

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 2, 2017
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of October 2, 2017, 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 St. Ores, Councilmembers John Buckley, Connie Carlson, Michele Hanson and Patrick McGann

Members Absent: None

Staff Present: City Administrator Adam Bell, Police Chief Laura Eastman, Fire Chief Allen Eisinger, Public Works Director Matt Kline, City Engineer John Parotti, City Attorney Andy Pratt and Assistant City Administrator/Planner Sara Taylor

APPROVAL OF AGENDA

Administrator Bell requested the following item be added to the consent agenda: *Special Event Application from Andersen Parent Group for Diggy's Dash Walkathon at Barker's Alps Park on October 18, 2017.*

It was moved by Councilmember Carlson and seconded by Councilmember McGann to approve the revised October 2, 2017 City Council agenda. Motion carried 5-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS

1. The September recycling award recipients were Howie and Penny Samb who will be awarded for their recycling efforts, with funding made possible by a grant from Washington County.

OPEN FORUM

1. Robin Anthony, Executive Director of the Greater Stillwater Chamber of Commerce, provided an overview of the Chamber, including its mission, core values, membership benefits and community events.
2. Kandis Hanson, MNSPECT, reviewed a year-to-date report on permits and valuations. A total of 154 residential permits were issued through August, with a valuation of approximately \$4.6 million. There were 11 commercial permits issued, with a valuation of approximately \$1.1 million. She provided an update on the new permitting software that will increase efficiency for their clients. The software will be tested this fall and should be rolled out shortly thereafter.
3. Attorney Dan Burns of the Eckberg Lammers law firm was introduced by City Attorney Andy Pratt.

CONSENT AGENDA

Mayor St. Ores read items 1-7 on the consent agenda.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 17-23

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-7 FROM THE
OCTOBER 2, 2017 CITY COUNCIL AGENDA**

1. September 11, 2017 City Council workshop minutes
2. September 11, 2017 City Council regular meeting minutes
3. September payables and receipts (check numbers 008905-008990)
4. September building, plumbing and mechanical permits report
5. Pay application #2 from Miller Excavating for 2017 Infrastructure Improvement Project
6. Purchase of Bobcat 5600 Toolcat vehicle for the Public Works Department
7. Special Event Application from Andersen Parent Group for Diggy’s Dash Walkathon at Barker’s Alps Park on October 18, 2017

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

| | | |
|----------------------|----------------------|----------------------|
| Susan St. Ores – aye | Connie Carlson – aye | Patrick McGann – aye |
| John Buckley – aye | Michele Hanson – aye | |

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Consider amending Chapter 38 – Offenses and Miscellaneous Provisions of the Bayport City Code of Ordinances related to prohibited obstruction: Administrator Bell said the proposed amendment to city ordinances was drafted in response to inquiries from the public and businesses on city regulations for public/lawful assembly. The main activity the ordinance would regulate is unlawful assembly and obstruction of public property and provides clear direction on what type of activity is regulated and where allowed activity can legally occur. He noted First Amendment rights were considered when drafting the ordinance. Councilmember Hanson asked what the penalty was for unlawful assembly and it was noted Minnesota Statutes also govern an individual’s constitutional rights regarding this type of activity. Attorney Pratt said city code violations are typically misdemeanors, unless specifically stated otherwise. Individuals interested in lawful assembly activity in the city should contact the city, and staff will work with the party to ensure public safety.

Councilmember McGann introduced the following ordinance and moved its adoption:

Ordinance #862

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE
BAYPORT CITY CODE, BY ADDING ARTICLE IV. – PROHIBITED OBSTRUCTIONS**

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

| | | |
|----------------------|----------------------|----------------------|
| Susan St. Ores – aye | Connie Carlson – aye | Patrick McGann – aye |
| John Buckley – aye | Michele Hanson – aye | |

Consider amending Appendix D – Fee Schedule of the Bayport City Code of Ordinances:

Administrator Bell reviewed the proposed additions to the fee schedule. A \$50 fee for a zoning site plan permit is being added for specific projects that impact property within the city but do not require a building permit or other zoning permit. Examples of plans needing review for zoning regulation are patios, pools, and sidewalks. Administrator Bell also noted that a \$75 fee per reading is proposed for manually reading a water meter. This was added in the event a resident declines the option of having the new radio read system installed on their water meter.

Councilmember Buckley introduced the following ordinance and moved its adoption:

Ordinance #863

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
AMENDING APPENDIX D, FEE SCHEDULE, OF THE CITY CODE**

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

Susan St. Ores – aye
John Buckley – aye

Connie Carlson – aye
Michele Hanson – aye

Patrick McGann – aye

Consider authorization to initiate the hiring process and establish a salary grade for a city Public Works Supervisor position: Administrator Bell said the Public Works (PW) department is currently staffed by a PW Director, Supervisor and two maintenance workers. With the pending retirement of the current supervisor, staff is proposing to maintain the current staffing level with a PW Supervisor position at a downgraded salary (from Grade 9 to Grade 6). The proposed non-union, mid-level supervisory position would function as a working supervisor with both administrative and field work duties. During the workshop preceding this meeting, staff and Councilmembers discussed the pros and cons of filling the vacancy with a non-union supervisor versus a union maintenance worker. In order to maintain the desired workload and accomplish the projects anticipated in the coming years, Administrator Bell and PW Director Kline recommend pursuing the supervisor position, which they believe would be the best use of city funds. Councilmember Buckley requested justification for hiring a supervisor at an estimated \$25,000 more than a maintenance worker. Director Kline explained the role and duties of the proposed supervisor position in detail, noting the current maintenance workers would continue to report to him. Since assuming the director position this year, he has recognized the need for a supervisor position. He added his preference is to hire both a supervisor and maintenance worker but recognizes that is not realistic at this time. Director Kline explained the extra in-house duties and reporting he is responsible for since being hired in January, notably a shift of duties from the city’s engineering consultant to his position. Administrator Bell said the department has very ambitious goals and the qualifications that will be required for a new supervisor will provide a skillset to help accomplish them. He added that staff factored in succession planning and increased technological needs when recommending this position. Councilmember Hanson inquired how the non-union supervisor position would affect the union workers. Administrator Bell indicated the work schedules/compensation/overtime for the current maintenance workers would not be negatively affected. The labor union was notified of the proposed position and the city has not received formal input from the union. Staff also consulted with the city’s labor attorney. Mayor St. Ores and Councilmember McGann recognized the importance of semantics with the job title, and Administrator Bell said staff believes “supervisor” is the strongest title since it is the established job description title. Councilmember Buckley expressed concerns that adding another management position would widen the gap between management and union employees and strongly believes that the department needs another maintenance worker at this time, based on his observations and conversation with city staff. He is opposed to replacing only the supervisor position. His preference is to hire a maintenance worker now and review the need for a supervisor next year.

Councilmember Hanson recommended filling the position as proposed by Director Kline, who she believes is in the best position to analyze the department's needs. She sees the benefit of having a position that is responsible for management level tasks, as well as field work, in order to help complete outstanding department projects. Councilmembers recognized the benefit of having a staff member with flexibility to accomplish tasks as needed and recommended a more generalized statement in the job description regarding the amount of time spent on supervisory and production tasks (currently 50%-50% of the workday). If approved, staff intends to present a new hire to the City Council for approval in January, which would coincide with the current PW Supervisor's retirement. Funding for the supervisor position has been requested in the 2018 preliminary budget.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to authorize the initiation of a hiring process for a full-time Public Works Supervisor within the established salary grade level (Grade 6). Motion carried 4-1, with Councilmember Buckley voting nay.

COUNCIL LIAISON REPORTS

Councilmember McGann provided an update on the September Middle St. Croix Watershed Management Organization (MSCWMO) meeting. Andersen Corporation is working on a stormwater quality improvement filtration basin project, to reduce contaminant runoff into the St. Croix River. The MSCWMO approved a cost share of \$50,000 for the project that is projected to reduce phosphorous runoff by 5.1 pounds per year. He recognized the project as a good example of how the MSCWMO works to protect water quality and Andersen Corporation for their efforts to be good stewards of the environment.

Councilmember Carlson was unable to attend the September Library Board meeting. The next meeting is scheduled for October 17, 2017, 6:00 p.m., at the library.

Councilmember Hanson reported on the September Cable Commission meeting. She reported that new director Penny Mealhouse has streamlined the budget and accounting processes. One of the projects the Cable Commission is working towards is live streaming of City Council meetings. Bayport's recording equipment is also in the process of being upgraded. Along with Administrator Bell, she recently viewed the renovated Minnesota State Capitol, at the invitation of State Senator Karin Housley, who also discussed city issues with them.

Councilmember Buckley reported that all remaining code-related issues with the new Fire Hall have been resolved.

Mayor St. Ores attended the Fire Department Relief Association meeting, a quarterly update meeting with the Fire Department's partners, and the Andersen Corporation Community Advisory Commission. She reported Andersen Corporation is on target for meeting all the environmental standards set for their Project XL permit. The company has committed monetary and product donations for the rebuilding and humanitarian efforts in Texas and Florida, following the recent hurricanes.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Eisinger reported the September call volume was 130, which is a record high volume for the department. They have responded to 978 calls year-to-date, compared with 955 in 2016. He reviewed monthly drills, meetings, and community events, including the September 11 tribute and Derby Days on September 16. The department will be recognizing Fire Prevention Week October 8-14, with an open house at the fire station on Saturday, October 14, 9:00 a.m. to 12 noon. He thanked the City of Oak Park Heights for donating \$2,000 for Fire Prevention Week materials that will be distributed to local school children and at the open house. He said the focus of Fire Prevention Week is having an escape plan, in

the event of a fire. The department will also participate in the Public Safety Open House at City Hall on Halloween from 5-7 p.m. The event will be held in the south parking lot and Police Department garage. He reminded residents that burning leaves is not allowed in the seven-county metropolitan area. City staff have met with the planners for a proposed runway extension at the Lake Elmo Airport, which will necessitate rerouting 30th Street. Chief Eisinger addressed the issue of fire trucks navigating the proposed changes to the road, which had been calculated using a standard vehicle. Staff believes the proposed realignment of 30th Street will still have a negative impact on emergency response time to the area. Administrator Bell said another meeting with Metropolitan Airport Commission planners will be scheduled, and the city will be submitting its formal position on the project, with approval of the City Council. Because Bayport provides fire service to Oak Park Heights, Chief Eisinger provided input on a potential annexation, informing the city that the Fire Department is at capacity and may not be able to handle the additional call volume.

Police Chief Eastman reviewed the department's monthly training and reported Administrator Bell attended the department's recent weapons training. Upcoming events include a Community Watch program at Croixdale on October 6, at 1:00 p.m., and the Public Safety Open House on Halloween. Residents were invited to attend both events. The department is conducting an informal traffic study of Highway 95 with the perceived additional traffic since the new bridge opened. Chief Eastman encouraged parents to remind their children to wait for adult assistance when crossing the highway on their way to and from school.

Public Works Director Kline reviewed work activities as the department prepares for winter. He provided updates on the infrastructure improvement, sealcoating and GIS projects. Approximately 95% of the infrastructure project will be complete by the next City Council meeting. He said there may be some ponding in a couple areas of the project and that drivers should be alert to the potential need to drive around any pools of water. The new playground at Barker's Alps Park is open for use and residents were encouraged to check it out. Residents will receive a letter from the installer of the radio read equipment for utility meters in the coming weeks detailing the installation process that will be completed in October/November. The contractor for the sewer cleaning and televising project is on target to complete the work by the end of the year.

Assistant City Administrator/Planner Taylor said staff had a work session to begin the Comprehensive Land Use Plan update and developed a preliminary work schedule. A joint Planning Commission and City Council work session will be held later this year to review a draft of the updates needed. The city was not selected to receive a grant to fund a land acquisition as part of a Land and Water Legacy Program project with Washington County. The county is still interested in pursuing the acquisition and staff will provide periodic updates on the potential project. She reviewed the next edition of the city newsletter that will be printed this week. She worked with the Police Department to create a series of door hanger brochures that will be used as an informal tool to alert residents to common ordinance violations, e.g., address numbers not posted and refuse carts left at the curb. She reminded residents of the upcoming events at the library: Snake Discovery Program on October 14 at 1:00 p.m. and Spooky Basement on October 31 from 4:00-6:00 p.m. She summarized topics discussed at the Minnesota Planner's Conference that she recently attended, including a focus on creating accessible routes for bicyclists and pedestrians which will tie in with the upcoming Highway 95 mill and overlay project by MnDOT.

City Administrator Bell said a potential deer culling event on Xcel Energy property north of Point Road will not take place because Xcel cleared most of the vegetation that was providing habitat for the deer. Staff will continue to monitor the nuisance deer issue but no managed deer hunt will take place this year.

He reminded residents that city offices will be closed on Monday, October 9, in observance of Columbus Day.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

1. Mayor St. Ores thanked the Bayport Community Action League for another successful Derby Days celebration and recognized the local businesses, volunteers and Lion’s Club for their involvement and support.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 8:14 p.m. Motion carried 5-0.

City Administrator/Clerk