

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
November 4, 2019
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of November 4, 2019, 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 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, Fire Chief Allen Eisinger, Public Works Director Matt Kline, City Engineer John Parotti, and City Attorney Andy Pratt

APPROVAL OF AGENDA

It was moved by Councilmember Dahl and seconded by Councilmember Buckley to approve the November 4, 2019 City Council agenda as presented. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. The October recycling award recipients is Mary Bell, 578 6th Street North, who will be awarded for her recycling efforts with funding made possible with a grant from Washington County.
2. On the behalf of the City Council and staff, Mayor St. Ores extended condolences to the family of Randy Kopesky, former Lakeland Shores Mayor and member of the Lower St. Croix Valley Beyond the Yellow Ribbon Campaign.

OPEN FORUM

There were no comments made at open forum.

CONSENT AGENDA

Mayor St. Ores read items 1-10 on the consent agenda.

Councilmember Hansen introduced the following resolution and moved its adoption:

Resolution 19-31

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE
NOVEMBER 4, 2019 CITY COUNCIL AGENDA**

1. October 7, 2019 City Council regular meeting minutes
2. October payables and receipts (check numbers 011615-011750)
3. October building, plumbing and mechanical permits report
4. Amendment to Inspiration Phase II - Villas of Inspiration Planned Unit Development Permit
5. Reappointment of Coleen Siegfried and Aaron Ochs to a 3 year term on the Planning Commission
6. Reappointment of Sara Wagner to a 3 year term on the Library Board
7. Lawful gambling application to conduct bingo activity at Hesley Jensen American Legion Post #491 on November 23, 2019
8. Agreement with Jennifer Weiss and Bayport Fire Department to conduct a training exercise at the property located at 15269 Upper 61st St. N., Stillwater, MN
9. Special event application from Inspiration Homeowner's Association for a holiday sleigh ride on December 7, 2019
10. Letter of Credit reduction request #1 from Nathan Landucci, Villas of Inspiration

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

There was no unfinished business.

NEW BUSINESS

1.Consider a new off-sale liquor license application from LDN Enterprises Inc. for Bayport Liquor located at 102 3rd Street North: In recent weeks, the city received a new off-sale liquor license application for retail sales at Bayport Liquor. The Washington County Sheriff's Office completed a background check on the applicants, which is a requirement of all new liquor license applications. The sheriff's office indicated they found nothing in the background that would disqualify the applicants from obtaining or holding a liquor license. Based on the sheriff's office recommendation, the City Council is asked to take action on the new license. Assuming the license is approved, staff will then forward the application on to the state for final approval and issuance. It should be noted that although city ordinance does not require a public hearing for new liquor licenses, the public is allowed to comment on the application. The applicants, Allen and Leanne Niere then introduced themselves to City Council.

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve an off-sale liquor license application from LDN Enterprises Inc. for Bayport Liquor located at 102 3rd Street N., as presented. Motion carried 5-0.

2.Consider a cooperative construction agreement with MnDOT for the Highway 95 Improvement Project: The city and MnDOT will be performing infrastructure work in conjunction with the Highway 95 Improvement Project scheduled for the summer of 2020. The city infrastructure work and maintenance agreements are covered within this cooperative construction agreement. The agreement identifies:

- Location of city infrastructure work, estimated cost, and a payment deadline
- Responsibility of engineering work, including oversight, permit submission, plan changes, and requesting change orders
- Basis of city cost for infrastructure work

In regards to the maintenance portion of this agreement, it should be noted that the majority of these requirements were already in place. The road project has allowed MnDOT to reinforce and specify the maintenance responsibilities involving the sidewalks, street lights, and trees that would not normally occur in the right-of-way on a state highway. Maintenance of these features was already being completed by the city. Specific maintenance requirements are covered in the agreement, including the additional components of the pedestrian flasher system and the landscaped center median. The state is mandated to comply with ADA requirements when completing a road project. This prompted the replacement of a majority of the current sidewalks in the project area. For future projects, any ADA non-compliance and impacted sidewalks as a result of street or infrastructure work initiated by the state will be funded by the state. Other work would be funded by the city. All estimated costs have been accounted for and budgeted. Staff recommends the City Council adopt a motion approving cooperative construction agreement with MnDOT for the Highway 95 Improvement Project. Director Kline indicated that traffic flow and access information will be shared with all affected business owners. MnDOT is planning a public open house on the project for March 2020. The project encompasses Highway 95 from Interstate 94 to Highway 36 and is projected to last from May thru October 2020. Limited access will be available along the construction path, but the bulk of traffic will be routed onto Stagecoach Trail during the project. Mayor St. Ores hopes that MnDOT keep public updates on their website much like they did for the St. Croix Crossing Project. Councilmember Buckley asked if seasonal road restrictions would present an

issue for deliveries during the construction project. Director Kline indicated restrictions are typically lifted by mid-May, but the city may need to consider special permissions to allow restricted vehicles access to residential streets.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 19-32

**A RESOLUTION APPROVING A COOPERATIVE CONSTRUCTION AGREEMENT BETWEEN
THE CITY OF BAYPORT AND THE STATE OF MINNESOTA DEPARTMENT OF
TRANSPORTATION**

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
Michele Hanson –aye

Connie Carlson- aye
John Dahl - aye

John Buckley -aye

3. Discuss potential updates to Appendix D – Fee Schedule of the Bayport City Code of Ordinances for 2020: City Administrator Bell explained that staff reviews the city’s established fee schedule and cost for services on an annual basis. Staff spent significant effort comparing current fees with other communities and entities, as well as analyzing staff time spent to administer services specific to their position, which hadn’t been evaluated in depth for several years. The proposed updates for the upcoming year are primarily related to permits, cemetery, and parks/recreation. Councilmember Carlson and Mayor St. Ores expressed concern about the practical implementation of a proposed half day picnic shelter rental from an enforcement and maintenance perspective. Councilmembers Buckley and Hanson felt that park facility rental should be reduced further for city residents, whereas Mayor St. Ores feels the city needs to be compensated for the costs of maintaining these facilities. Councilmember Buckley asked that the necessity of resident dumpster permits be reviewed and he suggested a workshop specifically on fees prior to the regular meeting in December.

CITY COUNCIL LIAISON REPORTS

Councilmember Hanson had an opportunity to visit the Land and Water Legacy Project (LWLP) properties and commented on their natural beauty. The Cable Commission did not meet in October.

Councilmember Buckley will attend a Planning Commission meeting on November 18 at 6:00 p.m.

Councilmember Carlson attended the Library Board meeting October 17. Two architectural firms have visited the library to examine the lower space for possible redevelopment. Library staffer Pam Clements will be retiring at year end. The board is still accepting applications for new members. The next meeting will be held November 21 at 6:00 p.m.

Mayor St. Ores was contacted by the BCAL about the Lighting of the Green on December 4 at 6:15 p.m. The Mayor attended the Fire Hall open house and commended the Fire Chief on the condition of the equipment and facility. She also attended the annual strategic planning meeting for the Stillwater Area Chamber of Commerce this month.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Eisinger reported the October month-to-date call volume was 87, compared to 89 in October 2018. The 2019 year-to-date is 1,038, compared to 1,063 in 2018. Monthly drills consisted of building construction and quarterly emergency responder modules. Fire inspections and new plan reviews are ongoing. Members of the department attended the Minnesota Fire Chiefs conference in Duluth this month. The department will escort Santa Claus on November 29 and will attend the Washington County Fire Chiefs meeting this month. Councilmember Dahl asked about Santa’s proposed route through the city and Chief Eisinger indicated a tentative route will be posted on the city website, subject to change depending on the young audience it generates.

Police Chief Eastman reported that the department passed a 2019 hazardous waste audit by Washington County. Officer Cornell and Chief Eastman provided an escort to students at Andersen Elementary and their annual Diggy's Dash event at Barker's Alps Park. All Officers attended training and qualification at the shooting range on October 17. Officers and Reserve Officers were stationed throughout the city on Halloween, distributing glow necklaces and candy to area children. The department will participate in the Toys for Tots program again this season, with several drop-off locations throughout the city. Chief Eastman reminded people that the department offers a property watch service for vacationers.

Public Works Director Kline reported that the department has been busy with street sweeping, leaf mulching, park winterization, street patching, and plow preparation. Public Works cleans drains more frequently in the fall when the leaves are falling and clogging the system. The department rented a skid steer to complete some much-needed ditch work. The 2nd Ave. N. Drainage Improvement Project is almost finished. The contractor will complete their work this year, but the watershed will postpone planting of the infiltration basins to next spring due to plant availability and weather conditions. Staff is working diligently on completing the Wellhead Protection Plan and recently met with the Minnesota Department of Health to review content within the current draft. The Department of Agriculture will be completing a visual survey for Emerald Ash Borer within the boulevards in December. The hope is to utilize our GIS system and map the affected ash trees. After the survey has been completed, staff will be working on a management plan. Councilmember Buckley asked about the success rate for EAB treatment versus removal. Director Kline indicated that treatment only works on minimally infested trees and requires reapplication every couple of years. Depending on the infestation level, a plan will be developed after the December survey to remove and/or treat. The final written components of the city's MS4 stormwater permit are due in July 2020.

Assistant City Administrator/Planner Taylor indicated a Planning Commission meeting has been scheduled for November 18 and will include a public hearing on draft ordinance language concerning the regulation of short term rentals. The Planning Commission's recommendation on this topic will be presented to the City Council at the December 2 meeting. The closing on the LWLP land parcels took place on October 17. Planner Taylor has been working with Director Kline on a request for proposals for the demolition of these structures and coordinating with county and conservation district staff to develop a scope for the conservation management plan required by the grant funding. Staff is completing final edits to the city's 2040 Comprehensive Plan update, in response to preliminary review comments received from the Metropolitan Council earlier this year. It is anticipated that resubmittal to the Metropolitan Council will occur by mid-November. Anticipating year end, work has started on liquor and tobacco license renewals, fee schedule alterations, and necessary updates to forms and application for 2020. The Landucci Villas of Inspiration Development has submitted two building permit applications and plan review is on-going. As previously discussed, EAB grants have been submitted in conjunction with Public Works Director Kline.

Administrator Bell predicted the December regular council meeting will have a heavy agenda with fee schedule discussions and amendments, as well as a City Truth in Taxation hearing. In addition, school district staff has requested an opportunity to discuss a potential expansion opportunity for Andersen Elementary. Administrator Bell has been working on the short-term rental ordinance for the November 18 Planning Commission meeting. Additional information was recently requested by and submitted to the Federal Railroad Administration and Union Pacific Railroad. Staff anticipated this additional information will complete the renewal process for the reinstatement of the railroad crossings partial quiet zone soon. The removal of the old Lakeside Park playground equipment is complete and the new equipment is being installed at present. Upon completion of the installation of the Phase I improvements, the city will schedule an open house to present/seek feedback on potential Phase II improvements for installation in early spring 2020. Staff has met with the Inspiration Community Association President several times to discuss the status of the Inspiration Stewardship Foundation. As previously noted to the City Council, the association would like to reexamine the formation and organization of the foundation, which is responsible for the maintenance of the conservation prairie areas near Inspiration.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

ADJOURNMENT

It was moved by Councilmember Buckley and seconded by Councilmember Hanson to adjourn to closed special session at 8:04 p.m. Motion carried 5-0.

City Administrator/Clerk