

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 1, 2021
6:00 P.M.**

** Due to COVID-19 and social distancing protocols, this meeting was conducted by electronic means as permitted by Minnesota Statute 13D.021 due to a health pandemic or declared emergency. **

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of March 1, 2021, to order and asked Councilmembers, staff, and the audience to join in pledging allegiance to the American Flag.

ROLL CALL (St. Ores, Carlson, Dahl, Hanson, and Gilmore)

Members present: Mayor Susan St. Ores and Councilmembers Connie Carlson, Michele Hanson, John Dahl, and Ethan Gilmore (present by electronic means)

Staff present: City Administrator Adam Bell, Assistant Administrator/Planner Sara Taylor, Fire Chief Allen Eisinger, Police Chief Laura Eastman, Public Works Director Matt Kline, City Engineer John Parotti, and City Attorney Tom Loonan (present by electronic means)

APPROVAL OF AGENDA

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to approve the City Council agenda and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
John Dahl - aye

Connie Carlson- aye
Michele Hanson -aye

Ethan Gilmore - aye

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

Mayor St. Ores noted the February recycling award recipient is Larry Sopha, 355 2nd St. N. who will be awarded for recycling efforts, with funding made possible with a grant from Washington County. She also noted that the BCAL Easter Egg Hunt tentatively scheduled for April 3, 2021 has been cancelled.

OPEN FORUM

There were no public comments.

CONSENT AGENDA

Mayor St. Ores read items 1-9 on the Consent Agenda. Administrator Bell requested approval of a minor administrative edit to the February 1, 2021 City Council meeting minutes. Councilmember Dahl introduced the following resolution and moved its adoption with the edit to the minutes, as noted:

Resolution 21-07

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE
MARCH 1, 2021 CITY COUNCIL AGENDA**

1. February 1, 2021 City Council regular meeting minutes
2. February payables and receipts
3. February building, plumbing, mechanical, and zoning permits report
4. Waiver of statutory tort liability limits for city insurance coverage
5. Award quote to perform annual seal coating as part of the city's street maintenance program
6. Hiring of Katherine Estall as a part-time Library Clerk

7. Appointment of Marie Hydukovich to fill a vacancy on the Library Board for a term through December 31, 2022
8. Joint Powers Agreement with Washington County Sheriff's Office to purchase fuel for the Police Department
9. Special event application from Run Stillwater for the Lift Bridge Road Race on June 26, 2021 (tentative)

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

Susan St. Ores - aye
John Dahl - aye

Connie Carlson- aye
Michele Hanson -aye

Ethan Gilmore - aye

PUBLIC HEARINGS

1. Public improvement hearing for proposed 2021 city infrastructure improvements: Public Works Director Kline noted the public hearing was published twice in the Stillwater Gazette, with a direct mail to all affected property owners detailing the assessment process, planned construction work, and proposed assessment roll to comply with MN Statutes 429 assessment procedures. He summarized the project, which includes street improvements to 6th St. N. from 5th Ave. N. to Pickett Ave., paving the existing Hazelwood Cemetery gravel access road, installation of stormwater infiltration basins, minor water utility repairs, and sewer main lining and repairs. Public Works Director Kline noted that since the February City Council meeting, staff had further discussions with St. Charles Church in regards to cemeteries being potentially exempt from special assessments, which has been confirmed by City Attorney Loonan. The assessment roll for the project would be updated to reflect that exemption.

Mayor St. Ores opened the public hearing and asked for any public comment. Laura Kuschel, St. Charles Church/St. Michael's Cemetery noted she discussed the assessment exemption with Public Works Director Kline for the project, as noted.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to close the public hearing and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
John Dahl - aye

Connie Carlson- aye
Michele Hanson -aye

Ethan Gilmore - aye

UNFINISHED BUSINESS

1. Consider a resolution approving the plans and specification and ordering the advertisement of bids for proposed 2021 city infrastructure improvements: Public Works Director Kline summarized the resolution, noting staff is requesting the approval of plans and specifications and ordering the advertisement of bids for the improvement project. The bid opening will take place on March 26, 2021 via Zoom. Upon receipt, staff will review the bids for accuracy and provide a recommendation for approval at the April 5 City Council meeting. An assessment hearing will be scheduled for the May 3 City Council meeting to adopt the proposed assessments which will be based on the bid results.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 21-08

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT OF BIDS FOR A 2021 INFRASTRUCTURE IMPROVEMENT PROJECT

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

Susan St. Ores - aye

Connie Carlson- aye

Ethan Gilmore - aye

John Dahl - aye

Michele Hanson -aye

2. Consider resolution ordering the improvement for proposed 2021 city infrastructure improvements: Public Works Director Kline noted that following the public hearing, the next step in the assessment process is to adopt a resolution ordering the improvement. This resolution does not bind the City Council to a set assessment amount, but verifies that the project is necessary, cost-effective, and feasible as detailed in the feasibility report. Per State Statute, the adoption requires a 4/5th vote of the City Council.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 21-09

**RESOLUTION ORDERING IMPROVEMENT FOR 2021
INFRASTRUCTURE IMPROVEMENT PROJECT**

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

Susan St. Ores - aye
John Dahl - aye

Connie Carlson- aye
Michele Hanson -aye

Ethan Gilmore - aye

NEW BUSINESS

1. Consider a request from Derrick Construction for the extension of municipal water infrastructure to the proposed Hills of Spring Creek residential development in Baytown Township: Public Works Director Kline reviewed the discussion that occurred at the 4:30 p.m. workshop prior to the regular meeting. Derrick Construction is requesting an extension of Bayport municipal water to serve the proposed Hills of Spring Creek subdivision, consisting of 102 single-family residential dwelling units. The city currently has an existing joint powers agreement (JPA) with Baytown for extension of municipal water service, to provide safe drinking water for new developments, as opposed to drilling individual private wells, which could potentially affect the TCE contaminant plume in the groundwater. At this time, the developer is seeking approval from Bayport to serve the development with potable water only, while also continuing with plat approval from Baytown Township, as well as obtaining consent from the MPCA to construct high-capacity wells to serve as a backup to a stormwater reuse system for irrigation. Public Works Director Kline requested the City Council provide input on whether any additional information would be helpful in preparing for formal consideration of the request at the April 5 meeting.

Discussion followed on usage and capacity in the upper water zone, enforcement of illicit connections of potable water for irrigation use, and further definition on what use restrictions and controls would need to be implemented to sustain the existing usage demands, as well as increase the capacity of the booster station to serve as a backup for irrigation, if necessary. Representative Matt Hieb for Derrick reiterated they are confident in that the design of the stormwater reuse system will be sufficient for irrigation and the main reason for the extension request was only for potable water. Public Works Director Kline noted that updates to the city's water model can confirm that the proposed extension will have minimal impact on the current water system and offered to prepare additional data for the April 5 meeting, to address capacity concerns mentioned by the City Council. City Attorney Loonan noted the city's responsibility in considering this request shall be focused on the capacity of the system and whether the extension is in the best interest of the city and consistent with the JPA, not based on whether the land use is appropriate or supported by Baytown. Formal consideration of the extension request will resume at the April 5 regular City Council meeting.

2. Discuss status of Inspiration Stewardship Foundation: Administrator Bell noted that the Inspiration Stewardship Foundation is the entity intended to be responsible for the maintenance of the conservation easement public open space prairie areas within and surrounding the Inspiration neighborhood. The original articles of incorporation were filed with the Secretary of State in 2015, but the foundation was later involuntarily dissolved. Since the foundation was never formally founded beyond legal documentation, the Homeowner's

Association (HOA) has been coordinating the maintenance and collection of the prairie/open space fees in the place of the foundation. The City Attorney, HOA, and the Minnesota Land Trust (MLT) agree that the foundation should be reconstituted and appointments made to serve as directors. The articles specify that the foundation consist of three individuals appointed by the Bayport City Council (two citizens and one elected or appointed official), two citizens appointed by the Inspiration HOA, and one non-voting individual representing MLT. The consensus of the City Council was to appoint Administrator Bell to serve as city representative, with Assistant Administrator/Planner Taylor as the alternate. It was also agreed to appoint Councilmember Dahl to serve as one of the two at-large residents and solicit applications for the remaining position. Formal appointments for all positions will be made at the April 5 City Council meeting.

3. Consider a bridge and culvert inspection report prepared by City Engineer consulting firm SEH and authorization to proceed with plans and specifications for proposed improvements: Public Works Director Kline noted that SEH recently completed an inspection of 11 bridges/culverts within the city. Overall, the majority were in fair to good condition, but two concrete box culverts need attention, located in the alleys between 4th St. N. and 5th St. N. and 5th St. N. and 6th St. N., directly south of 3rd Ave. N. Because of their current degraded condition, these areas are posted with a 5-ton weight limit, so arrangements have been made with residents and Tennis Sanitation for temporary, alternative collection of refuse until these areas can be addressed. At this time, staff is recommending that plans and specifications be completed in the amount of \$38,613, in order to better understand the potential project cost. The completed plans could be used to bid the project later this spring or bid replacement work in the future. The consensus of the City Council was that these areas were in desperate need of improvement and it was in the city's best interest to proceed with plans and specifications for further consideration.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to authorize SEH to complete the plans and specifications for the box culvert replacement work as defined within the proposal and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
John Dahl - aye

Connie Carlson- aye
Michele Hanson -aye

Ethan Gilmore - aye

4. Consider an appointment to the Lake Elmo Airport Advisory Commission: Administrator Bell noted the city received an invitation to participate in the commission, which is proposed to consist of appointed representatives from surrounding cities, townships, Washington County, airport businesses, pilots, and the Experimental Aircraft Association. The role of the appointed delegate will be to participate in discussions about matters concerning the Lake Elmo Airport as well as share information of their respective communities. Most other communities have appointed an elected official with an alternate, similar to other City Council liaison assignments. Mayor St. Ores volunteered to serve as the primary delegate and Councilmember Dahl volunteered as the alternate.

It was moved by Councilmember Hanson and seconded by Councilmember Gilmore to appoint Mayor St. Ores as the primary delegate and Councilmember Dahl as the alternate delegate to serve on the Lake Elmo Airport Advisory Commission and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
John Dahl - aye

Connie Carlson- aye
Michele Hanson -aye

Ethan Gilmore - aye

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson reported on the February 16 Library Board meeting. On March 1, the Library opened to pre COVID hours, but with limited capacity. Virtual programs are planned through summer and she welcomed new Library Board member Marie Hydukovich and part-time clerk Katherine Estall. The next meeting is March 16.

Councilmember Hanson reported that she accompanied Councilmember Gilmore to the February Cable Commission meeting as the outgoing liaison, along with new citizen representative Andrew Kaeding. The meeting covered the recent audit, budget/CIP, facilities report, franchise renewal process, and election of new officers. There were also discussions of committing one of their four cable channels solely to local sports. She noted that BCAL is re-evaluating events for 2021, due to the ongoing pandemic. The Easter Egg Hunt has been cancelled, but the Citywide Garage Sale is still tentative.

Mayor St. Ores attended the Middle St. Croix Watershed Management Organization meeting as the alternate for Councilmember Dahl, where they discussed renewal of consulting services, budget, and a state funded water management plan. No projects were discussed specific to Bayport. She also attended the regular Fire Relief Association meeting with member communities.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Eisinger reported that the 2021 call volume is 102, compared to 168 in 2020. He reviewed a recent structure fire, in person drills, recent department meetings, and a safety reminder on slips/trips related to ice.

Police Chief Eastman reported the 2020 call volume was 9,246, compared to 6,550 in 2019. She noted completion of use of force training and reviewed a current posting for a part-time officer.

Public Works Director Kline reported on ongoing winter maintenance activities and a recent interior rehab project for Pumphouse #2. He provided an update on ongoing projects, including street improvements, water zone modeling, and MS4 best management practices.

Assistant Administrator/Planner Taylor reported on the upcoming print newsletter, part-time office support posting, various grant activities, and drafting of traffic/speed limit reduction survey materials. She will be corresponding with Inspiration property owners on correction of private encroachments in the coming weeks. The February 23 Highway 36 Transit Technical Advisory Work Group meeting focused on convening a corridor commission with surrounding counties, opportunities to leverage Metro Transit's mobility hubs, and an update on draft technical recommendations.

Administrator Bell reported on the new website reveal slated for next week and preparing for the upcoming audit. He acknowledged the city is aware of the recent coyote sightings, but enforcement is subject to the DNR. He encouraged concerned citizens to visit the DNR website for tips, but confirmed there are no plans for trapping/culling at this time. Updated restrictions on public events were also reviewed, noting city is accepting applications for special events, but approval is tentative and subject to cancellation per state COVID guidelines.

COUNCIL ITEMS AND ANNOUNCEMENTS

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Gilmore to adjourn the meeting at 7:35 p.m. Councilmember Carlson excused herself from the meeting to attend a prior engagement following her liaison report. Upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
John Dahl - aye

Ethan Gilmore - aye
Michele Hanson - aye

City Administrator/Clerk