

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JANUARY 5, 2015  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of January 5, 2015 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

**SWEARING IN OF MAYOR SUSAN ST. ORES**

City Administrator Martin administered the Oath of Office to Mayor St. Ores.

**SWEARING IN OF CITY COUNCILMEMBER MICHELE HANSON**

Mayor St. Ores administered the Oath of Office to Councilmember Hanson and noted Councilmember McGann will be sworn in at the next meeting.

**ROLL CALL**

Members Present: Mayor Susan St. Ores, Councilmembers Connie Carlson, Dan Goldston, and Michele Hanson

Members Absent: Councilmember McGann

Staff Present: City Administrator Logan Martin, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, City Attorney Andy Pratt, Fire Chief Mark Swenson and Assistant City Administrator/ Planner Sara Taylor

**APPROVAL OF AGENDA**

It was moved by Councilmember Carlson and seconded by Councilmember Goldston to approve the January 5, 2015 City Council agenda. Motion carried 4-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The December recycling award recipient is Jill Peterson who will receive \$30.00 for her recycling efforts, with funding made possible by a grant from Washington County.
2. Police Chief Eastman recognized Officer Quinn Willmarth's 17 years of service with the Bayport Police Department and 15 years as a member of the Washington County Special Weapons and Tactics (SWAT) Team. Commander Brian Mueller, Washington County Sheriff's Office, presented a plaque to Officer Willmarth for his service on the SWAT Team, which included additional responsibilities and training for sniper duties.
3. Police Chief Eastman presented a Lifesaving Award to Officer Zach Lund for his quick response on December 11 when he performed the Heimlich maneuver on a resident who was choking and having difficulty breathing. He also received an award from the Fire Department for his actions that saved the young mother's life.

Mayor St. Ores thanked all public safety employees for their service.

**OPEN FORUM**

## **CONSENT AGENDA**

Mayor St. Ores read items 1-8 on the consent agenda.

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 15-01**

### **RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE JANUARY 5, 2015 CITY COUNCIL AGENDA**

1. December 1, 2014 City Council workshop minutes
2. December 1, 2014 City Council regular meeting minutes
3. December 15, 2014 City Council and Planning Commission joint workshop minutes
4. December payables and receipts (check numbers 005191-005288)
5. December building, plumbing and mechanical permits report
6. Commercial refuse hauling license renewals for 2015
7. Special event application from Kinnicroix Girl Scouts for activities at Lakeside Park on June 11-14, 2015
8. Washington County designation of the new highway alignment between Stagecoach Trail North (County State Aid Highway No. 21) and St. Croix Trail North (Minnesota Trunk Highway No. 95) Resolution *15-01A*

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

|                      |                      |
|----------------------|----------------------|
| Susan St. Ores – aye | Dan Goldston – aye   |
| Connie Carlson – aye | Michele Hanson – aye |

## **PUBLIC HEARINGS**

### **COUNCIL LIAISON REPORTS**

Councilmember Hanson said the next meeting of the Cable Commission is scheduled for January 22, 2015 at 6:00 p.m.

Councilmember Carlson reviewed the December 19 Library Board meeting and noted applications are being accepted for an open seat on the Library Board. The next meeting is scheduled for January 29, 2015 at 6:00 p.m. at the library. On February 5, there will be a planning meeting for a celebration commemorating 25 years of service in the current library location.

Mayor St. Ores reviewed the December Middle St. Croix Watershed Management Organization (MSCWMO) meeting, noting the MSCWMO is on budget for the year. The next meeting is scheduled for January 8, 2015. In December, she attended a holiday luncheon at the Department of Corrections and participated in the Lighting of the Village Green. She thanked the Bayport Community Action League (BCAL) for sponsoring the Village Green event and city departments for their assistance in making it an enjoyable evening for participants. She added the BCAL is sponsoring a Valentine's party at the Bayport American Legion on February 14.

### **STAFF/CITY ADMINISTRATOR REPORTS**

Fire Chief Swenson reviewed his written report and stated recent training focused on cold water rescues and winter emergencies. He reported the department responded to 1,214 calls in 2014, which are 12 more than in 2013. He said that among all on-call volunteer fire departments in the state, the

Bayport Fire Department responded to the most calls (1,214) versus 609 calls for Waseca, the next highest comparable department in the state. He reminded people to replace carbon monoxide and smoke detectors every eight years and to have their chimneys inspected and cleaned when burning wood to prevent creosote from building up and causing a fire.

Police Chief Eastman reviewed her written report, noting the response to the annual Toys for Tots drive was the largest in recent history. She thanked local businesses for serving as collection points and everyone who donated, including the Department of Corrections staff who participated for the first time. She said there has been an increase in the theft of mail and packages, as well as phone scams. Residents are encouraged to contact the Police Department first if they are suspicious of any phone request for personal or credit card information. Residents may see additional squad cars in the city as part of the Safe and Sober campaign.

Public Works Supervisor Horak reviewed his written report. He reminded residents not to flush undesirable objects other than bodily waste down the toilet, which can cause sewer backups and lead to costly repairs. Administrator Martin added the Public Works staff has been diligent in preparing the outdoor skating rinks that opened on January 1.

Assistant City Administrator/Planner Taylor reviewed the recent city newsletter and asked that new residents contact City Hall if they did not receive a copy. The city is accepting priority park reservations from residents only at this time, with reservations from non-residents accepted January 20. She thanked the Public Works department for getting the ice rinks ready for use during the school break and stated the warming house will be staffed from 4:00-9:00 p.m. on weeknights and noon-9:00 p.m. on weekends and school holidays (weather permitting). Expanded library hours include Wednesday from noon to 8:00 p.m. and Saturday from 10:00 a.m. to 3:00 p.m. She reminded residents that Library Board application information can be found on the city's website or by contacting City Hall.

City Administrator Martin said the project to install a larger water service line to the commercial property at 243 3<sup>rd</sup> Street North has been completed and the property owner is hoping to bring a grocery store operation into the space. He reviewed two stormwater management programs and explained the city has been designated a Municipal Separate Storm Sewer System (MS4) by the state and needs to comply with the MS4 program. Secondly, the MSCWMO would like the city to participate in a voluntary program called Minimal Impact Design Standards (MIDS) that would provide analysis of the city's ordinances to look for increased efficiencies in managing stormwater.

## **UNFINISHED BUSINESS**

### **NEW BUSINESS**

Consider renewal of city attorney service contract: Administrator Martin said the city has utilized the Eckberg Lammers Law firm since 1994 for its criminal prosecution and civil legal services. The current three year contract expired on December 31, 2014, and the city would like to extend the contract at this time. Eckberg Lammers kept their fees flat for the 2011-2014 term and has proposed an approximate three percent per year increase for 2015-2017, with the exception of 2017 when no increase is proposed for civil legal services. Staff is pleased with the services provided by Eckberg Lammers and would like to keep its continuity with the law firm; therefore, staff recommended approval of the three year contract extension. Councilmember Hanson inquired about fees for different services and Attorney Pratt commented on the variability of certain fees. Mayor St. Ores

questioned whether the proposed rates are in line with other cities. Administrator Martin noted Eckberg Lammers typically proposes \$170.00 per hour for civil legal services when responding to requests for proposals for other municipalities, and is proposing \$155.00 per hour in 2016 and 2017 for Bayport. The criminal prosecution flat fee is more difficult to compare because it is based on the amount of activity generated within a community.

It was moved by Councilmember Goldston and seconded by Councilmember Carlson to approve a contract extension with the Eckberg Lammers Law Firm for criminal prosecution legal services and civil legal services for a term of January 1, 2015-December 31, 2017. Motion carried 4-0.

Update on proposed new Fire Hall project and review of fire service contract: Administrator Martin reported the design development process is on schedule for letting of a late winter/early spring bid, which is the optimum time to secure the most favorable bids. The utility design work is progressing, including relocation and heightening of Xcel Energy poles, to allow adequate clearance for the fire equipment. The building plans have been submitted for review via Xcel Energy's "Energy Efficient Buildings" program, which provides a free energy audit of the design and the opportunity to take advantage of applicable rebates from Xcel Energy. Staff also continues to explore solar energy options. Administrator Martin and Attorney Pratt are finalizing the fire service contracts with the three partner communities of Baytown Township, City of Oak Park Heights and West Lakeland Township.

Article 1 of the contract addresses the capital financing of a portion of the building construction costs and sets a fixed fair share rate for 15 years, as an added guarantee that the Bayport Fire Department will retain its partners long-term. The fixed rate is based on cost sharing \$2.6 million of the project costs between the four communities. This article also establishes a small equity value in the building for the partner communities. Mayor St. Ores added that staff will verify that building insurance covers replacement costs, to ensure Bayport does not have to fund a replacement building at anticipated increased costs.

Article 2 covers the annual operational costs, based on the variable fair share formula used in the past. Administrator Martin reviewed changes to this portion of the contract which includes a cap of a three percent increase in the Fire Department budget per year, using 2015 as the base year. Secondly, no community's portion of the operational cost-share rate can rise to more than 62% of the overall cost-share payments. He noted this clause is under review and may be adjusted to address any possible annexations or major developments, to ensure the other partner communities are not paying more than their fair share. The final change allows for a recalculation of the variable fair-share formula for the annual operational costs if a community's taxable market value decreases by more than 25% during the term of the agreement. Councilmember Hanson requested clarification on the example provided in the Maximum Variable Fair Share Cap section, and Attorney Pratt stated the language will be revised to clearly reflect the intent of the clause. Mayor St. Ores noted the general liability insurance carried by Bayport is part of the overall Fire Department budget and split by the four partner communities. The contract sets up an advisory committee that will meet on a quarterly basis and be staffed by an elected official from each of the communities. After seven years, the advisory committee will analyze all components of the contract for functionality; however, Administrator Martin stressed there is no "opt-out" clause during the 15 year term of the contract. Mayor St. Ores encouraged residents to become familiar with the proposed project and to request clarification from city staff as needed. Residents were reminded of the January 6 open house at Oak

Park Heights City Hall. Staff anticipates bringing the final contract to the City Council for approval in February.

**CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Councilmember Hanson and Mayor St. Ores commented on the exemplary service of Officer Lund and Officer Willmarth.

**ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to adjourn the meeting at 7:08 p.m. Motion carried 4-0.

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City Administrator/Clerk