

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MAY 1, 2017  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of May 1, 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, Building Official Scott Qualle and Assistant City Administrator/Planner Sara Taylor

**APPROVAL OF AGENDA**

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve the May 1, 2017 City Council agenda. Motion carried 5-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The April recycling award recipient was Stuart Lynn who will be awarded for his recycling efforts, with funding made possible by a grant from Washington County.

**OPEN FORUM**

1. Library Director Jill Smith reported the library's circulation was up 4.7% from 2016, and said she continues working on creating stronger community connections and partnerships. She reviewed the library's summer reading programs that will provide learning opportunities for all age groups.

**CONSENT AGENDA**

Mayor St. Ores read items 1-12 on the consent agenda.

Councilmember Buckley introduced the following resolution and moved its adoption:

**Resolution 17-10**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE  
MAY 1, 2017 CITY COUNCIL AGENDA**

1. April 3, 2017 City Council workshop minutes
2. April 3, 2017 City Council regular meeting minutes
3. April 10, 2017 City Council workshop minutes
4. April 10, 2017 City Council special meeting minutes
5. April payables and receipts (check numbers 008346-008435)
6. April building, plumbing and mechanical permits report
7. Monetary donation request from Bayport American Legion Post 491 for Memorial Day Parade
8. Special event application from Bayport American Legion Post 491 for Memorial Day Parade on May 29, 2017
9. Special event application from L'Etoile du Nord Café for wedding on June 10, 2017

10. In kind donation from Dan and Ginny Peulen for planting and maintenance of City Hall garden
11. Renewal of 2 AM liquor license for Mallards LLC located at 101 5<sup>th</sup> Ave. S.
12. Hiring of James Purnick as a volunteer/paid on-call member of the Fire Department

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  
John Buckley – aye

Connie Carlson – aye  
Michele Hanson – aye

Patrick McGann – aye

### **PRESENTATION OF THE 2016 CITY AUDIT**

Audit Manager Ryan Schmidt, Schlenner Wenner and Company, presented the findings of the 2016 audit. The city received an unmodified (clean) opinion, which is the best opinion an organization can receive. The governmental funds were reviewed and he noted the TIF District 1 bond fund was decertified and closed out in 2016, with the funds used to construct the new municipal parking lot. The general fund was reviewed in detail. Investment income was \$172,286 less than budgeted due to the fluctuating bond markets; however, the city has a policy of holding its investments until maturity, ensuring the full value of the investments will be realized. The general fund balance at the end of 2016 was \$8,783,886. The enterprise funds (water and sewer) showed a net operating loss of \$138,665; however, when factoring in nonoperating income, the change in net position is (\$32,992). He reported there were no significant difficulties with the audit. Segregation of duties and posting of audit adjustments were noted under internal control findings, which are common findings for smaller cities.

### **PUBLIC HEARINGS**

There were no public hearings.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

Consider a resolution approving plans and specifications/ordering advertisement for bids, a resolution declaring cost to be assessed/ordering preparation of proposed assessments, and a resolution calling for a public hearing on proposed assessments for a utility extension, street reconstruction, and drainage improvement project: Public Works Director Kline reviewed the three resolutions being considered, noting they are a procedural part of the 429 assessment process. Property owners will initially receive notification of proposed assessment amounts based on the feasibility study estimate, and final assessment numbers will be available for the June 5 assessment public hearing, based on the project bids to be received May 26. Final assessments may be lower than the proposed amount, but not higher. Staff recommended approval of the resolutions. Councilmember Hanson inquired whether the interest rate language in the resolution declaring the cost to be assessed bound the city to the terms listed. Administrator Bell said the interest rate text (2% plus the market bond rate for the city) is from the city's special assessment policy, and the City Council would have to revise the policy in order to change the interest rate for this project. Councilmember Hanson feels the estimated 5% rate is too high and recommended revising the policy. City Attorney Pratt said a revised policy could be adopted at the June meeting, prior to the vote approving the project and assessments. Administrator Bell explained the method used for assessing the proposed improvement costs, which is a per lot basis for the single family residential properties on 3<sup>rd</sup> Avenue South and the alley and a per unit basis for multi-family and non-residential properties. Mayor St. Ores noted the challenge of being consistent and fair when assessing properties for improvement projects.

Councilmember McGann introduced the following resolution and moved its adoption:

**Resolution 17-11**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING  
ADVERTISEMENT FOR BIDS FOR A UTILITY EXTENSION, STREET  
RECONSTRUCTION, AND DRAINAGE IMPROVEMENT PROJECT WITHIN  
THE CITY OF BAYPORT, 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:

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

Councilmember Buckley introduced the following resolution and moved its adoption:

**Resolution 17-12**

**RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION  
OF PROPOSED ASSESSMENT FOR A UTILITY EXTENSION, STREET  
RECONSTRUCTION, AND DRAINAGE IMPROVEMENT PROJECT WITHIN THE CITY OF  
BAYPORT, 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:

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

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 17-13**

**RESOLUTION CALLING FOR PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR A  
UTILITY EXTENSION, STREET RECONSTRUCTION, AND DRAINAGE IMPROVEMENT  
PROJECT WITHIN THE CITY OF BAYPORT, 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:

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

Consider an amendment to Chapter 48 – Stormwater Management of the Bayport City Code of Ordinances: City Engineer Parotti reviewed the city’s actions to comply with the Minnesota Pollution Control Agency’s (MPCA) Minimal Impact Design Standards (MIDS) and Bayport’s classification as a community that operates a Municipal Separate Storm Sewer System (MS4). The city’s stormwater management ordinance revised in May 2016 was drafted to comply with the MS4 standard, with the assistance of the Middle St. Croix Watershed Management Organization. The MPCA is requesting a minor amendment to the ordinance that removes specific requirements on how to handle waste materials on construction projects and refer to standards set out in the state’s NPDES/SDS Construction Stormwater General Permit. The draft amendment also eliminates the reference to the sunset date of this particular state general permit and references the “most recent version” so Bayport’s ordinance does not need to be revised again when the general permit is updated. It was noted Bayport could adopt more stringent standards than set forth by the state’s general permit; however, most cities adopt the NPDES/SDS standards.

Councilmember Buckley introduced the following ordinance and moved its adoption:

**Ordinance #859**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING CHAPTER 48 – STORMWATER MANAGEMENT  
OF THE BAYPORT 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                      Connie Carlson – aye                      Patrick McGann – aye  
John Buckley – aye                      Michele Hanson – aye

Consider an amendment to Chapter 18 – Buildings and Building Regulations of the Bayport City Code of Ordinances pertaining to plumbing plan review and inspections: Building Official Scott Qualle of MNSPECT explained the city may delegate commercial plumbing plan review and inspections to MNSPECT in lieu of review by the State of Minnesota Department of Labor and Industry (DOLI). The benefits are quicker turnaround of plan review (15 days) and local retention of plan review fees. Plans for state-licensed facilities would still require DOLI approval; however, MNSPECT would be able to perform the inspections. Councilmember Buckley, the city’s former building official, said DOLI plan approval currently takes 6-10 weeks and noted his approval of the amendment to the building code.

Councilmember Hanson introduced the following ordinance and moved its adoption:

**Ordinance #860**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,  
AMENDING CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS OF THE CITY  
CODE PERTAINING TO PLUMBING PLAN REVIEW AND INSPECTIONS**

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

**COUNCIL LIAISON REPORTS**

Councilmember Buckley said staff is making progress on resolving outstanding issues related to construction of the new Fire Hall.

Councilmember Hanson reported on her activity with the Bayport Community Action League (BCAL). The Earth Day event attracted 20-25 people who helped clean up Perro Creek and enjoyed craft activities for the children. She recognized L’Etoile du Nord Café staff for providing waffles and orange juice to participants, via their waffle truck. The BCAL was contacted by Valley Outreach to help establish a monthly food distribution in Bayport. The effort is in the planning stages and interested families can contact the BCAL or City Hall for details as they become available.

Councilmember Carlson encouraged families to take advantage of the many summer activities scheduled at the Bayport Public Library.

Councilmember McGann reported on the April 13 meeting of the Middle St. Croix Watershed Management Organization (MSCWMO), where monitoring of Perro Pond and Perro Creek was reviewed. Levels of E. coli bacteria showed an increase for 2016, however staff believes outlier

readings may be the result of faulty monitoring equipment, and the MSCWMO will continue to closely monitor in 2017.

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

Fire Chief Eisinger reviewed his written report and noted the April call volume was 113. Monthly training and events were highlighted. Residents were cautioned to avoid filling gas-powered equipment that is still hot from use.

Police Chief Eastman reviewed past and upcoming events, noting the department now has 12 active Reserve Officers, including a Bayport resident. On May 24, she will be attending a course on Public Safety-City Administrator 21<sup>st</sup> Century Policy, along with Administrator Bell. She highlighted recent crisis intervention training and sessions from the Chief Law Enforcement Officer's annual conference.

Public Works Director Kline reviewed the department's current activities and commented on the valuable volunteer efforts of the BCAL and Boy Scout Troop 113 to clean up along Perro Creek. The fence at the new municipal parking lot has been installed and landscaping is underway. He noted the lights are now operational.

Assistant City Administrator/Planner Taylor said the city newsletter will be distributed this week and reviewed articles. She reviewed another grant opportunity to fund a potential land acquisition for a Washington County Land and Water Legacy Project. The Washington County Master Gardeners are looking to expand the Bayport Front Entry Garden Contest to all communities in the county and are exploring alternate recognition options. Planning for park improvements continues and upgrades to the play equipment at Barker's Alps Park will be made this year. Staff is also exploring the addition of electricity to the Barker's Alps shelter and a new shelter at Perro Park. Councilmember Hanson requested the city place at least one picnic table in Perro Park, near the playground area.

City Administrator Bell attended the retirement party for Sheriff Bill Hutton and anticipates a continued positive relationship with the Washington County Sheriff's Office under the direction of Sheriff Starry. He enjoyed meeting several Bayport residents at the Senior Center waffle breakfast. He attended a municipal law seminar, along with Assistant Administrator Taylor and Police Chief Eastman, hosted by the city's law firm. He said registrations are still open for the Stillwater Area Chamber of Commerce "Eggs and Issues" event on May 10. Mayor St. Ores and Administrator Bell will be part of the discussion, "State of the Three Cities: Bayport, Oak Park Heights and Stillwater."

### **CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Mayor St. Ores thanked Dan and Ginny Peulen for their time and energy to beautify the grounds around City Hall.
2. Mayor St. Ores extended her best wishes to retiring Washington County Sheriff Bill Hutton.
3. Councilmember Hanson recognized Bayport BBQ for hosting fundraisers for local nonprofit groups.

### **ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 7:40 p.m. Motion carried 5-0.

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City Administrator/Clerk