

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 13, 2017
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Deputy Mayor McGann called the regular City Council meeting of February 13, 2017, to order at 7:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members Present: Councilmembers John Buckley, Connie Carlson, Michele Hanson and Patrick McGann

Members Absent: Mayor Susan St. Ores

Staff Present: Interim City Administrator/Planner Sara Taylor, Public Works Director Matt Kline, City Planning Consultant Dan Licht, City Engineer John Parotti, and City Attorney Pat Sweeney

APPROVAL OF AGENDA

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to approve the February 13, 2017 City Council agenda. Motion carried 4-0.

PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS

1. The January recycling award recipient is Sam Clunis-Horak who will be awarded for her recycling efforts, with funding made possible by a grant from Washington County.

OPEN FORUM

CONSENT AGENDA

Deputy Mayor McGann read items 1-11 on the consent agenda.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 17-03

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE
FEBRUARY 13, 2017 CITY COUNCIL AGENDA**

1. January 9, 2017 City Council regular meeting minutes
2. January 23, 2017 City Council special meeting minutes
3. January payables and receipts (check numbers 008015-008143)
4. January building, plumbing and mechanical permits report
5. Special event application from the KinniCroix Girl Scouts for a day camp at Lakeside Park on June 16-18, 2017
6. Special event applications from Bayport Community Action League for 2017 events
7. Special event application from American Cancer Society for Bark for Life event at Barker's Alps Park on Saturday, May 13, 2017
8. Donation in the amount of \$300.00 to the Police Department from Hui Qin Song
9. Purchase of a Ford F150 crew cab pickup truck for the Public Works Department
10. Appointment of Pamela Johnson to the Bayport Public Library Board
11. Waiver of statutory tort liability limits for city insurance coverage

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

John Buckley – aye
Connie Carlson – aye

Michele Hanson – aye
Patrick McGann – aye

PUBLIC HEARINGS

UNFINISHED BUSINESS

NEW BUSINESS

Consider authorization for a feasibility study and preparation of plans and specifications for a utility extension, street reconstruction, and drainage improvement project: Public Works Director Kline reviewed the six proposed projects for the 2017 Infrastructure Improvements Project and explained a significant portion is related to the property at 201 2nd Avenue South connecting to city sewer and water. The sewer extension would also allow Valley Green Properties, 204 2nd Avenue South, to connect to city sewer. The other projects were identified by the 2011 Pavement Management Study and the ongoing infrastructure/drainage study being conducted by the city engineer. The optimal timeline for the project was reviewed, including a public improvement hearing in April and assessment hearing and bid approval at the June City Council meeting. Engineer Parotti explained the city needs to follow the Minnesota Statute Chapter 429 process to approve the project because certain properties will have a special assessment levied against them. Councilmember Hanson questioned how the smaller projects were selected and questioned the benefit of doing them at this time. Engineer Parotti said the draft drainage study groups projects into specific geographical areas and the four smaller projects identified for correction at this time are outliers that don't fit into the specific groups. They were added with the expectation of achieving better bid results, due to economy of scale bidding. Staff recognizes there are other significant drainage issues in the city, but it would not be feasible to correct only one issue in a group of five or six. The City Council could decide to pull a project from the overall project if they are uncomfortable with the projected costs; however, Engineer Parotti cautioned this should be done before the project is put out for bid.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to authorize the city's engineering consultant, SEH, Inc., to prepare a feasibility report for the preceding projects at an estimated cost of \$13,650, as well as project design, bid documents, and bidding services for an estimated cost of \$59,200. Motion carried 4-0.

Consider a variance application from Appendix C- Lower St. Croix River Bluffland and Shoreland Management of the Bayport City Code of Ordinances for the property located at 515 Lakeside Drive: Planning Consultant Licht said that Gregg Ellingson received approval to construct a new single family house at 515 Lakeside Drive in November 2015, which included removal of an existing house, bringing in fill to comply with 100-year floodplain requirements and establishing a stormwater basin between the new house and the St. Croix River. In July 2016, a site visit by city and the Department of Natural Resources (DNR) staff determined the approved grading plan had been modified. A pre-existing retaining wall located within the 100-foot setback required for structures from the ordinary high water level (OHWL) had been modified and the stormwater basin was undersized. To comply with city code, the retaining wall needs to be brought into compliance with the 100-foot setback or have a variance approved to legitimize the modification. At the preceding Planning Commission meeting, the homeowner explained the fill that was brought in to accommodate the elevation of the new house, as required by the Floodplain Ordinance, created a situation where the retaining wall was in the way of stormwater runoff channeling into the stormwater basin (rain garden), as regulated by the Lower St. Croix River Bluffland and Shoreland Management Ordinance. The landscape contractor modified the

wall so the runoff could reach the stormwater basin. The site visit also verified that the stormwater basin was undersized, due to fill placed by the landscaping contractor. Staff believes a hardship exists because of the need to satisfy the regulations of the two competing environmental ordinances and provide the best water quality as it reaches the St. Croix River. Staff recommends approval of the retaining wall variance subject to three findings of fact relative to the variance criteria, as well as a condition that the stormwater basin be completed by June 1, 2017, as approved on the grading plan. The Planning Commission held a public hearing on the application on February 13 and recommended approval to the City Council. Deputy Mayor McGann noted the city prefers to hear variance requests prior to the work being completed, and Planning Commission liaison Buckley said the property owner satisfactorily answered the Planning Commissioners' questions on the timing and need for the retaining wall modifications.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 17-04

RESOLUTION APPROVING A VARIANCE TO MODIFY A SUBSTANDARD RETAINING WALL WITHIN THE REQUIRED SHORELAND SETBACK AT 515 LAKESIDE DRIVE SOUTH, LEGALLY DESCRIBED AS THE NORTH 125 FEET OF MILL LOT 24 OF BAYPORT INCLUDING ALL RIPARIAN RIGHTS, BAYPORT, WASHINGTON COUNTY, MINNESOTA

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

John Buckley – aye
Connie Carlson – aye

Michele Hanson – aye
Patrick McGann – aye

Consider appointment of a new City Administrator: Interim City Administrator Taylor referred to a memorandum from Richard Fursman, Huelife, the city's consultant during the hiring process for a new administrator. It summarized the hiring process and recommendation to hire Adam Bell to fill the position. A copy of the employment agreement was also included for consideration. A statement from Mayor St. Ores was read into the record that acknowledged and thanked the well qualified and experienced pool of candidates that applied for the position. She believes Adam Bell's educational background, skills, experience, and passion for public service make him a great fit for the position and to lead the city's day-to-day operations. Deputy Mayor McGann said 82 applicants submitted resumes, Mr. Fursman interviewed 19 applicants, and the city received reports on 13 semifinalists. The City Council selected five finalists for interviews by the City Council and staff, and recommended Mr. Bell for the position.

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve the hire of Adam Bell as the new City Administrator and to execute the employment agreement as presented. Motion carried 4-0.

Adam Bell introduced himself, thanked the City Council for the opportunity and said he was excited to start his employment on February 27.

COUNCIL LIAISON REPORTS

Councilmember Buckley said the Planning Commission met immediately preceding the City Council meeting and recommended approval of the Gregg Ellingson variance application heard as part of tonight's new business.

Councilmember McGann reported on the January and February meetings of the Middle St. Croix Watershed Management Organization (MSCWMO). Natalie Warren of the St. Croix River Association presented on the association's efforts to document new construction/remodeling standards in the riverway boundaries. He reported the proposed school bus maintenance garage in Baytown Township was not approved. The MSCWMO received a \$63,000 grant from the State of Minnesota for Perro Creek Urban Stormwater Quality Improvements. The MSCWMO is continuing their review of the construction plans for the property at 201 2nd Avenue South in Bayport.

Councilmember Carlson said the Library Board welcomed Pam Johnson as a member and she will be completing Jim Eberhardt's term. The Police Department assisted with the installation of security cameras at the library. The next Library Board meeting is scheduled for February 21, 6:00 p.m., at the library.

STAFF/CITY ADMINISTRATOR REPORTS

Police Chief Eastman reviewed the department's past and upcoming events. In addition to those listed in her report, Sergeant Jackson presented a program on drug trends identification, medical response, and awareness to drugs to supervisors at Andersen Corporation on February 7. On February 10, Officer Willmarth was recognized by the Stillwater Area Chamber of Commerce with their "Hero of the Year Award" for his actions in dealing with a suicidal Veteran. Part-time officer Keith Frank has been hired by the Stillwater Police Department and a new part-time officer position will be posted in the future. The department responded to 3,175 calls for service in 2016. She recognized the 2,278 hours donated by the Reserve Officers in 2016, with special recognition to Reserve Sergeant Colin Reardon who put in 663 hours. After extensive review of equipment, the department has decided to purchase squad and body cameras from Watch Guard, and Chief Eastman is refining the policy relating to their use. She continues to receive public input on the proposed policy. Residents were reminded the city has a 24-hour parking ordinance and encouraged residents to remove vehicles from the streets for snow removal. Residents were also encouraged to check out the department's Facebook page for event information and safety reminders, including a warning to stay off on lakes or rivers. Many vehicles have gone through the ice in the area.

Public Works Director Kline presented his first report since joining the Public Works Department on January 9. He has been prioritizing work projects with Public Works Supervisor Horak and provided a review of the department's key projects. Xcel has converted the majority of street lights to LED which should save the city approximately \$900 a year. Resident input on the switch to LED lighting is welcomed. Staff is meeting with state officials to discuss the 2019-2010 mill and overlay of Highway 95 and potential improvements.

Interim City Administrator/Planner Taylor noted the Fire Department will hold their fundraiser dance at the Bayport American Legion on Saturday, February 18, 7:30 p.m. Raffle tickets are available at City Hall. Adam Bell begins his City Administrator position on Monday, February 27. The next City Council meeting is Monday, March 6, with a 4:30 p.m. workshop preceding the meeting.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

1. Councilmember Hanson announced the Afton-Bayport-Lakeland Lions Club will be hosting a fundraiser dinner/dance on Saturday, March 18, at the Bayport American Legion, from 5:00-9:00 p.m. "Shamrock the Valley" will feature a corn beef and cabbage meal and live music. Presale tickets are \$10 and \$12 at the door. Proceeds will fund the Lions Club scholarship program for a Stillwater Area High School student and other community needs.

2. Councilmember Hanson said the Bayport Community Action League (BCAL) is planning an Earth Day event on Saturday, April 22. The BCAL hopes to get residents involved in a community service project.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 8:03 p.m. Motion carried 4-0.

City Administrator/Clerk