

CITY OF BAYPORT  
BAYPORT CITY COUNCIL MEETING MINUTES  
BAYPORT CITY COUNCIL CHAMBERS  
JUNE 2, 2003  
7:00 P.M.

**CALL TO ORDER**

Pursuant to due call and notice thereof, Mayor Rick Schneider called the regular City Council meeting of June 2, 2003, 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 Rick Schneider, Councilmembers Jon Nowaczek, Sharon Ridgway, Bob Kamps and Dan Johnson.

Members absent: None.

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

**PETITIONS/INDIVIDUALS/DELEGATIONS & COMMENDATIONS**

None.

**OPEN FORUM**

Sandy Ness spoke as a representative of the Postal Service – the Postal Service had a food drive on May 10 and stated it was very successful and thanked everyone who contributed and have contributed for the past seven years.

Mayor Schneider commented on the contaminant in the water supply. He emphasized that there was no danger and the drinking water is very safe; it will continue to be monitored.

Bob Kamps stated there was a public meeting being held in Baytown Township tonight. The Minnesota Department of Health, Washington County and the Minnesota Pollution Control Agency had been invited to that meeting. If the print media does not cover it, Bob Kamps stated he will try to find out what was presented at that meeting and present that information at the next City Council meeting.

## CONSENT AGENDA

Mayor Schneider read the list of items A through I on the Consent Agenda.  
Bob Kamps stated he would like to take item number two (approve resolution renewing City's insurance policy) off of the consent agenda and place it under new business as number five.

Mayor Schneider read items numbered two and three on the consent agenda.

Councilmember Nowaczek introduced the following resolution and moved its adoption as amended:

**Res. 03-45**

RESOLUTION, CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
RESOLUTION #03- APPROVING CONSENT AGENDA ITEMS A, B, C, D, E, F, G, H  
AND I FROM THE JUNE 2, 2003 COUNCIL AGENDA.

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

Bob Kamps – aye  
Dan Johnson – aye  
Rick Schneider - aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

## PUBLIC HEARINGS

Lake Street Final Assessment Hearing. Dan Johnson moved, seconded by Bob Kamps, to open the public hearing for Lake Street Final Assessment Hearing. Motion passed unanimously. Greg Stonehouse stated the project is required to facilitate the sewer and water construction to properties on Lake Street. Greg Stonehouse discussed the history and timeline for the project. Greg Stonehouse further stated that the hearing tonight will outline the project costs, explain the process of the hearing and the rights of those being assessed.

Greg Stonehouse explained via maps the location of the project and property owners were mailed official notices with assessment amounts relative to their specific property.

Dan Johnson stated that the Council split this into alternatives and inquired which alternative Greg was assessing. Greg Stonehouse explained the locations of sewer and water on Lake Street. Alternate 1 included the extension of sewer and water service to the bathhouse at the City park. Explanation of the assessment rate.

Greg Stonehouse explained the other alternates and the costs of each.

Fred Sorensen, Facilities Director for St. Croix Valley Girl Scouts, expressed concerns regarding assessments. Bob Kamps stated that Trish Bolter expressed the same concerns – the Girl Scout Building land is leased on a 25-year lease. Bob

Bayport City Council Meeting Minutes  
June 2, 2003

stated he understands their concerns and didn't see a problem with extending it another 25 years if they are going to be assessed \$90,000 and their lease expires in 16 years.

Dan Johnson stated that the City owns the property and is leasing it to the Girl Scouts for \$1 a year and the lease provides that the Girl Scouts will pay any assessments incurred during the lease. Dan Johnson stated they may have to revisit the lease arrangement, he understands the concern.

Mayor Schneider inquired as to whether the Council should move to approve the project. Greg Stonehouse (inquired to Jim Lammers) stated they need to allow the public comment, close the public hearing and not take further action; the final assessment roll could be adopted upon completion of the project when they have the real construction costs. Jim Lammers stated he wasn't aware of that approach – the purpose of the public hearing is to see whether people object to the proposed assessments. Normally the hearing is done after the project is completed – in this case the Council has to adopt the assessment roll and the property owners have 30 days to appeal.

Greg Stonehouse stated there was a resolution in the Council packet to adopt the final assessment roll. Greg Stonehouse went on to explain the process of approving the assessments.

Mayor Schneider inquired as to the assessment amounts if only certain alternates are completed. Greg Stonehouse explained the costs and assessment amounts if only certain alternates are completed.

Jon Nowaczek inquired as to whether it would be more cost efficient for the contract to do all the work in one project as opposed to sectioning off pieces of the work and do them at a later date. Greg Stonehouse confirmed it would cost more if some of the projects were to be done at a later date.

Lyle Peterka, 395 Lakeside Drive, stated that his property was assessed for water, sewer and street in 1965. He purchased the lot based on those things being a part of the property and asked that the Council rescind the assessment against his property.

Sharon Ridgway explained to Mr. Peterka that those assessments probably would have applied to the streets going south of his property. Sharon further explained that this was for a street assessment, not for water and sewer. Lyle Peterka stated that it was a street assessment in 1965 but it was only partially completed. Sharon stated that it would have to be looked into – but if an assessment was paid at that time, if there were further improvements, he would still be subject to an assessment.

Further discussion between the Council and Lyle Peterka regarding his property. Dan Johnson stated they would look into what was done in the past to make sure the project was completed as it should have been.

Bayport City Council Meeting Minutes  
June 2, 2003

Susan St. Ores, 345 Lake Street, discussed some questions she had including requesting copies of documents, written estimates with options and how they affect individual assessments to evaluate impact, proposed interest rate is 8 percent, could they be re-evaluated since interest rates are at an all-time low; and the assessment included the landscaping and wanted to confirm that the landscaping proposals that were promised last fall would still be honored in the new assessment.

Greg Stonehouse stated that they could make copies of documents available; the 8 percent interest rate was included on the notices based on consultation with the City's finance director – that is the maximum rate the City will apply when the assessments are filed with the county auditor – it is subject to be reduced but not increased; the landscaping plan is the same as the one gone through with the residents and is based upon the construction on Lake Street because of the raising of the road and placing of utilities.

A resident stated that she wanted to confirm that the funds were still there for the landscaping because it can be spendy – the residents just want it replaced the way it was.

Greg Stonehouse stated that there are some very old, big trees down there and obviously they can't bring in trees that are the same size as the existing ones. The landscaping plan does have higher quality trees and was designed by a landscape architect so it does take in the aesthetic value of the land.

Mike Darrow inquired as to whether the landscaping plan was finished and commented that it would be good for the Planning Commission to see because the tree replacement section of the subdivision ordinance was just amended and it talks about what specific species can be replaced.

Barry Peters inquired to Jim Lammers that if the assessment roll is adopted with the current numbers, they can't go any higher than those assessment numbers. Jim Lammers stated that there are some procedural problems. Jim Lammers explained the procedure as it should be performed, and questioned going forward with the adoption of the assessment roll this evening.

Dan Johnson inquired to Jim Lammers as to how they should proceed. Barry Peters inquired as to whether the assessment hearing could be continued until the project is completed in the fall. Jim Lammers stated the hearing could be continued until a final decision on options are decided, but at some point the assessment roll needs to be adopted and certified.

Jon Nowaczek inquired to the Council as to how they feel about the structure of the plans – he stated he understand both opinions of Jim Lammers and Greg Stonehouse. Mayor Schneider stated the only problem he has is the need to do Lakeside Drive – if the City opted out of that, it would eliminate the problem with Mr. Peterka.

Bayport City Council Meeting Minutes  
June 2, 2003

Greg Stonehouse stated that the decision with Lakeside Drive doesn't need to be decided until the next Council meeting in July.

Discussion regarding bids on the alternates and a decision as to whether to award it or not at this time.

Mike Darrow inquired as to whether the City has any safeguards to make sure that payment is made if the City chooses to continue the public hearing. Jim Lammers stated its usually a 30-day continuance.

Mayor Schneider inquired to Jim Lammers what his advice would to move forward. Jim Lammers stated the Council should make a decision on which option to go forward with, once that is done, that determines what the assessment will be based on and then adopt the assessment roll and they have 30 days to appeal.

Dan Johnson stated the Council needs to decide which alternate to go with so people at the public hearing know what that is and can comment on the assessments based on the alternative. Dan Johnson stated he is in favor of going with alternative A to have it run down to the beach house. Dan Johnson further commented that the public hearing should be suspended, make a motion as to which alternative to adopt, go back to the public hearing and take comments from residents.

Dan Johnson moved, seconded by Sharon Ridgway, to suspend the public hearing.

Jon Nowaczek stated that he is comfortable with the project and is in favor of the full project and would prefer to select the option and move ahead with certifying the assessment numbers so there would be no need to suspend the public hearing and the Council could complete their work as originally planned on the agenda.

Dan Johnson stated they are in the middle of the public hearing, the Council has to get out of the public hearing in order to adopt any option.

Jon Nowaczek stated that before the public hearing is suspended, the Council should conclude their discussions as to which option they would endorse.

Further discussion regarding suspending the public hearing.

Barry Peters confirmed with Jim Lammers on the procedure – if the Council adopts the assessment roll tonight, the only objections allowed during the 30-day period are people who have written objections in tonight. Jim Lammers stated that they either have to object in writing or in person at this hearing to go forward with an appeal. It was stated for the record that the only written objection received was from Mr. Peterka.

Mayor Schneider confirmed that a motion has been made and seconded to suspend the public hearing, and upon roll call being taken, the following voted via voice:

Bayport City Council Meeting Minutes  
June 2, 2003

Bob Kamps – aye  
Dan Johnson – aye  
Rick Schneider – aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

Dan Johnson stated he would like to see the whole project be done at once, including Lakeside Drive and the Beach House, which are the numbers that Greg Stonehouse has given to the homeowners already as to what their assessments would be.

Bob Kamps stated he agreed with Dan – as long as the manpower, the machinery and the materials are there, the whole thing should be done at once. Sharon Ridgway agreed also. Mayor Schneider had another opinion regarding the paving of Lakeside Drive but wouldn't have a problem with it.

Dan Johnson moved to approve the project in the sum of \$994,393 including the Lakeside Drive and the Beach House alternatives. Jon Nowaczek seconded the motion. Motion passed unanimously.

Dan Johnson moved, seconded by Sharon Ridgway, to resume the public hearing on this project.

Mayor Schneider asked for further discussion – upon hearing none, asked for vote. Motion passed unanimously.

Discussion regarding the interest rate.

Dan Johnson moved, seconded by Jon Nowaczek, to close the public hearing. Motion passed unanimously.

Dan Johnson moved, seconded by Jon Nowaczek, to adopt the assessment rolls as prepared for the assessment in the amount of \$994,393 on this project at 8 percent and certify the assessment.

Discussion regarding Mr. Peterka's objection for the assessment.

Upon roll call being taken, the following voted via voice:

Bob Kamps – aye  
Dan Johnson – aye  
Rick Schneider – aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

Cox Minor Subdivision & Variance Hearing. Jon Nowaczek moved to open the public hearing on the Cox Minor Subdivision Variance & Site Plan Approval. Bob Kamps seconded the motion. Motion passed unanimously.

Mike Darrow stated that Brennan Cox submitted an application for minor subdivision variances and site plan approval to construct a single-family unit on lots 4 and 5, Block 103, Bayport. Three variances are needed – to allow a variance

of 6,000 square feet; variance of about 7,000 feet to allow vehicular access at or above the flood protection elevation; variance of 76 square feet to allow for accessory garage to be constructed at 576 square feet maximum. The Planning Commission recommended by 4-0 vote in favor of the site plan minor subdivision and variances. Mike Darrow proposes approval based on the following:

- The applicant shall submit a \$200.00 fee to the City for public recreation purposes – standard when a minor subdivision is done.
- The application shall record the plat with Washington County.
- Variances are approved.

Mike Darrow further stated that the site plan is contingent on the following:

- The accessory building shall meet the following flood proof conditions:
  - it must be anchored to resist flotation;
  - the portions of the structure located below the base flood elevation must be constructed of flood resistant materials;
  - shall be designed to allow for the automatic entry of flood waters;
  - mechanical and utility equipment must be evaluated or flood proofed above the base flood elevation;
  - shall comply with flood way encroachments through the National Flood Insurance Program;
  - shall be limited to parking and limited storage.

Mike Darrow stated these are requirements set forth by the DNR because its located within the flood plain area.

Mike Darrow further stated that the accessory building shall be constructed using the same or similar exterior building materials that exist in the principal building. The access drive grading, utility plan, water connection, retaining wall (if over 3 feet) and erosion control plan are subject to the review and approval of the City Engineer. The applicant will need to identify with the City Engineer the location of the water hook-up. The applicant will identify the species of the replacement trees – modifications or additions shall be resubmitted to the City Planning Consultant, City Administrator, City Engineer and Building Official.

Mayor Schneider inquired to as to whether the new subdivision ordinances have been recorded. Mike Darrow stated they are but need to be codified. Mayor Schneider asked the applicant if he had any statements.

Brennan Cox stated he was happy with everything. Dan Johnson stated that some comments were made that there have been no assessments on these lots for the last improvement. Barry Peters stated that there was sanitary sewer installed from 4<sup>th</sup>

Avenue to the south end and this property was taken off the assessment roll at that time because the City Administrator felt they were unbuildable.

Dan Johnson inquired as to what the assessment would be – Barry Peters stated he did not have that information tonight. Dan Johnson stated that the applicant should pay the assessment as it was back in 1997 as a condition of the approval of the minor subdivision. Brennan Cox stated he would need more time to review that dollar amount – if this issue would stop the progress on the land, he would agree because everything has been delayed so far. Brennan Cox stated he would look into it as long it doesn't stop him from building. Dan Johnson stated he wouldn't be in favor of it unless the applicant pays the past assessment. Jon Nowaczek agreed with Dan Johnson.

Brennan Cox stated he spoke with Dan Johanneck last November and was not made aware of a lot of things that he is learning now. He stated he has done everything in his power to fulfill the City's requirements and guidelines as far as building a house. Wendi Lindquist pointed out that the applicant did not bring any plans or specifications to Dan Johanneck, it was only verbal proposals, so Dan Johanneck could not provide the applicant with all the information at the time.

Dan Johnson stated he was happy to have that property developed, but as a condition for the variance he should pay the amount the property was assessed in the past. Brennan Cox stated he would agree to pay the amount of the assessment at the time, but not to paying any interest on that amount. Dan Johnson stated that was fair. Discussion regarding researching the amount of the assessment.

Sharon Ridgway stated she would go along with approving the minor subdivision but not granting any of the variances or site plan – the minor subdivision would have no bearing on assessments.

Mayor Schneider stated that wouldn't get him going on his building – Jon Nowaczek stated the applicant has already agreed to pay the assessments. Mayor Schneider stated it has already gone through the Planning Commission. Mayor Schneider suggested closing the public hearing and then discussing further. Mayor Schneider asked for any further public comment.

Jon Nowaczek moved, Dan Johnson seconded, to close the public hearing.

Sharon Ridgway stated she didn't like the idea of lumping everything into one resolution. Barry Peters stated there is sewer service available to that property, but no water service at this time. Barry Peters discussed options to provide water to the property.

Councilmember Ridgway introduced the following resolution and moved its adoption:

**Res. 03-46**

**CITY OF BAYPORT RESOLUTION FOR APPROVAL OF AN APPLICATION FOR MINOR SUBDIVISION BY BRENNAN COX, 517 MINNESOTA STREET**

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

Bob Kamps – aye  
Dan Johnson – aye  
Rick Schneider - aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

Jon Nowaczek stated they needed to make a resolution granting the variances with the site plan and the condition of the assessments.

Jon Nowaczek moved, seconded by Sharon Ridgway, to adopt a resolution taking the text prepared by Mike Darrow previously relating to the variances and site plan conditions with the added condition that the applicant agrees to pay the assessments that would have been levied in the 1990's for the improvements in the alleyway and the 1996/1997 utility and street improvement project.

Upon roll call being taken, the following voted via voice:

Bob Kamps – aye  
Dan Johnson – aye  
Rick Schneider – aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

Pool Ordinance Amendment Hearing. Bob Kamps moved, seconded by Dan Johnson, to open the public hearing for the Pool Ordinance Amendment. Motion passed unanimously.

Mike Darrow stated that the Planning Commission in the May 12, 2003 meeting recommended by a 4-0 vote to amend Section 726.11 of the Zoning Code to read as follows:

“Swimming pools shall be constructed with a protective safety feature such as a fence of non-climbable type and shall completely enclose the pool. Within the R-2 Single Family Estate District swimming pools shall be constructed with a protective safety feature such as a retractable cover and/or fence at least five feet in height and shall completely cover or enclose the pool.”

Mike Darrow further stated the amendment was in the R-2 District – after reviewing zoning codes pertaining to pools and safety features in other communities, it was found that the proposed amendment is consistent with other

communities. The proposed amendment states that safety features will be required in every district within the City of Bayport.

Mike Darrow explained that the Planning Commission recommended safety features such as a retractable cover and/or fence in the R-2 District because of the larger lot sizes and less population compared to other districts in the City of Bayport. Safety features outside the R-2 District will require a fence of a non-climbable type of at least five feet in height to completely enclose the pool.

Jon Nowaczek inquired as to whether there should be a requirement for some type of certification or UL listing for the cover equipment to ensure it can bear a certain amount of weight or technical requirements.

Mike Darrow stated that in other communities its approved by the building official. There are specific specs that can be incorporated into the code.

Jon Nowaczek stated that if there is no fence there should be a requirement as to the weight it could bear to eliminate a potential hazard of someone falling into the pool.

Mike Darrow stated he would get more information and look into what other communities have and present it at the next Council meeting.

Jon Nowaczek asked if other communities have any technical specifications for covers. Mike Darrow stated that none of them were specific.

Dan Johnson suggested having the requirement that the cover would bear the weight of an average adult, or 200 pounds without collapsing.

Bob Kamps stated that in the first paragraph of the amendment it says non-climbable fence and in the second paragraph it says just fence – it should be changed to be consistent.

Jon Nowaczek moved, seconded by Dan Johnson, to close the public hearing. Motion passed unanimously.

Jon Nowaczek moved to adopt the amendment to Section 726, Paragraph 11 of the Zoning Code to read:

“Swimming pools shall be constructed with a protective safety feature such as a fence of a non-climbable type at least five feet in height and shall completely enclose the pool. Within the R-2 District Single Family Estate District, swimming pools shall be constructed with a protective safety feature such as a retractable cover sufficient in rigidity to bear the weight of 200 pounds without collapse and/or a non-climbable fence at least five feet in height which shall completely cover and/or enclose the pool.”

Bayport City Council Meeting Minutes  
June 2, 2003

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

Bob Kamps – aye  
Dan Johnson – aye  
Rick Schneider - aye

Jon Nowaczek – aye  
Sharon Ridgway – aye

Ron Shelton Proposal to Purchase Property. Ron Shelton stated he had talked to the Council previously regarding purchasing a piece of property just north of the River Park Marina. The plan was submitted except the parking direction had changed. Ron Shelton stated he had a proposal to present to the Council to purchase the property for \$56,000.00 and the City would pick up the assessments which are \$51,788.27 and also the expenses of the survey and legal expenses involved on that piece of property. Ron Shelton stated he had the purchase agreement and a check for \$6,000.00 earnest money – cash at closing of \$50,000.00.

Mayor Schneider confirmed that Ron Shelton was offering \$56,000.00 for the land and the City would pay \$51,000.00 in assessments and the survey.

Bob Kamps inquired to Ron Shelton if he had estimates on the survey and legal expenses. Mike Darrow stated a survey typically runs from \$2,000.00 and \$5,000.00. Jim Lammers stated that drafting of the documents is not a big factor.

Dan Johnson stated he appreciates the offer, but he would have to think about it. Dan Johnson stated he would like to have an offer where the City knows what the bottom line is exactly.

Ron Shelton inquired as to how it should be redone – he restated his offer.

Dan Johnson stated that property should not be assessed for water and sewer since its proposed use is a parking lot.

Dan Johnson stated he would like to have Ron Shelton present this to the new City Administrator and have him come back to the Council with the offer and a recommendation.

Ron Shelton stated he didn't want to stall too much longer because he wants to get additional bids to do some improvements.

Mayor Schneider stated the City would like to sell the property to Ron Shelton, but it seemed like he was asking the City to almost give him the property. Mayor Schneider stated that he didn't think the offer was good enough.

Sharon Ridgway stated that the feeling of the past Council was that they weren't going to try to make a lot of money off of Mr. Shelton – he cooperated with the past Council a lot. Ron Shelton stated he gave up a lot of property on the east side

of the marina because of the fact that the survey was all wrong, and because of the houses being so close to the road.

Dan Johnson stated that he should get credit for that, but if the City doesn't sell the property the City gets the easements anyway and there wouldn't be legal or survey fees, so its almost costing the City money to sell the property.

Ron Shelton stated they would be making \$56,000.00.

Dan Johnson re-stated that it should be presented to the City Administrator to review.

Ron Shelton stated if the property were sold, it would be maintained and added to the tax rolls. Mayor Schneider asked how many extra parking spaces would be created. Ron Shelton stated they would need 12 or 13 extra parking spaces because of what he's lost on the east side already.

Dan Johnson suggested Ron Shelton talk to the City Administrator regarding the proposal. Mayor Schneider stated it was a valuable piece of land and would like to see another offer. Ron Shelton pointed out on a map the portions of land that he has given at no cost to the city. Ron Shelton stated he would talk it over with the City Administrator and will proceed from there.

## **COUNCIL LIAISON REPORTS**

Sharon Ridgway stated there was not a Cable Commission meeting this month, the next meeting will be June 18 at 7:00 at the Cable Access Studio, River Heights Plaza.

Jon Nowaczek reported that the Library Board met last Thursday and the only item of significance was that Jon had invited the Library Board to consider submitting some questions for the City survey that is being planned. The Library Board and Foundation have elected to conduct a small survey of their own which will be enclosed with the next mailing of their newsletter.

Bob Kamps stated the St. Croix Watershed Organization had a joint meeting last Thursday at Baytown Township Hall, all of the City Council members were invited, but he and Sharon Ridgway were the only two from Bayport. The meeting was regarding why the organization was formed, its taxing authority, looking to update most of the City Council members within the ten member organization.

Dan Johnson stated he went to the Planning Commission meeting, but there are minutes from that in the packet.

## **CITY CONSULTANT REPORTS**

1. City Attorney Report – Nothing not on the agenda. Mayor Schneider asked Jim Lammers to comment on the contract with the new City Administrator.

Jim Lammers stated it was his understanding that at an executive session last Wednesday the City Council negotiated the terms of a contract with the new City Administrator. Last Thursday the Mayor and the new Administrator met with Jim in his office for the purpose of reviewing that document – there were a couple typographical changes Jim recommended. It was Jim's understanding that the terms and conditions of that contract were based on the negotiations of the prior evening. The procedure when an action is reviewed at a workshop is to take formal action at the next regular Council meeting where the procedure would normally be for the Council to formally approve that contract this evening. Jim Lammers further stated that he had been advised that there were some questions regarding the terms and conditions of that contract, therefore the Council has two options – put in on the agenda later on, discuss that contract at an open meeting, but generally to negotiate contract provisions the statute does allow the option of going into closed session. Jim Lammers stated it would be his recommendation to go into a closed session tonight rather than discuss it at an open meeting. To do that, a motion has to be made to request an executive session at the end of this meeting or some other specified date and following that meeting the results of that discussion are reported at a later regular meeting.

Dan Johnson moved, seconded by Sharon Ridgway, to adjourn to a closed session at the conclusion of tonight's public meeting to consider the contract with the City Administrator candidate. Motion passed unanimously.

2. City Engineer Report – none.
3. City Planner Report –

Montanari Dock Issues. Mike Darrow stated that Bart Montanari submitted an application to the Minnesota Local State Federal Application Forum for Water and Wetland Projects proposing a seasonal dock with four slips. Mike Darrow further stated that the Planning Commission recommended submitting a letter to the DNR and to the Army Core explaining that from the City's perspective more information was needed before approval could be granted. Mike Darrow sent a letter to various entities recommending that approval for the seasonal dock and natural area be continued until all issues pertaining to the lot brought up by the DNR and staff are resolved. This issue will be brought to the City Council at the next regularly scheduled meeting. Staff is asking for a formal recommendation to hold off on this issue until all other issues are resolved. Staff did meet with Bart Montanari to discuss issues last Thursday and resolved many of them. As it was left, Barry Peters was to calculate the 4,000 square feet of fill.

Barry Peters discussed some issues regarding retaining walls, elevation, etc. Al Schultz, 580 6<sup>th</sup> Avenue North, stated he was on the City Council when this original project started, when they built the townhouses, etc. Al stated he distinctly remembered those gentlemen standing before the Council, made a conservancy area and stated there will be no boat docks down there. Al Schultz stated he is against putting docks in, that's not what they agreed to.

Dan Johnson asked what Al Schultz meant by conservancy area. Al Schultz stated the area where Hubb's Road goes out on the ice – they weren't going to build on it, it was to be left undisturbed.

Mayor Schneider stated there were concerns with what is being done down there with setbacks, fill, etc.

Bart Montanari stated he wanted to speak regarding some of the issues being raised. There is a conservation area but it lays south of the two residential lots and it has remained conservatory – areas were pointed out on map. That was the area that was never to have slips, boats or docks. It specifically states in the developer's agreement that the two residential lots shall be allowed dockage.

Mike Darrow recommends that the Council submit a formal letter to hold off on making a final decision on the seasonal dock. Mayor Schneider stated he agrees with the recommendation.

Bart Montanari requested that the City move for approval with conditions to give the City and staff time to prove the facts. At the meeting of last Thursday there were some requests made and several documents that Bart was asked to produce and he produced all but one – a certified stamped survey – he supplied a copy of a survey but didn't have the stamped seal on it – the surveyor was not able to get it done for tonight's meeting. Bart Montanari explained some other issues of concern regarding exterior colors, height, etc. Bart Montanari stated that if there is a violation or discrepancy on what was agreed upon, he would correct it, but he doesn't think there are any.

Dan Johnson inquired as to the process of getting a dock permit. Bart Montanari stated the initial application was for a harbor, but that wouldn't be approved, so he had meetings with staff and presented drawings based upon guidelines he was given.

Dan Johnson inquired to Mike Darrow where this is in the process, why is the Council responding to this issue. Mike Darrow stated that the City has 30 days to respond to the application submitted by Bart Montanari in the latter part of April for the application for the seasonal dock with four slips. Mike Darrow explained that ultimately approval needs to come from the Army Core of Engineers and the DNR. Mike Darrow stated there was no guarantees from the City that it would go through – there is nothing in the zoning code regarding docks. Typically that goes through the DNR and the Army Core of Engineers.

Mike Darrow stated the Council could deny the application because of outstanding issues or conditionally approve it pending other issues.

Dan Johnson confirmed that the Army Core of Engineers has to ultimately issue the permit for the dock.

Bayport City Council Meeting Minutes  
June 2, 2003

Dan Johnson asked Bart Montanari what size boats he was planning. Bart Montanari stated he didn't have a boat identified, but the longest slip is 50 feet.

Jon Nowaczek inquired as to what the developer's agreement stated regarding docks. Mike Darrow stated he would have to do some more research – there are files full of documents.

Jon Nowaczek stated he didn't feel like all of the pieces were in front of the Council.

Phyllis Nelson stated the DNR and the Army Core of Engineers area always changing the rules and regulations, how can anyone get anything done. Phyllis Nelson explained a situation she had with the Core of Engineers in the past.

Jim Lammers stated that it would be prudent to review the developer's agreement to make sure he is in conformance. Barry Peters stated he had discussions with the Core of Engineers regarding the issue.

Wendi Lindquist stated that the signage should be brought up. Bart Montanari is requesting assistance from the City for some signage to keep traffic on the ice road and off of the private property. Bart Montanari explained the situation on the map – stating that people are parking on private property and in his yard. Bart explained that he put some signs up by recommendation of the City along the ice road but people just run them over. Bart received approval to place some boulders along the property line but traffic goes around the end line of boulders and up onto his property.

Wendi Lindquist stated that signage is so that Bart Montanari can appropriate mitigate that area and he can't adequately mitigate that area if people keep driving over the plantings he's putting in. Wendi further stated that if that's a stipulation the Council will place on Bart in order to get boat slips in, he needs some assistance to keep people from driving over what's he's mitigating and spending money on.

Mayor Schneider inquired to Police Chief John Gannaway whether the police department has answered any complaints about people parking on private property. John Gannaway stated there hasn't been any that he's aware of, but if anyone has called an officer would have responded appropriately.

Dan Johnson stated this is the first he has heard of any of this – the Council needs to have it presented in an orderly fashion so that if the Council has to react to it, they have the information ahead of time. Johnson further stated that he's not in a position to recommend denying or in favor of the dock; Johnson stated that the City should not be holding an unrelated item as a "hammer" to get someone to fix something else. Dan Johnson discussed the differences between a dock and a marina.

Further discussion regarding the time frame for the comment period.

Bayport City Council Meeting Minutes  
June 2, 2003

Bart Montanari stated he thought that the DNR and the Army Core of Engineers has jurisdiction, they're just asking if the City has a problem with docks, not asking for approval from the City.

Dan Johnson stated he's not prepared to vote tonight without further documentation.

Further discussion regarding the Montanari dock issue.

Concerns of each Councilmember regarding the dock issue.

Sharon Ridgway - would like to see documentation regarding docks being allowed or not allowed. Sharon would also like to see diagrams regarding what is supposed to be the public land for the townhomes.

Jon Nowaczek – feels the core of the issue is whether there has been a promise that has been broken which can be cleared up by a review of the contract. Jon also agreed with the question that Dan Johnson raised whether this is a dock or something more than a dock. The City doesn't have any ordinance to give any specifications to go by, but from the drawings Jon wouldn't call it a dock. If the rest of the Council concurs with that concern, that might be something to be communicated to the Army Core of Engineers that they can use in their process.

Mayor Schneider – stated Mr. Montanari has broken a lot of rules down there, this isn't a dock, it's a marina, its very shallow, it would have to be dredged out for any decent sized boat. Mayor Schneider stated he is adamantly opposed to this proposal.

Dan Johnson – stated he doesn't know enough background to say yes or no to the idea of whether a dock should be permitted or not. Dan Johnson stated he would defer to Al Schultz and respect his judgment, his years on the Council and his integrity in this town. Dan Johnson further stated he would like to verify what happened in the past and if the representation was there would be no docks, Johnson would be opposed to the dock. If there was a misunderstanding and Mr. Montanari did reserve the right to put a dock in there, what has been proposed is excessive for two structures. Dan Johnson further stated he didn't think the issues the Council has with Mr. Montanari about mitigation and height of the house are relevant to the dock issue. The dock needs to be dealt with as an independent issue.

Bob Kamps – stated also that there was nothing in the packet about this issue – has never heard of anything about a developer's agreement. Bob Kamps further stated he would like to see if there is a definition of docks, slips, etc.

Dan Johnson stated he would like to make a motion to submit a copy of the minutes to the DNR to let them know what the Council has done on this agenda item.

A resident stated he is appalled by what was let to go on down at Hubb's Point. He believes the Core of Engineers has set restrictions on the sizes of docks that can be built on the river. He would like to have the City Council pay more attention to what is going on in the areas down by the river and all over town.

Dan Johnson again made a motion to have staff submit a copy of minutes from this agenda item to the Core of Engineers to serve as the Council's response/input on the process. Sharon Ridgway seconded the motion. Motion passed unanimously.

## **UNFINISHED BUSINESS**

Approve Proposal from Cincinnatus, Inc. to Perform Citizen Survey. Diane Herman introduced herself and explained a little background of Cincinnatus. Diane Herman stated the Council received a brief proposal and they are proposing a phone survey.

Jon Nowaczek thanked Diane for submitting the proposal. Jon Nowaczek explained some of the material they would want to have included in the survey. Jon Nowaczek inquired as to the change in the budget if the City were to double the amount of questions.

Diane Herman stated that if people are kept on the phone longer than about 15 minutes, they lose interest. Diane Herman stated they could go through the questions and advise the City on which questions would be helpful.

Diane Herman stated they could add another ten questions within a \$1,000.00 budget.

Mayor Schneider stated the City didn't plan on a brainstorming meeting yet because the Council wanted to wait for the new city administrator. Diane Herman explained a possible timeline for putting together a survey.

Mayor Schneider stated that Cincinnatus came highly recommended and maybe the Council could move along and approve the proposal.

Sharon Ridgway asked how the Council could approve the proposal with the provisions to be changed, possibly approve the proposal with changes.

Mayor Schneider suggested just approving Cincinnatus and work with them to develop the survey.

Sharon Ridgway moved, seconded by Jon Nowaczek, to approve a community survey to be done by Cincinnatus, Inc. Motion passed unanimously.

Fire Siren. Mayor Schneider asked people to keep the comments to new information that hasn't been heard before.

Bayport City Council Meeting Minutes  
June 2, 2003

Fire Chief Mike Bell stated the fire department was asked to keep track of any problems relating to the pagers and the siren being off the for 90-day period. The fire department had eight instances where one of the pagers did not go off for a call. The simulcast system is progressing faster than once thought, towers are being established, hopefully it will be in place this fall to correct those issues.

Jon Nowaczek inquired as to how many total calls there were that resulted in the eight pager failures. Mike Bell stated he would have to look up that information, a rough guess would be 80 to 90 calls.

Dan Johnson inquired as to what Mike Bell meant by "failure." Mike Bell stated that one fireman's pager didn't receive a page, but the others did. Mike Bell stated the greater concern was the fact that they had to stop twice to wait for pedestrians at the intersection at Andersen Elementary School. The truck had to actually wait for 20 to 30 kids to clear the crosswalk before they could continue to their call. Mike Bell further stated that regardless of what happens with the siren, something needs to be done to warn, at a minimum, the vicinity of the fire station. Safety is a legitimate concern after review of the situation.

Dan Johnson suggested giving pagers to the crossing guards. Mike Bell stated that the principal of Andersen Elementary also had concerns about the kids in the crosswalk areas.

Jon Nowaczek inquired to Mike Bell as to how large of an area needs to be alerted to address the fire department's concerns. Mike Bell stated at least the entire downtown area – their biggest concern is the pedestrians in the street.

Mayor Schneider inquired as to how many structure fires there have been in the last 90 days. Mike Bell stated there was one, and the siren was sounded for that call. Mayor Schneider stated that the fire department does a great job, and the town is proud of them. Schneider stated that the calls are going to be more frequent in the years to come and is it conducive to have a fire hall in the middle of downtown Bayport since they're serving Oak Park and West Lakeland and Baytown. Mike Bell stated that after ten years he sees it moving or expanding to multiple stations.

Mayor Schneider stated that everyone is concerned with safety. Mike Bell stated that if the siren is going to be taken away, put something else in its place that will be better and to resolve both sides of the issue. Mike Bell suggested the option of putting money away each year until something else can be replaced; MNDOT is not going to pay for something on the highway, it would need to be done by the City. It is a legitimate safety concern.

Mayor Schneider stated he agreed, and it is a problem for everyone. Mayor Schneider suggested relocating the siren as a possible solution. Mike Bell stated that above the pagers and everything else, this is a pedestrian safety issue; if the siren will be taken away, replace it with something else before the siren is shut off.

Bayport City Council Meeting Minutes  
June 2, 2003

Bob Kamps stated that he doesn't see the safety issue in the fireman leaving the hall, he sees it as a safety issue with the firemen coming in, with all of the pedestrians in the street, especially near the school.

Wendi Lindquist stated the packet in front of them was assembled and will be presented by Lorena; there was nothing submitted by staff, this package was put together by residents and received this morning.

Bob Kamps stated that the entire board of West Lakeland Township approached Bob and Sharon Ridgway at the Watershed Organization meeting and stated they would like the siren turned back on, they don't fully trust the pager system. Bob Kamps further stated that to West Lakeland Township, if the pagers do not go off, the siren needs to be activated, that could be a difference of eight to ten minutes, to them it could mean a difference of maybe saving a house or a house burning to the ground. West Lakeland Township has a vested interest, they pay about \$50,000.00 a year for fire protection, their voice should be heard.

Sharon Ridgway agreed and stated their biggest concern is response time if there is a failure in pagers. Sharon stated Bob was speaking of fires, but a bigger issue is a life; four to five or ten minutes is a very drastic delay in a life.

Christine Sockness, 543 North 7<sup>th</sup> Street, stated that up to a year ago she would have agreed to turn off the siren because she thought it was just for the firemen to respond to the station, but in the last year she has learned what the siren is actually used for – to alert pedestrians and everyone in the general vicinity to move out of the way. Christine discussed her research of the way fire departments in other cities work.

Christine Sockness further stated that people only have ten seconds of warning that the trucks will be coming out, with no warning that the volunteers are responding to the station because there is no siren; therefore the volunteers get stopped waiting at the crosswalk. Christine read a statement from former Andersen Elementary crossing guards. Christine discussed the research about the decibels of the siren and the health concerns people have. Christine stated either they want to siren back or to have some visual warning so kids don't have to worry about crossing the street.

Bob Kamps stated that there is a City statute that meetings have to end by 10:30 and inquired to make a motion to extend the meeting, or add to the time limit by a resolution.

Jon Nowaczek moved, seconded by Bob Kamps, to extend the meeting as long as necessary to complete the issue. Motion passed unanimously.  
Lorena Lamont-Gillett, 580 Minnesota Street, stated that there are letters and petitions from Bayport residents in support of the siren. Lorena discussed the definition of response time and presented some visual aids regarding response time.

Bayport City Council Meeting Minutes  
June 2, 2003

Lori Asplund, 264 4<sup>th</sup> Street, stated that if the main concern is to notify the immediate area, and does agree that the elementary school is a concern, 110 decibels for 27 seconds is not necessary, there are better sounds to have. Lori further stated that at times the firefighters were arriving at the station before the siren went off and the police chief stated the firefighters are very good about obeying the speed limit, they're not tearing through town, anyone could be driving through town when the kids are crossing the street.

Paul Vogel, 314 North 4<sup>th</sup> Street, stated that the average response time to fire calls has been faster since the fire siren has been turned off; the average response time to EMS calls has gone up slightly, however, Lakeview Hospital is also toned out on every EMS call unless the call is in Bayport proper. Lakeview Hospital will be at the scene before Bayport and Bayport provides support services, but often radio Bayport and turn them around en route. Paul Vogel further stated that he spoke to a fire chief and he stated that with the exception of an emergency such as a structure fire, there is no need for the volunteers to exceed speed limits, run stop signs, etc.

"Peanuts" Bell stated that getting out of Andersen Windows parking lot is a problem – it takes a long time to get out of there. Peanuts also stated that the Mayor told him before he was elected that he would listen to the will of the people; there had to be changes in the town, fire department, police department, etc., not stated what should be changed, but something needed to be changed. Peanuts further stated he wished the Mayor would listen to the wishes of the people.

Jason Severson, 422 South 2<sup>nd</sup> Street, (volunteer fireman) stated there have been several times they have been cancelled but several times they've been cancelled but called right back out for something different.

Paul Vogel stated that having the siren versus the pagers is not going to change the times they get called back. If there have been 82-85 calls over the past 90 days and there were eight pager malfunctions – all eight malfunctions were not at the same call, they were spread out. Paul Vogel questioned how many people need to go out on an EMS call, most stations send two people on an EMS call because there will also be hospital personnel responding.

Jeff Johnson, 765 2<sup>nd</sup> Avenue, inquired why the siren was shut off for 90 days. Mayor Schneider stated the Council needs to listen to every citizen's concerns. Jeff Johnson asked if the Council is trying to accommodate a few people's problems with the siren instead of the over 300 people that want the siren on. Mayor Schneider stated the people concerned about the decibel level are the people who lived right next to the siren.

Sabrina Renne, 836 No. 6<sup>th</sup> Street, discussed concerns regarding response times at night – at night it will be a slower response time because the firemen are waking up, etc. Sabrina Renne further stated she has talked to several people in Baytown and West Lakeland who are very concerned about the response time. They may not be Bayport residents, but they contract out for the fire department. Sabrina Renne

asked the Council to please listen to the residents of Bayport and turn the siren back on.

Amy Zimmer, 287 5<sup>th</sup> Street North, stated it makes a huge difference where you are when that siren goes off. This issue is very divisive and it is negative for Bayport to get that kind of reputation.

Peanuts Bell discussed the children walking to and from school to daycare; the main reason the siren was here was to warn everyone that something was going on.

Heidi Dawson, 765 2<sup>nd</sup> Avenue, stated that all of the information presented are what the Bayport voices want the Council to hear. Heidi Dawson suggested adding an open ended question in the survey regarding what the people in town would like to see happen.

Gerry Dalluge stated that since the siren has been turned off, the quality of life has been outstanding. Gerry stated he understands the safety concern for the children, maybe flashing lights would be the answer. Gerry Dalluge discussed the pagers failing, there's probably a reason why they failed.

DeEon Phillipi suggested having sirens moved on each end of town and turned down.

Paul Vogel discussed the location of the Stillwater Fire Department and inquired how they could function so well without a fire siren and without pager failures.

A resident stated that there are always two people stationed at the Stillwater Fire Department, they don't have to worry about the response time.

Jon Nowaczek stated that he was very encouraged to see the participation this issue has brought out. Some people have stated that maybe the issue isn't about the siren, but about a warning system for the downtown area. Jon Nowaczek discussed some possible solutions to replace the siren. Jon Nowaczek stated he didn't think the solution was to turn the siren back on – the town needs a warning system that balances the need for safety and the issues that are legitimate of the residents in the surrounding area. Jon Nowaczek thanked everyone who took the time to research information and for focusing on the safety aspect because that should come first.

Sharon Ridgway stated that the probability of pager failure has to be considered – it is larger than the probability of the failure of the siren. There are problems with pagers and with the siren, but together they balance well and the firemen feel comfortable with the two systems together. The siren is a warning for pedestrians and even though the firefighters are obeying the speed laws it is much more efficient for them to get to the fire hall if people know they're coming and stay out of the way. Sharon Ridgway further stated the siren shouldn't be taken away until something else that would work will replace it with 100 percent dependability.

Bayport City Council Meeting Minutes  
June 2, 2003

Bob Kamps stated that from the information Paul Vogel provided, there are four fire chiefs from other cities that are in favor of Bayport keeping the siren; those are the people to listen to, if a fire chief is in favor of a siren, there is a reason for it. The residents of West Lakeland and the principal of Andersen Elementary are very concerned over this issue. Bob Kamps further stated that there are more people in favor of the siren and a small group who is not in favor of it. Bob Kamps stated he would be in favor of turning the siren back on the way it was previously.

Bob Kamps moved, seconded by Sharon Ridgway, to turn the fire siren back on to the original usage policy that the fire department requested on 2/24/03 when they came before the City Council – fire and rescue responses, 9 p.m. curfew siren, severe weather and for civil defense.

Dan Johnson stated that the issues of the kids in the crosswalks is the only issue that touches him. Dan Johnson further stated that people should respect the rights of people who are closest to the problem. There have been no proposals to alert school children in a responsible manner which is the heart of this problem.

Mayor Schneider stated that everyone is concerned about the safety and livability in town.

Sharon Ridgway stated that a warning system for the crosswalks can be worked on, but until then the siren shouldn't be turned off.

Dan Johnson stated that Chief Mike Bell has the discretion to sound the siren when school is getting out if he thinks it's a safety issue.

Fire Chief Mike Bell stated he is encouraged that the Council is willing to look at something different, but would like the siren in place until something better can be found.

Mayor Schneider asked Mike Bell if he has looked into any light system or bells or anything. Mike Bell stated he was told he has not done any research because he was told there wouldn't be any money to fund the project.

Jon Nowaczek suggested an alarm bell that could be heard for blocks but is much less intrusive than the siren and wouldn't cost more than a few hundred dollars.

Mike Bell stated if it was supported by the Council, he would look into some options.

One of the firefighters works for a company that sells components for warning lights and such. There is a train whistle that would adjust to the outside tones, it would cost around \$750 plus installation and consultant fees.

Mayor Schneider stated he would donate the Mayor's salary to this issue – the fire department has the Mayor's go ahead to proceed. Further discussion regarding installing an audible whistle on the outside of the fire station.

For the previous motion regarding the fire whistle being turned back on, upon roll call being taken, the following voted via voice:

Bob Kamps - aye  
Dan Johnson - nay  
Rick Schneider - nay

Jon Nowaczek – nay  
Sharon Ridgway – aye

Jon Nowaczek moved, based on discussion, to work with Al to get an interim solution installed within the next two weeks for a cost not to exceed \$7,000.00.

Bob Kamps questioned whether a politician can donate his salary. Jim Lammers stated he couldn't say it was illegal – the Mayor can do whatever he wishes with his salary.

Bob Kamps stated he should take the money and then donate it.

Mike Bell suggested just getting some pricing on the equipment and then go forward based on what can be affordable and present it at the next meeting in July.

## **NEW BUSINESS**

Hayner/Bell Land & Lot Line Adjustment. Mayor Schneider stated everyone has had the opportunity to look at this issue. Jim Lammers stated this is a minor subdivision request and can be handled administratively.

Mike Darrow stated that the Planning Commission has not seen this yet and requires a survey to be done pursuant to the new subdivision ordinance. It needs to have a survey completed and then go through the Planning Commission.

Jon Nowaczek confirmed that a survey has been done, but it needs to go through the Planning Commission.

Robert Hayner explained that this was just a formal notice for the City and it was just an effort to make a correction and was an agreement between the two parties.

Mayor Schneider explained to Robert Hayner that it needs to go to the Planning Commission. Robert Hayner stated he wished he would have known that but just thought it was just an informational procedure to let the Council know that there was a mistake made by a county surveyor probably back in the 1950's.

Mayor Schneider stated it shouldn't be a problem, but the procedure needs to be followed.

Wendi Lindquist stated that she did run this issue by the City Attorney and were both under the assumption that it could be done administratively.

Dale Bonin Cemetery Deeds. Wendi Lindquist stated that this is a procedural matter where there are some old lots that were deeded to Dale Bonin and it didn't include all of the lots. The paperwork they can provide shows some, but not all of the lots. The lady who deeded them to Dale Bonin maybe didn't know she owned that many and maybe the records weren't checked by the previous city clerk. Jim Lammers told them that if there are no other family members a quit claim deed can be made up.

Bob Kamps moved, seconded by Jon Nowaczek, for the conveyance of the lots. Motion passed unanimously.

John & Sandy Serier Cemetery Deeds. Jim Lammers stated the surviving spouse has a life estate and is requesting that the association take the action to convey the lots to her children directly in order for the life estate to expire.

Jon Nowaczek moved, seconded by Bob Kamps, to accept the conveyance as documented. Motion passed unanimously.

Review of 2002 Audit Report – Set Meeting Date for Workshop. Discussion that the meeting date was set for June 24<sup>th</sup>, the Council needs to approve the date.

Bob Kamps moved, seconded by Jon Nowaczek, to approve the meeting date for the review of 2002 Audit Report for June 24<sup>th</sup>, 2003. Motion passed unanimously.

Wendi Lindquist read a required statement to the Council regarding the financial report.

Approve Resolution Renewing City's Insurance Policy. Bob Kamps stated that one of the reasons he pulled it was that they were adopting a resolution under a resolution and he wasn't sure that was proper procedure. Another reason it was removed was to inquire if the City receives bids on this insurance.

Wendi Lindquist stated there were no bids, the finance officer recommended renewing this as the year previous.

Sharon Ridgway stated that when Ken Hartung was in office, he went through a process to look for cheaper coverage and this company was what the City went with. Usually its listed what the fee was last year and this year, but Sharon stated it looked like a competitive price.

Mayor Schneider inquired as to whether this had to be approved now or could wait until a new city administrator comes on board to look at this policy.

Dan Johnson suggested looking into the due date so it doesn't lapse.

Jon Nowaczek moved, seconded by Dan Johnson, to continue the discussion on the insurance renewals until the next meeting.

Upon roll call being taken, the following voted via voice:

Bob Kamps - aye  
Dan Johnson - aye  
Rick Schneider – aye

Jon Nowaczek – aye  
Sharon Ridgway – nay

## **COMMUNICATIONS/REQUESTS**

Police Chief John Gannaway stated he spoke with Attorney Tim Kelly about the conceal/carry and the 2 a.m. bar closings and he will get back to him. The law is alive now but the issue is whether cities and government entities can legally ban firearms from their premises.

## **COUNCIL REQUEST ITEMS**

None.

## **STAFF REPORTS**

Meeting with 5<sup>th</sup> Avenue Business Owners – update. Wendi Lindquist stated that the meeting was not held today, it was changed upon the business owners' request that the meeting be held Tuesday, June 3 at 6:00 p.m. at City Hall.

Mike Darrow explained some of the issues regarding the businesses on 5<sup>th</sup> Avenue.

Status/Concerns of Building Inspector Agreement with Oak Park Heights. Wendi Lindquist stated she was able to contact Mick Kahler, who does the inspections for Baytown Township and he is available immediately to help with the work overload that the current city building inspector has. Wendi Lindquist stated she understood from Attorney Lammers that the contract is not exclusive to Oak Park Heights. The City could have someone help out until the new city administrator comes along and makes a decision as to what to do with the building inspector contract. The contract does require a 90-day termination notice for both parties and the contract is over October 20<sup>th</sup>.

Mayor Schneider confirmed the City could bring in a building inspector as a consultant at this time and asked Wendi Lindquist if that has been done. Wendi Lindquist stated she needs Council approval to do that.

Jon Nowaczek inquired as to whether Mick Kahler was the one that made a presentation to the Council in February. Wendi Lindquist stated that was Jon Ludwig and he is no longer certified through the state and is not interested in taking over Bayport full-time even if the certification is updated; he is busier than he anticipated he would be.

Jim Lammers stated its more than a work overload problem, there is a communication problem between administration and the building inspector. There are serious concerns of people who have applied for permits and they have not been

Bayport City Council Meeting Minutes  
June 2, 2003

acted upon. Attorney Lammers suggested scheduling a meeting with the building inspector to air these issues.

Mayor Schneider suggested adding that to the meeting on June 24<sup>th</sup>.

**ADJOURN**

Councilmember Nowaczek moved, seconded by Councilmember Kamps, to adjourn the public meeting and move to a closed session at 11:45 p.m. Motion passed unanimously.

Respectfully submitted,

Wendi Lindquist  
Acting Administrator