

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

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of October 7, 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 Jim Kosmo, Allen Schultz, Sharon Ridgway, Jim Menard and Jack Nyenhuis.

Members absent: None

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

CONSENT AGENDA

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-88

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING CONSENT AGENDA ITEMS A, B, C, AND D, FROM THE SEPTEMBER 3, 2002, COUNCIL AGENDA.

- A. Approve the minutes of the regular City Council meeting of September 3, 2002.
- B. Approve the minutes of the special City Council meeting of September 17, 2002.
- C. Approve the bills & receipts as presented.
- D. Approve the building, plumbing and heating permits issued during the month of September 2002.

The motion for adopting the foregoing Resolution was duly seconded by **Councilmember Allen 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

RECOGNITIONS & PROCLAMATIONS

- A. Resolution #02-90 declaring Oct 21-25, 2002 MN Manufacturing & Technology Week

PUBLIC HEARINGS

None

COUNCIL LIAISON REPORTS

Councilmember Nyenhuis covered the planning meeting.
Councilmember Schultz covered the WMO meeting.
Councilmember Ridgway covered the cable commission. Next meeting Oct. 16, 7:00 p.m.

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

A. Subdivision Ordinance Proposal

A timeline was issued to Councilmembers and a meeting scheduled for Oct. 15.

Councilmember Menard moved to approve the proposal.

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

B. Park Dedication Discussion

Councilmember Nyenhuis discussed the issue. City needs to incorporate a revised park dedication plan.

Councilmember Menard moves to accept this plan.

The motion was seconded by **Councilmember 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	

OLD BUSINESS

There was no old business slated for this evenings meeting.

NEW BUSINESS

Approve Resolution #02-89 - Mileage Reimbursement

Councilmember Nyenhuis introduced the following resolution and moved its adoption:
Res. 02-89

Johanneck notes consistency in IRS rates, which apply to employees submitting requests for reimbursement for use of personal car. The current rate is 36 ½ cents.

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 – aye
Jack Nyenhuis – aye	Allen Schultz – aye	

New Planning Commissioner

Johanneck agrees there is only one applicant thus far.

Councilmember Schultz moves to appoint John Dunn.

The motion for appointing John Dunn, was seconded by, **Councilmember Menard** 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 city ordinance #746 – Rezoning Property to Central Business District in Bayport

Johannack discussed the rezoning of a previously approved business district. It needed to be approved as an ordinance by the planning commission originally, so this is strictly resubmission in proper form. This is an ordinance amending city code by amending section 10 rezoning ordinances of appendix B.

Councilmember Schultz moves to approve ordinance #746.

The motion was seconded by **Councilmember Ridgway** to approve ordinance #746 and upon roll call being taken, the following voted via voice:

Bayport City Council Meeting Minutes
October 7, 2002

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

Approve Resolution #02-95 Amending utility connection fees

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-95

Johannack discusses fees set in 1993 and their upgrades. FDH information shows fees all over the board so an average is almost impossible to obtain. Therefore an inflation factor of 2-1/2% was added.

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 #02-91 – Adopt Final Updated Comprehensive Plan Dated June 7, 1999

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-91

Housekeeping issue. No changes need to be made to Comprehensive Plan.

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 – absent
Jack Nyenhuis – aye Allen Schultz – aye

Approve Purchase of radio System and Placement at Andersen Corporation

Fire Chief, Mike Bell, spoke to council. Andersen Corp. is willing to purchase equipment but the city needs to own it. Approved contingent upon the money being provided by Andersen Corp.

Councilmember Menard moved to approve the purchase of radio system and placement at Andersen Corporation.

The motion was duly seconded by **Councilmember Schultz** 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

Authorize Request for Donation Letter to Andersen Corporation for Radio System

Councilmember Nyenhuis moved to approve request for donation letter to Andersen Corporation for radio system.

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 and Discuss Park, Recreation, & Beautification Committee – Resolution #02-92

Councilmember Menard moved to approve the following resolution:

Res. 02-92

Councilmember Nyenhuis discussed topic. Create a citizens advisory group to face issues involving parks and recreation. Volunteers would make up the group. Johannack will place an ad seeking volunteers.

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 Ordinance Amendments

Need more time to discuss with city attorney. Will be ready for November meeting.

Approve Resolution #02-93 – Annual Employment Contract with Mel Horak for Position of Public Works Director

Annual approval of public works supervisors position. A uniform allowance upgraded to \$320, pay upgraded to \$56,635 (step 7).

Councilmember Menard moved to approve the following resolution:

Res. #02-93

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

Sharon Ridgway – Aye
Allen Schultz – Aye

Jim Kosmo – Aye

Proposed Plans for Met Council Redistricting

No Concerns.

Discuss Cautionary Street Signage on Main Street East of Central

A concerned citizen's letter brings councils attention to the fact that there is a child with disabilities living in this vicinity. Signage could be tried to slow traffic. An effort will be made by police to patrol area more often as well.

Resolution #02-94 – Releasing Escrow on Phase 1 Improvements for Twin Homes of Bayport

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-94

Johannack discusses the request from the developer to release the retained escrow. The council needs to authorize this release.

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 – aye

Jack Nyenhuis – aye

Allen Schultz – aye

OTHER

Mayor discusses letter from Washington County regarding emergency preparedness meeting on October 15 at the Government center.

Compliments police department on capture of sexual predator.

With election coming up next month, school referendums will be discussed. Consider the quality of students Bayport schools produce and how that impacts society. These students become community members, neighbors, etc. Mayor is in full support of referendum.

Property revaluation of Andersen Corp. – consideration of extension & phasing out of financial support agreement. Mayor read letter in response from Andersen Corp. Andersen Corp. will not extend its fee for service agreement.

241-71 Reimbursement allowed in budget for municipal law enforcement & fire from MN corrections facility. Issue to be looked into.

ADMINISTRATOR'S REPORT

Bayport City Council Meeting Minutes
October 7, 2002

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 Schultz moved, seconded by **Councilmember Menard**, to adjourn at 8:28 p.m. Motion passed unanimously.

Respectfully submitted,



Daniel R. Johanneck
City Administrator

Please Sign In

Bayport Regular City Council Meeting - Monday, October 7, 2002 7:00 PM
City Hall Council Chambers

1	Mike Bell	26	
2	Carle Stangl	27	
3	DAN RIDGWAY	28	
4	Jon Nowaczek	29	
5	Julie Kirk Courier News	30	
6	Maureen McDonough	31	
7	MAFF ERICKSON	32	
8	Chael Orsberg	33	
9	Joe Zauner	34	
10	Mike Petfish	35	
11	Mike Waldo	36	
12	Anne McManus	37	
13	Sosh Eisinger	38	
14	Kathy Conley	39	
15		40	
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18		43	
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21		46	
22		47	
23		48	
24		49	
25		50	

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
November 4, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of November 4, 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: Councilmembers Jim Kosmo, Allen Schultz, Sharon Ridgway, and Jim Menard.

Members absent: Councilmember Jack Nyenhuis.

Others present: City Administrator Dan Johanneck, City Attorney Jim Lammers, City Engineer Barry Peters, Mike Darrow of Northwest Associated Consultants (NAC), Mike Bell, Matt Bell, Randy Radke, and Mark Swenson – Bayport Fire Department.

CITIZEN COMMENTS

Jennifer Schneider, 1 Lakeside Drive, address Councilmembers regarding concerns about Bayport West. Schneider read a prepared statement aloud in which she notes the Bayport Planning Commissions' continued frustration over both the preliminary application and final application. Schneider goes on to state there are still missing components of the application itself and the EAW. Schneider asks that "the City Council take no action until a recommendation is received by the Planning Commission to ensure that there is rational basis for the decision and that findings of fact are presented which are required for legal substantiation for land use decision."

Ann McManus 516 South 4th Street, asked City Administrator Dan Johanneck to explain the budget. The amount of money that Bayport has in reserve and what the annual budget is. Johanneck requested to discuss this issue at the end of the meeting during the "administrator's report" section of the agenda. Mayor Kosmo agreed.

Margaret Philipi 456 North 2nd Street, stated that she sent a letter to the City Administrator in which she request Johanneck to read the details and consider comments made. Philip stated she doesn't have sympathy for companies who purchase land zoned industrial and then in turn want to construct residential. Philipi goes on to explain that she feels the newly elected Councilmembers should be the ones to make decisions on Bayport West.

AGENDA

Councilmember Menard introduced a motion to approve the agenda with the following changes:

The motion for adoption of the agenda was duly seconded by **Councilmember Schultz** and was passed on the following vote:

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

CONSENT AGENDA

Councilmember Schultz introduced the following resolution and moved its adoption:
Res. 02-96

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

- A. Approve the minutes of the regular City Council meeting of October 7, 2002.
- B. Approve the bills & receipts as presented.
- C. Approve the building, plumbing and heating permits issued during the month of October 2002.
- D. Approve \$276 Contribution to Legion in Support of Community Service Award Program.

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 –aye
Jack Nyenhuis – absent	Allen Schultz – aye	

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

**Approve Resolution #02-98 2002 Sidewalk Improvement Project Final Assessment
Roll**

Mayor Kosmo opened the public hearing for public comments. Johanneck stated the plan for is for Public Works to install black dirt in all of the disturbed areas and then in Spring to seed or sod those areas as well.

George Golike, 571 North 1st Avenue, stated he has curb and gutter that is not finished making it look like an earthquake. Johanneck confirmed that this area was not part of the project.

Councilmember Schultz moved to close the public hearing. Seconded by **Councilmember Ridgway**.

Councilmember Schultz introduced the following resolution and moved its adoption:
Res. 02-98

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.	

COUNCIL LIAISON REPORTS

Councilmember Schultz covered the WMO meeting.
Councilmember Ridgway covered the cable commission. Next meeting November 20, 2002 at 7:00 p.m.
Councilmember Kosmo covered the Strategic Planning Session with the City of Oak Park Heights.

DEPARTMENT HEADS

There were no department head reports.

CITY ATTORNEY

Discuss Bayport West Timeline and Action Requirements.

Jim Lammers covered time constraints and state laws as they apply to the application for Bayport West. Among which are the 120-day statute which would be January 3, 2003 for a decision to be made on the application. The EAW can hold up the process for the PUD and Preliminary Plat. The EIS decision must be done by December 15, 2002. The decision on the Comprehensive Plan change would require a 4/5 majority vote.

CITY ENGINEER

Discuss Bayport West EAW and Take Action

Barry Peters suggested to staff that the City Council hold a special meeting with the Planning Commission on November 12th prior to the regular Planning Commission meeting on that same night to review the responses received on the EAW study.

Discuss Water Quality Issues and Contamination Plume

Barry Peters stated one of the letters received was from the Minnesota Department of Health. It was proposed by CPDC to have a well located in the Northeast are Bayport West and as such a feasibility study would need to be prepared to address that and look at the wells the city already has which may include an EIS. City staff met with the Department of Health to discuss these issues. The Department of Health is not requiring an EIS at this point. There are additional requirements that city staff needs to address.

Moved by **Councilmember Menard**, seconded by **Councilmember Schultz** to draft a letter of concerns for the Department of Health regarding wells and upon roll call being taken, the following voted via voice:

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

Voting against: None.

Absent: Jack Nyenhuis.

Moved by **Councilmember Ridgway**, seconded by **Councilmember Schultz** to extend the review period for the EAW by another 30 days to December 15, 2002, on Bayport West Issue and upon roll call being taken, the following voted via voice:

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

Voting against: None.

Absent: Jack Nyenhuis.

Moved by **Councilmember Ridgway**, seconded by **Councilmember Schultz** to set Joint Council session for **November 19, 2002, at 7:00 p.m.** in Bayport City Hall and upon roll call being taken, the following voted via voice:

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

Voting against: None.

Absent: Jack Nyenhuis.

CITY CONSULTING PLANNER REPORT

A. Application for Minor Land Subdivision – Gary Swager 461 7th Street North

Mike Darrow stated the applicant is proposing to purchase roughly 1400 square feet of lot 11, block 4, to allow more than the current 1-foot setback from the property line. The applicant put in the application on November 1st and has paid for the application as well.

Councilmember Ridgway asked if there was a vacant lot there. Darrow confirmed that it is.

Moved by **Councilmember Schultz**, seconded by **Councilmember Menard** to send the application to the Planning Commission for review and upon roll call being taken, the following voted via voice:

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

Voting against: None.

Absent: Jack Nyenhuis.

OLD BUSINESS

Discuss Fire House Siren Issue

Paul Vogel, 314 North 4th Street, commented on his requests and that of other property owners about why the whistle should be turned off. Vogel showed Councilmembers and audience a presentation that included overheads. Vogel presented information after attempting to view the issue from the firemen's perspective.

Mike Bell, Bayport Fire Chief, stated concerns and explained position of the Fire Department.

Mark Swenson made comments on public safety concerns.

Lori Aspland, 264 4th Street, stated her only concern is the safety of children.

Dick Beberg, 237 North 5th Street, stated he has been living there for many years. Beberg feels that it is time for the City to take a step forward and consider alternatives.

Lori Caste, 248 4th Street North, stated that her only concern is the safety of children.

Gretchen Radke, 410 North 6th Street, stated that the warning is to get kids out of the streets. Radke feels the siren is important to keep.

Paul Vogel made several rebuttals to comments made.

Jerry Deluge, 297 North 4th Street, commented against the fire siren.

Lorene Gillett, 580 Minnesota Street South, supports the siren.

Councilmembers made the following statements:

Menard – spoke with Anton Communications who informed Menard that the Fire Department could use different types of tones to indicate emergency calls.

Ridgway – stated the siren is a public alert and believes that we need to work towards reducing the usage.

Schultz – talked to a lot of people who want to keep the siren also.

Menard – would like to have the chief check in to have different tones.

Kosmo – states there seem to be no middle ground. The fire department seems to be taking it personal and that there must be a way to reduce the number of times it goes off. Kosmo directed the fire chief to get the preliminary information on feasibility of multi-tone system.

Moved by **Councilmember Menard**, seconded by **Councilmember Ridgway** to get more information on feasibility of multi-tone system and upon roll call being taken, the following voted via voice:

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

Voting against: None.

Absent: Jack Nyenhuis.

Discuss Park Commission Activity on Ad Calling for Members

Council discussed the lack of interested candidates and decided to run a newspaper ad again in the spring of 2003.

Consider Ordinance #747 Regulating Litter

Councilmember Menard put together a litter ordinance. City Attorney Jim Lammers reviewed and made necessary revisions.

Councilmember Schultz moves to approve ordinance #747.

The motion was seconded by **Councilmember Menard** to approve ordinance #747 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	

Consider Ordinance #748 Amending Regulations on Animals

Councilmember Schultz moves to approve ordinance #748.

The motion was seconded by **Councilmember Menard** to approve ordinance #748 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 other Ordinances – Towers & Antennae, Fleeing an Officer, etc.

Councilmembers discussed other various ordinances.

NEW BUSINESS

Approve Resolution #02-99 – Award Grass Cutting and Ground Maintenance Services Contract for 2003, 2004 and 2005

Councilmember Schultz introduced the following resolution and moved its adoption:
Res. 02-99

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	

Approve Resolution #02-97 – Appointing Chris Vierling as a Part-time Officer

Councilmember Menard introduced the following resolution and moved its adoption:
Res. 02-97

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	

Approve Resolution #02-101 – For Brokerage Investment Account – Authorizing an Investment Account with BNY Clearing Services, L.L.C.

Councilmember Schultz introduced the following resolution and moved its adoption:
Res. 02-101

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	

ADMINISTRATOR'S REPORT

City Administrator Johanneck reminded everyone for the need to vote on November 5, 2002 and the hours that City Hall would be open.

Bayport City Council Meeting Minutes
November 4, 2002

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

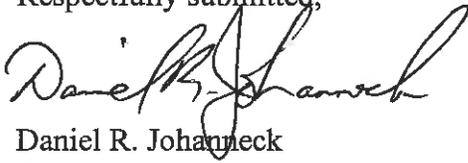
- Investment Report
- Nuisance Properties and Abatement Measures
- Project Updates
- Misc. Updates

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

ADJOURN

Councilmember Schultz moved, seconded by **Councilmember Menard**, to adjourn at 10:12 p.m. Motion passed unanimously.

Respectfully submitted,



Daniel R. Johanneck
City Administrator

Date: November 4th, 2002

TO: Honorable Mayor and Bayport City Council Members
From: Jennifer Schneider, Planning Commission Chairperson

Subject: Bayport West Application

As a Bayport Planning Commission member, I take my role very seriously and want to ensure that the recommendations made to the City Council are well-informed recommendations on land use issues.

Throughout this application process for Bayport West, I have been very frustrated. Both the preliminary Application and final application have been deemed complete when pieces have been missing, original submittals have been changed and pieces were submitted after the after the application date. I question how this application could have ever been deemed complete and how we as the planning commission can make viable recommendations with this kind of process.

When the preliminary application was submitted on July 8, 2002, a concept plan was presented. The agenda stated under Other Business - Discuss site plans for Bayport West - CDPC. It did not state that the preliminary application approval was being presented. The other information required for a preliminary application was not presented - development experience, financial capability, and neighboring landowners. I documented my concerns to you regarding this process. During this meeting, the planning commission provided comments to the developer regarding lot sizes, open space, and density issues. None of these were addressed, nor were we informed by the NW consultant that we had 45 days to respond to the specific plan and request changes.

The plan then moved to the next stage - which is the application for approval of the planned unit development. The application was deemed complete on September 5th. The planning commission received the packet of information on September 19th, 2002. I spent numerous hours reviewing the information received against what was required in the PUD ordinance; I found omissions and incomplete information for several of the components. Some of these include:

- the population component - no estimates of age and economic characteristics were rec'd
- Service and Service facilities - did not have all of the facilities listed
- Open Space and Community facilities - did not specify what was private or public land and how it would be maintained
- Land coverage - the maximum lot coverage was not there
- Building Quality component - missing
- Legal Submission Component - we rec'd copies of the covenants and matter agreements - but the areas describing public and private land were not complete
- Air pollution component was waived by City staff even though traffic is a major component to air pollution
- Energy component - was not submitted until October and it was not very thorough.

I had documented these areas and provided these to NW Consultant - Mike Darrow at the Sept. Public Hearing and today many of these components remain incomplete.

The Planning commission also stated they wanted to see the results of the EAW before a decision was made. A continuation of the Sept Public hearing was set up for October 21, 2002 for this purpose. Numerous comments were rec'd on the EAW and NW consulting indicated that they needed more time to review and compile their comments and they would not be complete for the Oct. 21, 2002 public hearing. Therefore, we did not have this analysis to help in the recommendation.

Many citizens have contacted me regarding the Bayport West development. I commented to them, to let the process work - we have ordinances that are in place to ensure that we do our due diligence and obtain the facts. I believe in the process and the process correctly implemented should guide us in making a good recommendation.

As I look back at this process, I do not feel comfortable with it and I do not like being put in a position to make a recommendation without all of the findings. That is why at the October 21 Public hearing, I voted to table the decision.

I ask that the city council hear these concerns and understand the position that we were faced with. I am also asking that the council take no action until a recommendation is received by the planning commission to ensure that there is rational basis for the decision and that findings of fact are presented which are required for legal substantiation for land use decisions.

Report Submitted to Bayport City Council: November 4, 2002

BAYPORT FIRE WHISTLE REPORT # 2

A Follow-up To The July 1, 2002 Report

Developed & Submitted by:

Paul Vogel and Carol Baiert
Mike and Amy Zimmer
Jerry Dalluge and Diane Boardman
Shawn and Cheri Miller
Cory Mohan and Lois Bjorlie
Jim Kyndberg and Angela Krogh

INTRODUCTION

This report is designed in five parts 1) A quick review of previously reported information presented at the June City Council meeting. 2) New information. 3) Addressing comments of city council members and citizens from July/August City Council meetings and from newspaper articles. 4) Closing. 5) Appendix of supporting documents.

TABLE OF CONTENTS

SECTION ONE: Quick Review Of Previously Reported Information

Summary of key information from initial report July, 2002

SECTION TWO: New Information

False alarm information • Price tags • Flashing lights on MN 95 • Average time to MN 95 intersection

SECTION THREE: Response To City Council And Citizen Comments

Pager Concerns • Digital and radio communication in the St. Croix Valley • Department Size • Safety Issues
Andersen School • Hearing/deafness issues • Additional Comments

SECTION FOUR: Closing/Summary

Six Points To Remember

- 1) High number of dispatches • 2) High number of false alarms • 3) Efficiency of pagers • 4) Safety concerns
- 5) Health and hearing issue • 6) Bill Bruen comments

SECTION FIVE: Appendix

Supporting Documents

Charts/From July 1, 2002 Initial Report to City Council • **Dispatch Log/**41 Observed Dispatches
Department Comparison/Stillwater & Bayport • **Maps/**Bayport & Maplewood East County Line Fire Houses
Emails/Kim Kallestad: Stillwater Fire Chief • **Letters/**Dr. Brian Cress: Pediatrician,
Bill Bruen: Fire & EMS Safety Center Manager, Steve Platisha/EPA Consultant

PART (1)
Quick Review Of Previously Reported Information

It is important to remember some information from the June City Council Meeting.

Twenty department chiefs were surveyed for information regarding fire house whistles. Nineteen of the twenty departments responded.

- 90% of the surveyed departments were not using the fire house whistle (17/19).

Of these 90%:

- All commented that pagers were more effective than the old fire house whistle.
- None wanted to return to using the fire house whistle.
- All said there were no staff recruitment issues related to personnel being required to wear a pager. In many departments the fire/rescue staff have to wear two pagers, the primary (usually a Motorola II or III) and a back-up pager (usually an Alpha-Numeric).
- Many departments have been without the fire house whistle for 15 - 25 years.
- All commented that there were no negative safety issues related to not using the fire house whistle. Some commented that it was actually safer in that children didn't know when a dispatch was happening and this cut out the collection of "rubber neckers" gathering around the fire house.

Please See Charts 1 and 2/Appendix

Medical Information:

- Medical information on the of effect decibels have on hearing was presented. Letters were submitted by:

Ann P. Napp, Au.D./Audiology Associates Hearing Care LTD
1835 County Road C West, Roseville MN 55113
(651)-638-9981

Julie Slyvester/Sight & Hearing Association
674 Transfer Road, St. Paul, MN 55114-1402
(651)-645-2546
Mail@sightandhearing.org
www.sightandhearing.org

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Letters Were Submitted From Neighbors Of The Fire House

Cory Mohan
348 4th Street North, Bayport , Minnesota
Jerry Dalluge
297 4th Street North , Bayport, Minnesota
Mike and Amy Zimmer
287 5th Street North, Bayport ,Minnesota
Kerry Larson and Linda Kascht
248 4th Street North, Bayport, Minnesota
Jim and Andree Aronson
310 6th Street North, Bayport, Minnesota
Paul Vogel and Carol Baierl
314 4th Street North, Bayport, Minnesota

PART (2) New Information

False Alarm Information: Most departments have a high number of false alarms and "good intent" calls, i.e., false system fire alarms, false fire calls from good intentioned individuals, false medical calls, and invalid assist calls. Woodbury fire chief reported that 40 percent of their calls in 2001 were of this type. White Bear Lake's figures were 52 percent. Stillwater Fire Chief Kim Kallestad, provided the following information on this topic.

- Regarding system fire alarms, quite a high percent of ours are false. I think that's pretty similar throughout the country. When I say they're false, I'm not implying they're malicious false alarms. Most frequently, they're false either because detectors are too close to kitchens or break rooms in businesses, or a fire alarm signal triggers because of a power outage, or similar situations occur. I would guess the average false alarm/good intent percentage is as high as 70 to 95 percent nationally for fire alarm system calls.
- The false alarm percent from people calling to report a fire are lower than fire alarm systems, but everyone still gets a number of good intent calls. Examples would be a neighbor seeing condensation coming from a dryer vent and calling in that a house is on fire, etc. False calls by people, not alarm systems, might be as low as 20 to 50 percent. That's only a wild guess. Even legitimate calls frequently require little action by our fire department, because someone or something has often taken care of the situation before our arrival, such as a smothering a pan on fire on the stove or whatever.
- False medical calls are increasing. This type of call is increasing, due to the growth in medical alarm systems, found in a wide spectrum of assisted and care facilities. The false medical calls I'm talking about with systems are usually older people that don't fully know when to call and when not to call.
- Another increasing type of service call for fire departments everywhere are "invalid assist" calls, i.e. no medical problem, but someone with physical problems needs to be picked up off the floor or carried from the bathroom to the bed, or put back in a wheel chair after falling out.

Please see full email letter from Kim Kallestad/Stillwater Fire Chief included in this report/Appendix

Price Tags: Why is it important that Bayport spend up-front money to have all pagers both beep and vibrate? Stillwater has both Motorola IIs & IIIs as does Bayport. Why not simply budget some money yearly to bring all pagers to a Motorola III level, rather than all at once? \$7,250 is a large chunk of money. Additionally, was money budgeted in 2001 for 8 pagers? If so, then the price tag for having all volunteers with IIIs actually would not be \$7,250.

Flashing Lights on MN 95: I did some searching to find a community with a fire house located on a busy state highway. I quickly found one in Maplewood, their East County Line Fire House. It is located on MN 120 almost identically to Bayport's location on MN 95. It has a higher average daily traffic count than Bayport. It had 490 calls in 2001, similar to Bayport's 507. It has traffic that would be business generated, i.e., 3M vs Andersen Window. And, it is located in both a residential and business area. *Yet, this station does not use a fire house whistle to call volunteers. Nor, does it have flashing lights at any point of entry. Chief Lukin mentioned that, "All engine drivers are instructed to come to complete stops at all intersections near the fire house," (MN 120, Maryland, and MN Trunk Highway 5). Further, he said that they have had no near misses or accidents.*

The location of Bayport's Fire House near a busy state highway is not atypical. Without much searching, simply driving around, you will come across many such locations. Two that jump to mind are, Hastings (US 61 which is four lane) and White Bear Lake (MN 244). Neither of these departments uses a fire house whistle or has flashing caution lights.

Average Time To Minnesota Highway 95 Intersection: Bayport Fire Staff insists that the fire house whistle alerts individuals traveling on MN 95 that emergencies vehicles will be entering the intersection. The average time for all trucks, from the start of the whistle to entering the intersection, is 5:30 minutes. This means that a vehicle traveling north towards the fire house would be on the Afton side of the MN Interstate 94 and MN 95 intersection. *(It takes 4:45 minutes to travel from MN 194 to 2nd Avenue and MN 95.)*

**BAYPORT HAS NOT HAD AN ACCIDENT ON MN 95 BECAUSE OF THE GREAT AND SAFE DRIVING
OF THE BAYPORT PERSONNEL...NOT BECAUSE OF THE USE OF THE FIRE HOUSE WHISTLE**

PART (3) City Council and Citizen Comments Response

In reviewing the council minutes, videotape, and press releases about the Bayport Fire Whistle issue, a number of comments by community, council members, and fire staff need response: Pager failures and dead zones, department size, school safety issue (Andersen students during school crossing), notifying traffic on Minnesota Highway 95, and comments referring to the hearing health issue as being a red herring.

Pager Concerns: Chief Mike Bell has been quoted as saying that digital and radio communication is “always a problem” in the St. Croix Valley. *“That’s why we have relied on the siren in the past.”* He has also said *“Let’s replace it (the fire house whistle) with something better, or more efficient.”*

In data already provided to the city council, it has been clearly stated by fire chiefs across the metro area that *pagers are more effective* and efficient in calling volunteers to the fire house. If pagers were not, why haven’t departments returned to using their fire house whistles?

Let us look at how a pager works. I contacted Sargent Morency/651-430-7833 of the Washington County Dispatch Center and he explained to me how a fire station receives a tone from the Washington County Dispatcher. As he explained it, a tone goes out from the county to a fire house and individual fire personnel. This tone sets off the individual volunteer pager tones, and a voice then tells the volunteers what type of emergency is in progress: dumpster fire, structure fire, or a chemical spill, etc. It also alerts the volunteer the time the 911 call came in. *The pager allows volunteers with a quick response time to the fire house and more information than the fire house whistle.*

Bill Bruen/651-649-5454, The Fire & EMS Safety Center Manager, states in a letter to Dan Johanneck/July 8th, *“Sirens have been made obsolete by electronic pagers.”*

Finally, *no department that has discontinued the fire house whistle in favor of pagers has ever returned to using the fire house whistle.*

Digital and radio communication in the St. Croix Valley: Stillwater, a St. Croix Valley community, has used pagers to call volunteers for more than 15 years. Stillwater is more hilly and has more bluffs and valleys than Bayport does. They get their original tone from the King Stack, as does Bayport. They employ the same pagers (Motorola II & III) as Bayport. They battle even more horrendous traffic than Bayport. *Still, they do not use a fire house whistle.*

Pager failures could occur for a number of reasons: 1) a tone failure on the county level, 2) a malfunction by the particular pagers worn by Bayport personnel, and 3) a failure of Bayport personnel to wear their pagers.

1) Tone Failures From The County: I called the Washington County Dispatcher to see if, in the past several years, Bayport has failed to receive their tone from the King Stack. Supervisor Chris Arnold/651-439-9381 commented: *There have been no tone failures to Bayport in her recent memory. She has not received complaints from Bayport staff about receiving inadequate service from the county.*

Chris further educated me as to how a dispatch is sent from the county. Bayport’s primary or original tone comes off the King Stack. If this antenna were to fail, Bayport’s backup comes from the Fire Stand-by Tower. If *this* backup were to fail, Washington County has contracted with various fire departments who have the ability to send a tone and would send a tone through them. In other words, *if Bayport fire personnel have not received a tone, it is not as a result of a failure from the county dispatching procedures.* It appears that Washington County has a very complete dispatching protocol.

Washington County has just completed a 1.5 million dollar improvement of its tone/dispatching technology and system, “Fire Main”. Mike Richards/Woodbury Fire Chief, said that the “simulcasting” protocol is not yet in use, but he believed it would be on line soon. This should eliminate “dead zones” that departments experience. He also commented that he would be surprised if Bayport had any of these zones.

Stillwater Fire Chief Kim Killestad shared with me that a couple of years ago they had some problems with some pagers not receiving tones. *“We haven’t had any problems recently.”* Additionally, *“As soon as fire main radio channel is repeated and simulcast throughout the county instead of just from the king stack, we shouldn’t have*

any problems receiving a tone at all."

Additionally, he said, "I should clarify that once in awhile an individual Motorola pager is damaged or malfunctions, and tones are not received by that pager. We send them in for repairs, and receive them back in short order. We keep one or two spares to give to individuals when their pager is being repaired. We have not had a situation where multiple pagers have not received a tone.

2) A failure of the particular pagers worn by Bayport personnel: If you look at the information collected from fire chief interviews provided by the the citizens group, you will notice that every department reported that their pagers were very reliable--more reliable than the fire house whistle. Most departments have a department pager back-up protocol similar to that used on the county level; e.g., if their pagers fail, they have an alternate pager procedure to go to (usually an Alpha-Numeric). *They do not return to using the fire house whistle.*

3) A failure of Bayport personnel to be wearing their pagers: At the June, 1999 city council workshop, the then current fire chief stated that he polled his personnel and one of the top reasons for keeping the fire house whistle was because his fire fighters *didn't like wearing their pagers while working or recreating in their yards.* In the Mary Divine's Pioneer Press article regarding Bayport's fire house whistle, it is stated that *the siren also serves as a backup for firefighters who might not be wearing their pagers.*

At the June, 2002 City Council meeting discussing the fire house whistle, a current department member commented that he was on the way to a wedding and wasn't wearing his pager. If it wasn't for the whistle, he wouldn't have known there was a dispatch. Another department member shared a story about being in the shower and if it weren't for the fire house whistle he wouldn't have known about a dispatch. I talked to former Maplewood Department Chief Andrea Johnson. She mentioned that she would *put her pager on the toilet or sink and if a dispatch should happen, she would easily hear her pager's tone above the shower noise.*

Bayport volunteers should wear their pagers or have them near their person at all times. Bayport volunteers receive a retirement for their service/\$4,750 per year of service after 10 years/Age 50. They receive a stipend for each call they respond to/\$10 per hour fire call, \$8 per hour EMT call, and overtime for fire call/\$10 per hr. If this is the case, is it not appropriate to ask them to wear their pagers at all times, as other fellow departments require their volunteers to do? *A lot of departments no longer call their department members "volunteers". They refer to them as "paid on-call personnel".*

Unless Bayport is the "Bermuda Triangle" of the St. Croix Valley, there don't appear to be any pager issues that cannot be solved. Appropriate back-up methods, wearing pagers at all times, and pager management; i.e., having spares for when individual pagers need repair, would solve these issues.

Department Size: It also appeared that the Bayport Fire Department had a concern with the size of its department. One department member commented that they needed the whistle because they were a *small department.* A volunteer force of 25-35 members is typical for the St. Croix Valley:

St. Croix Valley Department Size Comparison

Department	Calls/01	Sq Miles	# Fire Houses	# Volunteers	Full Time Staff
Stillwater:	1,018	64	1	30	2
Bayport:	0,507	36	1	25	0
Hudson:	0,250*	?	1	36	0
Marine:	0,071	18	1	41	0
Hastings:	2,500	180	1	39	3
Taylor Falls:	0,035*	18	1	25	0

Bold/Still us fire house whistle

* Fire dispatches only • EMT/EMS are handled by local hospitals • Hudson had 1,000 EMT/EMS dispatches

The question is: *Why is department size relevant to whether or not a department uses a fire house whistle to call volunteers to the fire house for dispatched emergencies?* If all volunteers are equipped with pagers, if all volunteers respond when they are on call or staffed, why is size an issue?

As a department, you have budgeted for 15 fire fighters per dispatched fire, and 7 rescue personnel for EMT/EMS dispatches. In other words, apparently you don't need your entire department (25) available for every call.

Further the department is not too small between the hours of 9 pm and 7 am, when the whistle isn't used.

Finally, in observations made over the past 60 days, I have noticed that more personnel arrive at the fire house than go out on each call. It appears that more than enough staff is responding to the dispatches from the county.

Safety issues related to fire house whistle: A main concern voiced by Chief Bell is that turning off the fire house whistle would cause *increased safety issues for the public as the volunteers traveled to the fire house in response to a dispatch from the county and for traffic on State Highway 95 as the trucks leave the fire house.*

There is no increased risk to the public as volunteers travel to the fire house. Volunteers must obey all traffic laws at all times. They must conduct themselves in the same manner as the "non responding" traffic. If this is the case, then there are no increased risks to the public. *This was echoed by the Bayport Police Chief and by all interviewed Fire Chiefs as reported to the city council at the June 1, 2002 City Council meeting.*

There is no increased risk to traffic on State Highway 95. I interviewed Bill Bruen, the Fire & EMS Safety Center Manager. He stated that he agreed with the logic that any vehicle driver that heard the fire whistle would be past the MN 95 intersection before any truck has entered the intersection. *Trucks have their sirens, lights, and horns to alert vehicles that a 911 is in progress.* These sentiments were echoed by Mike Richards/Woodbury Fire Chief. *If the fire house whistle were a tool to notify traffic outside of fire houses, why don't full time departments such as St. Paul and Minneapolis sound a fire house whistle just before their trucks leave the fire house?*

Andersen School Safety Issues: I contacted a member of the Ramsey County Safety Patrol Foundation. I discussed with Jerry Hauble/651-426-4255, a long time member of the foundation and an elementary school principal, about the issue of the whistle at Andersen Elementary, and its crossing guard situation during a dispatch, when volunteers are arriving at the fire house. Additionally, I talked to two elementary school safety patrol supervisors, George Dahl/651-702-8263 & Dave Engh/651-748-7120. All individuals were in agreement that the crossing guards are *taught to cross students only when there is a break in the traffic. If traffic is heavy, they wait and give the right of way to the vehicles. The presence of volunteers on the streets, traveling and obeying all traffic laws, would have no more impact on the safety of Andersen students than a regular citizen traveling past the Andersen Campus when crossing guards are present.*

An individual at the July City Council meeting stated that the school crossing guards hold fellow students back and do not cross until the volunteers have arrived at the station. I have been observing crossing procedures during a dispatch. The crossing guards carry out business as normal. No special procedure happens. Also, parents continue to drop off kids, and buses continue to pull into their "drop-zones" *with no adverse effects on the arrival of volunteer personnel and, no increased safety risk to Andersen students.* Often times, volunteer personnel arrive at the station 3-5 minutes after the whistle has stopped. Are the school crossing guards expected to hold fellow students for 3-5 minutes?

Finally, school is in session only from September through the end of May. The school day is from 8:00 am - 2:30 pm. Also, school is not held during traditional holiday periods. Yet, neighbors of the fire house must continue to endure the fire house whistle at those times.

Hearing/Deafness Issues: The idea that Bayport's fire house whistle is dangerous to a child's hearing is simply not plausible to many council members and many community members. I believe it was called a "red herring". Still, I challenge you to find any credible audiologist, teacher of deaf and heard of hearing, or pediatrician who would support a child's exposure to this type of noise pollution. I do believe, and I believe that medical and research community supports my belief, that this type of noise can and does pose a threat to a child's hearing. At the very least it is a contributing source, *not to mention it is painful.* When combined with all the other types of dangerous noise today's children are subjected to, it is inappropriate to continue to use a 110 decibel whistle especially since it is not necessary.

At the last council meeting it was read into the record that Steve Platisha, an EPA Consultant, commented in a memorandum (8-02-02) that exposure to 110 decibels did not pose health issues. This was misread. What he did say was; *"I can see where the siren's noise levels of 110 decibels could be annoying, irritating, and possibly destructive, but I do not know if they would be viewed as a health issue."*

Fire whistles and sirens are a health and deafness issue to the American Medical Association. They were cited in an article published in *Parents Magazine/March 2001* concluding that, "*Loud noises that last for several seconds, such as ambulance sirens and fire whistles, can cause significant and irreversible damage to young ears.*"

Heide Dawson: "You choose where you reside. If you choose to live near the fire department, you should expect to hear the siren." *Actually, I grew up by the fire whistle in Mahtomedi. My only memory of this whistle is the 12 noon lunch whistle and the 10 pm curfew whistle. I teach within four blocks of a fire house in Maplewood and never hear a fire whistle. And, finally, my wife lived on the same block as a fire house in Minneapolis and never heard a fire whistle. To be honest with you, we scarcely ever heard a truck-mounted fire siren. They were used only when it was absolutely necessary. Thus, we would actually NOT expect to hear a fire whistle.*

190 signature petition of citizens wanting to keep the fire whistle: The citizens group requesting to turn off the fire whistle welcomes the comments and signatures of those with opposing opinions. Free speech is a wonderful thing. We, too submitted a petition containing 58 signatures. We did not survey the entire town of Bayport. We limited our petition to a two block radius around the fire house. These are the people most effected by the whistle. As mentioned by the Aronson Family, who moved from their former home at 297 4th Street North (now currently owned by Jerry Dalluge and Diane Boardman) to 310 6th Street North, "*Where we now live the siren is hardly noticed...Just a few blocks make a significant difference...Living right next to the siren became impossible...Ultimately we were forced to move...It was so loud it was painful.*"

We did have a few signatures on our petition from people outside the two block area. These people sympathized with residents of the fire house neighborhood and/or couldn't understand why the whistle was necessary with newer pager technology employed by other departments.

Gretchen Radke & Heide Dawson: These residents collect and gather their children and pets every time the whistle sounds. If these children are playing in the streets, they would be at risk from any vehicle traffic, not just fire staff. Additionally, *do the Bayport fire personnel drive more aggressively, that we as residents need to fear when they are traveling to the station for a dispatch?*

Chief Bell's comment from June City Council meeting RE treating every call the same. "*There is no difference between a structure fire dispatch and an EMT/EMS dispatch.*" This is not how it appears. There are times when the first responder gets to the fire house quickly and the trucks are at the MN 95 intersection in 2 - 2.5 minutes. Then there are times (most often) when the first responded arrives at the station 3-4 minutes after the whistle has sounded and the trucks hit the MN 95 intersection anywhere from 3 - 10 minutes from the first sound of the whistle.

Eugene "Peanuts" Bell: "**We've got some new people coming into town, trying to change the nomenclature**" This type of attitude prejudiced. Unfortunately, Bayport is known for this "old resident vs new resident attitude". At one time each of us or some member of our family were "new people" to Bayport. "New" people have rights equal to those of "older" more established residents. "New" people contribute to the tax base of Bayport. They participate in city government. They deserve the right to express their feelings and opinions and have them received with the same openness and tolerance as long term residents. If it were not for new people, long-term residents would be unable to sell their homes. The town of Bayport would not continue to exist if it were not for "new" people.

PART (4)
Closing/Summary

In closing, I would like to remind the city council and Bayport citizens of the following six points:

- 1) Last year/2001 Bayport Fire and Rescue received 507 dispatched emergencies. Nearly 80 percent (79.8%) of these occurred between the hours of 7 am and 9 pm. Also, communities in Bayport's primary response area are growing. How much more will we, as the fire house community, be expected to absorb over the coming years?
- 2) High Number of false alarms. As reported, all fire departments deal with a high number of false alarms. Bayport must have a similar frequency. The Bayport Fire House neighborhood residents must endure the fire whistle for each of these false alarms.
- 3) Clearly, pagers are the first choice for the vast majority of surrounding fire departments. They are more effective, allow a quick response time to the station, and provide more information to individual department personnel.
- 4) Discontinuing the whistle will not decrease the safety of the general public, either from respondents traveling to the fire house, or to traffic on MN 95, or to Andersen School students.
- 5) The case can be made for a health/hearing/deafness issue associated with continued use of the fire house whistle. At least the American Medical Association makes that conclusion, as does the Sight and Hearing Association, as does our pediatrician.
- 6) Finally, Bill Bruen, (the person in charge of the the center which trains most of Minnesota's fire and rescue personnel) has gone on record as saying:

"THERE IS A DANGER OF THE "FIRE" SIREN BEING CONFUSED WITH A SEVERE WEATHER ALERT. EVEN IF THE SIREN IS "CODED", FOLKS MOVING INTO TOWN OR JUST PASSING THROUGH WOULD HAVE NO KNOWLEDGE OF THIS SPECIAL "CODE".

"SIRENS HAVE BEEN MADE OBSOLETE BY ELECTRONIC PAGERS."

"MY RECOMMENDATION IS THAT THE USE OF THE SIREN SHOULD BE DISCONTINUED TO BROADCAST FIRE CALLS IN YOUR CITY."

Mr. Bruen stated in his conversation with me that he stands by his comments in the St. Paul Pioneer Press:

"THE SMALL ELECTRONIC PAGER HAS SIMPLY FORCED THE FIRE SIREN INTO EXTINCTION...THEY'RE BECOMING OBSOLETE...THE BOTTOM LINE IS THAT IS JUST ISN'T NECESSARY"

Additionally he commented:

ADDITIONALLY, HE COMMENTED THAT THE CITIZENS NEIGHBORING THE FIRE HOUSE SHOULD NOT BE SUBJECTED TO THE TYPE OF NOISE POLLUTION GENERATED BY A FIRE HOUSE WHISTLE.

If the fire house whistle is turned off, nothing will change. Bayport staff will continue to provide the city with its usual safe and effective protection. The whistle will soon be forgotten. What will not be forgotten is that families like the Bells have a three generation history of service to Bayport. It will not be forgotten, that even though the whistle is not being used, the firefighters of Bayport are still on the job, still getting out of bed and leaving their families to help fellow citizens in trouble. Soon, the family campfire stories will center around, "I can remember when your grandfather was called to the fire house with a whistle." It will become part of Bayport folklore.

The time has come to turn off the whistle. Clearly, the data indicates that it is safe, appropriate, and long over due. We the citizens group requesting that the fire house whistle be turned off respectfully request that the Bayport City Council turn off the fire house whistle for all county dispatched fire and EMS calls. Thank you for you time and concern regarding this sensitive issue.

PART (5)
Appendix

Charts/From July 1, 2002 Initial Report to City Council

Dispatch Log/41 Observed Dispatches

Department Comparison/Stillwater & Bayport

Maps/Bayport & Maplewood East County Line Fire Houses

Emails/Kim Kallestad: Stillwater Fire Chief

**Letters/Dr. Brian Cress: Pediatrician,
Bill Bruen: Fire & EMS Safety Center Manager
Steve Platisha/EPA Consultant**

Chart 1: Surrounding Departments Comparison To Survey Questions

Department/Fire Chief	Phone Number	Whistle/Pager Combination	Pager System Only	Pager & Safety Issues	Pager & Recruitment	Pager & Response Issues	Pager # Yrs Used
Hugo Jim Compton	651-429-6366/Ext.10	No	Yes	None	None	None	5 Years
Hudson Jim Frye	715-386-5861	No	Yes	None	None	None	15 Years
Lake Elmo Greg Malmquist	651-777-0655	Yes	No	None	None	NA	NA
Mahtomedi Todd Rogers	651-450-5035	No	Yes	None	None	None	15 Years
Maplewood Steve Lukin	651-770-4500	No	Yes	None	None	None	15 Years
North St Paul Scott Dudeck	651-770-4480	Yes	No	None	None	None	NA
Roseville Rich Gasaway	651-490-2200	No	Yes	None	None	None	25 Years
Stillwater Kim Lakkestad	651-351-4950	No	Yes	None	None	None	15 Years
White Bear Lake Jim Vadamis	651-429-6366	No	Yes	None	None	None	15 Years
Woodbury Mike Richardson	651-714-3700	No	Yes	None	None	None	20 Years

Key: NA/Not Applicable

Chart 2: Summary of Surrounding Departments Whistle Use

Department	Whistle/Pager Combination		Pager System		Department	Whistle/Pager Combination		Pager System	
	Asked	Not Asked	Only	# Yrs Used		Asked	Not Asked	Only	# Yrs Used
<i>Department fire chief was asked all survey questions</i>									
Hugo 651-429-6366/Ext.10	No		Yes	5 Years	Forest Lake 651-464-2244	No		Yes	15 Years
Hudson 715-386-5861	No		Yes	15 Years	Centerville 763-427-1212	No		Yes	5 Years
Lake Elmo 651-777-0655	Yes		No	NA	Rosemount 651-322-2066	No		Yes	25 Years
Mahtomedi 651-450-5035	No		Yes	15 Years	Vadnais Hgts 651-484-3366	No		Yes	10 Years
Maplewood 651-770-4500	No		Yes	1 Years	Hastings 651-437-5610	No		Yes	26 Years
North St Paul 651-770-4480	Yes		No	NA	Newport 651-459-3595	No		Yes	20 Years
Roseville 651-490-2200	No		Yes	25 Years	Moundsview 651-481-7024	No		Yes	20 Years
Stillwater 651- 351 - 4950	No		Yes	15 Years	Lino Lakes 651-748-7472	No		Yes	10 Years
White Bear Lake 651-429-6366	No		Yes	15 Years	St. Paul Park 651-459-9785	No		Yes	20 Years
Woodbury 651-714-3700	No		Yes	20 Years	Totals	2		17	90

Key: NA/Not Applicable • DBL/DeciBels

DISPATCH OBSERVATION LOG/PAGE (1)

Date of Dispatch	Time of Dispatch	Min For 1st Truck	Min For 2nd Truck	Trouble Entering MN 95
August • 11	10:10 am	6 Minutes		None
	7:45 pm	6 Minutes	10 Minutes	None
August • 12	7:10 pm	No personnel responded/No trucks left Fire House		
	8:10 pm	No personnel responded/No trucks left Fire House		
	8:45 pm	No personnel responded/No trucks left Fire House		
August • 16	10:40 pm	4 Minutes		None
August • 17	11:05 am	6 Minutes		None
	6:10 pm	3:30 Minutes		None
August • 18	4:14 pm	4:30 Minutes		None
August • 19	8:30 am	3 Minutes	3:30/3:45 Minutes	None
August • 23	12:28 pm	3 Minutes	4 Minutes	None
August • 26	12:25 pm	3:30 Minutes		None
September • 3	6:20 pm	5 Minutes	5:30/6 Minutes	None
September • 4	8:30 am	5:30 Minutes		None
September • 6	7:20 pm	4:30 Minutes		None
September • 7	1:35 pm	10-15Minutes		None
September • 12	7:00 pm	3 Minutes		None
September • 17	7:45 am	3 Minutes		None
Crossing guards continued to cross students • Partents continued to drop children off • Busses continued to arrive • Volunteers arrived with no difficulty • All was normal				
September • 19	7:40 pm	3:15 Minutes		None
September • 20	7:15 pm	2 Minutes	4 Minutes	None
	7:50 am	2 Minutes		None
A second whistle blew 1 minute after the 1st truck left station • No truck left station for this second whistle				
September • 24	5:37 pm	3 Minutes	4 Minutes	None
	8:32 pm	3:30 Minutes		None
September • 26	4:36 pm	No Truch Left The Station		
	5:16 pm	2:30 Minutes	3:30 Minutes	None/Police
	5:24 pm	2:20 Minutes		None/Police

DISPATCH OBSERVATION LOG/PAGE (2)

Date of Dispatch	Time of Dispatch	Min For 1st Truck	Min For 2nd Truck	Trouble Entering MN 95
10-02-02	8:20 am	2:56 Minutes		None
	12:45 pm	3:42 Minutes		None
	1:15 pm	Monthly County Whistle Test		
10-02-02 The whistle went off a total of 7 times. 5/dispatches • 1/county whistle test • 1/9pm whistle				
10-03-02	8:16 pm	3:35 Minutes		None
10-06-02	8:15 am	*6:41 Minutes		None
1st responder arrived at fire house 3 minutes after whistle • * Fire Chief Suburan left station/no lights				
	9:20 am	?		None
Truck left fire house and and returned 2 minutes later				
	1:25 pm	5:24 Minutes	2/Trucks	None
	1:28 pm 2 whistles that close together indicates that more volunteers are needed.			
If pagers are being worn why don't volunteers know what type of emergency is unfolding and why don't enough of them respond? When 2nd whistle went off a high volume of individuals responded. So many that many of them didn't even go out. They remained at the fire house.				
	5:11 pm	3:15 Minutes		None
10-07-02	4:46 pm	2:15 Minutes		None
	6:18 pm	5:28 Minutes	6.15 & 3rd/10:26	None
Additionally, there were 2 calls before 8:00 am				
10-08-02	7:01 am	2:30 Minutes		None
10-10-02	4:38 pm	3 Minutes		None
	5:15 pm	No trucks left Fire House		
	8:58 pm	No personnel responded/No trucks left Fire House		
	8:59 pm	No personnel responded/No trucks left Fire House		
10-11-02	6:32 pm	4:40 Minutes	5:27 & 3rd/6:00	None
10-12-02	9:30 am	6:30 Minutes	2nd & 3rd/5.20	None
All Trucks Ave/5 30 Minutes • 1st Truck Ave/4 15 Minutes • 2nd Truck Ave/5.20 Minutes • 3rd Truck Ave/6 30				
<ul style="list-style-type: none"> • Often times fire and rescue personal are at the station when the whistle goes off. <ul style="list-style-type: none"> • Many times personal arrive at the station, but trucks never leave. • Frequently, trucks make a run and return to the station within minutes. 				Still The Whistle Sounds

Stillwater & Bayport

Stillwater Information

Topography: Extreme hills, bluffs, valleys, & water.

Number of Fire Houses: 1

Staff/Volunteers: 30/Volunteers • 2/responders at fire house 24/7

Number of Calls 2001: 1,018

Response Area: 64 square miles.

Type of Pager Used: Motorola Minitor II & III. Calls are backed-up from the county dispatch center on Alpha-Numeric pagers. Each department member carries an alpha pager also.

Volunteers not receiving tone to pagers: A couple of years ago we had some problems with some pagers not receiving calls. *We haven't had any problems recently. Additionally as soon as the "Fire Main" radio channel is repeated and broadcast throughout the county instead of just from the King Stack, we shouldn't have any problems receiving tones at all.* I should clarify that once in awhile an individual Motorola pager is damaged or malfunctions, and tones are not received by that pager. We send them in for repairs, and receive them back in short order. We keep one or two spares to give to individuals when their pager is being repaired. We have not had a situation where multiple pagers have not received a call...Kim Killestad/Fire Chief

Initial Tone: Xcell Energy King Stack. *When the channel is repeated and simulcast/Fire Main, it will be broadcast from multiple sites in the county...* Kim Killestad/Fire Chief

Tone Failures: No tone failures from King Stack the past 2 years...Kim Killestad/Fire Chief

Whistle Used to Call Volunteers: NO/at least 15 Years

Caution lights at intersections: Yes/One on 4th Street

Bayport Information

Topography: Hills, bluffs, valleys, & water.
(Not to the degree of Stillwater)

Number of Fire Houses: 1

Staff/Volunteers: 25/Volunteers • ?/responders at fire house 24/7

Number of Calls 2001: 507

Response Area: 36 square miles.

Type of Pager Used: Motorola Minitor II & III. Department claims fire house whistle is a back-up to pagers. *"Actually fire house whistle is used simutaniously with pagers not as a back-up if pagers fail".*

Volunteers not receiving tone to pagers: I talked to Dan Johanneck. He did mention that there are times when Bayport volunteers pagers have failed.

But, as Stillwater Fire Chief mentioned. *"We have not had a situation where multiple pagers have not received a call".*

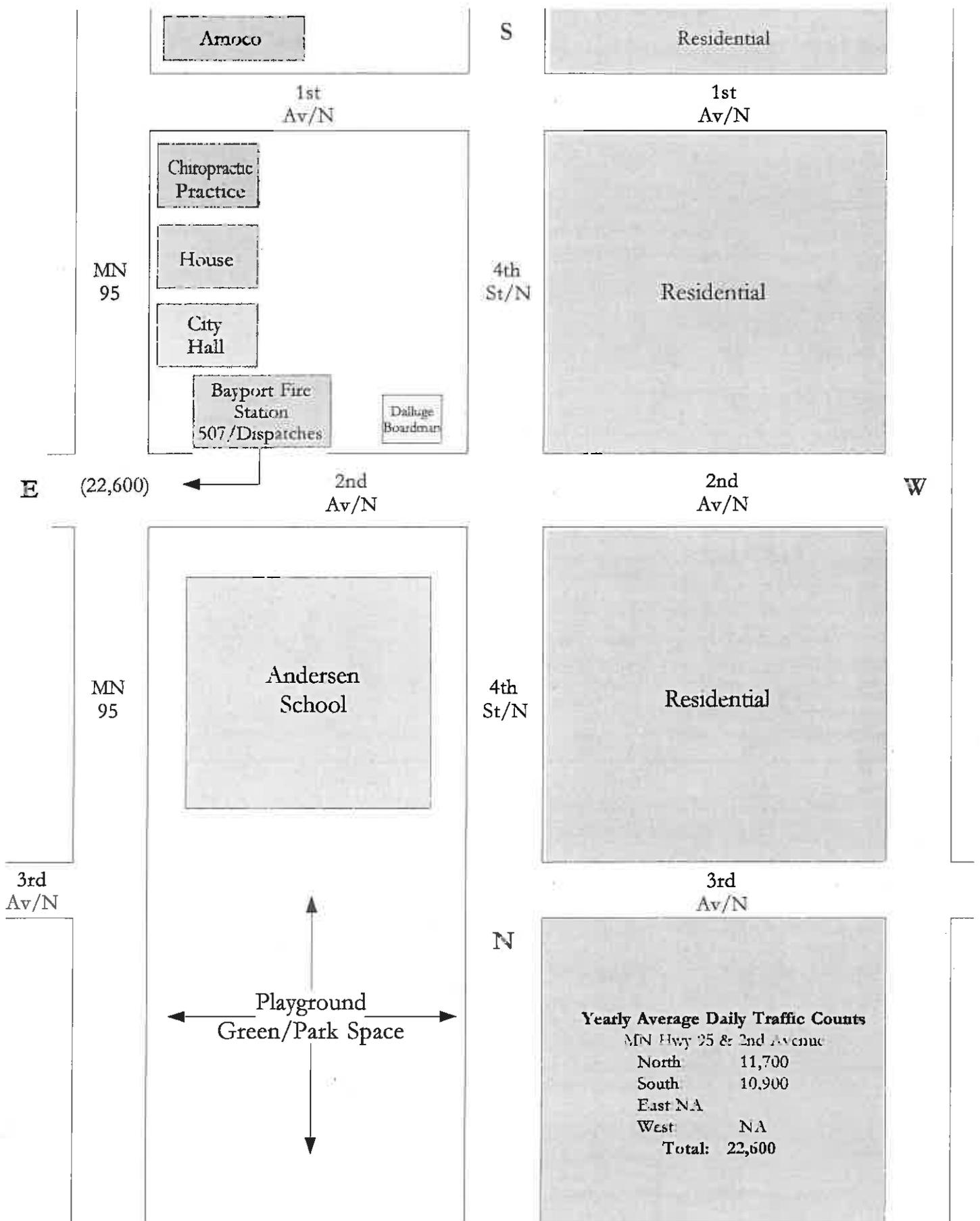
Initial Tone: Xcell Energy King Stack.

Tone Failures: No tone failures from King Stack to Bayport past 2 years...Chris Arnold

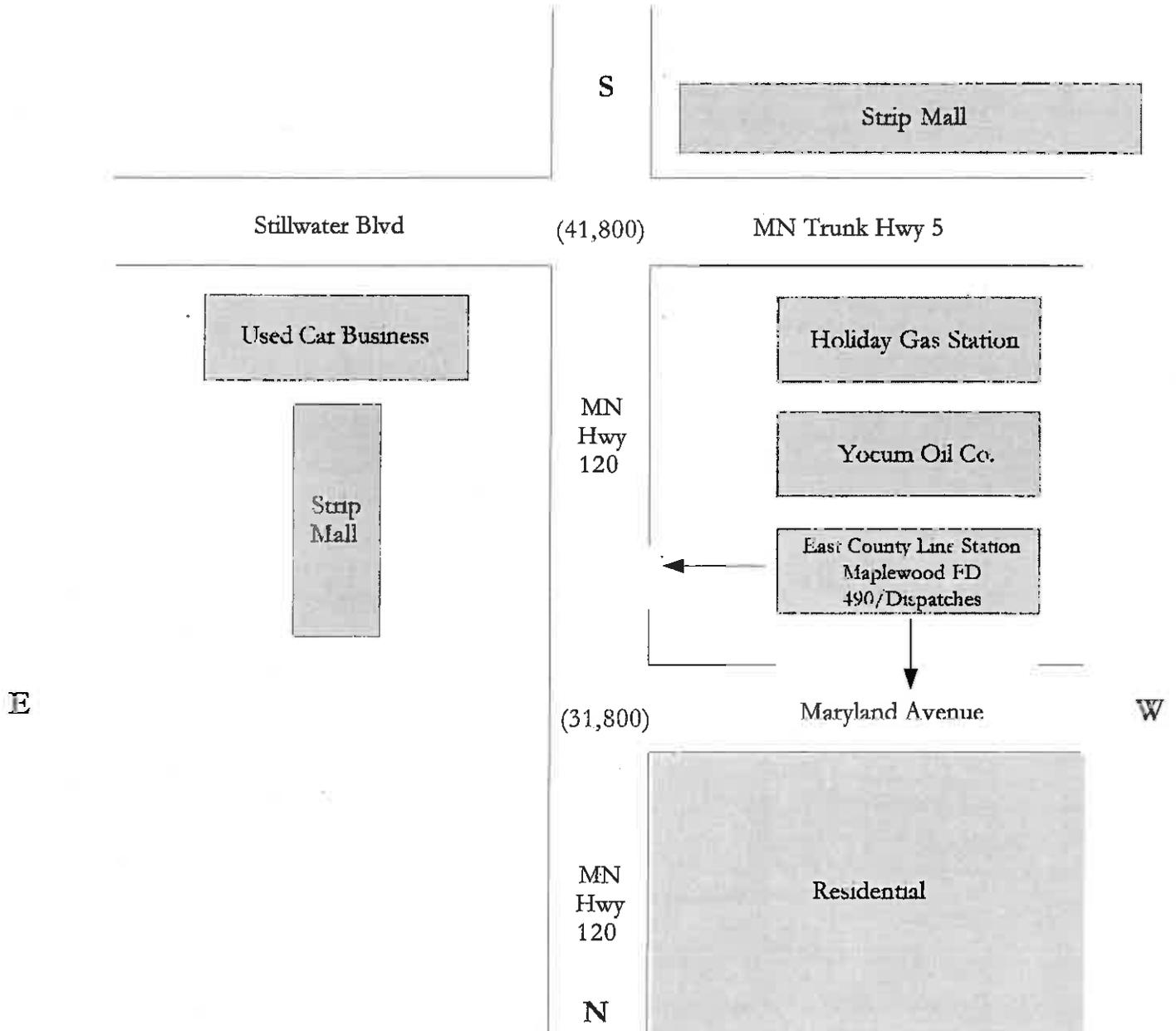
Whistle Used to Call Volunteers: Yes

Caution lights at intersections: No

Bayport Map and Information



East County Line/Maplewood Map and Information



Yearly Average Daily Traffic Counts

MN Trunk Hwy 5 & MN Hwy 120	
North:	12,700
South:	15,500
East:	07,300
West:	06,500
Total:	41,800

Yearly Average Daily Traffic Counts

Maryland Avenue & MN Hwy 120	
North:	12,500
South:	15,500
East:	00,000/T intersection
West:	03,800
Total:	31,800

Data provided my MDT/Collene Larson/651-634-2144

Steve Lukin/Department Chief/651-770-4500: No flashing light at either point of entry. Engine drivers are instructed to come to a complete stop at all intersections (Maryland intersection, 120 intersection and Highway 5). No near accidents at any intersection.

From: "Kim Kallestad" <kkallestad@ci.stillwater.mn.us>
To: "Paul Vogel" <pvogel@isd622.org>
Date: Tue, 22 Oct 2002 09:54:28 -0500
Subject: RE: Fire Information
Thread-Topic: Fire Information
Thread-Index: AcJ5zsW2cHhXI9p/RSG3KvIo1auMmAAAWefw
X-RCPT-TO: <pvogel@isd622.org>
Status: U

Our full-time staffing of the fire station is two personnel. During the daytime on weekdays we usually have three or four depending on whether one or both of the chief and assistant chief are working and not at meetings or conferences out of the general vicinity of Stillwater.

Regarding the size of your dept. or our dept., no comment.

FYI - Many communities throughout the country with the most highly respected fire/rescue departments have county-wide or multi-jurisdictional fire agencies (through joint powers agreements). The Minnesota State Fire Chief's conference had a seminar on this last week. Advantages touted by these agencies are 1. better or higher level of service to the community, 2. efficiencies in reduced duplication of equipment such as ladder trucks and fire engines, and 3. reduced costs per population sometimes, but certainly not always.

Minnesota examples you might be interested in while educating yourself about the fire service in MN are:

West Metro Fire District (New Hope and Crystal) - Fire Chief at time of the merger was Kevin McGinty; he's now the fire chief at Richfield, MN and a consultant for municipalities regarding delivery of fire services (612) 243-4501

Centennial Fire District (Lino Lakes, Circle Pines, & Centerville) - 2 city fire depts. merged into one and third city joined them for service; (sound like Bayport, Stillwater, & Oak Park Heights???) Fire Chief then and still today: Milo Bennet 651-784-7472

Maplewood Fire Dept. (now city, was merger of 3 private fire departments) - Fire Chief at time of merger was Joel Hewitt; he's now fire chief at St. Anthony, MN 612-788-1434

Ely MN recently merged with another fire department; don't know who, but Kevin, Milo, or Joel, or Milo will know.

With 400,000 people in Washington County, at least central and southern Wash. Co. have the population density for a very good fire/rescue/EMS (emergency medical services) department.

REALITY: The mountains to climb and crevasses and pitfalls to cross are monumental. And such a change usually requires some sort of financial crisis or difficulty. Such change can also be initiated and pushed by private citizen's groups or council people. Flack jackets a requirement for all who dare to push for a better world. Change is next to impossible for some.

In most cases, after going through the change the cities and citizens would not have it any other way; some fire departments continue to have internal issues with the mergers for a few if not many years. But the service for the citizens is usually much, much better.

Whatever you do or don't do, I thank you very much for your interest in the fire service. We need more interested, educated, and involved citizens like you.

-----Original Message-----

From: Paul Vogel [<mailto:pvogel@isd622.org>]
Sent: Tuesday, October 22, 2002 8:27 AM
To: Kim Kallestad
Subject: Fire Information

Kim,

First, thank you for all your help. The information you have been giving me has been educating me to how a volunteer fire force works. My goal is to acquire as much information as possible so I can gain a understanding why the Bayport Department insists that it must continue to use its fire house whistle to call its volunteer force to the fire house. Their main concerns are that they are a small department. They say the whistle provides safety to pedestrians from volunteers as they travel to the fire house. And, they claim that the whistle alerts the traffic on MN 95 that fire and rescue vehicles will soon be entering the intersection located by the fire house.

Personally, I don't understand their concerns. I have researched everything. I have talked to 20 different department fire chiefs. I have talked to the supervisor of Washington County Dispatch Center. I have interviewed police chiefs about the safety issues. I have even researched other departments with fire houses located on busy state highways and what their protocols are. I have investigated pagers and tones and Fire Main. I AM TRYING TO UNDERSTAND WHY BAYPORT IS SO ADVERSE TO TURNING OFF ITS FIRE HOUSE WHISTLE!!!

I will be using Stillwater as a model for Bayport. Both departments are located in the St. Croix Valley. Both receive their tone from the King Stack. Both use the same pagers. Both have hills, valleys, bluffs and water. Although, I truly don't believe any town has more of a severe geography to deal with than Stillwater...or ...do many towns have the traffic problems you face.

You provided me information that Stillwater has seven full time fire staff. I know that this will be and issue for Bayport staff. They will say that your department is able to not use its fire house whistle because you have these full time positions. My question is



☐ GREELEY CLINIC
BUSINESS OFFICE
921 SOUTH GREELEY STREET
STILLWATER, MN 55082-5997
(651) 439-1234 PHONE
(651) 439-1547 FAX

☐ CURVE CREST CLINIC
1500 CURVE CREST BOULEVARD
STILLWATER, MN 55082-6040
(651) 439-1234 PHONE
(651) 439-8938 FAX

☐ SOMERSET CLINIC
700 RIVARD STREET
SOMERSET, WI 54025
(651) 439-1234 PHONE
(715) 247-2070 FAX

EMERGENCY MEDICINE

JOAN L. BENNER, M.D.
JOEL B. JENSEN, M.D.
THOMAS F. MONAHAN, M.D.

FAMILY PRACTICE

TIMOTHY G. BALDER, M.D.
BORIS M. BECKERT, M.D.
CHARLES E. BOBACK, M.D.
GEORGINA D. CARLSON, M.D.
WAYNE D. CARLSON, M.D.
STEPHEN M. DANAHER, M.D.
CRAIG M. HOWARD, M.D.
GRANT C. MORRISON, M.D.
JOHN T. MURPHY, M.D.
HAROLD V. PEARSON, M.D.
JEANNE M. POULTON, M.D.
RICHARD M. POWELL, M.D.
PAUL V. QUINN, M.D.
MELISSA A. SCHIMNOWSKI, M.D.
JEFFREY L. SIKKINK, M.D.
PAUL M. SPILSETH, M.D.
GENE C. STRINGER, M.D.
JEFFREY L. VIRANT, M.D.
JANE R. WILKENS, M.D.
GARY A. WILLIAMS, M.D.
JO M. CHILSEN, P.A.-C.
CHRISTOPHER L. KAYE, P.A.-C.
BRIDGET M. TIERNEY, P.A.-C.

INTERNAL MEDICINE

JOSEPH C. ARDOLF, M.D.
CHARLES W. BRANSFORD, M.D.
ANDREW E. DORWART, M.D.
WENDY J. HECK, M.D.
MARTHA L. SANFORD, M.D.
CHARLES H. STEVENS, M.D.
DONALD W.T. WESSEL, M.D.

OBSTETRICS/GYNECOLOGY

LAURA A. DEAN, M.D.
BARBARA A. STROHBEHN, M.D.
ANDREA L. TIPPLE, M.D.
R. PETER ULLAND, M.D.
THOMAS A. WEBER, M.D.
FERN M. ASPEN, R.N., C.N.M.
MELISSA H. FRISWOLD, R.N., C.N.M.
CHRISTINE A. HESSE-WITHBROE, R.N., C.N.M.

OCCUPATIONAL MEDICINE

CHARLES J. HIPPI, M.D.

OTOLARYNGOLOGY

BRUCE F. DENNISON, M.D.

**PEDIATRIC and
ADOLESCENT MEDICINE**

SUSAN M. ASCH, M.D.
BRIAN L. CRESS, M.D.
LAWRENCE E. MORRISSEY, JR., M.D.
STEPHEN M. SCALLON, M.D.
BIJAN SHAYEGAN, M.D.
BARBARA J. ABELL, C.P.N.P.
SUSAN M. SMITH, C.P.N.P.

SURGERY

KEVIN J. BJORK, M.D.
ELMER H. KASPERSON, M.D.
MICHAEL P. KAYE, M.D.

AUDIOLOGY

JENNIFER R. REYNOLDS, M.A., CCC-A

PODIATRY

MICHAEL R. BOURNE, D.P.M.

October 25, 2002

TO WHOM IT MAY CONCERN:

RE: SOPHIE VOGEL, DOB: 12/14/99, SMG# 253521
MADELINE VOGEL, DOB: 12/11/97, SMG# 244244
MAX VOGEL, DOB: 1/13/02, SMG# 164070

These three children are under my care at Stillwater Medical Group. It has come to my attention that the family lives near a fire station in Bayport. The parents have expressed their concern regarding the intensity and loudness of the fire whistle.

According to the National Institute of Occupational Safety & Health from 1998, the maximum exposure allowed to a noise to 85 decibels is eight hours and at 110 decibels the maximum exposure time drops to one minute and 29 seconds. Being exposed to noise at this level for longer than these times can cause damage to hearing. The abruptness of the sound can also make a big difference. For example, if one is prepared for a noise such as a gun shot, our ears can prepare for this and deaden the effects on the ear. However, an unexpected exposure to 110 decibels can be very startling if not potentially cause some damage to hearing after just one exposure, and certainly can cause damage over time.

I hope this information is helpful. If you have any further questions, please feel free to contact me during office hours.

Sincerely,

Brian L. Cress, M.D.
FAAP

BLC/lm/ 10/25/02



Minnesota State Colleges & Universities
Office of the Chancellor

FIRE/EMS/SAFETY CENTER
1450 Energy Park Drive, Suite 100-B
St. Paul, MN 55108-5218
Main: 651-649-5454 Fax: 651-649-5409
Toll Free: 1-800-311-3143
<http://www.firecenter.mnscu.edu>

July 8, 2002

Mr. Dan Johanneck
City of Bayport
294 North 3d Street
Bayport, MN 55003

Dear Mr. Johanneck:

Thank you for your inquiry concerning fire sirens.

I have had an opportunity to discuss the siren issue with probably a dozen communities in the last 20 years. Several facts have emerged:

1. Sirens have been made obsolete by electronic pagers.
2. There is a danger of the "fire" siren being confused with a severe weather alert. Even if the siren is "coded" folks moving into town or just passing through would have no knowledge of this special "code".

I realize that many fire fighters may have become attached to the siren as a cultural heritage but in the interest of public safety as well as the possibility of "noise pollution" the use of sirens has been eliminated in many Minnesota communities.

My recommendation is that the use of the siren should be discontinued to broadcast fire calls in your city.

I have asked our librarian to research any pertinent data nationally and statewide concerning the continued use of fire sirens and will see that you receive any additional information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Bill Bruen', written in a cursive style.

Bill Bruen BA (Fire Administration) MA (Public Administration)
Manager

Memorandum

8/3/02

To: Daniel Johanneck
Director, City of Bayport

Subject: Citizen complaints on noise levels from the fire alert sirens.

Dan,

Situation

My understanding is that residents of Bayport are complaining about the noise levels from the two Bayport fire sirens. I understand that these sirens have noise levels of 110 decibels, and on an average, are activated twice each day (25 seconds each time).

I was told that the fire department feels very strongly that there is a value in continuing to use these sirens even though all fire fighters have personal radio and/or pager fire alert units which they carry at all times.

Comments

I certainly would not want to counter the fire department's position on the above, as they no doubt have good reason for their point of view.

I have worked with occupational safety noise levels for over 35 years, and I am not comfortable that using OSHA standards would fit or help in resolving the above situation. Example, OSHA allows 30 minutes of exposure to 110 decibels each day. I can see where the siren's noise levels of 110 decibels could be annoying, irritating and possibly disruptive, but I do not know if they would be viewed as a health issue.

I suggest that you and the Fire Chief explore using a consultant who has expertise in community noise issues. Hopefully, this person could provide recommendations/ options on resolving this situation. Listed below is the name of a consultant who I understand does consult on community noise problems. He was recommended to me by an Industrial Hygiene person who I have known and respected for many years. I hope this information might be of value.

Steve Platisha
EPA Consultant
Tel. # (651) 636-1490 or (952) 927-9012

Thank you,

Ronald R. Rishavy, CSP
MN Risk Services

261
110
115
Max Exposure
30 min/day
15 min/day

From: "Kim Kallestad" <kkallestad@ci.stillwater.mn.us>
To: "Paul Vogel" <pvogel@isd622.org>
Date: Mon, 14 Oct 2002 18:03:15 -0500
Subject: RE: Number of False alarms/Good faith calls
Thread-Topic: Number of False alarms/Good faith calls
Thread-Index: AcJzqs6KXNf9W+mTS2uJBrkOwFkWFAAI+xQQ
X-RCPT-TO: <pvogel@isd622.org>
Status: U

Paul,

That's a really tough question to answer, but shooting from the hip without attempting to do research for specifics, here we go:

Very few of the medical calls are false alarms. With the good and fast ambulance service we usually can count on from Lakeview, it may be up to 30 or 40 percent where we don't actually need to do anything, but few of the calls are false alarms. False medical calls are increasing though with the growth in medical alarm systems in the wide spectrum of assisted and care facilities. False calls I'm talking about with the systems are usually older people that don't fully know when to call and when not to call. Another increasing type of service call for fire departments everywhere are "invalid assist" calls, i.e. no medical problem, but someone with physical problems needs to be picked up off the floor or carried from the bathroom to the bed, or put back in a wheel chair after falling out, etc. There's a huge need for someone to provide these types of services, and a lot of people that need this, but don't need nursing homes. It's tough work lifting people all the time, and fire fighters seem to have a wide range of opinions about it, but I think it is one of the kindest and nicest things we can do for people in our communities. I'm sure you can imagine how a couple feels when you lift the husband with multiple sclerosis off the cold bathroom floor, give him dignity by putting on his clothes or diaper or whatever, and putting him back in bed, smiling and telling him you're happy to help, his wife distraught because she had noone else to turn to. (sorry for rambling; the emotions of our job are far ranging and frequently intense)

Regarding fire alarms, quite a high percent of ours are false. I think that's pretty similar throughout the country. When I say they're false, I'm not implying they're malicious false alarms. Most frequently, they're false either because detectors are too close to kitchens or break rooms in businesses, or a fire alarm signal triggers because of a power outage, or similar situations occur. I would GUESS the average false alarm / good intent percent is as high as 70 to 95 percent nationally for fire alarm system calls.

The false alarm percent for people calling to report a fire are lower than fire alarm systems, but everyone still gets a number of good intent calls. Examples would be a neighbor seeing condensation coming from a dryer vent and calling in that a house is on fire, etc. False calls by people, not alarm systems, might be as low as 20 to 50 percent?. That's only a wild guess. Even legitimate calls frequently require little action by our fire department, because someone or something has often taken care of the situation before our arrival, such as smothering a pan on fire on the stove or whatever.

Please Sign In

Bayport Regular City Council Meeting - Monday, November 4, 2002 7:00 PM
City Hall Council Chambers

- 1 Mike Bell
- 2 Mark Swanson
- 3 Matt Bell
- 4 Randy Radke
- 5 Kathy Conley
- 6 Loren Lambert - Gilbert
- 7 Mike Waldo
- 8 Bob Neumann
- 9 JULIA KIMBALL
- 10 Margaret Phillippi
- 11 Mary Ryan
- 12 George Gohlke
- 13 DAN RIGGWAN
- 14 Jon King
- 15 Deon Phillippi
- 16 Myra
- 17 Jerry Dalrymple
- 18 Sandra Reese
- 19 RICK SCHNEIDER
- 20 Noel
- 21 Phil & Sue Jellinger
- 22 John J. J...
- 23 Jonathan Noway Jr
- 4 Ron V...
- 25 Dick Beberq

- 26 Anne Mc Manus
- 27 Maureen McDonough
- 28 Lori Asplund
- 29 Kim Friedrich
- 30 Julie Kink
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CITY OF BAYPORT
BAYPORT JOINT COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
November 19, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of November 4, 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: Councilmembers Jim Kosmo, Allen Schultz, Sharon Ridgway, and Jim Menard. Planning Commissioners Jennifer Schneider, Connie Paulson, Paul Vogel, John Dunn and Rene Stone.

Members absent: Councilmember Jack Nyenhuis.

Others present: City Administrator Dan Johanneck, Mike Darrow of Northwest Associated Consultants (NAC).

Mayor Kosmo read the resignation letter from Jack Nyenhuis.

DISCUSSION ITEMS

A. CPDC Applications for Comprehensive Plan Amendment, REZONE, and Preliminary Plat.

1. Planner Mike Darrow introduced **Item A** on the agenda and further explained the legal process.
2. City Attorney Jim Lammers discussed the thresholds for the EIS.
 - Lammers explained that there are certain environmental statutes that govern this development process. Once certain thresholds are met it then triggers an automatic EAW. This was the case and the EAW was conducted.
 - Following that there are certain triggers which trigger and EIS – Environmental Impact Statement.
 - Lammers explained the thresholds which is the number of units. Basically if the property were rezoned residential at this time, the development as proposed would meet the thresholds. There would be not mandatory EIS required. Lammers further stated that because the Comprehensive Plan has not been amended it does not meet those thresholds. Lammers stated he spent the better part of the day speaking with representatives from the Environmental

Quality Board and also the Attorney Generals Office. They are of the opinion that no matter this Council finds as far as the issues with the EAW, that at this point because the Comprehensive Plan has not been amended that the Council really has no choice but to order a limited EIS, which was overruled by the EQB and Attorney General. The Council can choose to limit the scope if it chooses to do so after discussion.

- Lammers suggested that by limiting the scope and assuming that the Council proceeds with an amendment to the Comprehensive Plan, as soon as that amendment has been completed, the EIS would be dropped at that point if that was the only reason for an EIS.

Planner Mike Darrow introduced the first issue which is an amendment to the Comprehensive Plan. Darrow stated at the last regular meeting the Planning Commission tabled that item. Darrow asked Commissioners if they had additional questions. Darrow and Commissioners had a question and answer session. Jim Lammers explained how to make changes to the Comprehensive Plan.

Darrow explained the Planning Commission could choose to deny the application at tonight's meeting. Commissioners could also undertake their own land-use study that reflects the City's future land use and development ideas for the future. Darrow asked the Planning Commission and City Councilmembers what direction they would like to take. Darrow stated if Commissioners denied the application the issue of an EAW becomes a non-issue. Darrow said if the application moves forward the decision is now to narrow the focus, discuss permitted usage and density. Those things that people have had a lot of questions about. Darrow suggested making the decision "is this potentially something that the city wants in this area?"

Jim Lammers covered inter relationship of application for plan amendment, EAW action and making recommendations to the Council. Lammers stated that generally statute requires before the Comprehensive Plan can be submitted to the Metropolitan Council with the proposed amendment it must be presented to surrounding property owners and school district which they then have 6 months to review. After the 6-month period it gets submitted to the Metropolitan Council, who then has 120 days to review and recommend. The plan is resubmitted again to the neighboring properties and the school district. In discussing this issue with the Metropolitan Council today they are of the opinion that because this process has been ongoing so long already that your six month requirement has been met as far as submitting the general ideas and plans to the neighboring communities. If the Planning Commission chose to do so and recommend to Council they could recommend an approval to the Comprehensive Plan be submitted directly to the Metropolitan Council to start the 120-day clock running.

Ann McManus read a statement requesting a return to Agricultural or open space. McManus outlined how the property was originally zoned agricultural. The Comprehensive Plan was then amended and zoning changed later to industrial only because special legislation allowed our much-loved local business "Andersen Corporation"

to purchase the land for factory expansion and provision for 3,000 new jobs for the state of Minnesota. Since Andersen Corporation determined it would not be a good business decision to build there, it would seem to make sense now to return to the original intent of the Comprehensive Plan and if the plan changed, change it back to agricultural or open space.

Mike Waldo, CPDC, is asking for action to give them guidance:

1. Comprehensive Plan – what does the Commission want?
2. What is the zoning classification?
3. EIS...
4. PUD...

Waldo asked for additional feedback which up until this point has not been good feedback. Waldo also feels that they have had little direction from the Planning Commission and stated that CPDC needs some framework to know how to proceed.

Moved by **Commissioner Paulson**, seconded by **Commissioner Dunn** to accept Option 3 presented in Mike Darrow's memo dated September 25, 2002, suggesting some possibilities for the specifications such as; mixed-use business, residential and commercial; with suggested conditions or changes that identify the City's land use intentions for this land including changes in the number of and more diversity of townhomes; changes in setbacks; architectural guidelines; recommendations for park dedications as part of the open space; 40 % open space/park not counting land that cannot be developed, burial mounds or too steep of land and also to add technical terms as identified by City staff.

Commissioner Schneider addressed concerns that she feels they need more time and information.

Moved by **Commissioner Schneider**, seconded by **Commissioner Vogel** to make an amendment to the original motion allowing for more conditions such as no apartments, 50% open space, assure that density does not mandate a new well and additional time to determine exactly what those conditions will be.

Voting in favor: Commissioners Schneider and Vogel

Voting against: Commissioners Paulson, Dunn and Stone

Absent: None

Original motion by **Commissioner Paulson**, seconded by **Commissioner Dunn** to accept Option 3 presented in Mike Darrow's memo dated September 25, 2002, suggesting some possibilities for the specifications voted:

Voting in favor: Commissioners Paulson, Dunn and Stone

Voting against: Commissioners Schneider and Vogel

Bayport Joint Council Meeting Minutes
November 19, 2002

Absent: None

Mayor Kosmo recommended to hold off for 30 days to work on this over the next few weeks to find common ground.

Jon Nowaczek stated that he met with CPDC along with Mayor Kosmo and several others in an effort to move ahead under common terms. Nowaczek also stated that one concern is that 30 days may not be enough time.

Mike Darrow stated he would recommend that Council provide direction to Staff as to information that they will need regarding the Comprehensive Plan within the 30 days.

Moved by **Councilmember Menard**, seconded by **Councilmember Ridgway** to table until the December 2, 2002 Regular City Council meeting.

Voting in favor: Councilmembers Kosmo, Ridgway and Menard

Voting against: Councilmember Schultz

Absent: None

B. Recommendation and action on EAW.

Moved by **Councilmember Ridgway**, seconded by **Councilmember Menard** to table action on the EAW until the December 2, 2002 Regular City Council meeting.

Voting in favor: Councilmembers Kosmo, Ridgway and Menard

Voting against: Councilmember Schultz

Absent: None

Mike Darrow suggested scheduling a work session prior to the December Council meeting.

Dan Johanneck agreed that in order to define what role staff should take in preparing information in a format Council can act upon staff, Councilmembers and Commissioners should hold a special workshop.

Discuss Process and Date for City Administrator Evaluation

Moved by **Councilmember Menard**, seconded by **Councilmember Ridgway** to meet at 6:30 p.m. on December 2, 2002 in closed session to evaluate the City Administrator.

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

Voting against: None

Bayport Joint Council Meeting Minutes
November 19, 2002

Absent: None

Discuss Subdivision Ordinance and PUD guidelines

Mike Darrow covered the timeline and the work required. Council set the next meeting for November 21, 2002 at 6:30 p.m. City Hall for a joint work session.

Moved by **Councilmember Menard**, seconded by **Councilmember Schultz** to approve NAC to review PUD guidelines for a cost not to exceed \$800.00 then revisit.

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

Voting against: None

Absent: None

OTHER BUSINESS

Commissioner Schneider questioned the impact fees.

Mike Darrow said it is a little premature to start discussion about fees and impacts.

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

ADJOURN

Councilmember Schultz moved, seconded by **Councilmember Menard**, to adjourn at 9:00 p.m. Motion passed unanimously.

Respectfully submitted,

Daniel R. Johanneck
City Administrator

Please Sign In

Bayport Special City Council Meeting/Joint Session w/ Planning Commission
Tuesday, November 19, 2002 7:00 PM City Hall Council Chambers

- 1 Tom Whitten, David Bernard 26 _____
- 2 Homea Tompkins, CPDC 27 _____
- 3 Julie Kirk Courier News 28 _____
- 4 Kirk Risberg 29 _____
- 5 Michael Noonan DAVID BERNARD 30 _____
- 6 Mike Waldo CPDC 31 _____
- 7 Jon Nowaczek 32 _____
- 8 Paul McManus 33 _____
- 9 Tom Van Lee 34 _____
- 10 Ralph Linnor 35 _____
- 11 R.L. SCHNEIDER 36 _____
- 12 Maureen McDonough 37 _____
- 13 John Fowl 38 _____
- 14 Rob Bonta 39 _____
- 15 Laura Brinketter / Stillwater Gazette 40 _____
- 16 Sandy McCaray 41 _____
- 17 JIM CONNORS 42 _____
- 18 Jim Kelley 43 _____
- 19 Mary Divine Pioneer Press 44 _____
- 20 Craig Kutz SEH Inc. 45 _____
- 21 Margaret Phillippi - resident 46 _____
- 22 Deon Phillippi - resident 47 _____
- 23 _____ 48 _____
- 4 _____ 49 _____
- 25 _____ 50 _____

CITY OF BAYPORT
BAYPORT CITY COUNCIL SPECIAL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
December 2, 2002
6:30 P.M.

For the record, let it be known that this meeting was cancelled.

CITY OF BAYPORT
BAYPORT CITY COUNCIL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
December 2, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the regular City Council meeting of December 2, 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 Jim Menard.

Members absent: Jack Nyenhuis who resigned.

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

CITIZENS COMMENTS

Mayor Devine of the City of Afton spoke about his concern that the Bayport West development would have on the St. Croix Valley. He stated that he was just seeing the addendum to the Comprehensive Plan for the first time and that State law is very clear about the fact that neighboring communities have the right to comment. He stated that there were two (2) things in particular that were going to affect Afton: 1. County Road 21 is a historic preservation route and there was a substantial battle about County Road 21 and the traffic patterns where they fought the State not to have an interchange on County Road 21 and feels that this development could have an impact on County Road 21 and that historic preservation route. He stated that the way the County has designated the road that it will not be widened; and 2. The School District. He stated that he has had conversations with Dr. Macy and one of her great concerns is the effect this development will have on all cities that are within the lower St. Croix Valley. He also stated that there is a financial crunch and that the school district is going to need to do a Capital Referendum within the next year or two to pay for all the development that is feeding all the new students. He stated that the referendum that was recently passed is not for capital. He stated that he has

Bayport City Council Meeting Minutes
December 2, 2002

spoken to other mayors in the lower St. Croix Valley and they would like the opportunity to review and comment on the plan and see what effects it will have on the transportation and the school district. He stated that if the City submitted the plan to the Met Council without allowing them to review and make comments, it was their prerogative to approach the Met Council and force them to enforce the State Statute in terms of the process.

Jennifer Schneider questioned if the November 19, 2002, Joint Planning Commission and Council Minutes from the Meeting would be going to the Planning Commission also. Mayor Kosmo stated that there were going to be some adjustments and changes but that they would be going to the Planning Commission also.

Jon Nowaczek wanted to call attention to errors and omissions in the November 19, 2002, Joint Planning Commission Meeting Minutes. Mayor Kosmo stated that it will be pulled from the Consent Agenda and it will be item O under the New Business tonight.

Mayor-elect Rick Schneider, 1 North Lakeside, Bayport, requested the Council to schedule a workshop that would deal with the transition to the new City Council before City Administrator Dan Johanneck leaves office. Mayor Kosmo stated that he thought that could be arranged. It was scheduled for December 16, 2002, at 7:00 p.m. at City Hall.

Councilmember Menard made a motion to move item B the November 19, 2002, Joint Meeting Minutes from the Consent Agenda to item O under New Business.

The motion was duly seconded by Councilmember Schultz, the following voted via voice:

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

APPROVE AGENDA

Councilmember Menard moved to approve the Agenda as changed.

The motion was duly seconded by Councilmember Schultz, the following voted via voice:

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

CONSENT AGENDA

Councilmember Schultz moved to approve the Consent Agenda as changed.

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

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

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

A. Variance Request – Selmecki

Mike Darrow explained that this issue was brought to the Planning Commission at their last regularly scheduled meeting on November 12, 2002, whereby they recommended approval for the variance. He stated that it was scheduled tonight for public hearing.

Mayor Kosmo opened the public hearing for public comment. There was no public comment. Councilmember Schultz thought it was a good idea to get ahead of the situation.

Councilmember Menard moved to close the Public Hearing. Motion was seconded by Councilmember Ridgway. Motion passed unanimously.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-112

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING FINDINGS OF FACT AND RESOLUTION OF THE CITY COUNCIL
THAT THE REQUEST BY JIM AND VICKI SELMECKI FOR A VARIANCE TO
ALLOW FOR THE RECONSTRUCTION OF THEIR RESIDENTIAL STRUCTURE
LOCATED WITHIN THE R-4 DISTRICT AND WITHIN THE SHORELAND
BLUFFLAND DISTRICT BE APPROVED WITH CONDITIONS

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

Jim Menard – aye
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

Mike Darrow covered the twelve (12) conditions of the Variance request.

COUNCIL LIAISON REPORTS

Councilmember Menard reported that he had a meeting scheduled for December 3, 2002, but did not have any meetings in the last month.

Councilmember Schultz reported that he had attended the St. Croix Watershed meeting last month where they discussed the continuation of the prison storm sewer drain. Another meeting is scheduled for December 19, 2002, at Bayport City Hall.

Councilmember Ridgway reported the St. Croix Valley Joint Cable Communications Commission met on Wednesday, November 20, 2002. At this meeting the representative

Bayport City Council Meeting Minutes
December 2, 2002

from AT&T was present and he informed them that the merger is official and that as of November 18, 2002, their official name now is Com Cast and that there is a twenty-four (24) hour call center – 651/222-3333. The Cable representative gave a presentation on the I-net service and how it functioned and worked within the three (3) cities mostly because Bayport has had problems with their telecasts leaving City Hall and getting to the hub. She stated that they have done work to the cable lines going to the hub. She also announced that the Cable Studio is going to have “Christmas Party with Santa” on December 9, 2002, at the Access Studio in River Heights Plaza from 6:00 p.m. to 8:00 p.m. Santa will be there from 6:30 p.m. to 7:30 p.m. There will be live music, tables with crafts, treats and Christmas Karaoke. The next meeting is scheduled for December 18, 2002, at 7:00 p.m.

DEPARTMENT HEADS

There were no department head reports.

CITY ATTORNEY

City Attorney Jim Lammers stated he had nothing that isn't on the agenda.

CITY ENGINEER

City Engineer Barry Peters stated that he had two (2) issues:

1. Request for information on the infrastructure, the sanitary sewer and gutter systems that the City of Bayport has because he is trying to figure out the replacement value and he needs to know what level of detail the City would like to go into so he can figure out what the cost would be. He stated that he knows that there are about ten (10) miles of sanitary sewer and ten (10) miles of water mains in the City. Mayor Kosmo stated that he thought that the sanitary sewer system had been televised so that there would be some feel for what is there. Barry Peters stated that the sanitary sewers are all approximately five (5) years or older and that was the last time that they had been televised. Mayor Kosmo stated that he would like to know how much sewer and how much water system is under the ground right now, when it was put in there, some general idea of how long it is expected to last, and what the cost per lineal foot is to replace it. He stated that he would like a fairly accurate estimate. Barry Peters stated that he doesn't have all the records when the utilities went in. He stated that ninety percent (90%) to ninety-five percent (95%) of the sanitary sewer is clay. He stated that this is an issue. He stated that most of the water system is cast iron and even though some of it is really old doesn't necessarily mean that it needs to be replaced. Mayor Kosmo stated that they would like a relatively good estimate of where the City is at and what the expected cost would be if they had to start replacing the systems.
2. He stated that he handed out a draft copy of the I/I Study before the Council Meeting. He stated that Dan Johanneck had reviewed it and they met with Dan and Mel and went over the first draft and made some minor revisions (put a table in the back, showed a priority list and some ballpark costs with some assumptions on what it might be to replace the systems down in the southeast quadron of the

City). He stated that he wanted to stress that they still needed to do some studies. He stated that they know that there is a major problem with I/I cutting into the system but the sewer tapping that has been done is over five (5) years old and it was done during the summer when there isn't water coming into the system. He would recommend televising the systems when the flood elevation is coming up. He stated that they would like to do some monitoring down there and that the cost of this was laid out in the back of the report. He stated that it was for their information, review and comment. He suggested that they give their comments to Dan and then they will get the final copy revised and sent out to the Council in final form. Mayor Kosmo stated that it looked like the approximate cost would be over six hundred thousand and no/100 dollars (\$600,000.00) or seven hundred thousand and no/100 dollars (\$700,000.00). Barry Peters stated that was if they replaced all the clay pipe in the system and they are not sure if that will be necessary.

CITY CONSULTING PLANNER REPORT

Mike Darrow stated that there is a Subdivision Workshop Meeting on December 17, 2002, at 7:00 p.m. at City Hall. He stated that the first Workshop was held two weeks ago and that they were working towards the goal of revising and updating the Subdivision Ordinance and suggested that anyone interested in that should come to the meeting on the 17th.

OLD BUSINESS

A. Consider Ordinance #749 Towers and Antennae

Jim Menard stated that a number of years ago an Ordinance was approved essentially disallowing any antennae support structures to be constructed in Bayport. He stated that it was a "knee jerk" reaction to cell phone companies wanting to put up towers. He stated that in the process they eliminated licensed amateur radio operators to place their towers up. He felt the City needed to reasonably accommodate those individuals and he found the Federal Preemptive and gave it to the City Attorney, Jim Lammers, he reviewed it and sent it to the Planning Commission, who reviewed it and it is now before the City Council. Mayor Kosmo questioned whether it was consistent with what other cities are doing and Jim Lammers informed him that it is.

Councilmember Menard moved to approve adopting Ordinance #749 Amending the City Code by Amending Appendix B of the Zoning Ordinance, by Amending Section 1201.03, Towers and Antennas

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

Jim Menard – aye
Allen Schultz – aye

Sharon Ridgway – aye
Jim Kosmo – aye

B. Fire Siren Issue

Bayport City Council Meeting Minutes
December 2, 2002

Mayor Kosmo questioned Dan Johanneck on whether there was anything new on this issue. Dan Johanneck referred to the Fire Chief, Mike Bell for information. Chief Bell stated that he had a chance to speak with ANCOM Communications and stated that they discussed the two tone system. He stated that it seemed like a very feasible system to go to but that there would be a lot of logistics on the City's side to get it to work. He stated that it would require some new pagers. He is working with ANCOM on the pager issue and stated that it would be something the Fire Department would need to work out. He asked for additional time to get the issue worked out. He then introduced Al Deiner who gave a presentation on the traffic warning signals with lights and sound. He stated that without a scope on what the City wants to do it is hard for his company to come up with a plan. He stated that his company is just a supplier and that they sell the product to electrical contractors who put it in. He stated that what they are working on is that they would have audible warnings at each corner with a "Don't Walk" sign (which would need approval from MN DOT). He stated that another thing that can be done is advanced warnings which would trigger lights to go as well as the pedestrian warning lights. He stated that this could also be wired into the paging system but that would depend upon how much the City wanted to spend on the system and where the City wants it to go. He stated that they would need an engineering report informing them what the City wants to do before they could move forward on it. He stated that installation would be twenty-four (24) months out. He stated that the minimum cost would be twenty-five thousand and no/100 dollars (\$25,000.00). He stated that a plan is needed to figure out exactly how much it would cost. Dan Johanneck stated that he felt that a warning signal was needed and he thinks that the estimate that SEH produced was twenty-five thousand and no/100 dollars (\$25,000.00). He stated he thought the City should get an estimate on what it would cost to draw up the technical specifications for the project and go from there. It was discussed that an audible signal would be wanted at the station. Dan Johanneck questioned what was available. Al Deiner stated that they come in chirps. Mayor Kosmo questioned how many decibels were in a chirp. Al Deiner stated that they come in two tones and that you can set them to be lower at night. Mayor Kosmo would like to see the options and he would like to have someone go to the State and state that the City would like a pedestrian control light because the Fire Department is located across from a school and it would make more sense for it to have two (2) purposes. Mayor Kosmo requested that at the next meeting that they have a plan with the options and then a realistic timetable to get it done. Dan Johanneck questioned how much the City was willing to spend to get these options drawn up. It was decided that the City would not spend more than three thousand and no/100 dollars (\$3,000.00) to have the options drawn up.

Councilmember Menard moved to approve SEH to design a Preliminary Design of Light Safety not to exceed three thousand and no/100 dollars (\$3,000.00).

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

Jim Menard – aye
Allen Schultz – aye

Sharon Ridgway – aye
Jim Kosmo – aye

C. Discuss and approve payable 2003 Final Tax Levy – **Resolution #02-106**

Bayport City Council Meeting Minutes
December 2, 2002

Mayor Kosmo stated that there was one hundred fifty thousand and no/100 dollars (\$150,000.00) that the City was putting into the Stabilization Fund and he felt that with the way the State budget situation is he thinks that it should be held as an insurance policy against the State cuts.

Councilmembers Schultz and Menard agreed with the Mayor's opinion to keep it for stabilization of taxes.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-106

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY FOR THE YEAR 2003 BUDGET AT \$1,033,768.00.

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

D. Discuss and approve 2003 Final budget – **Resolution #02-108**

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-108

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING THE GENERAL FUND BUDGET, SPECIAL LIBRARY FUND BUDGET, DARE FUND BUDGET, DRUG FORFEITURE FUND BUDGET, WATER FUND BUDGET, SEWER FUND BUDGET, TRUNK WATER AND TRUNK SEWER UTILITY CAPITAL IMPROVEMENT FUND BUDGET, FIRE EQUIPMENT REPLACEMENT FUND BUDGET, TAX STABLIZATION FUND AND PUBLIC WORKS EQUIPMENT REPLACEMENT FUND BUDGET FOR THE YEAR 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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

E. Consider Action on Bayport West Developer Applications

Mike Darrow stated that at the Joint Meeting they discussed the Comprehensive Plan, the Rezone, and the EAW and where the City is regarding the sixty (60) and one hundred twenty (120) day rule. He stated that he was going to discuss some of the information that was in the planning packets.

1. Consider Comprehensive Plan Amendment – **Resolution #02-102**

He stated that the Planning Commission recommended approval of the Comprehensive Plan with conditions. He stated that the City Attorney, Jim Lammers, outlined in his letter of November 26, 2002, that any action to approve the application by the City Council must be a preliminary approval subject to the Metropolitan Council review and comment. He stated that by approving the Comprehensive Plan Amendment that the Council was basically recommending to the Metropolitan Council their review. He stated that the Metropolitan Council would have one hundred twenty (120) days to review and comment and then the new Council would have the final approval after that one hundred twenty (120) day review period. He stated per Jim Lammers' letter that what the Council would be doing is giving preliminary approval. He stated that as far as other municipalities comments, they will have the opportunity if they so choose. He stated that if it is approved tonight that the approval and the approval package would go to neighboring communities in addition to the school board and the superintendent and they would have an appropriate comment period before the final recommendation from the Metropolitan Council.

Mike Darrow discussed that he tried to incorporate more detail into the Addendum to the Comprehensive Plan based on the Joint Council Meeting and recommendations from the Planning Commission, and put in the steps that need to be taken. He stated that what they did was create a Planning District 1 which is located in the western portion of Bayport. He stated that they need more information and direction from the Council as to the allowable density or units in the new residential development portion if it is approved. He stated that there was a blank in the immediate density portion also. He stated that they have general recommendations for District 1 as well. He suggested adding a couple items that were added during the Planning Commission meetings which were tree preservation on a one (1) to one (1) ratio and at least forty percent (40%) of the total area within Planning District 1 would remain as open space.

Mike Darrow stated that the City has two (2) options regarding the Comprehensive Plan:

1. Deny the Comprehensive Plan Amendment and in so doing it would stop all other applications regarding Bayport West; or
2. Approve the Addendum with specific findings and make sure there is enough detail with specific direction as to any necessary modifications of the text for maps.

Councilmember Schultz questioned why the City has to provide surrounding communities with their Comprehensive Plan. He stated that he has been on the Council for six (6) years and has never seen a copy of any other city's Comprehensive Plan for any development. He wondered if this was something new. Mike Darrow stated that other communities should have provided their Comprehensive Plan to Bayport with any development that went on in the community. Jim Lammers, City Attorney, defined "neighboring communities" as

abutting or touching. It was discussed that the “neighboring communities” would then be Baytown Township, West Lakeland and Oak Park Heights.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-102

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION ESTABLISHING FINDINGS OF FACT AND RESOLUTION OF THE CITY COUNCIL THAT THE REQUEST BY CONTRACTOR PROPERTY DEVELOPERS COMPANY FOR AMENDING THE COMPREHENSIVE PLAN TO ALLOW THE LAND USE DESIGNATION OF THE PROPERTY FROM INDUSTRIAL TO MIXED DENSITY RESIDENTIAL AND BUSINESS COMMERCIAL AREAS WITH ADDENDUM TO THE COMPREHENSIVE PLAN AS IDENTIFIED WITH THE UNIT MAXIMUMS OF 195 SINGLE FAMILY UNITS IN LOW DENSITY AREAS AND 283 OF TOWNHOME UNITS IN THE MEDIUM DENSITY AREAS AND UPON APPROVAL WILL CAUSE THIS TO BE FORWARDED TO THE METROPOLITAN COUNCIL FOR ACTION.

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

It was discussed that you put a limit to the number of houses allowed in the District and designate low, medium and high density in areas. Mayor Kosmo questioned how you could make sure that a certain area was senior housing. Mike Darrow explained that you would generally direct that area towards a use. He didn't see a problem with directing the need for higher density for seniors.

Planning Commissioner Chairperson Jennifer Schneider stated that they have never seen any plans for senior housing.

Sheryl Corrigan, 380 – 4th Street South, questioned whether this was acted upon, and she feels that there is still a fair amount of uncertainty about what the plan is going to look like and it seems to her that before the City takes the step of changing the Comprehensive Plan, which is a really big deal, that they should be more certain of what they are changing it for and it seems to her, from the conversation that she has heard in the last ten (10) minutes, that there are still a lot of questions about what should or shouldn't go up there and she wouldn't want the City to be caught in a position where they preliminarily approve a Comprehensive Plan Amendment, have it go through the Met Council and that process and then have it come back and not be what they want. She thinks it might be worth taking a thirty (30) day time period or whatever and not going through with the Comprehensive Plan Amendment at this meeting. She would strongly suggest this since it seems like there is a lot of uncertainty and instead of hashing through it here, let's be certain about what we do and ask for some input. She feels that there is uncertainty in the community as well and just as the City is trying to figure out if senior housing or if the apartment complex is for

Bayport City Council Meeting Minutes
December 2, 2002

seniors or is it not for seniors, that's information that is really important to the City and to the people in the community. She stated that before the City changes the zoning and the Comprehensive Plan, they should really know that.

Mayor Kosmo stated that he doesn't think there is so much uncertainty as to what the Council's intention is. He stated that he felt it was clear that they would like to see it residential. He stated that residential is known and that they want to have some limitations as to what can be done up there.

Jennifer Schneider questioned if once a number is set in the Comprehensive Plan is the City stuck with it? Jim Lammers stated that the City is not bound by that number that it would just be a guide.

Councilmember Ridgway questioned how they could delay a decision. Mike Darrow stated that there would have to be an agreement between the applicant and the City to be reviewed by the City Attorney and the applicant's attorney that would allow the opportunity for the City to go through the appropriate process.

Rick Schneider stated that the process the City has been going through has seemed very dysfunctional to him and questioned Mike Darrow whether they have ever done a Comprehensive Plan with a fill in the blank proposal. Mike Darrow stated that they have worked with fill in the blank proposals as far as the density. He stated that they have been working towards narrowing down the density and so he did not feel that it was uncommon for questions to arise regarding density before City Council takes action. He informed him that he has been in contact with the Met Council almost weekly regarding this issue so they are aware of where the City is at. Rick Schneider stated he was confused because it sounded like it was standard operating procedure. He stated that to him it seemed that without the Subdivision Ordinances in place and a fill in the blank proposal that the City is premature to amend the Comprehensive Plan. Mike Darrow stated that he does not see it that way. He stated that the City would need to make these changes no matter what development goes in. Rick Schneider questioned whose responsibility it is to see that Baytown Township, West Lakeland and Oak Park Heights are aware that the City is amending their Comp Plan. Mike Darrow stated that they have been aware that the City has been amending their Comp Plan. Rick Schneider stated that from conversations he has had with the other communities that they have not received anything about the City changing their Comp Plan. Mike Darrow stated that official notice was sent to the officials as well as posted in the Stillwater Gazette.

Jennifer Schneider brought it to the attention of the Council that #6 of the Addendum stated that, "At least forty percent (40%) of the total area within Planning District 1 will remain as open space (including yards, parks, etc.) and that when Planning Commissioner Connie Paulson made this recommendation, it did not include ponds and that sort of thing and she states that it was not their intention to include yards. She stated that it should be reflected in the minutes to show what the Planning Commission truly recommended. Mayor Kosmo read the revised Minutes.

Councilmember Ridgway stated that she did not understand how they could delay action. Jim Lammers informed her that the Council could not finally approve the changes to the Comprehensive Plan until it came back from the Metropolitan Council.

Mike Waldo of CPDC stated that the yard portion of any ordinance that is currently in place in the City of Bayport is included as open space. He states that a yard is open space, the bigger the yard, the bigger the open space. He stated that in the current thirty-five percent (35%) open space required in the City of Bayport that includes yards. Mike Darrow stated that he was correct.

Ann McManus stated, "That since this has been such a difficult and complicated thing, why don't you guys let yourselves off the hook and just don't vote on it. Leave it for the people who are going to have to struggle with it over the years and leave it til the January meeting for them to wrestle with it. Give yourselves a break."

Dion Philippi stated that on page 27 of the Comprehensive Plan and it is thoroughly, one hundred percent (100%) dedication, first sentence, "Public input is key". He stated that there was a statement in the Stillwater Gazette that stated, "Last election was a defacto referendum against it." He stated that there was a Citizen Advisory Committee and that twelve (12) out of thirteen (13) people voted against the development. He wants to know, "At what point does the public opinion seem to count?" He thought it was almost a dead issue and now it seems to keep snowballing – going forward, going forward. He stated that was his perception on it.

Robert Kamps stated that as far as the committee went, he thought they had come back and said that they wanted it to stay zoned Industrial and then when someone questioned them they said that they would fight the industrial when it came about. He knows there have been comments about the developer moving around and he feels that the developer is trying to help everyone. He thinks what needs to be decided is what the new Council wants.

2. Consider Rezoning Request for Bayport West – **Ordinance #750**

Mayor Kosmo stated that Jim Lammers, City Attorney, recommended that the Council not take action on rezoning until the Metropolitan Council acts on the Comprehensive Plan Amendment.

3. Consider Action on EAW – **Resolution #02-103**

Jim Lammers stated that it is his opinion that the Council must issue a positive declaration because it hasn't reached the threshold until the Comprehensive Plan is completed. He also recommended that the Council take action regarding the other findings in the process of finding the scope of the EIS.

It was discussed that the Resolution in the packet was for a negative declaration and that Finding 3 would need to be reworded to read, "Based on the criteria established in Minnesota Rules Part 4410.4400, Subpart 14, the project requires a mandatory EIS based on current density proposals, Finding 4 would be reworded to read, "The City makes a

Bayport City Council Meeting Minutes
December 2, 2002

“Positive Declaration” on the need for an EIS, Finding 5 would be taken out in its entirety, Finding 6 would become Finding 5 and be reworded to read, “An EIS is required and scope should address traffic, ground water contamination issues, and storm water issues”, and old Finding 7 would become Finding 6.

Mary Williams, 638 South Minnesota Street, stated that when she hears the Council say they are not going to consider water part of the EIS that it is totally contrary to what she heard at the last Ground Well Advisory Committee Meeting approximately one (1) week earlier. She stated that she is very concerned about this issue and that she has heard different things from Washington County then she is hearing from the City regarding this matter.

Barry Peters replied to her comments by stating that they had discussions with the Department of Health who are the main agency as far as the well construction, whether it is City or private wells, and they are the lead agency and know the most about the contamination that is headed towards the City of Bayport. He stated that the issue that they are discussing is if a well is required, a feasibility report is needed to make a determination, it would not be in the contaminated aquifer. It would be in the same aquifer that the City’s wells are in now. He stated that there is a layer between the two (2) aquifers that would keep the contamination out. He stated that right now the Department of Health is allowing for private wells to be constructed through that layer of contamination. Barry Peters stated that the people putting in private wells do not have to do an EIS but they have to meet the design standards of the Department of Health for their well construction. He stated that this project would not impact the lift station or the treatment plant because they are sized to handle it.

Mayor Kosmo stated that if people in the community are so worried about water contamination maybe they should look into what the adjoining communities are doing when putting in their wells because Bayport is downhill from them. He stated that he is not nearly as concerned about the well that the City is doing because they are going to be required to do it right and that it will be monitored daily. He also questioned what the cost would be if they were to study the water. Barry Peters stated that he would have to check because they have to do some borings to check the layer between the aquifers and some test pumping so he would have to look at the numbers.

Dan Johnson, 3 Point Road, questioned the runoff and how it was going to work. He stated that he lives on the river and that if there is going to be more runoff then it really effects him. He stated that the Council should remember that if their citizens are concerned then they should have the EIS done because it doesn’t cost the City anything to require it. He stated that if they need more feasibility studies to know if they can do the well then they should have the EIS done.

Mike Waldo of CPDC stated that as he looks at the work that has been done by City staff and their consultants and everyone else who has come to the point of saying that, “We have a negative declaration for an EIS” specifically related to a Comp Plan Amendment is the only issue that staff and the consultants feel is of issue at this point. He further stated that now “people who honestly don’t know what they are talking about to some extent come up and say, “this is what I think, this is what I don’t think” none of the people in the

audience are at the level of combination of their staff, all the organizations that have been involved and their consultants". He went on to state that if they thought there was anything to gain from an EIS, they'd be fine with it. He stated that, "it is a joke. We're wasting our money and our time and the City's time in forcing this to go through an unnecessary issue. It is something that the work has been done. Tons of work has been done. We're not going to gain anything by an EIS, whether we do an EIS or not if we end up having to do a well, which, most likely based on the reduction of volume, there won't be a well needed. I mean, there is a very slim chance and at this point even if the 600 units, 598, there was perceived that there be almost zero (0) chance of a new well needed. But, part of what the issue is and what Barry has eluded to is that if a new well is needed, the process is that we have to go through a permitting process with the Department of Health, we have to go through a feasibility study, those are the ones that deal with actual information, not what ifs. There we have actual information, we go through perifeasibility study, apply for the permit from the Department of Health and we move forward. That is what we have been trying to do through this whole process is put together facts for what today's knowledge is and figure out what exactly the impact is going to be, which is what we have continued to do through this whole process and it seems like just a joke to do all the work that everyone has done to this point and then just throw it out saying it's not of any validity when it is not going to gain us anything in the future. Thank you."

A lady from the audience spoke who stated that she was one of the people who doesn't know what they are talking about. She stated that she has lived in the community for twenty-three (23) years and she's seen developers come and go. She stated that they come and use the City's resources, make their money and then they are gone. She stated that is why they are in business. She stated, "You are not going to be around here for another twenty-three (23) years. I am. I would hope that the people who sit here and who are my neighbors would be concerned about all of us and that would take the right steps to provide safety for all the members of the community." She stated that she feels that is what an EIS does and that is why it is set up that way.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-103

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION APPROVING THE BAYPORT WEST DEVELOPMENT ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) FINDING NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS) TO INCLUDE TRAFFIC AND WELL WATER

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

4. Consider Action or Process on Preliminary Plat & PUD Applications

Mike Darrow stated that delaying action on the rezoning and the PUD development plan would allow time for the developer to complete necessary plans. He reiterated what Jim Lammers stated about the sixty (60) day clock starting after the Metropolitan Council takes action on the amendment that was approved. He stated that the recommendation is that the Council delay any action based on the proposed plans.

NEW BUSINESS

- A. Approve Washington County Mutual Aid and Stillwater/Bayport Automatic Aid Agreement for Fire Protection.

Fire Chief Mike Bell stated that there are two (2) different agreements and that one is their standard mutual aid agreement with all Washington County fire departments which the City has had for many years but has been recently updated, adding a fee schedule. The Stillwater/Bayport Automatic Aid Agreement mirrors how the fire department operates today but putting it in writing helps with the ISO ratings as they go towards lowering those. He stated that Jim Lammers suggested a couple changes to the agreements and those changes will be made. Chief Bell was asked to explain what "ISO" was for the people who don't know and he explained that it is an independent rating company that rates fire departments on water supply, response time, equipment that they have in their departments.

Councilmember Menard moved to approve the Washington County Mutual Aid Agreement and the Stillwater/Bayport Automatic Aid Agreement. Motion was seconded by Councilmember Schultz. Motion passed unanimously.

- B. Approve "Climb" permit application to operate pull-tab activities at Little Rascals, 193 North 3rd Street – **Resolution #02-105**

Dan Johanneck stated that the existing tenant is no longer handling pull-tabs and they have another organization willing to handle pull-tabs at the location.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-105

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION APPROVING THE MINNESOTA LAWFUL GAMBLING CLASS B PREMISE PERMIT APPLICATION FOR CLIMB TO CONDUCT CLASS B LAWFUL GAMBLING ACTIVITIES AT LITTLE RASCALS, 193 NORTH 3RD STREET, BAYPORT, MINNESOTA.

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

- C. Approve **Resolution #02-109** Certify past due garbage bills

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-109

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION CERTIFYING CERTAIN PAST DUE GARBAGE BILLS TO CERTAIN RESIDENT'S PROPERTY TAXES TO BE PAYABLE IN 2003

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

- D. Approve **Resolution #02-110** Accepting Resignation & Declaring Councilmember Vacancy

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-110

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION DECLARING A CITY COUNCIL SEAT VACANT EFFECTIVE NOVEMBER 19, 2002.

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

- E. Approve **Resolution #02-111** Appointing Councilmember to vacant seat

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-111

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION APPOINTING ROBERT D. KAMPS TO THE VACANT CITY COUNCIL POSITION.

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

City Administrator Dan Johanneck administered the Oath of Office to Robert D. Kamps.

- F. Discuss New Hires

Dan Johanneck stated that he was looking for some direction. He stated that he has interviewed and narrowed it down to a 1st choice on the Planner position and he would like direction now more than ever with the pending changes in staff. He questioned whether it was a position that they wanted to hire this month or is it a position that they would like the new Council to determine?

It was discussed that putting it on next month's agenda would be better but that he should bring the applications to the Special Council Meeting on December 30, 2002.

G. Consider approval of Employee Flex Plan

It was discussed that the issue should be tabled for the new Council to decide. Dan Johanneck mentioned that these plans are easier to implement at the first of the year so he would recommend not tabling it. He stated that the program would cost the City nothing. He explained how the flex plan works and stated that it is administered outside of the City and it will not cause any more work for the City.

Councilmember Schultz moved to approve the Employee Flex Plan. Motion was seconded by Councilmember Menard. Motion passed unanimously.

H. Approve Computer purchase for Secretary/Receptionist

Dan Johanneck stated that the computer that Wendi Lindquist is on frequently goes down and has caused her to have to redo some of her work. He stated that it has been "patched up" on a couple of occasions but is still prone to crashing. Councilmember Ridgway questioned where the money would come from to purchase the computer. Dan Johanneck stated that it could be allocated to the Office Equipment but that fund has been depleted. It was discussed that it could be allocated under unanticipated expenses.

Councilmember Menard moved to approve the computer purchase in the amount of one thousand five hundred twenty-seven and 60/100 dollars (\$1,527.60). Motion was seconded by Councilmember Ridgway. Motion passed unanimously.

I. State Findings from City Administrator Evaluation

Dan Johanneck stated that for anyone who was not aware that he had submitted his resignation to the Council on November 25, 2002. He read his resignation letter.

J. Approve 2003 City Staff Cost of Living Increases & Step Adjustments –
Resolution #02-107

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-107

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A
RESOLUTION ESTABLISHING 2003 SALARY STEP ADJUSTMENTS AND COST

OF LIVING ADJUSTMENTS OF 3.5% FOR CITY EMPLOYEES EFFECTIVE
JANUARY 1, 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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

Robert Kamps - aye

- K. Authorize use of Water Funds to Update Well Telemetry System not to exceed \$10,000.00

Dan Johanneck stated that this item should have been deleted from the agenda. He stated that at this time they have patched the existing system so that it continues to work. He stated that they had lost a radio and were operating on a back-up radio in that system. He stated that particular unit also failed. He stated that they were able to get the units repaired and they are now operational. Public Works Director Mel Horak is looking into a complete replacement of the system. Item was withdrawn.

- L. State Storm Sewer Project Stage II Letter of Agreement

Dan Johanneck stated that as part of the Letter of Agreement is that the watershed has authorized the preparation of the specs for Stage II and as a requirement of meeting the paperwork and documentation trail, the City needs to identify and authorize that SEH partake on this and get moving so that Stage II can be designed.

Councilmember Ridgway questioned if the money was already in a fund. Dan Johanneck stated that there was approximately two hundred thousand and no/100 dollars (\$200,000.00) left of the grant and that will cover the design aspect. He stated that the proposal, when fully specked would be taken to the Legislature for their funding to then construct Stage II. He stated that Stage III would be discussed in the future.

Councilmember Schultz moved to approve the State Storm Sewer Project Stage II Letter of Agreement. Motion was seconded by Councilmember Menard. Motion passed unanimously.

- M. Approve **Resolution #02-113** – Authorizing Execution of a Joint Powers & Allocation Agreement

Mary Ippel of Briggs and Morgan is the Bond Counsel for the City. She stated that in 1998 she was before the Council with the original financing that was undertaken by Valley Senior Services for the Boutwell's Landing project. She stated that in 1998, approximately thirty million and no/100 dollars (\$30,000,000.00) worth of bonds were issued from Oak Park Heights and the cities of Bayport, Oak Park Heights and Marine on St. Croix designated their bank qualifications. She stated that it is an expansion of that project and the City of Oak Park Heights will issue twenty million and no/100 dollars (\$20,000,000.00) worth of bonds for the project. She stated that in order for banks to purchase the bonds they have to be bank qualified and each city has a bank qualification

Bayport City Council Meeting Minutes
December 2, 2002

limit annually of ten million and no/100 dollars (\$10,000,000.00). She stated that the City of Bayport did not issue any bonds this year and, therefore, it still has its ten million and no/100 dollars (\$10,000,000.00) of bank qualification remaining. She stated she didn't think the City had plans to issue any bonds this year and if it was not used it would just be gone at the end of the year. She stated that what is being submitted for approval tonight is the Joint Powers Agreement providing that the City of Bayport will allocate its ten million and no/100 dollars (\$10,000,000.00) worth of bank qualification to the bonds to be issued by Oak Park Heights. She stated that the bonds to be issued are solely from revenues from the project and are backed by the credit of Valley Senior Services and are not a general obligation of the City of Oak Park Heights or the City of Bayport.

Mayor Kosmo stated that the City had zero financial risk and Mary Ippel told him he was correct.

Councilmember Menard questioned whether it would affect the City's credit rating and Mary Ippel stated that it would not.

Mayor Kosmo questioned if it renews every year. Mary Ippel stated that every year the City has the ability to designate bonds that they issue for governmental purpose bonds and charitable financing bonds.

Mary Ippel stated that the Bayport Nursing Home is a partner of this entity so that they are not only helping their neighbor but the whole St. Croix Valley area including their nursing home.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-113

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, A RESOLUTION GIVING APPROVAL TO THE ISSUANCE OF TAX EXEMPT NOTES ON BEHALF OF VALLEY SENIOR SERVICES ALLIANCE AND AUTHORIZING EXECUTION OF A JOINT POWERS AND ALLOCATION AGREEMENT RELATING TO BANK QUALIFICATION OF SUCH REVENUE NOTES

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
Jim Kosmo – aye

Sharon Ridgway – aye
Allen Schultz – aye

Robert Kamps - aye

Dan Lindstrom of Presbyterian Homes and Valley Senior Services gave a check to the City Council in the amount of two thousand five hundred and no/100 dollars (\$2,500.00) for administrative fees since that was what Oak Park Heights had requested for their services.

- N. Approve Mold Remediation & Repair of Heating Units for City Hall – Unit 1 \$1,241.20, Unit 2 \$5,846.80, Unit 3 \$1,241.20 – Total Cost \$8,329.20

Bayport City Council Meeting Minutes
December 2, 2002

Dan Johanneck was questioned what it would cost to have a new unit put in and he did not have the answer. He stated that the need for the fix was identified by the maintenance contractor and when the remediation guy showed up he was amazed at the disarray that they were in. The remediation guy informed him that there were screws missing, the panels were loose, and the insulation was either pulled loose or shot. There was just mold growing all over the place. The remediation guy explained to him that once the mold dries and the spores become airborne that it becomes a health hazard issue. Dan Johanneck stated that they could look into what a complete replacement would cost. It was discussed that Dan Johanneck should bring the information and the Council would vote on this issue on the 30th of December, 2002, at their Special Meeting. It was discussed that they would need to look into the maintenance issue.

O. Approve November 19, 2002, Joint Meeting Minutes with Changes

Mayor Kosmo read the change as follows, "Move by Commissioner Paulson, seconded by Commissioner Dunn to accept Option 3 presented by Mike Darrow's Memo dated September 25, 2002, suggesting some possibilities for the specifications such as mixed use business, residential and commercial with suggested conditions or changes that identify the City's land use intentions for this land including changes in the number of and more diversity of townhomes, changes in setbacks, architectural guidelines, recommendations for park dedications as part of the open space, forty percent (40%) open space/park (not counting land that cannot be developed, burial mounds or too steep of land) and also to add technical terms as identified by City staff."

Councilmember Menard moved to approve the November 19, 2002, Joint Meeting Minutes with the changes. Motion was seconded by Councilmember Schultz. Motion passed unanimously.

ADMINISTRATOR'S REPORT

Dan Johanneck clarified why there was a need for the change in the minutes. He stated that something to keep in mind when there are joint sessions and when there are modifications to the audio system, is that as people were fiddling with their papers and shuffling around books and documents (something like that) it made it impossible to hear. He stated that it took him forty-five (45) minutes (Wendy, who was suffering from an ear infection, could not make out the discussion) to glean out a minute and a half just because of the interference. He stated that he had to pick it out basically one (1) word at a time. It was discussed that the recording is hooked up to the microphone now.

Dan Johanneck discussed the Investment Report. He stated that as rates continue to be low and are continuing to get lower, it is continually more and more difficult to get investments that have any kind of a medium term return. He read through the report and the fund balances. He said that the balances would change dramatically at year end because that is when they do the transfer from the general fund to the funds that are not supported by operating revenues.

Dan Johanneck discussed the nuisance properties and abatements. He stated that the Police Chief has been instrumental in this area and that he has done a great job following up and

Bayport City Council Meeting Minutes
December 2, 2002

staying on top of these and doing the physical inspections. He went on to say that the Fire Chief and the Public Works Director have specifically worked on properties that have had some difficulty. He stated that most of the property owners have significantly addressed their issues.

Dan Johanneck stated that the following projects are ongoing:

- State Storm Water Project
- Lake Street Improvement Project – vacation paperwork coming for easements for the construction project

Dan Johanneck stated that with his departure and with a lot of projects in the pipeline that it is very important to recognize that NAC is there and their commitment is with the City. They will schedule the City for any additional time needed.

Dan Johanneck questioned how the Council wanted to handle his position opening. It was discussed that it would wait until after the workshop on the 16th of December, 2002.

Dan Johanneck gave notice of the annual meeting of the Lower St. Croix Management Commission being held on December 17, 2002.

Mayor Kosmo discussed that when Dan Johanneck came to the City there was a moving cost of approximately one thousand two hundred and no/100 dollars (\$1,200.00). Dan Johanneck stated that he thought it was closer to one thousand nine hundred and no/100 dollars (\$1,900.00). Mayor Kosmo stated that he thought it required him to be with the City for one (1) year. Dan Johanneck stated that after one (1) year it would go to fifty percent (50%) and after two (2) years it would go to twenty-five percent (25%). Mayor Kosmo stated that he thought that Dan had some comp time that he had not taken and suggested trading the comp time for the moving fees. Dan Johanneck stated that he would owe the City approximately one thousand two hundred fifty and no/100 dollars (\$1,250.00).

Councilmember Schultz moved to not require the City Administrator Dan Johanneck to pay back the moving costs of approximately one thousand two hundred fifty and no/100 dollars (\$1,250.00).

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

Jim Menard – aye
Allen Schultz – aye

Sharon Ridgway – aye
Jim Kosmo – aye

Bob Kamps - aye

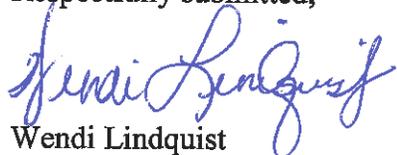
A complete recording of council meeting is available for further review or questions.

ADJOURN

Bayport City Council Meeting Minutes
December 2, 2002

Councilmember Schultz moved, seconded by Councilmember Menard, to adjourn at 10:28 p.m. Motion passed unanimously.

Respectfully submitted,



Wendi Lindquist
Interim Deputy Clerk

CITY OF BAYPORT
BAYPORT CITY COUNCIL SPECIAL
TRANSITION MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
December 16, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the special City Council meeting of December 16, 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: Mayor Jim Kosmo, Councilmembers Allen Schultz, Sharon Ridgway, and Robert Kamps.

Members absent: Jim Menard.

Others present: City Administrator Dan Johanneck, Mayor-elect Rick Schneider, and Member-elect John Nowaczek. Residents of Bayport and other adjoining communities were present and are listed on the sign-in sheet.

BUSINESS

A. SWEAR IN MAYOR-ELECT RICK SCHNEIDER

Mayor-elect Rick Schneider stated that he previously scheduled a holiday out of the country for two (2) weeks and will not be available on January 6, 2003, when the swearing in is scheduled.

City Administrator Dan Johanneck administered the Oath of Office to Rick Schneider.

B. DISCUSS TRANSITION TO NEW COUNCIL

Discussion took place regarding the City budget and any outstanding projects to get everyone up to speed on what was happening. Dan Johanneck had previously distributed a list of projects that are outstanding. He discussed some of the projects that he felt were going to be significant (i.e. State Storm Sewer, Lake Street Project). He stated that John Nash has handled information on the State Storm Sewer in the past and feels comfortable that he can handle this matter.

It was discussed that the first meeting in January would be very busy because they needed to appoint Councilmembers to the various committees. It was discussed that the election of the Vice-Mayor needs to be someone who is going to be available.

Bayport City Council Special Transition Meeting Minutes
December 16, 2002

It was suggested that the new Mayor and Members attend the school that the League puts on.

Dan Johanneck stated that he felt that it had been a good year and that the City just needed to stay on top of the budget. He also stated that a major concern would be filling the City Administrator position.

There was discussion regarding State Aide and when it would be received since the State's Fiscal Year is from June to June and the City's Fiscal Year is January to January. Dan Johanneck stated that there are disbursements from the State in July and in December. He stated that with the economy, those disbursements would probably be reduced. It was discussed that the best plan would be to assume that the June/July payment is not coming.

Councilmember Ridgway moved to add Agenda Item k. Set meeting date for Special Meeting to discuss scope of required EIS and consider possible actions on Bayport West Application to the agenda.

The motion was duly seconded by Councilmember Schultz. Motion passed unanimously.

**C. DISCUSS AND APPROVE ST. ORES VARIANCE REQUEST –
RESOLUTION #02-114**

Dan Johanneck stated that the St. Ores' property would be affected by the Lake Street Project and so they put in for the following variances:

1. A variance from Bluffland Shoreland Management Ordinance Section 402.01(1) granting a minimum lot size variance of 31,100 square feet from the Zoning Ordinance required minimum lot size of 43,560;
2. A variance from Bluffland Shoreland Ordinance Section 601.02(4) to allow a 30 foot variance from the Ordinary High Water Mark 100 foot setback;
3. A vehicular access variance from Section 405.01 of 3 feet until the street level is raised above the flood plain level;
4. Accessory building variance under Section 703.11 of City Code to allow for the construction of a new garage; and
5. A variance from the 15 foot fill level under Section 402.01 of the Floodplain Ordinance.

He continued by informing the Council that the Planning Commission did recommend approving these variances with a list of fourteen (14) conditions with a 3-0 vote. Dan Johanneck then read the fourteen (14) conditions as follows:

1. The applicant shall reconstruct a new structure not to exceed the proposed square footage. The space above the garage is eight hundred thirty-two (832) square feet which is an addition;
2. The applicant shall be required to provide the City a Certificate of Elevation certifying the bottom of the floor joists of the residential structure;
3. The applicant shall be required to hook up to City water and sewer within sixty (60) days after the City has made City water and sewer service available at the property and the new property is ready to hook up;

Bayport City Council Special Transition Meeting Minutes
December 16, 2002

4. The applicant shall be required to fill the current basement space, not to include the storm cellar, within one hundred twenty (120) days of the garage being finished;
5. The applicant shall provide building plans for the storm cellar. No electrical wiring shall be permitted within the storm cellar. The storm cellar shall be subject to the review and approval of the DNR. A building permit shall not be issued until the thirty (30) day review and comment period has expired;
6. The applicant shall submit to the City a detailed plan showing the location of the garage to the lot line;
7. The Bluffland Shoreland Ordinance variances are granted contingent upon approval by the Minnesota Department of Natural Resources;
8. The applicant shall provide the City and DNR a detailed building plan (including the garage) which includes the use of exterior, earth tone colors in conformance with City Code;
9. The applicant shall provide temporary ground cover such as mulch during construction. Methods to prevent erosion must be approved by the Building Official and City staff prior to construction;
10. The applicant shall submit a landscaping plan which must be reviewed and approved by the City staff and the Department of Natural Resources;
11. The applicant shall provide the City a grading plan prior to construction. A grading plan is subject to the review and approval of the City Engineer;
12. The Variance Certificate shall be recorded at the Washington County Recorder's Office;
13. The alternative use, removal, or fill of the existing well and septic system will be subject to the review and approval of City staff and the City Engineer; and
14. Other issues of City staff, Planning Commission, DNR or the City Council or other appropriate agencies.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-114

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

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

Jim Menard – Absent
Robert Kamps – Aye

Sharon Ridgway – Aye
Allen Schultz – Aye

Jim Kosmo – Aye

- D. DISCUSS FUTURE FOR CITY ADMINISTRATOR AND ADMINISTRATOR POSITION; E. DISCUSS CITY PLANNER/ECONOMIC DEVELOPMENT DIRECTOR FINALISTS; AND F. DISCUSS FUTURE OF SECRETARY/RECEPTIONIST AND/OR ADMINISTRATIVE ASSISTANT HIRE**

Bayport City Council Special Transition Meeting Minutes
December 16, 2002

Rick Schneider stated that he was considering Wendi Lindquist as the acting City Administrator and felt that she could pick up the duties until a replacement was found. Wendi Lindquist stated that she felt that legally she could not replace the City Administrator and referred to Dan Johanneck for the legalities. Dan Johanneck stated that parameters should be established for what they wanted Wendi to do and then name her as Clerk and/or Treasurer or combined. He also wanted to note that John Nash has handled the financial aspect of the City Administrator job when he has been absent. Dan Johanneck felt that it would be difficult to assign all the duties of the City Administrator job on one (1) person. He stated that as long as you name the person Clerk/Treasurer that legally they can handle any portion of the City Administrator job that you assign to them. He stated that the Deputy Clerk acts in the absence of your Clerk/Treasurer (which is what the City Administrator position is considered). It was discussed that Wendi Lindquist could be named the Deputy Clerk. Dan Johanneck stated that he felt that the duties should be split between Wendi Lindquist and John Nash because they already have forty (40) hour week jobs and then you are throwing an additional forty (40) hour week job on top of that. He stated that the other issue is that Wendi and John should be justifiably compensated for the change in their duties whether it is time and a half or pay differential. It was stated that the Council does not have a problem with dealing with the compensation issue. It was stated that to meet State statutes they need to appoint an interim City Administrator or Deputy City Clerk. Wendi Lindquist stated that she would be more comfortable with the treasury duties falling to John Nash since he already handles the budget portion of the duties with Dan Johanneck. John Nash agreed that he would accept the added responsibilities of the treasury duties. Wendi Lindquist stated the administrative portion she could handle until a new administrator was hired. Dan Johanneck stated that the City would have to rely on some of the consulting service providers to pick up the slack on some of the projects. Wendi Lindquist stated that the department heads should be informed as to whom they will report to during the interim period. It was discussed that getting through the transition period would be a priority and then filling the job positions could become a priority. The question was raised as to how long "interim" was. Mel Horak, City Works Department, stated that he is at City Hall once or twice a day and that Wendi, John and Dan are busy every time that he is there and he feels that if Dan's workload is put upon Wendi and John that it would jeopardize the City. He felt the City Administrator job should be filled quickly. The Council set a ninety (90) day goal to fill the City Administrator job. Dan Johanneck stated that he would suggest that the Council let Wendi and John decide what they feel is fair for the wage differential for picking up the City Administrator duties and that they receive time and a half for any extra hours that they put in because of the duties that they are taking on. He feels that there is no way that they can do their duties and a portion of the City Administrator's duties all in forty (40) hours. Rick Schneider stated that he is confident that Wendi and John can handle the extra duties until a replacement is found. Wendi Lindquist stated that she has contacted a temp agency regarding getting someone to cover the phones and the front desk because that is where most of her time is taken up. The City Council thought that temporary help would be appropriate.

Councilmember Schultz moved to appoint Wendi Lindquist as Interim Deputy Clerk.

Bayport City Council Special Transition Meeting Minutes
December 16, 2002

The motion was duly seconded by Councilmember Kamps. Motion passed unanimously.

Wendi Lindquist reiterated that she felt that the department heads needed to have some structure as to who they were to report to. It was agreed that the department heads should report to the City Council and Mayor. The department heads can bounce ideas off of any City Council member or the Mayor but no contracts, etc. can be signed without a Council meeting. Dan Johanneck stated that a lot of the questions that are brought to him can be answered by looking in the League of Minnesota Cities Handbook.

G. DISCUSS HVAC CLEANING AND REPLACEMENT FOR CITY HALL

Dan Johanneck stated that the damage was noticed during a routine inspection by the maintenance company and that per Council's request he had gotten an estimate for complete replacement of the system. He stated that Springborn Heating and Air Conditioning tested all the components and found an immediate need for replacement of certain centers and igniters. They offered several solutions and recommended a complete cleaning of the central unit with possible replacement in the spring. He stated that he approves of their suggestion to fix or replace whatever is necessary to get the City through to the spring and then replace the whole unit. Dan Johanneck then read the options listed on the estimate:

1. Replace existing 3 ton rooftop for the police department area using Carrier model 48TFE0045GA, 80% efficient 10 SEER. Remove old unit. Use existing thermostat and all connections. New economizer control. TOTAL: \$5,494.00. (Dan Johanneck stated that this would be recommended work for the spring and noted that the cost is actually less than to clean the existing duct work and remediate the existing unit.)
2. Replace STDN North End Unit with Carrier model 48TFE006. TOTAL: \$6,171.00. (Dan Johanneck stated that he believed the reason for the difference in cost between Options 1 and 2 is that #2 is a bigger unit.) Use manual outside air dampers instead of economizer. DEDUCT: \$587.00 for each unit. Note: may be without heating and cooling for 1 to 2 weeks for getting right curbing adjustments. (Dan Johanneck explained that because of the way that the unit is placed up there they would have to correct the problem that exists up there right now. He stated that the curb that is up there is not the correct curb for the heating unit so you only get a percentage of the air that is actually output from the unit because the curbing blocks off part of the duct work.) Recommend doing this in the spring. Use some backup electric heaters? (Dan Johanneck mentioned that the City does not have any backup heating system and that Springborn suggested that it might be something to check into in the future.)
3. South Unit – Council Chambers. Clean unit. Install new sensor igniter and contactor. TOTAL: \$220.00 Note: This unit looks in good operating condition. Air conditioning must be checked in the spring.
4. For middle Police Department unit – temporary fix for 10-12 week period so that heat can be maintained for winter. Pull blower assembly out and clean off mold. Glue new insulation in. TOTAL: \$279.00. (Dan Johanneck stated that the South unit could be cleaned up and updated for approximately \$220.00.)

Bayport City Council Special Transition Meeting Minutes
December 16, 2002

5. For north unit City offices area. Clean unit and replace igniter, adjust blower wheel. Will advise in spring if A/C compressor is OK (too cold to check out now). TOTAL: \$189.50. Note: This unit is showing wear. From looking at unit A/C needs new contactor and run capacitor. Allow 1 hour plus parts to replace these parts and check compressor in spring. (Dan Johanneck stated that he believed the cost would run approximately \$100.00 unless the compressor needs replacement then it would cost a little more.)

Note: To repair middle unit completely we estimate it would cost \$4,700.00. New unit is \$5,494.00.

Dan Johanneck stated that he would suggest that the Council approve cleaning and updating of three (3) units, Option #3 - \$220.00, Option #4 - \$279.00, and Option #5 - \$189.50 and have the North unit revisited in the Spring and then have the new Council take action on whether or not to replace the middle unit sometime between now and the middle of March.

Dan Johanneck stated that this estimate did not include cleaning the duct work which would be an additional cost. Mel Horak was asked his opinion and he stated that he thinks it needs more research. He stated that he is very sensitive to mold and he had not noticed it. He stated that it would be more noticeable with the air conditioning because it would manifest the mold unlike the heating system which dries it.

The Council discussed having Springborn Heating and Air Conditioning do the repair work but getting other bids for the replacement of the units.

Councilmember Kamps moved to approve Options 3, 4, and 5 of the Springborn estimate.

The motion was duly seconded by Councilmember Ridgway. Motion passed unanimously.

H. CHANGE THE DATE FOR JANUARY CITY COUNCIL MEETING

Rick Schneider suggested changing the date to Tuesday, January 14, 2003, at 7:00 p.m. at City Hall. Councilmember Ridgway stated that they should check with the cable company because it would affect their broadcasting. Councilmember Schultz stated that there was a lot to be done whether the new Mayor was there or not the first week. Councilmember Ridgway questioned whether those things had to be done the first week. Councilmember Schultz stated that they probably could wait. Mayor-elect Schneider stated that things did not have to be done the first week but that they would like to get things done as soon as possible. Councilmember Schultz stated that he is dead set against changing the date of the Council meeting. It was discussed that the 14th is a Tuesday and there were too many conflicts on Tuesdays so Monday, January 13, 2003, was suggested. Councilmember Ridgway stated that the big thing was to make sure that the Cable Company, City Attorney, and City Engineer could be present.

Councilmember Ridgway moved to approve the change of the January City Council meeting to Monday, January 13, 2003, at 7:00 p.m. at the Bayport City Hall.

The motion was duly seconded by Councilmember Kamps and the following voted via voice:

Jim Menard – Absent
Robert Kamps – Aye

Sharon Ridgway – Aye
Allen Schultz – Nay

Jim Kosmo – Aye

I. DISCUSS THE COMPUTER PURCHASE FOR CURRENT SECRETARY/RECEPTIONIST POSITION

Dan Johanneck stated that previously a purchase price was approved for one thousand five hundred twenty-seven and no/100 dollars (\$1,527.00). He stated that they would like to upgrade the computer from a desktop to a laptop so that it would be portable. He stated that if someone goes to training it is nice to have a computer for them to take to the class. He also stated that if someone wanted to do work from home, after hours, the new computer would be available for that.

Councilmember Ridgway moved to approve the purchase of a Dell computer with Microsoft Office upgrade.

The motion was duly seconded by Councilmember Schultz. Motion passed unanimously.

J. APPROVE RESOLUTION #02-115 – AGREEMENT FOR LOBBYING SERVICES WITH LEGISLATIVE ASSOCIATES FOR \$8,742 FOR STATE STORM SEWER PROJECT

Dan Johanneck stated that this contract is identical to the last contract that was presented. He stated that there were a couple of minor wording changes but that the price tag was the same. Dan Johanneck stated that the other communities would have to agree to their portion for the contract to take place. He then read the services that they are offering for the price. He also stated the cost per community. Councilmember Schultz stated that Legislative Associates did a good job for them last time.

Councilmember Schultz introduced the following resolution and moved its adoption:

Res. 02-115

A RESOLUTION TO EXTRACT OF THE MINUTES OF MEETING OF THE CITY COUNCIL OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA HELD DECEMBER 16, 2002.

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
Robert Kamps – Aye

Sharon Ridgway – Aye
Allen Schultz – Aye

Jim Kosmo – Aye

K. DISCUSS SETTING A DATE FOR A SPECIAL MEETING TO DISCUSS SCOPE OF REQUIRED EIS AND CONSIDER POSSIBLE ACTIONS ON BAYPORT WEST APPLICATIONS.

Dan Johanneck stated that he received a call from Jim Lammers, City Attorney, stating that he was at a conference and one of the discussions at the conference was related to the sixty (60) day rule. Jim Lammers had informed him that recently there had been some District Court decisions that have upheld that the sixty (60) day rule does not stop when the application is in submittal to the Metropolitan Council or when an EAW or an EIS is in the works. He stated that the statement was that on the sixty (60) day rule, the clock continues to tick. The Council needs to act on some applications prior to the deadline, which would be January 3, 2003. Dan Johanneck suggested that a Special Meeting be scheduled to discuss the applications and he thought the situation the Council would be in is that the Council would need to either ask the developer for a further extension, reject the application outright, or to accept the conditions. He thought those were the only three (3) possibilities that existed. He went on to state that if the Council does not do something prior to the 3rd of January, 2003, that based upon previous Court rulings that the decision would be made for the City Council according to the State law. He felt that the application would be approved if left to the Court to decide. He stated that part of the meeting should be to address the exact scope of the EIS. He stated that he thought that was already established but the City Attorney stated that a Scoping Meeting is required. Dan Johanneck stated that he felt the only solution would be to ask the developer for an extension. It was discussed that the PUD and the Rezoning would also have to be decided on and that it would be hard to do that since they have not received approval of the Comprehensive Plan from the Metropolitan Council. It was agreed that Jim Lammers would speak with the developer regarding an extension.

It was discussed that at this meeting the issue of compensation for Wendi Lindquist and John Nash should also be addressed.

Councilmember Kamps moved to approve the scheduling of a Special Meeting of the City Council to be held on December 30, 2002, at 7:00 p.m. at City Hall.

The motion was duly seconded by Councilmember Ridgway. Motion passed unanimously.

OTHER BUSINESS

Discussed that the siren study could be put on hold if the siren could be turned down a couple of decibels to make the neighbors happy. Dan Johanneck stated that if the Council feels that the study does not have to be done at this time they can direct staff to put the study on hold and then cancel the hold at a later time.

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

None.

COUNCIL LIAISON REPORTS

None.

DEPARTMENT HEADS

None.

CITY ATTORNEY

None.

CITY ENGINEER

None.

CITY CONSULTING PLANNER REPORT

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

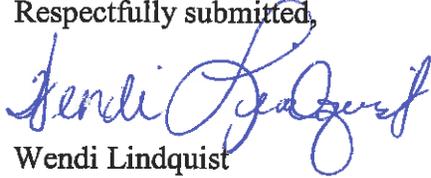
None.

ADJOURN

Councilmember Schultz moved, seconded by Councilmember Kamps, to adjourn at 9:10 p.m. Motion passed unanimously.

Bayport City Council Special Transition Meeting Minutes
December 16, 2002

Respectfully submitted,



Wendi Lindquist
Interim Deputy City Clerk

CITY OF BAYPORT
BAYPORT CITY COUNCIL SPECIAL MEETING MINUTES
BAYPORT CITY COUNCIL CHAMBERS
December 30, 2002
7 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Mayor Jim Kosmo called the special City Council meeting of December 30, 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 Robert Kamps.

Members absent: None.

Others present: Police Chief John Gannaway, Mike Waldo of CPDC, Michael Noonan of Rottlund, and Todd Stutz of Rottlund. Residents of Bayport and other adjoining communities were present and are listed on the sign-in sheet.

CONSENT AGENDA

A. CONSIDER ACTION ON BAYPORT WEST ZONING APPLICATIONS

City Attorney Jim Lammers explained that proposed Ordinance No. 750 would not exist until the Metropolitan Council accepts the changes to the Comprehensive Plan.

Councilmember Schultz moved to approve Ordinance _____. An Ordinance Changing the Zoning of Certain Land Known as Bayport West Constituting 245 Acres in the City of Bayport, Minnesota. The City Council of the City of Bayport, Minnesota Hereby Ordains:

Section 1. The following legally described property is hereby rezoned from I, Industrial to R-5, Mixed Use Residential and B-2, General Business consistent with the Approved Comp Plan Amendment.

Legal Description (See attached)

Section 2. This amendment shall be in full force and effective immediately following its passage and publication contingent upon the approval of the Metropolitan Council of the Final Comprehensive Plan.

Approved by the Bayport City Council this 30th day of December, 2002.

CITY OF BAYPORT

BY: _____
Jim Kosmo, Mayor

Attest:

BY: _____
Wendi Lindquist, Interim Deputy City Clerk

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

Jim Menard – Aye
Robert Kamps – Aye
Jim Kosmo – Aye

Sharon Ridgway – Nay
Allen Schultz – Aye

B. MEET WITH DEVELOPER TO DISCUSS AND DEFINE SCOPE FOR BAYPORT WEST ENVIRONMENTAL IMPACT STATEMENT (EIS)

Discussion took place regarding the Bayport West Environmental Impact Statement (EIS). It was suggested that a Public Hearing take place on February 3, 2003, at 7:00 p.m. at Bayport City Hall.

Councilmember Menard moved to approve that a Public Hearing regarding the EIS for Bayport West be set for February 3, 2003, at 7:00 p.m. at the Bayport City Hall.

The motion was duly seconded by Councilmember Ridgway. Motion passed unanimously.

C. CONSIDER COMPENSATION FOR DEPUTY CLERKS DURING INTERIM ADMINISTRATION

Discussion took place regarding the absence of the City Administrator and that Wendi Lindquist and John Nash were appointed Deputy Clerks and how they should be compensated for these duties. It was discussed that both Wendi and John were requesting an increase of ten and no/100 dollars (\$10.00) per hour.

Councilmember Menard introduced the following resolution and moved its adoption:

Res. 02-115

RESOLUTION CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, APPROVING AN INTERIM INCREASE OF TEN AND NO/100 DOLLARS (\$10.00) PER HOUR FOR EACH DEPUTY CLERK, WENDI LINDQUIST AND JOHN NASH

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
Robert Kamps – Aye

Sharon Ridgway – Aye
Allen Schultz – Aye

Jim Kosmo – Aye

OTHER BUSINESS

A. DISCUSSION OF I&I STUDY

The City Engineer, Barry Peters, stated that the City was required to do an Inflow/Infiltration Study. Peters stated that the study has been submitted to the Metropolitan Council for their review and comments. The Metropolitan Council requested an Implementation Plan. Peters stated this plan has been done and has been attached as the last page of the revised Inflow/Infiltration Study. Barry Peters stated that he would talk with the Met Council to see if they could get the valve issue moved to three (3) or four (4) years down the road if they are needed.

Councilmember Menard moved to approve the Implementation Plan.

The motion was duly seconded by Councilmember Ridgway. Motion passed unanimously.

B. DISCUSSION REGARDING CHANGE IN THE POSTAL SERVICE

It was discussed that if the Bayport West development is approved that there could be a significant change in the postal service, probably using the Stillwater Post Office. It was discussed that the way to secure the post office in Bayport is to contact the Congressman and the Board of Governors. City Attorney Lammers stated that he would be willing to help City Staff draft a letter that could be sent to the Congressman and Board of Governors.

C. DISCUSSION ON SHERYL CORRIGAN'S POSITION ON THE CITY COUNCIL

Corrigan was questioned on whether she plans on sitting on the Council and being sworn in. She stated that she is planning to be sworn in and sit on the Council but she is not sure how long she will be able to serve. It was stated that Mayor-elect Schneider would like any citizens interested in this position to send letters to him or City Hall.

D. DISCUSSION ON BEGINNING THE PROCESS OF HIRING A NEW CITY ADMINISTRATOR

It was questioned whether the Council should move to begin the process of interviewing and hiring a new City Administrator. It was agreed that this item should be left to the new Council to handle.

RECOGNITIONS & PROCLAMATIONS

None.

PUBLIC HEARINGS

None.

COUNCIL LIAISON REPORTS

None.

DEPARTMENT HEADS

None.

CITY ATTORNEY

None.

CITY ENGINEER

None.

CITY CONSULTING PLANNER REPORT

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADMINISTRATOR'S REPORT

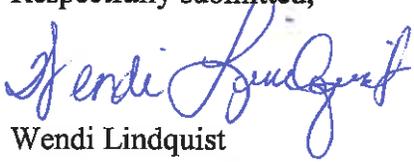
None.

ADJOURN

Councilmember Schultz moved, seconded by Councilmember Menard, to adjourn at 8:22 p.m. Motion passed unanimously.

Bayport City Council Special Meeting Minutes
December 30, 2002

Respectfully submitted,



Wendi Lindquist
Interim Deputy City Clerk

December 27, 2002

Dear Mayor Kosmo & Members of the Bayport City Council:

As you know, I have accepted a position with Fiber To The Home Communications (FTTH), a company that is related to Contractor Property Developers Company (CPDC), the company proposing Bayport West. Though I have broken no laws and have acted only in the City of Bayport's interest, I wish to apologize for not informing you sooner of my new position.

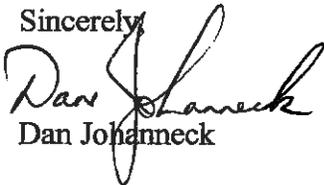
You should know that when I submitted my resignation letter to the City on November 25, I had not had any employment discussions with CPDC or FTTH. When Mike Waldo of CPDC learned of my resignation, he invited me to interview with CPDC and its related companies. A few days later, I met with representatives of those companies and was offered a position with FTTH. My salary and acceptance of the offer were not finalized until after the City Council's December 2nd meeting. When I accepted the position I told Mike Waldo that it had to be understood that through December 24, my allegiance would continue to be with the City of Bayport, and he said that he didn't expect anything different.

Since accepting a position with FTTH, I have not made any recommendations regarding Bayport West. All recommendations to the City Council have come from the City's Consulting Planner (NAC) and the City Attorney. Also, I have done nothing to promote Bayport West. My involvement has been limited to putting information received from NAC into City Council meeting packets, setting up any meetings needed, responding to any questions or information requests that I could answer, and telling the City Council on December 16 (per the instruction of City Attorney Jim Lammers) that the City Council would need to take up CPDC's pending applications on December 30, 2002 because of the 60-day rule.

Because my acceptance of a position with FTTH has caused some people to question my loyalty, I wish I had informed you of my new position immediately after I accepted it. However, I can assure you that at all time during my employment with the City of Bayport, I have acted only in the City's interest.

Thank you and best wishes in 2003.

Sincerely,


Dan Johanneck