Approve Investigator use of 99 Police Car

Police Chief Gannaway explained that the police department is currently in the process of rotating a squad car out as they have always done in the past. At this time the police department has an investigator who does not have use of a squad car. Gannaway further explained that many times this investigator responds to calls after duty hours so use the squad is being made in a take home capacity.

Councilmember Nyenhuis moved to approve Investigator use of the 1999 Police Squad.

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

Set up Committee to Evaluate Feasibility Study Proposals for Inflow/Infiltration Project

Johanneck explained that he has sent letters to engineering firms that can provide this type of service to see which of them have interest in providing a study. Johanneck stated that during the last flood the City had significant inflow and infiltration into the water system. Johanneck suggested that Council form a committee to oversee the project.

Mayor Kosmo stated that the committee would consist of Councilmember Jack Nyenhuis, Public Works Supervisor Mel Horak and City Administrator Dan Johanneck.

Councilmember Schultz moved to approve establishing a committee to oversee selection of an engineering firm to provide an inflow/infiltration feasibility study and the committee will consist of Councilmember Jack Nyenhuis, Public Works Supervisor Mel Horak and City Administrator Dan Johanneck.

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

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

Approve an Investment Policy

Johanneck explained that an investment policy is a critical policy to direct how funds are invested, the durations and what the City's goal are in terms of rate of return.

Councilmember Menard moved to approve adopting an Investment Policy.

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

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

Discuss possible ordinance amendment regarding recreational fires and their control

City Attorney Jim Lammers explained that he reviewed league ordinances regarding this issue and prepared a draft of an ordinance, which is in front of the Council tonight.

Johanneck stated that this ordinance appears to be better than the current ordinance.

Councilmember Schultz suggested some different materials to be used to contain fires, such as a tire ring.

Fire Chief Bell stated he did not foresee any problems as long as it is contained in some sort of fireproof container.

Council suggested that the ordinance read “rock, brick or other non-combustible material.”

Councilmember Nyenhuis questioned the 30-inches that ordinance currently reads.

Fire Chief Bell stated that anything outside of the 30-inches, outside of city limits, currently requires a fire permit and he would like to see it remain that way. Bell also stated burning permits are not granted inside city limits.

Jim Connors, 252 So. State Street, explained that he is directly affected by this ordinance, the smoke and smell issue. Connors stated that the smoke smell is hard to get out of the house and it has also affected his family as far as sore throats. Mr. Connors feels that he has not had success in solving these issues by using the current city codes and ordinances. Connors stated that he has called City Hall as well as the Police multiple times. Connors stated that City Hall advised him not to go through the police department but instead report future occurrences to the Administrator.

Johanneck read the current ordinance into record.

Council briefly discussed the noxious fumes ordinance and how it relates to current complaints and issues.

Mr. Lammers stated that he would like a chance to research the 30-inch limit and whether it is a State Law Issue.

Mayor Kosmo suggested that the issue be tabled until next regular council meeting.

Johanneck stated that Council can approve the ordinance in its current state and then amend it at another time.

Councilmember Schultz moved to approve Ordinance 744 on Recreational Fires.

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

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Mayor Kosmo suggested to only producing resolutions if there are expenditures involved as long as good policy if followed.

Jim Lammers suggested that some actions may require a legal resolution, however, most do not require resolutions.

Councilmember Schultz addressed the great job done at Safety Camp done this year by the Police Department.

Councilmember Nyenhuis questioned the Budget Workshop on the budget calendar on July 21st which was a Sunday.

Council directed City Staff to adjust the calendar to reflect a weekday that would fit Council's schedule. Council unanimously decided that July 29, 2002, fit into everyone's schedule for the upcoming Budget Workshop.

A complete recording of council meeting is available for further review or questions.

ADJOURN

Councilmember Menard moved, seconded by Councilmember Schultz, to adjourn at 9:50 p.m. Motion passed unanimously.

Respectfully submitted,


Dan Johanneck
City Administrator

Please Sign In

Bayport Regular City Council Meeting - Monday, July 1, 2002 7:00 PM City Council Chambers

1	Mike Bell	26
2	MATT BELL	27
3	Karl Evenson	28
4	Scott KADKE	29
5	Michael Seebeker	30
6	JASON Seebeker	31
7	Casey Preuss	32
8	Amy Zimmer	33
9	Tail Vosl	34
10	Lori Asplund	35
11	Linda Kascht	36
12	JAMES CONNORS	37
13	Claine Caspell	38
14	Jim Schattauer	39
15	Jerry Dillig	40
16	DiAnne Bodman	41
17	JULIE KINK - COURIER NEWS	42
18	Shawn Miller	43
19	Cheri Miller	44
20		45
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CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
August 5, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of August 5, 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, Sharon Ridgway, Jim Menard and Jack Nyenhuis.

Members absent: None.

Others present: City Administrator Dan Johanneck, City Attorney Jim Lammers, City Engineer Barry Peters, Police Chief John Gannaway, Fire Chief Mike Bell, Cindy Sherman of Northwest Associated Consultants (NAC).

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-71

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

- A. Approve the minutes of the regular City Council meeting of July 1, 2002.
- B. Approve the minutes of the special City Council meeting of July 29, 2002.
- C. Approve the bills & receipts as presented.
- D. Approve the building, plumbing and heating permits issued during the month of June 2002.
- E. Zoning Administrator's Certificate of Compliance.
- F. Donation of \$750 to Youth Service Bureau.
- G. Approve Data Practices Policy.
- H. Fire Inspection Services Contract with Oak Park Heights.
- I. Police Department Computer Purchase.

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

Jim Menard -- aye

Sharon Ridgway -- aye

Jim Kosmo -- aye

Jack Nyenhuis -- aye

Allen Schultz -- aye

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

None.

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the St. Croix Valley Joint Cable Communications Commission met on July 17, 2002. At this meeting the Commission continued the Public Hearing meeting that was cancelled in June regarding the merger of AT&T and CommCast. After hearing public comment and testimonials from various advisors the commission approved the merger. The next regular meeting will be held on August 21st at the Cable Access Studio.

Councilmember Schultz reported the St. Croix Watershed Committee discussed various projects during the regular meeting of July 11, 2002.

DEPARTMENT HEADS

There were no department head reports.

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.

CITY CONSULTING PLANNER REPORT

Bayport West Schedule

Cindy Sherman, Planning Consultant, reviewed an informational piece that Councilmember Nyenhuis requested for tonight's meeting. Ms. Sherman presented the tentative schedule for required approvals and procedures as established by ordinance for the Preliminary Plan & Plat for Bayport West Development.

Consider Ordinance #745 Amendment to Zoning Ordinance Regarding Required On-Site Parking Regulations

Cindy Sherman reviewed the proposed parking ordinance language which was previously reviewed and approved by the Bayport Planning Commission.

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Councilmember Nyenhuis moved to approve adopting Ordinance #745 Amendment to Zoning Ordinance Regarding Required On-Site Parking Regulations.

The motion 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 Lake Street Variance Process

Cindy Sherman reviewed the variance process as it relates to the residents on Lake Street affected by the upcoming project and the need for those affected to raise their homes. The recommendation was to handle the variance requests (for elevation of the houses) with a blanket variance for all property owners if Council deemed it appropriate. Ms. Sherman suggested if the property owner wishes to make other changes such as expand the foot print of the building, that would need to be done at the owners time and expense for the procedures.

Ms. Sherman asked for direction from the Councilmembers on either to let the property owners process their own individual applications or to direct staff to complete that process on behalf of the owners that are affected.

Mayor Kosmo stated it would seem to make more sense to do it as part of a blanket process.

Ms. Sherman stated the process would be the same with public hearings for each property. It would then go to the Planning Commission in September and reappear before the City Council in October or November depending on the schedule.

Mr. Phil St.Ores, 345 Lake Street South, wanted to know what the process would be for locating his garage underneath the residence, which would be considered changing the foot print of the residence. Mayor Kosmo stated each request of that type would be treated as a separate case.

Ms. Vicky Suldecki, 317 Lake Street South, wanted to know the time frame and when the variances would be approved. Ms. Sherman stated it should be by September or October depending on scheduling.

Councilmember Menard suggested that Councilmembers authorize and direct staff to work with the property owners to get a package together to present to Council at one time.

Councilmember Nyenhuis agreed with the recommendation.

Discuss Code Enforcement Letter

Cindy Sherman review a letter submitted to Councilmembers from Marilyn Selb, 269 South Third Street, in which Ms. Selb outlines questionable violations of a Conditional Use Permit issued to Valley Trucking in 1984.

A site review was conducted and it was determined that the property was generally well screened and maintained. Storage that is occurring is located adjacent to an industrially zoned site and is screened from view of the adjacent residential properties.

Ms. Sherman stated City staff will send a follow-up letter to Valley Trucking to address the Conditional User Permit violations.

Approve Resolution #02-78 – Kaiser Application for Conditional Use Permit

Cindy Sherman explained to Councilmembers that the Bayport Planning Commission has approved the Conditional Use Permit for Mr. Kaiser and recommended the same to the City Council.

Councilmember Schultz “questions the whole operation,” expressing some concern that previous use was limited to indoors only and he was not in favor of the outdoor display and sales.

Mayor Kosmo stated he found the whole situation to be different in Mr. Kaiser’s case.

Councilmember Nyenhuis suggested restricting the resolution to identify lots 10 and 11 but to exclude lot 12 to prevent Mr. Kaiser from parking cars on unimproved areas.

Councilmember Nyenhuis introduced the following resolution and moved its adoption:

Res. 02-78

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A CONDITIONAL USE PERMIT, TO ALLOW OUTDOOR SALES IN A B-2 ZONING DISTRICT FOR PROPERTY LOCATED AT 120 SO. 3RD STREET AND LEGALLY DESCRIBED AS THE EAST ONE-HALF OF LOTS 10 AND 11 BLOCK 71, BAYPORT (FORMERLY SOUTH STILLWATER).

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

Jim Menard – aye
Jack Nyenhuis – aye

Sharon Ridgway – aye
Allen Schultz – nay

Jim Kosmo – aye

OLD BUSINESS

Discuss Fire Siren Issue and Possible Action

Johanneck covered correspondence received from Steve Platisha, SBP Associates, Inc., regarding the fire siren and costs associated with consulting services to assess the issue. Mr. Platisha estimated the cost of reviewing possible solutions to be approximately \$1,000.00 to \$1,500.00.

Mayor Kosmo added some additional commentary reflecting that “time is of the essence” when someone is having a problem.

Councilmember Schultz moved to table the issue until the regular November city council meeting.

Mr. Paul Laidig 282 North 4th Street addressed the Council and Mayor to express dislike for the siren.

Ms. Gretchen Radke 410 North 6th Street addressed the Council and Mayor to express her desire to continue the siren.

Fire Chief Mike Bell presented information on additional pager systems as well as traffic signals and the costs associated with it.

Gerri Dalluge 297 North 4th Street addressed the Council and Mayor with information regarding the money spent by Washington County to upgrade their pager system to cover what he referred to as “dead zones” where pagers are sometimes not activated.

Ron VanZee 470 South 5th Street addressed the Council and Mayor to express his interest in seeing the traffic signals installed on Highway 95 for multiple uses including the fire department.

Eugene Bell 510 North 6th Street addressed the Council and Mayor to express his concern with the fact that in his 70 years of living Bayport he has never heard any complaints about hearing loss or other issues associated with the siren.

Phyllis Bell 6th Street addressed the Council and Mayor saying that the traffic on 6th Street is comparable to Highway 95 and when she hears the siren it alerts her not to back out into the street.

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

NEW BUSINESS

2001 Audit Report

Dave Moll with Tautges Redpath, Ltd. presented the 2001 Audit to the Councilmembers. Mr. Moll briefly told the Council that the City is in a strong position.

Approve Resolution #02-72 Awarding Inflow/Infiltration Feasibility Study

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-72

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING A CONTRACT WITH SHORT ELLIOT HENDRICKSON, INC. TO CONDUCT AN ENGINEERING FEASIBILITY STUDY ASSOCIATED WITH ELIMINATING INFLOW/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 Schultz and upon roll call being taken, the following voted via voice:

Jim Menard – aye

Sharon Ridgway – aye

Jim Kosmo – aye

Jack Nyenhuis – aye

Allen Schultz – aye

Approve Resolution #02-73 Granting Temporary On-Sale Liquor License and Authorizing Street Dance to Bayport Community Action League for Saturday, September 7, 2002.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-73

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING AN ON-SALE INTOXICATING LIQUOR LICENSE FOR THE BAYPORT COMMUNITY ACTION LEAGUE FOR SATURDAY, SEPTEMBER 7, 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

Jim Kosmo – aye

Jack Nyenhuis – aye

Allen Schultz – aye

Approve Resolution #02-74 Declaring National Night Out – Tuesday, August 6, 2002.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-74

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING A PROCLAMATION DECLARING NATIONAL NIGHT OUT 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 Jim Kosmo – aye
Jack Nyenhuis – aye Allen Schultz – aye

Approve Resolution #02-75 Authorizing Application and Signature for Safe & Sober Grant.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-75

Be it resolved that the Bayport Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER COMMUNITIES during the period from October 1, 2002 through September 30, 2003;

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

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

Approve Resolution #02-76 Calling 2002 Municipal Election and Offices to Be Elected.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-76

A RESOLUTION APPROVING ESTABLISHING A MUNICIPAL ELECTION AND THE OFFICES TO BE VOTED ON;

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

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

Approve Resolution #02-77 Appointing Election Judges for 2002 Election.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-77

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPOINTING ELECTION JUDGES FOR THE 2002 ELECTIONS;

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	Jim Kosmo – aye
Jack Nyenhuis – aye	Allen Schultz – aye	

Consider Passing Redrafted Ordinance #744 on Recreational Fires.

City Attorney Jim Lammers explained changes in the way the new recreational fire ordinance reads to include barbeque pits.

Councilmember Schultz moved to approve Ordinance 744 on Recreational Fires.

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

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

Approve holding Oak Park Heights/Bayport Strategic Planning Meeting on Thursday, October 3, 2002 at 7:00 p.m. at Oak Park Heights City Hall.

Johanneck explained that this meeting would reestablish the strategic planning session that used to be held between the communities.

Councilmember Schultz moved to approve the meeting date and time.

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

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

Consider a Special Meeting Date to Consider Bayport Cookery Variance Request on Wednesday, August 14, 2002 at 6:30 p.m. at Bayport City Hall.

Johanneck explained the circumstances involved with the special request made by the Bayport Cookery and the time constraints.

Councilmember Menard moved to approve the special meeting date and time.

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

Approve Emergency Fire Hall Roof Repair Proposal for \$4,375.00.

Johanneck explained the need for repair of the fire hall roof and the proposed estimate from Mr. Bob Poutre.

Councilmember Schultz moved to approve the roof repair of the fire hall for \$4,375.00.

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

Approve Resolution #02-79 Setting Public Hearing for September 2, 2002 to Consider Authorizing the 2002 Sidewalk Improvement Project and Discussing Preliminary Assessment Roll.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-79

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING A PUBLIC HEARING FOR MONDAY, SEPTEMBER 3rd, 2002, AT
7:00 PM IN THE BAYPORT CITY HALL COUNCIL CHAMBERS FOR THE
PURPOSE OF CONSIDERING AUTHORIZING THE 2002 SIDEWALK
IMPROVEMENT PROJECT;

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

Bayport City Council Meeting Minutes
August 5, 2002

Jim Menard – aye
Jack Nyenhuis – aye

Sharon Ridgway – aye
Allen Schultz – aye

Jim Kosmo – aye

ADMINISTRATOR'S REPORT

Johanneck generally covered the progress and status of multiple projects the city is working on to include;

- Correction of Screened Intersections
- Nuisance Properties and Abatement Measures
- State Storm Sewer Project

A complete recording of council meeting is available for further review or questions.

ADJOURN

Councilmember Schultz moved, seconded by Councilmember Menard, to adjourn at 9:06 p.m. Motion passed unanimously.

Respectfully submitted,



Daniel R. Johanneck
City Administrator

Please Sign In

Bayport Regular City Council Meeting - Monday, August 5, 2002 7:00 PM
City Council Chambers

1 David Noel
2 David Noel
3 Jerry D. Collins
4 Lorena Lamant - H. Webb
5 Suz Bell
6 Greg Miller
7 Mike Galaviz
8 Peter DeCosey
9 Christine Kaul
10 Matt Bell
11 Heide Dawson
12 Trista Johnson
13 Mandy Johnson
14 Rheylie Bell
15 Shretton Radke
16 Wahli Selmech
17 Jane L. Landry
18 HELEN M LAIBIG
19 COAKY GREEN
20 Randy K. Paul
21 Eugene Bell
22 John Hoffman
23 John Hoffman
24 John Bell
25 John Kuntel

26 Quinn St. Onge
27 Phil St. Onge
28 Charli Kasi
29 Sheryl Conigauer
30 Susan Gollinger
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CITY OF BAYPORT
BAYPORT CITY COUNCIL SPECIAL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
August 14, 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 August 14, 2002, to order at 6:30 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 and Sharon Ridgway.

Members absent: Jack Nyenhuis.

Also present: Dan Johanneck City Administrator.

BUSINESS

Approve Resolution #02-80 Approving Variance for Bayport Cookery.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-80

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING VARIANCE CERTIFICATE CASE NUMBER #02-6V (BAYPORT COOKERY) TO ALLOW FOR A SIDE YARD SETBACK OF 3 FEET;

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

Discuss Approving Resolution #02-81 Approving a Contract with St. Croix Recreation Company for the purchase and installation of playground equipment for Perro Park.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-81

**RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
APPROVING A CONTRACT WITH ST. CROIX RECREATION COMPANY FOR
THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR
PERRO PARK;**

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	Jim Kosmo – aye
Jack Nyenhuis – absent	Allen Schultz – aye	

COUNCIL WORKSHOP DISCUSSION

Discuss Planner/Economic Development Director.

Johanneck asked the Council to spend the next couple of weeks reviewing the job descriptions if they so wish.

Mayor Kosmo briefly mentioned the fact that the Mayor of Oak Park Heights has approached Johanneck regarding sharing the Planner position.

Councilmember Schultz was not in favor of sharing the Planner with Oak Park Heights.

Councilmember Menard was also in favor of not sharing the position.

Administrative Assistant and Secretary/Receptionist positions

Mayor Kosmo stated that with the influx of resident inquiries and request for records that the current position of receptionist is a full time position.

Johanneck stated that current businesses including walk-in traffic and elections preparation are keeping the office busy. Cross training was also an issue for the bookkeeper position. Data compliance would be another issue that the City needs to improve upon. The Administrative Assistant position would also be able to develop and maintain the City's web site. Johanneck stated that the Receptionist position could possibly become a part-time position some time in the future once some of the major objectives and goals have been met.

Johanneck specifically stated that for his own clarification he researched the issue of internal job announcement as well as posting in the newspaper for any new positions created or added and found that the City would not be required to advertise outside the City if the Council so wishes to.

Mayor Kosmo suggested adding this issue to the September Agenda, approve job descriptions and authorize advertising.

Discuss Phosphorus Ordinance

Mayor Kosmo stated that many other cities throughout the United States have developed and adopted ordinances controlling this and other contaminants used on lawns.

Johanneck will research other ordinances from similar cities and through the League of Minnesota Cities as well as have the city attorney review.

Discuss possible site for burying cremains at city cemetery

Councilmembers discussed designating an area for a type of memorial garden area within the cemetery.

Councilmember Ridgway discussed requiring a vault for an urn and that it would really add to the cost of a burial.

Council discussed funding issues as well as asking for donations, design concept and competitive quotes.

Discuss Andersen Fee for Service Agreement Future Direction

Mayor Kosmo explained the original concept of having the service agreement. Kosmo also express that he would like see the city become independent from relying on Andersen's fee. Kosmo suggested coming up with a new two-year plan and slowly decreases 20% a year for the next five years.

Council discussed many options for coming up with a plan. Basically council wants to see the language for a five-year plan. Once the plan is put together Mayor Kosmo offered to meet with Andersen's to present it and get a feel for how they like the idea. Then proceed from there.

Conditional Use Permit Enforcement

Council discussed inviting property owners to a meeting with Councilmembers and City Administrator to discuss possible solutions.

OTHER ISSUES AND CONCERNS

Council and City Administrator discuss various other issues included below, all of which require follow-up and future discussion:

- Concrete for Ice Rink and Hydrant
- Dog Kennel Ordinances/others to research – send to City Attorney for review
- Review of Assessment Policy
- Sidewalk condition on east side of 4th Street (from 5th Ave. No. to Andersen Elem.)
Mel Horak and City Administrator to review.

Bayport Special City Council Meeting Minutes
August 14, 2002

Eric Ackerman expressed concern with the condition of the sidewalk by Perro Park and added that he had spoke with Mel Horak, Public Works Director, about the budget for sidewalk repairs. Ackerman described the sidewalk as "dangerous."

Johanneck explained that the playground equipment is being replaced and the old toys should be removed very soon.

Councilmembers discussed the Friday Information Packets and the fact that they would still like to see a brief update on Friday's.

A complete recording of council meeting is available for further review or questions.

ADJOURN

Councilmember Menard moved, seconded by Councilmember Schultz, to adjourn at 9:12 p.m. Motion passed unanimously.

Respectfully submitted,



Daniel R. Johanneck
City Administrator

Please Sign In

Bayport Special City Council Meeting - Wednesday, August 14, 2002 6:30 PM
City Council Chambers

- 1 Eric Ackerman
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Please Sign In

Bayport Regular City Council Meeting - Tuesday, September 3, 2002 7:00 PM
City Council Chambers

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CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
September 3, 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 September 3, 2002, to order at 7:01 p.m. and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

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

Members absent: Mayor Jim Kosmo.

Others present: City Administrator Dan Johanneck, City Attorney Jim Lammers, City Engineer Barry Peters, and Mike Darrow of Northwest Associated Consultants (NAC).

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-84

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS A, B, C, D, E, F, G, H, AND I FROM THE AUGUST 5, 2002, COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council meeting of August 5, 2002.
Approve the minutes of the special City Council meeting of August 14, 2002.
- C. Approve the bills & receipts as presented.
- D. Approve the building, plumbing and heating permits issued during the month of August 2002.
- E. Approve Central St. Croix Valley Joint Cable Communications Commission 2003 Budget.
- F. Approve Contract with HLBTautges Redpath, Ltd. for 2002 Audit Services at \$21,900.
- G. Approve Carpet Purchase & Installation for City Offices from Froggy's Carpet Shop for \$13,549.17
- H. Approve painting of City Offices by Fernando Miranda for \$2,500 by October 11th & 12th.
- I. Approve Building Inspection Agreement with City of Oak Park Heights.

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

Jim Menard – aye
Jack Nyenhuis – aye

Sharon Ridgway – aye
Allen Schultz – aye

Jim Kosmo – absent

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

Public Hearing to discuss 2002 Sidewalk Improvement Project & Estimated Assessment Roll

Vice Mayor Allen Schultz opened the public hearing for discussion on the 2002 Sidewalk Improvement Project & Estimated Assessment Roll.

Pamela Scheel, 210 No. 6th Street, stated that this is the third time since she's lived at this residence that the city has replaced portions of the sidewalk. Each time a tree has been damaged and died as a result. Ms. Scheel requested some assurance from the council that if this were to happen again that the city would pay for the replacement of the tree.

Barry Peters, SEH, stated he would meet with Mel Horak – Public Work Supervisor, to assess the situation to determine if any special provisions could be made.

Councilmember Menard moved, seconded by **Councilmember Nyenhuis**, to close the public hearing.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-82

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ADOPTING AND CONFIRMING PROPOSED ASSESSMENTS FOR
THE 2002 SIDEWALK AND BOULEVARD IMPROVEMENTS AND AUTHORIZING
PROJECT.

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

Jim Menard – aye
Jack Nyenhuis – aye

Sharon Ridgway – aye
Allen Schultz – aye

Jim Kosmo – absent

COUNCIL LIAISON REPORTS

Councilmember Ridgway reported the St. Croix Valley Joint Cable Communications Commission met at their regular meeting. A representative from AT&T confirmed that in about 3 months the new bills will be arriving in mailboxes. The commission briefly discussed new fees and their use.

Councilmember Schultz reported the St. Croix Watershed Committee will be conducting a special workshop on September 12, 2002 at Bayport City Hall at 6:00 p.m. Schultz also attended the dedication of the new Baytown Township Hall.

DEPARTMENT HEADS

There were no department head reports.

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.

CITY CONSULTING PLANNER REPORT

Bayport West Status

Mike Darrow, Planning Consultant, reviewed a handout with Council to provide updates on the status of the plans for the development. Darrow stated the application was deemed incomplete based on 8 or 9 different components. The applicant is proposing to submit the remaining items soon.

Jennifer Schneider, Planning Commission, requested copies of the submission(s) to date to give appropriate time to review.

Sheryl Corrigan asked Mike Darrow to briefly outline the next steps in the process so the audience can follow the progress/timeline. Darrow stated the Planning Commission will set the date for a public hearing for this issue at their next regular meeting.

Bill Metcalf, wanted to know why there is a rush and in his opinion the Planning Commission is being skipped in the review process. Planning Commission was not given the chance to review/discuss the Environmental Assessment Worksheet along with City Council.

Sheryl Corrigan addressed the Council and cautioned them as to the rush there seems to be to review and make changes to the Comprehensive Plan, Rezoning of the land and changes to the Planned Unit Development codes at the same public hearing. Corrigan suggested that Council take a step back, make sure they are going in the right direction, give time to review each individual item rather than push it through in the next 30 days.

Councilmembers discussed possible dates for the workshop date and time to meet with Planning/Zoning. Council decided to set the date for September 17, 2002 at 7:00 p.m.

Councilmember Menard moved, seconded by **Councilmember Nyenhuis**, to approve the Bayport West Environmental Assessment Worksheet for distribution.

Bayport City Council Meeting Minutes
September 3, 2002

Jim Menard – aye

Sharon Ridgway – aye

Jim Kosmo – absent

Jack Nyenhuis – aye

Allen Schultz – aye

NEW BUSINESS

Approve Resolution #02-83 Awarding the 2002 Sidewalk Project

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-83

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AUTHORIZING AWARDING PROJECT AND AUTHORIZING COMMENCEMENT OF WORK FOR THE 2002 SIDEWALK AND BOULEVARD IMPROVEMENTS;

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

Jim Menard – aye

Sharon Ridgway – aye

Jim Kosmo – absent

Jack Nyenhuis – aye

Allen Schultz – aye

Discuss 2002 Preliminary Property Tax Levy Payable 2003

Johanneck stated that nothing had really changed from the review at the original workshop previously held for discussion. The overall tax levy has decreased overall by 19%. Johanneck discussed several items added to the budget such as a crematorium at the cemetery, warning lights at the intersection of Highway 95 and Second Avenue North and a citizen's survey.

Discuss 2003 Preliminary Bayport City Budget

Johanneck discussed working through every line item of the budget to assure that the city acts conservatively and realistically by using a couple years of history to come up with the current preliminary budget.

Approve Resolution #02-86 Adopting 2002 Preliminary Tax Levy Payable 2003

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-86

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR THE CITY'S GENERAL, DEBT SERVICE AND LIBRARY SPECIAL FUND AT \$ 1,033,768.00;

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

Jim Menard – aye
Jack Nyenhuis – aye

Sharon Ridgway – aye
Allen Schultz – aye

Jim Kosmo – absent

Approve Resolution #02-85 Adopting 2003 Preliminary City Budget

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-85

RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY,
MINNESOTA, ADOPTING THE PRELIMINARY CITY BUDGET FOR 2003;

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 – aye
Jack Nyenhuis – aye

Sharon Ridgway – aye
Allen Schultz – aye

Jim Kosmo – absent

Approve Fire Relief Association Retirement Fund Budget & Municipal Requirement for 2003.

Johanneck explained that the City submitted a report earlier this year that did not include all of those person's that vested. The relief association will determine whether they will fund this out of their general fund and reimburse the City.

Councilmember Schultz moved to approve the Fire Relief Association Retirement Fund Budget & Municipal Retirement for 2003.

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 – Absent

Sharon Ridgway – Aye
Allen Schultz – Aye

Approve Job Descriptions for Secretary/Receptionist, Administrative Assistant and Planner.

Johanneck explained the two positions of Planner/Economic Developer and Receptionist/Secretary that were created. Johanneck further explained that the position of Administrative Assistant is being treated as an internal promotion for a staff person already in place.

Councilmember Menard moved to approve the job descriptions for Planner/Economic Developer, Administrative Assistant and Secretary/Receptionist.

Bayport City Council Meeting Minutes
September 3, 2002

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

Jim Menard – Aye	Sharon Ridgway – Aye
Jack Nyenhuis – Aye	Allen Schultz – Aye
Jim Kosmo – Absent	

Authorize Administrator to commence hiring process for Secretary and Planner.

Councilmember Menard moved to approve authorizing the City Administrator to commence the hiring process for Secretary and Planner.

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

Jim Menard – Aye	Sharon Ridgway – Aye
Jack Nyenhuis – Aye	Allen Schultz – Aye
Jim Kosmo – Absent	

Set date to canvass election results – Wednesday, November 6th.

Council discussed setting a date and time to canvass results. Councilmembers Nyenhuis, Schultz and Menard will be at City Hall at 8:00 a.m. on November 6th to verify results.

Councilmember Menard moved to set the date and time to canvass the election results.

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

Jim Menard – Aye	Sharon Ridgway – Aye
Jack Nyenhuis – Aye	Allen Schultz – Aye
Jim Kosmo – Absent	

Authorize to close city offices October 11, 2002 for maintenance and repairs.

Councilmember Menard moved to approve closing city offices for maintenance and repairs.

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

Jim Menard – Aye	Sharon Ridgway – Aye
Jack Nyenhuis – Aye	Allen Schultz – Aye
Jim Kosmo – Absent	

Prioritize possible requests of developer for Bayport West Project

Johanneck read a memo from Councilmember Nyenhuis regarding a developer's agreement. Johanneck further explained that the developer's agreement will be discussed at a joint workshop between the City Council and Planning Commission on September 17, 2002 at 7:00 p.m.

Councilmember Nyenhuis explained the purpose of the memo and various discussions that occurred in the past year regarding development, saying that coming up with a list of possibilities will prepare the city if the development is approved.

Approve Resolution #02-87 Authorizing advertisement for Bids for Grass Mowing and Related Services for 2003-2005.

Councilmember Ridgway introduced the following resolution and moved its adoption:

Res. 02-87

A RESOLUTION AUTHORIZING ADVERTISEMENT OF BIDS FOR GRASS CUTTING AND RELATED SERVICES MAY 1ST THROUGH OCTOBER 31ST FOR THE YEARS 2003, 2004 AND 2005;

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

Jim Menard – aye

Sharon Ridgway – aye

Jim Kosmo – absent

Jack Nyenhuis – aye

Allen Schultz – aye

Discuss possible ordinance amendments.

Council discussed possible ordinance changes to include amateur radio towers, phosphorous uses and various others. City Attorney Jim Lammers had no concerns regarding any of the amendments to these ordinances. Council suggested giving the ordinance changes further input and review by the city administrator and city attorney.

ADMINISTRATOR'S REPORT

Johanneck generally covered the progress and status of multiple projects the city is working on to include;

- Investment Report
- Nuisance Properties and Abatement Measures
- Project Updates
- Misc. Updates

A complete recording of council meeting is available for further review or questions.

ADJOURN

Councilmember Ridgway moved, seconded by **Councilmember Menard**, to adjourn at 9:51 p.m. Motion passed unanimously.

Respectfully submitted,


Daniel R. Johanneck
City Administrator

Please Sign In

Bayport Regular City Council Meeting - Tuesday, September 3, 2002 7:00 PM
City Council Chambers

1	Jonathan Nowaczek	26
2	Arsuan Zillinger	27
3	R Scheel	28
4	Rob Boufa - Westwood Professional Svcs.	29
5	Mike Waldo - CPDC	30
6	Ron Van Zee	31
7	DICK TRACY	32
8	Jimmy Schneider	33
9	RICK SCHNEIDER	34
10	Annie Carlson	35
11	Wm. McManus	36
12	Diane Baird	37
13	DAN JOHANSON	38
14	Sheryl Corrigan	39
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CITY OF BAYPORT
JOINT WORKSHOP
BAYPORT CITY COUNCIL & PLANNING COMMISSION MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
September 17, 2002 - 7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the special joint workshop of the City Council & Planning Commission meeting of September 17, 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: Councilmembers Jim Kosmo, Allen Schultz, Sharon Ridgway and Jack Nyenhuis. Planning Commission members Schneider, Stone and Paulson.

Members absent: Councilmember Jim Menard and Planning Commission members Paul Vogel and Shelley Montpetit.

Others present: City Administrator Dan Johanneck, City Attorney Jim Lammers, Mike Darrow of Northwest Associated Consultants (NAC), Mike Waldo & Ms. Tomkins – CPDC, Ed Cain Legislative Associates, Inc., Kathy Conley and Jim Connors.

BUSINESS

Discuss Citizen Survey Regarding Bayport West Development

Committee members discussed the request from Mr. VanZee to create/conduct a citizen survey on the Bayport West development.

Planning Commission Chair Jennifer Schneider suggested coming up with several questions and mailing to the citizens (700 or 800 homes) to respond to. Then conduct an independent party to tabulate, confirm and present the results. Other Councilmembers agreed with the idea finding that it would be helpful to the community. However, it would not be considered a referendum. The City Attorney provided input regarding the legal issues surrounding a vote and the appropriateness of a citizen survey as defined by the State Auditor's office.

Councilmember Schultz moved, seconded by **Councilmember Nyenhuis**, not to send a citizens survey out.

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

Joint Workshop-Bayport City Council
& Planning Commission Meeting Minutes
September 17, 2002

Discuss Possible Changes to Zoning Ordinance Regarding Planned Unit Development Procedures and Requirement.

This subject was initially discussed in October of 2001 that need to be updated by Planning Commission members.

Commissioner Schneider explained how some of the ordinances were developed in the early 70's and they need to be updated to reflect the 30 years of change. Schneider stated that some of the variance ordinances should be updated to reflect current growth, some of which are outlined/based on the City's Comprehensive Plan.

Jim Lammers, City Attorney, suggested to Councilmembers that they seek some direction and advice from the city planner.

Mike Darrow, NAC, concurred with Jack Nyenhuis by saying that he would suggest updating everything at one time since so many aspects of the ordinances are linked to others.

Councilmember Nyenhuis moved, seconded by **Councilmember Schultz**, to request NAC to submit a proposal to review all of the City of Bayport Zoning Ordinances for possible updating.

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

Discuss, add to, and prioritize the list of possible things that Bayport would have the developer do for the City should a development be approved.

Councilmembers discussed some suggested changes from a list that was compiled between Jack Nyenhuis and Jim Kosmo. Some suggested subjects were parks and the lack of a Parks Commission, trail lengths and the senior center. Nyenhuis stated that if the City doesn't suggest certain terms that the developer will.

Councilmembers discuss the needs for planning for the "baby-boomers" and providing care facilities within the community. Other discussion surrounded ways of sprucing up the look of the city on the main street – baskets, flowers, signs, hockey rink, cemetery and Barker's Alps.

City Administrator, Dan Johanneck, added that Mel Horak had gone over the list as well and prioritized items which he would like to see addressed such as water system improvements. Horak suggested a parks commission would be one step towards addressing recreation issues for the City and the Bayport West Development.

Mike Waldo stated CPDC is looking to define the primary items on the list that would benefit both the development and the City overall. Then consider what amount CPDC would be willing to add to the current figures and determine how the City would spend it.

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Mr. Johanneck was directed by Council to capsulize the list and priorities and forward to the developer.

Planning Commission members expressed to Johanneck that they would like to set up an informal advisory committee to the Council for park issues possibly for a one-year time frame.

Mr. Johanneck was directed by the Council to put together information on the possible formation of a Parks and Recreation committee and present information at the next council meeting.

**Discuss Perro Creek Diversion Project Information and Council Officially State
Desire to Proceed.**

Jeff Davis, SEH, explained the 100-year event Corps of Engineers and the DNR are using to manage flood plains. In 1994 SEH conducted a study on Perro Creek. Davis explained that there may some additional funding available to the City for this project. Davis advised the Councilmembers that it would be most beneficial to divert significant amounts of water directly into the St. Croix and would not affect the level of the St. Croix. The City and the WMO will put together operational guidelines for the Public Works Department. Davis specifically stated to the Councilmembers that they are seeking direct approval to study the cost.

Johanneck stated that the City would put a memo together for the City of Oak Park Heights outlining the projects and expressing whether or not the City is in favor of supporting/proceeding.

Councilmember Schultz moved, seconded by **Councilmember Ridgway**, to come up with a proposal and to notify the WMO and Oak Park Heights that the City is in favor of the Perro Creek Diversion alternative and notification to stake holders in WMO of need for project and study and desire to move forward with Stage II of the State Storm Sewer Project.

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

Discuss EAW Process

Johanneck stated that the Planning Commission has discussed the EAW process. Johanneck is concerned whether or not it met the guidelines in the statute.

Councilmember Nyenhuis explained that the Planning Commission stated they would like to see comments from everybody on this issue prior to making recommendations to the City Council in order to get all of the input they can. The EAW comments have to be in by October 16, 2002. Johanneck stated that we are going to need to request an extension anyway.

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Councilmember Nyenhuis moved, seconded by **Councilmember Ridgeway**, to honor request of Planning Commission to review public comment on EAW prior to Council action.

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

Resignation of Michelle Montpetit

Mr. Johanneck stated to the Council and Planning Commission that Michelle Montpetit has resigned her position on the Planning Commission citing personal reasons. He read the letter from Montpetit. Planning commission members were concerned about ability to establish a quorum at meetings and stated that they would like to see the City advertise the position as soon as possible. Mr. Johanneck was directed to send a letter of thanks to Mrs. Montpetit.

Councilmember Nyenhuis moved and Member Schultz seconded, to accept the resignation of Michelle Montpetit from the Planning Commission with regret and hereby authorize the City Administrator to advertise for a new member.

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

Member Nyenhuis asked about something to inform the public about development "facts" is there something that could be sent out. There was discussion about the public hearing and notification.

Mike Darrow Planning consultant to the City suggested that after the public hearing would be the time to do a mailing if that is what the City plans to do. Mr. Darrow will be providing technical reviews Thursday. There was additional discussion about making information available to the public. A page or two for the public sometime after the first hearing would be a desirable action.

Mr. Darrow further suggested that the Council consider making an adjustment to the park dedication requirements and the fee in lieu of park dedication as currently outlined in the subdivision ordinance. He will be putting something together for the next Council meeting which will suggest some possible changes.

It was also suggested by the Council that Mr. Johanneck look at water and sewer hookup or access charges. Mr. Johanneck stated that he had done some work on the access charges and the rates for cities around the state are all over the board. He will contact the City Engineer to have some study work done. The Council generally felt that the fees are 9 years old and at a minimum are in need of some inflation increases or maybe applying a cost of living index.

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ADJOURN

Councilmember Schultz moved, seconded by **Councilmember Ridgway**, to adjourn at 9:56 p.m. Motion passed unanimously.

Respectfully submitted,



Daniel R. Johanneck
City Administrator

Please Sign In

Bayport Special City Council Meeting - Joint Session With Planning Commission
Tuesday, September 17, 2002 7:00 PM - City Council Chambers

1	Mike Waldo - CPDC	26	
2	Ed Cain	27	
3	Kathy Conley	28	
4	Jim Connor	29	
5	Ms. Tomkins - CPDC	30	
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