

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
January 6, 2020  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of January 6, 2020 to order 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 John Dahl, Connie Carlson, John Buckley and Michele Hanson

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

**APPROVAL OF AGENDA**

Mayor St. Ores requested the Consent Agenda be amended to include an item authorizing a joint meeting with the City of Oak Park Heights to discuss various issues in the coming month. It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve the City Council agenda, with the addition of item #10, as discussed. Motion carried 5-0.

**PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS**

1. The December recycling award recipient is Suzanne Miller, 207 3<sup>rd</sup> St. N., who will be awarded for recycling efforts, with funding made possible by a grant from Washington County.
2. Pet license registrations for 2020-2021 are due February 1. All cats and dogs over 4 months of age must be licensed with the city.
3. Priority park reservations for 2020 are now being accepted for city residents. General park reservations for non-residents will begin January 15.

**OPEN FORUM**

1. State Representative Shelly Christensen introduced herself to the City Council and indicated she is hosting a public forum on February 8 to discuss constituents' concerns regarding highway safety. Administrator Bell indicated that there will also be a workshop held prior to the February 3 City Council meeting to discuss safety concerns along Highway 95. MnDOT will be presenting some new options to address traffic problems. Several community liaisons including Andersen Corporation, Andersen Elementary, and First State Bank will be participating. Administrator Bell extended the invitation to participate in the workshop to Representative Christensen. Mayor St. Ores encouraged the public to provide feedback and opinions about Highway 95 safety prior to this workshop by contacting City Hall or Adam Josephson at MnDOT directly.

2. Rob McManus, 516 4<sup>th</sup> Street North raised his concerns about lawn chemical applications and the resulting impact on insects and birds. He encouraged the City Council to consider limiting the use of lawn chemicals. Mayor St. Ores indicated that the topic of chemical treatment and fertilization would be further discussed later in the agenda under New Business.

**CONSENT AGENDA**

Mayor St. Ores read items 1-10 on the Consent Agenda. Administrator Bell indicated that agenda Item #6, the quote for a new squad car, had been updated since the City Council packet was assembled. The new quote was provided to Councilmembers prior to the meeting and the increased cost of the vehicle was explained.

Councilmember Dahl introduced the following resolution and moved its adoption:

**Resolution 20-01**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE  
JANUARY 6, 2020 CITY COUNCIL AGENDA**

1. December 2, 2019 City Council workshop minutes
2. December 2, 2019 City Council regular meeting minutes
3. December payables and receipts (check numbers 011824-011928)
4. December building, plumbing, mechanical, and zoning permits report
5. Commercial refuse hauling licenses for 2020
6. Purchase of replacement squad vehicle for the Police Department
7. Letter of understanding for Impound Housing Services with Woodbury Animal Humane Society
8. Appointment of Jenny Erickson to the Library Board
9. Hiring of Susan Danielson as a part-time Library Clerk
10. Schedule a joint City Council meeting with the City of Oak Park Heights

The motion for adopting the foregoing resolution was duly seconded by Councilmember Buckley 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

John Buckley - aye

**PUBLIC HEARINGS**

There were no public hearings.

**UNFINISHED BUSINESS**

1. Consider a resolution rescheduling a public improvement hearing for the city infrastructure work as part of MnDOT's 2020 Highway 95 Improvement Project: Public Works Director Kline explained that Resolution 19-34 had established a public improvement hearing date of January 6, 2020 for the city infrastructure work as part of MnDOT's 2020 Highway 95 Improvement Project. Since MnDOT was unable to provide an updated cost estimate in a timely manner to include in the public notices mailed prior to the improvement hearing, staff is proposing to postpone the hearing until February 3. It was noted that the delay does not affect the project or the city's ability to assess the related costs.

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 20-02**

**A RESOLUTION RESCHEDULING THE PUBLIC IMPROVEMENT HEARING FOR CITY  
INFRASTRUCTURE WORK AS PART OF MNDOT'S 2020 HIGHWAY 95 IMPROVEMENT  
PROJECT WITHIN THE CITY OF BAYPORT, MINNESOTA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Buckley 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

John Buckley - aye

**NEW BUSINESS**

1. Consider a resolution for issuance of a bond to fund city infrastructure improvements for 2020: Administrator Bell called on Tammy Omdal of Northland Securities to present the proposed bond sale. The bond would be issued to fund the water and sewer portion of the 2020 Highway 95 Improvement Project and be supported by utility revenues. Repayment terms would be from 2021 through 2030, with principal payments due February 1 and interest payments due August 1 of each year. If the resolution is approved by the City Council, Northland Securities will take bids on the bond sale the morning of February 3. Northland Securities will present the results of the sale that same evening at the regularly scheduled City Council meeting. At that time, a second resolution will be proposed to award the sale of the bond to the firm that provides the lowest bid.

Administrator Bell indicated the city has elected this funding model versus using cash reserves, due to the historically-low bonding interest rates. The city is also including the purchase of two generators originally slated for purchase in 2021 to take better advantage of the low interest rate associated with bonding. Ms. Omdal indicated the city's outstanding bonds currently carry a rating of Aa3. Northland Securities is not recommending a pre-payment option for this bond as the term is relatively short and it would affect the cost of issuance.

It was moved by Councilmember Dahl and seconded by Councilmember Carlson to adopt a municipal service agreement with Northland Securities Inc. for issuance of a bond to fund city infrastructure projects. Motion carried 5-0.

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 20-03**

**RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$1,200,000 GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2020A**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Buckley 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

John Buckley - aye

2. Consider an amendment to Chapter 38 – Offenses and Miscellaneous Provisions of the Bayport City Code of Ordinances to delete Article VI. Short Term Rental prohibition for less than 30 days: Administrator Bell proposed a repeal of the entire ordinance section regarding prohibition of Short Term Rental (STR) that was originally drafted in 2018. Repealing Article VI. is necessary in order to adopt and implement the new STR policy decided upon at the December 2019 City Council meeting.

Councilmember Hanson introduced the following amendment and moved its adoption:

**Ordinance 877**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AMENDING CHAPTER 38 – OFFENCES AND MISCELLANEOUS PROVISIONS, BY DELETING ARTICLE VI. SHORT TERM RENTALS OF THE BAYPORT CITY CODE OF ORDINANCES**

The motion for adopting the foregoing ordinance was duly seconded by Councilmember Carlson 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

John Buckley - aye

3. Consider an amendment to Chapter 46 – Solid Waste of the Bayport City Code of Ordinances related to the storage, collection, and disposal of bulk materials: Administrator Bell explained that changes to the fee schedule for 2020 necessitated an amendment to the existing ordinance. If the dumpster or bulk disposal container is not located within the public right of way, a permit is no longer required. The inclusion of bag style dumpsters was also removed from the original ordinance language based on previous direction from the City Council. Residents must use a city licensed refuse hauler and dumpsters must be removed within 30 days of original placement. Councilmembers asked that bag-style dumpsters be left in the ordinance language, to ensure these containers also be restricted to removal after 30 days.

Councilmember Hanson introduced the following amendment and moved its adoption:

**Ordinance 878**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AMENDING CHAPTER 46 – SOLID WASTE, ARTICLE III. STORAGE, COLLECTION, AND DISPOSAL OF THE BAYPORT CITY CODE OF ORDINANCES**

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

Susan St. Ores - aye                      Connie Carlson- aye                      John Buckley - aye  
John Dahl - aye                              Michele Hanson –aye

4. Consider awarding a quote for the demolition of structures on the parcels acquired for a Land and Water Legacy Project on the St. Croix River: Public Works Director Kline indicated that staff solicited quotes for demolition of the existing structures on the parcels acquired for a Land and Water Legacy Project (LWLP). The RFQ was distributed to three demolition contractors on December 20, 2019 with a deadline of January 6, 2020 at 1:00 p.m. Quotes were received by two contractors in the amount of \$58,650 and \$75,000 respectively. SEH had indicated small amounts of lead and asbestos in one of the structures to be demolished and quotes include the additional costs for handling these materials. After evaluation, staff recommended the quote be awarded to Miller Excavating in the amount of \$58,650. The city is requiring demolition and grading be completed no later than June 15, 2020. Mayor St. Ores clarified that preserving the areas identified in the Phase I Archeological Review will not impact the intended use of the park land.

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to award a quote of \$58,650 from Miller Excavating for demolition of structures on the parcels acquired for the Land and Water Legacy Project. Upon roll call being taken, the following voted via voice:

Susan St. Ores- aye                      Connie Carlson – aye                      Michele Hanson – aye  
John Buckley – aye                      John Dahl – aye

5. Consider the assessment of street light upgrades related to the MnDOT Highway 95 Improvement Project: Public Works Director Kline explained that the MnDOT Highway 95 Improvement Project incorporates city street infrastructure work, including light upgrades. The work involves pole relocation due to ADA ramp and sidewalk work, conversion to LED fixtures, and replacement of underground wire and service cabinets primarily along the Highway 95 business corridor. State Statute 429 and the city’s assessment policy allow for municipal infrastructure improvements to be assessed to abutting, benefitting property owners and is consistent with how the city has funded other infrastructure projects in the past. Per the city’s assessment policy, 50% of the cost of the improvements was proposed to be assessed in the feasibility study prepared by SEH. The estimated cost specifically for the street light work is \$178,476, resulting in a total assessment of \$89,238. Some Councilmembers have questioned whether the city should be assessing the cost for street light upgrades in particular, since a majority of the city is served by lights that are owned and maintained by Xcel Energy. Therefore, these property owners would not be subject to such an assessment. Staff feels there is benefit specifically to these property owners (mainly businesses) by having increased visibility provided by these street lights, which meets the criteria for assessment. Foregoing such an assessment would be a departure from the intent of the city’s assessment policy. Director Kline explained this will set precedent for other municipal street light improvements in the future, including Phase I and III in Inspiration (18 lights) and the 5<sup>th</sup> Ave. N. business corridor (6 lights).

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adopt a motion excluding the assessment of street light upgrades in the 2020 MnDOT Highway 95 Improvement Project. Upon roll call being taken, the following voted via voice:

Susan St. Ores- aye                      Connie Carlson – aye                      Michele Hanson – aye  
John Buckley – aye                      John Dahl – aye

6. Consider options for chemical treatment and fertilizer application on city property: The city’s 3-year service agreement with a licensed contractor for chemical/fertilizer application to turf grass on city property recently expired. Public Works Director Kline and staff have been evaluating options for future services, including the potential reduction or elimination of chemical and/or fertilizer application. Applications of chemical/fertilizer to turf grass are estimated to cost approximately \$8,000 per year. Annual application includes pre-emergent and

broadleaf weed control, seasonal fertilizers, and goose control chemicals. Single applications of an insecticide for grub control at Barker’s Alps and Lakeside Park ballfields are being discontinued, due to potential negative impact to bee populations. Staff is requesting City Council consideration for options moving forward for turf grass, specifically:

Option #1 Retain service agreement for chemical and fertilizer application

- Identify an alternative insecticide for grub control
- Review products for impact on the environment; identify alternatives, if necessary

Option #2 Retain service agreement but reduce chemical and fertilizer application areas

- Identify preferred areas where quality turf grass is highly desired (ballfields, near shelter/playground at Lakeside Park, Village Green, etc.)
- Identify organic or other chemical alternatives to prevent weed germination (may be more costly and not as effective)
- Integrate planting alternatives to mimic turf grass, such as clover (may be a good option for areas prone to flooding, i.e. Lakeside Park)

Option #3 Eliminate service agreement and chemical and fertilizer application

- Rely on established turf grass to create natural barrier for weed resistance (may deter weeds for a few years, but not permanently)
- Application would be eliminated with the exception of goose control

Councilmembers Hanson and Dahl suggested the city consider using organic based turf grass chemicals on selected park areas and leave the rest chemical free. This would off-set the cost of more expensive organic chemical choices. Following discussion, Mayor St. Ores and Councilmembers agreed that staff should look at reducing use of chemicals, reducing the areas treated, implementing more environmentally friendly chemicals, and investigating alternate plantings. No specific action was requested.

7. Consider appointments, designations, and City Council liaison assignments for 2020: After discussion the following roster was proposed:

Acting (Deputy) Mayor	Connie Carlson
City Attorney - Municipal	Andrew Pratt, Best & Flanagan
City Attorney - Prosecution	Eckberg Law Firm
City Engineer	Schlenner Wenner and Co.
Data Practices Authority	City Administrator (Adam Bell)
Deputy City Clerk	Assistant City Administrator (Sara Taylor)
Emergency Preparedness	Fire Chief (Allen Eisinger), Police Chief (Laura Eastman)
Deputy Fire Chiefs	Jason Severson, Mike Galowitz
Weed Inspector	Mayor (Susan St. Ores)
Assistant Weed Inspector	Public Works Director (Matt Kline)
Animal Control	Police Chief (Laura Eastman)
Assessor	Washington County
Official Depository	First State Bank and Trust
Official Newspaper	Stillwater Gazette
Annual Impound Agency	St. Croix Animal Shelter -Woodbury
On Site Septic Inspection	Washington County
Financial Advisor	Northland Securities, UBS, FTN, Springsted
Middle St. Croix Watershed Liaison	John Dahl / Susan St. Ores, alternate
Planning Commission Liaison	John Buckley / John Dahl, alternate
Library Board Liaison	Connie Carlson / Michele Hanson, alternate
Cable Commission Liaison	Michele Hanson / Connie Carlson, alternate
Andersen Citizen Advisory Liaison	John Buckley / Michele Hanson, alternate

It was moved by Councilmember Buckley and seconded by Councilmember Hanson to accept the 2020 appointments, designations, and City Council liaison appointments as listed above. Motion carried 5-0.

8. Consider City Council regular meeting dates for 2020: Following discussion on the proposed dates, the following meeting dates were recommended:

Monday, January 6	Monday, February 3	Monday, March 2
Monday, April 6	Monday, May 4	Monday, June 1
Monday, July 6	Monday, August 3	Tuesday, September 8*
Monday, October 5	Monday, November 9*	Monday, December 7

\*Due to Labor Day and General Election

It was moved by Councilmember Carlson and seconded by Councilmember Dahl to accept the 2020 City Council meeting dates, as listed. Motion carried 5-0.

### **CITY COUNCIL LIAISON REPORTS**

Councilmember Dahl will attend the Middle St. Croix Watershed Management Organization meeting on January 9 where he will inquire about turf alternatives, as well as grant opportunities in light of the previous discussions on reducing chemical treatments within the city.

Councilmember Carlson attended the Library Board meeting on December 19. The library is celebrating its 30<sup>th</sup> anniversary in its present location in 2020 and she reported that circulation is up since 2018. New security cameras have been installed on the exterior of the building. The Noon Year's Eve celebration was a big success with over 100 attendees. The Library Board will next meet on January 21 at 6:00 p.m.

Mayor St. Ores attended the lighting of the green and thanked all the staff and volunteers that made it a success.

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

Police Chief Eastman, Officer Lepowsky and Reserve Officers attended the Lighting of the Village Green in December. They handed out treats and allowed area children to experience the police squad car and sirens first hand. Night and cold weather range training was attended by all officers on December 5 at the Oak Park Heights Department of Corrections. Chief Eastman thanked the community for a great response to the annual Toys for Tots drive. Community Service Officer interviews were conducted by City Administrator Bell, Sergeant Jackson, and Chief Eastman, and the position was offered to Brian St. Claire. He will begin his new role on January 6. Full-time officer interviews will be held on January 14. Part-time officers Ruzich, Teske, and Lenander will be interviewing for this position.

Fire Chief Eisinger indicated the December month-to-date call volume was 83, compared to 94 in December 2018. The department engaged in discussions on STR inspections and changes to Oak Park Heights EMS policy. In addition, the department hosted a successful car seat clinic. There will be a training house burn on January 25, weather pending.

Public Works Director Kline explained that the early snow storms have kept the department busy. Work continues on skating rink preparation and maintenance as weather conditions and workload permit. The ice road across the St. Croix River is barricaded and not yet open to the public. The Minnesota Department of Agriculture conducted a survey to identify Emerald Ash Borer (EAB) and recommended removal of 15 trees before the active flying season of the EAB beetle begins in April. The city received a grant from the Department of Natural Resources (DNR), which will provide funds to combat the EAB infestation within the city. The grant includes funds to remove, plant, and treat trees on city property. Staff sent a draft copy of the Wellhead Protection Plan to the Minnesota Department of Health for review. Final written components of the MS4 permit are due July of 2020. This includes an illicit discharge detection/elimination program, a public education/outreach component, and a public participation/involvement element.

Assistant Administrator Taylor summarized recent activity on the Land and Water Legacy Project beginning with the engineering survey by SEH in December that indicated asbestos and lead were present in small amounts. Mitigation prior to demolition will not be necessary but these materials must be removed and

disposed of properly by the demolition contractor. The survey/grading plan was also completed for the areas to be protected or impacted within the scope of the demolition activity. Survey detail for the remainder of the property will be completed when weather conditions are more favorable. Staff solicited three demolition contractors and evaluated two quotes. The low quote was awarded earlier on the agenda. The Phase I Archeological Review released on December 30, 2011, identified no period artifacts in the field survey and indicated overall that the proposed conservation project would have no adverse effects on historic properties. This report will be forwarded to the State Historic Preservation Office to comply with the DNR grant requirements. Comments are expected within 30 days, but should not postpone the scheduled demolition. As Director Kline mentioned, the EAB grant application to the DNR was approved in the amount of \$53,100 to supplement city costs related to EAB efforts. Staff completed final edits to the city's 2040 Comprehensive Plan update in response to preliminary review comments received from the Metropolitan Council. The document was resubmitted for review on December 23. There is a Presidential Primary Nomination election on March 3 and the polling place has been relocated to the new Bayport Fire Department building on 5<sup>th</sup> Avenue North to provide better access and parking. The city is currently accepting applications to staff the 2020 elections and interested residents should contact City Hall.

City Administrator Bell announced the STR ordinance adopted at the December City Council meeting will be effective January 15. Staff is finishing the application forms and working through the required inspection protocols. The city will be hosting an open house for the Lakeside Park Playground Phase II improvements on January 21, from 4:30-6:30 p.m. at City Hall. Staff has met with Chris Johnsen, St. Croix Recreation, to develop options for the Phase II improvements. After soliciting feedback on the proposals, the City Council will be asked to consider the Phase II improvements at the February meeting. As discussed earlier in the agenda, staff recommends funding the 2020 Highway 95 Project via conventional bonding. There is potential savings the city can realize due to the historically-low bonding interest rates. Representatives from MnDOT will be meeting with the City Council and some community liaisons to discuss potential options to address the safety on Highway 95. During this workshop, the goal is to identify a few improvements that are feasible and to identify the costs for improvements. This meeting is open to the public but an open forum is not anticipated at this workshop.

#### **ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 8:10 p.m. Motion carried 5-0.

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City Administrator/Clerk