

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
DECEMBER 1, 2014  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of December 1, 2014 to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

**ROLL CALL**

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

Members Absent: None

Staff Present: City Administrator Logan Martin, Police Chief Laura Eastman, Public Works Supervisor Mel Horak, Finance Officer Wanda Madsen, City Engineer John Parotti, 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 December 1, 2014 City Council agenda. Motion carried 5-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The November recycling award recipient is Brian Roeller who will receive \$30.00 for his recycling efforts, with funding made possible by a grant from Washington County.

**OPEN FORUM**

1. Boy Scout Troop 113 member Luke Dickinson explained his Eagle Scout project to collect winter clothing for area residents that will be distributed by Valley Outreach. Collection boxes are available at City Hall, Bethlehem Lutheran Church and Bayport American Legion, with donations being accepted through December 15.

**CONSENT AGENDA**

Mayor St. Ores read items 1-15 on the consent agenda.

Councilmember McGann introduced the following resolution and moved its adoption:

**Resolution 14-23**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-15 FROM THE  
DECEMBER 1, 2014 CITY COUNCIL AGENDA**

1. November 5, 2014 City Council workshop minutes
2. November 10, 2014 City Council workshop minutes
3. November 10, 2014 City Council regular meeting minutes
4. November payables and receipts (check numbers 5085-5190)
5. November building, plumbing and mechanical permits report
6. Non-union employee holidays for 2015
7. Liquor and tobacco license renewals for 2015
8. Renewal of employee health and dental insurance policies

9. Renewal of Subsurface Sewage Treatment System Inspection Service Agreement with Washington County
10. Data practices policy for data subjects and members of the public
11. Reappointment of Jim Eberhardt to the Library Board
12. Reappointment of Jeff Richtman to the Planning Commission
13. Request from D.R. Horton to release the letter of credit for Phase III-A improvements in Inspiration
14. Budgeted fund transfers for 2014
15. Pay application #3 from Siegfried Construction for Phase II Perro Park site improvements

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

Susan St. Ores – aye	Dan Goldston – aye	Patrick McGann – aye
Connie Carlson – aye	Michele Hanson – aye	

Mayor St. Ores thanked Jim Eberhardt and Jeff Richtman for their continued participation on the Library Board and Planning Commission.

**PUBLIC HEARINGS**

Certification of past due waste collection, water/sewer, and vacant building registration fees to 2014 property taxes: Administrator Martin explained the city can certify certain delinquent waste collection, water/sewer and vacant building registration fees against 2014 property taxes, payable in 2015. Customers and/or property owners were notified of past due charges and of their right to appeal certification to their property taxes. Collection efforts will continue over the next month and any accounts on the lists that have past due balances at year-end will be certified to Washington County.

Mayor St. Ores opened the public hearing and no comment was heard.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to close the public hearing. Motion carried 5-0.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to accept staff’s recommendation to certify past due waste collection, water/sewer and vacant building charges to Washington County for assessment to the 2014 property taxes, payable in 2015. Motion carried 5-0.

**COUNCIL LIAISON REPORTS**

Councilmember Hanson said she was asked to participate in the Community Education Advisory Council for Stillwater Area Public Schools and will provide updates at future meetings.

Councilmember Carlson reviewed upcoming library events, including Lighting of the Green story time on December 3 at 6:00 p.m. and family movie night on December 11 at 6:00 p.m.

Councilmember McGann said staff is reviewing candidate applications for the open seat on the Planning Commission.

Mayor St. Ores reviewed the November 12 Middle St. Croix Watershed Management Organization (MSCWMO) meeting and said the next meeting is scheduled for December 11.

## **STAFF/CITY ADMINISTRATOR REPORTS**

Fire Chief Swenson noted that Santa rode through Bayport on a fire engine on November 28 and will also be visiting the Lighting of the Green on December 3. Recent training emphasized how today's building materials cause a fire to ignite and spread more rapidly than 20 years ago. He explained that keeping doors closed in your home will slow the spread of a fire by cutting off the flow of air and he stressed the importance of having working smoke and carbon monoxide (CO) detectors. Residents can contact the Fire Department if they need their smoke or CO detectors checked to make sure they are working.

Police Chief Eastman said the Police Department is sponsoring its annual Toys for Tots donation drive with collection boxes at City Hall, Bayport American Legion/Senior Center, Bayport Library, Bayport Transmission, First State Bank and Trust, Holiday Station and Woody's Bar and Grill. The Department of Corrections staff is also collecting toys this year. Toys will be picked up from the various locations on December 17 and delivered December 18. Department staff will be participating in the Lighting of the Green on December 3. She reviewed her written report and added that recent use of force training was very beneficial to officers. Bayport was recently recognized as one of the 15 safest cities in Minnesota by SafeWise, a home security company, and Chief Eastman thanked the city's police officers for their professional efforts that helped Bayport achieve this recognition.

Public Works Supervisor Horak reviewed his written report and added that residents should call City Hall first if they experience a slow or plugged sewer line. Public Works will be contacted to check on the sewer main, prior to the property owner contacting a private contractor to address a potential problem with their sewer lateral line. The warming house roof will be replaced by the end of the year and the skating rinks will be ready by Christmas, weather permitting.

Assistant City Administrator/Planner Taylor reviewed her written report and said the city will be hiring a few part-time, seasonal employees to staff the warming house. Attendants must be over 18 years of age and anyone interested in the position should contact City Hall. Staff will be reviewing applications on file to fill the open seat on the Planning Commission and may solicit additional applications, with information posted on the city's website after January 1, as needed. Staff has been working with the MSCWMO to discuss ways the city can incorporate design standards into its ordinances to improve stormwater management. A joint City Council/Planning Commission workshop has been scheduled on Monday, December 15 at 6:00 p.m. to discuss the project. The next issue of the city newsletter will be mailed in late December.

Administrator Martin provided an update on the deer culling effort in the Point Road area. River Valley Deer Management has harvested five deer to date, which is less than expected due to the early cold weather that caused the deer to change their migration patterns. Bow hunting will continue throughout the season that ends December 31.

## **PUBLIC INPUT [TRUTH IN TAXATION] ON 2015 CITY BUDGET AND LEVY**

Administrator Martin stated the 2015 budget numbers presented for final approval are the same as preliminarily approved in September. He said the city's financial standing remains strong with a 5% growth in taxable market value, \$9.4 million in new construction value, and state aid and other revenue streams increasing. A budget of \$2,822,495 is proposed which is an increase of \$67,052 from 2014 (2.43% increase). The budget accomplishments and capital improvement plan (CIP) for each department were reviewed. A comprehensive utility infrastructure investigation to gauge the condition of our aging water and sewer lines is a priority item in next year's CIP. The proposed general fund levy is \$1,184,783, which is a modest increase of \$24,802 from 2014. This would result in a 44.33% city tax rate, which is a .38% increase from last year. Mayor St. Ores stated councilmembers and city staff

worked hard to provide a conservative budget that met the overall priorities set by the City Council. She thanked staff for staying on budget in 2014 and keeping the 2015 budget as flat as possible, while maintaining quality services.

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 14-24**

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
CERTIFYING THE CITY OF BAYPORT'S LEVY TO WASHINGTON COUNTY FOR THE  
YEAR 2015 BUDGET AT \$1,184,783**

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                      Patrick McGann – aye  
Connie Carlson – aye                      Michele Hanson – aye

Discuss and consider a resolution adopting the 2015 budget:

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 14-25**

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ADOPTING THE CITY BUDGET FOR 2015**

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

Susan St. Ores – aye                      Dan Goldston – aye                      Patrick McGann – aye  
Connie Carlson – aye                      Michele Hanson – aye

Discuss and consider a resolution adopting the 2015 Capital Improvement Plan:

Councilmember Goldston introduced the following resolution and moved its adoption:

**Resolution 14-26**

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR 2015**

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

Susan St. Ores – aye                      Dan Goldston – aye                      Patrick McGann – aye  
Connie Carlson – aye                      Michele Hanson – aye

**UNFINISHED BUSINESS**

Consider a preliminary budget and architecture design for the proposed new Fire Hall: Administrator Martin said approximately 50 people attended the November 17 public open house on the proposed Fire Hall and comments were overwhelmingly positive. He reviewed the process to date to present a preliminary budget and architectural design for approval tonight by the City Council in order to allow the project to move into the design development stage. If approved, the project would be bid in late February/early March. Jessie Bauldry, Leo A Daly Architects, reviewed the proposed site plan and design in detail. The current building design has 17,400 square feet including five apparatus bays, with an estimated cost of \$3.9 million (approximately \$225 per square foot). Administrator Martin said the current proposed budget achieves the following cost savings from previous estimates: \$100,000-site work, \$50,000-utility connections, \$20,000-waived building permit fees, and \$60,000-furniture, fixtures and equipment. With the addition of a fifth equipment bay, the total proposed project budget is \$5,653,450. The project funding was reviewed and staff anticipates \$2.3-2.4 million of the project will

be funded through a cost-sharing agreement between Bayport and our partner communities of Baytown, Oak Park Heights and West Lakeland. Bayport's share would be approximately \$27,000 per year for a \$5.7 million project, which is estimated at a .38% city tax levy increase. A \$200,000 home would see an approximate increase of \$7.00 per year for 15 years. Administrator Martin stated that City Council approval tonight would be contingent upon contract approvals from the partner communities, which he anticipates in the next few weeks. He discussed the next steps in the project and stated that the project could be halted if bids come in substantially higher than anticipated or if support anticipated from partner communities is not received.

Eric Johnson, Oak Park Heights City Administrator, said there is a general level of support from the Oak Park Heights City Council for the cost-sharing agreement and proposed Fire Hall that will be discussed at their December 9 meeting. He added that legal staff from the cities continues to work through the contract agreement language regarding how the long-term partnership will be framed and said the discussions have been positive in nature.

Dan Kylo, West Lakeland Town Board Chairman, expressed the township's long-term commitment, excitement and support for the proposed Fire Hall. He thanked everyone involved in the planning for their hard work and diligence in bringing this overdue project to fruition. He added there were no major concerns expressed by town board members.

Councilmember Hanson questioned how much it would cost to install the Building Committee's preferred method of in-floor heating in the apparatus bays, and Gary Zifko, Kraus Anderson, estimated it would be in the \$20,000-30,000 range. He said dormitories and skylights would be bid as alternate components for the overall project and added that solar panels could also be bid as an alternate if the City Council desired.

Councilmember Goldston said the cost-share agreements are an important consideration and sought attorney input on how the discussions with Oak Park Heights were progressing. Attorney Pratt said the four partner communities have shared the department's operating expenses for years based on a fair-share formula, and Oak Park Heights is the largest user of services. He said the current cost-share discussions center on merging the annual operating expenses and the new capital project expenses into one long-term (15 year) contract. Mayor St. Ores explained that in the event the land transferred to the city by the state is no longer used for a public safety facility, it would be transferred back to the state. She reiterated the City Council will not move forward with the project next year without full support of the partner communities and that councilmembers want to make sure the facility will meet the needs of the department's service area long-term with the best value possible, prior to making this significant investment and financial commitment. The general consensus of the City Council is that the project is warranted at this time and councilmembers will continue to carefully monitor the design development and bidding process, prior to making a final decision to move forward with the project.

It was moved by Councilmember Hanson to approve a total project cost for the fire hall project at a not-to-exceed amount of \$5,700,000, and further approve the design, as presented, to include five apparatus bays, contingent upon contract approvals received by December 9 from the partner communities. The City Council authorizes staff as a signatory to direct Leo A Daly to proceed with design development on or about December 10, when formal contract approval is anticipated.

Discussion followed on amending the dollar figure to the specific estimated budget amount of \$5,653,450, and the impact that changing the approval date would have on the design development process. Cindy McCleary, Leo A Daly, stated the architectural firm needs approval tonight to begin the design process so the bidding documents can be ready for the optimal bid letting and results next spring.

She confirmed the city can halt their work at any time; however they will not be able to meet the “spring thaw” bidding deadline if approval is not received this year. Oak Park Heights Councilmember and Bayport Fire Chief Mark Swenson acknowledged the challenges of his dual positions during the Fire Hall planning process. Speaking as an Oak Park Heights City Councilmember, he said he recuses himself from voting on the Fire Hall project; however he believes the Oak Park Heights City Council will approve a cost-share contract to support a new fire hall. He reiterated the critical need to replace the current Fire Hall. Administrator Martin said he was comfortable with the date of December 9 as stated in Councilmember Hanson’s motion, with the understanding the architectural work could be stopped if support anticipated from partner communities is not received.

Councilmember Hanson amended her motion to approve a total project cost not-to-exceed \$5,653,450. Councilmember Carlson seconded the amendment and motion carried 5-0. The amended motion carried 5-0.

### **NEW BUSINESS**

Consider amending the Bayport Fire Relief Association annual benefit level: Administrator Martin said this year’s audit of the fire relief fund shows the fund to be 145% funded and the auditor suggested the retirement benefit could be increased from \$5,400 per year to \$5,800 per year. The increase would leave the fund level at 125%, based on current pension liabilities. Bayport Fire Relief Treasurer Andy Swenson noted the challenges volunteer fire departments face in recruiting and retaining firefighters and said the proposed increase would help the Bayport Fire Department with this concern. Administrator Martin stated the fund is solely funded by the State of Minnesota’s Fire State Aid program and fundraising efforts of the fire department; there is currently no city allocation requested by the relief association. Mayor St. Ores noted the last increase occurred three years ago.

It was moved by Councilmember Goldston and seconded by Councilmember Carlson to amend the Bayport Fire Relief Association annual benefit level to \$5,800 per year, effective January 1, 2015. Motion carried 5-0.

Consider appointments, designations, and City Council liaison assignments for 2015:  
Assistant Administrator Taylor presented the current list and no changes were recommended.

It was moved by Councilmember Hanson and seconded by Councilmember Goldston to accept the following appointments, designations and City Council liaison assignments for 2015:

Deputy Mayor	Connie Carlson
City Attorney	Eckberg Law Firm
City Engineer	SEH (John Parotti)
City Auditor	Schlenner Wenner and Co.
Deputy City Clerk	Asst. City Administrator (Sara Taylor)
Emergency Preparedness	Fire Chief (Mark Swenson)
	Police Chief (Laura Eastman)
Deputy Fire Chiefs	Allen Eisinger
	Mike Galowitz
Weed Inspector	Mayor (Susan St. Ores)
Assistant Weed Inspector	Public Works Supervisor (Mel Horak)
Animal Control	Police Chief (Laura Eastman)
Assessor	Washington County
Official Depository	First State Bank and Trust
Official Newspaper	Stillwater Gazette

Animal Impound Agency	St. Croix Animal Shelter-Woodbury
On Site Septic Inspection	Washington County
Financial Advisor	Northland Securities, UBS, FTN, Springsted, Inc.
Planning Commission Liaison	Patrick McGann/Susan St. Ores, alternate
Library Board Liaison	Connie Carlson/Michele Hanson, alternate
Cable Commission Liaison	Michele Hanson/Connie Carlson, alternate
Middle St. Croix Watershed Liaison	Susan St. Ores/Dan Goldston, alternate
Lower St. Croix Partnership	Dan Goldston/Patrick McGann, alternate
Andersen Citizen Advisory Liaison	Dan Goldston/Michele Hanson, alternate

Consider City Council regular meeting and workshop dates for 2015: Assistant Administrator Taylor reviewed the proposed dates for 2015.

It was moved by Councilmember McGann and seconded by Councilmember Carlson to accept the 2015 City Council meeting and workshop dates as presented. Motion carried 5-0.

**CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Mayor St. Ores reminded residents of the Lighting of the Village Green on December 3 and the Toys for Tots and winter clothing collection drives.
2. Councilmember Hanson recognized Firefighter Andy Swenson for his efforts with the Bayport Fire Explorer program for area youth.

**ADJOURNMENT**

It was moved by Councilmember Goldston and seconded by Councilmember McGann to adjourn the meeting at 8:08 p.m. Motion carried 5-0.

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City Administrator/Clerk