

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
December 2, 2019
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of December 2, 2019, to order at 6:09 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, Finance Director Wanda Madsen, 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 Carlson and seconded by Councilmember Buckley to approve the December 2, 2019 City Council agenda as presented. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. The November recycling award recipients is Thomas Darrow, 902 Inspiration Parkway N, who will be awarded for his recycling efforts with funding made possible with a grant from Washington County.

OPEN FORUM

There were no comments made at open forum.

CONSENT AGENDA

Mayor St. Ores read items 1-14 on the consent agenda. Administrator Bell indicated that item #11 should be amended to include a guard rail at the Library, and the old Fire Hall in addition to City Hall.

Councilmember Hansen introduced the following resolution and moved its adoption, noting the amendment to item #11:

Resolution 19-33

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-14 FROM THE
DECEMBER 2, 2019 CITY COUNCIL AGENDA**

1. November 4, 2019 City Council closed meeting summary
2. November 4, 2019 City Council regular meeting minutes
3. November payables and receipts (check numbers 011751-011823)
4. November building, plumbing and mechanical permits report
5. City observed holidays for 2020
6. Renewal of liquor and tobacco licenses
7. Renewal of employee health and dental insurance policies
8. Budgeted fund transfers for 2019
9. Appointment of Colleen Robinson to the Library Board
10. Pay application #1 from Miller Excavating for 2nd Ave. N. Drainage Improvement Project
11. Application and execution of an OSHA safety grant to install a safety guard rail on roof of City Hall, Library and old Fire Hall
12. Authorization to increase initial engineering budget related to the MnDOT Highway 95 Improvement Project
13. Designate January 6, 2020 as the next regular meeting of the City Council

14. Establishing the Bayport Fire Department, 1012 5th Ave. N. , as the designated polling place for the 2020 election(s)

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

1. Certification of past due waste collection bills to 2020 property taxes: Administrator Bell explained that staff works with Republic Services on accounts that are more than 60 days delinquent as of September 1 each year. Pursuant to Chapter 443 of the Minnesota State Statutes and city code, the city can assess overdue balances for certification to Washington County, with a 10% penalty charge added to the amount to be certified, to reimburse the city for staff time. A 6 % interest rate would be charged on unpaid balances. Delinquency notices were sent to these customers, and collection efforts will continue over the next month. Any accounts that have past due balances owing at year end will be certified to Washington County.

Mayor St. Ores opened the public hearing and no comment was received. It was moved by Councilmember Carlson and seconded by Councilmember Hanson to close the public hearing. Motion carried 5-0.

It was moved by Councilmember Dahl and seconded by Councilmember Buckley to accept the list of past due waste collection bills for certification to Washington County. Motion carried 5-0.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

1. Consider amending Appendix B – Zoning of the Bayport City Code of Ordinances related to the regulation of residential short term rental use: Administrator Bell summarized the proposed short term rental (STR) ordinance with emphasis on changes made after the Planning Commission meeting. He specifically spoke of changes to permit eligibility whereby the City Administrator would issue all uncontested licenses. The City Council would consider any applications that have objections. No external signage would be allowed other than parking designations. Site specifications remained largely the same, with the exception that one on-street parking spot per property could be added as per comments received at the Planning Commission public hearing. The City Council then proceeded to go through the proposed ordinance by line item.

It was determined by City Council consensus that the number of licenses would be lowered to 10 with no linearly or diagonally adjacent properties allowed to hold STR licenses concurrently. Councilmember Hanson felt that neighbor objections should not play a role in the initial STR license application and after discussion, section 2.e) ii) pertaining to this subject, was removed from the proposed ordinance. Councilmember Buckley felt the criteria around the city inspection procedure was too onerous for most property owners to comply. Councilmembers asked that building, fire, and police officials restrict inspections to life and fire safety issues. The maximum occupancy as described in section 12.f) was increased to 12 people. Exterior signage to designate parking would be allowed, but subject to existing sign permit requirements. Councilmembers felt all other parking restrictions could be eliminated, as parking violations for both non-residents and residents are already served by the existing city ordinance. Within the license suspension and revocation section, it was agreed that the time stipulation be removed from a criminal conviction, disallowing anyone convicted of the crimes described from acquiring a STR license. The disorderly use by tenant section was reworked on the recommendation of the Planning Commission and mimics the verbiage used by the City of St. Paul. Councilmember Dahl was concerned that this language makes the owner responsible for their occupants' criminal behavior. They preferred to return to the more summary language of the original ordinance that was presented to the Planning Commission in November. Councilmembers decided to limit owners' responsibility to making reasonable efforts to prevent disorderly and criminal conduct by tenants, and to report to proper

authorities once they become aware of behaviors that violate state and local law. The City Council directed the City Attorney and Chief of Police to draft new language.

Councilmember Buckley introduced the following ordinance and moved its adoption:

Ordinance 874

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING APPENDIX B – ZONING OF THE BAYPORT CITY CODE OF ORDINANCES BY
ADDING SECTION 748. – SHORT TERM RENTALS**

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 Michele Hanson – aye
John Buckley – aye John Dahl – aye

Councilmember Dahl introduced the following and moved its adoption:

Ordinance 875

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING APPENDIX B – ZONING OF THE BAYPORT CITY CODE OF ORDINANCES
REFERENCING BOARDING, LODGING, AND SHORT TERM RENTAL USE**

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

Councilmember Buckley introduced the following summary ordinance for publication and moved its adoption:

Ordinance 874/875S

**A ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING APPENDIX B – ZONING 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, the following voted via voice:

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

2. Consider amending Appendix D – Fee Schedule of the Bayport City Code of Ordinances and summary or ordinance for publication: Administrator Bell noted that at the November City Council meeting, it was recommended a workshop be scheduled prior to the December 2 meeting to further review and discuss the fee schedule. Specifically, fees related to residential picnic shelter rental and bulk container/dumpster permits were mentioned as topics of interest. It was determined that the half day picnic shelter rental option should be eliminated and the full day resident rental fee at \$35.00/day be retained. The non-resident fee has been raised to \$100.00/day for groups of 50 or less. It should be noted that the current resident rental fee in Bayport is substantially lower than surrounding communities, while the non-resident fee is competitive. Special event fees were modified based on the size and location of a particular event.

The bulk container/dumpster permit fee was retained at \$25.00. The intent of the permit is to help protect residents and/or contactors by ensuring they are using a city licensed and insured refuse hauler, the container is placed in a location that does not impede traffic or cause a safety hazard, the container does not cause damage to city streets, sidewalks, and/or right-of-way, and the container is removed within the allotted timeframe. It was agreed that bag style dumpsters, like the Bagster and Gorilla Bag brands, will no longer require a permit. It was brought to staff’s attention that the ordinance should be amended to require any person or company utilizing

bulk containers/dumpsters to obtain a permit, and not the sole responsibility of the property owner. For new construction, reroofing, and most remodeling projects, the cost would then be shifted to the contractor, not the property owner or resident.

A \$5,000.00 deposit/escrow for outstanding/damaged infrastructure or landscaping has been included and will be collected with building permit fees for new residential construction. This will alleviate the need for temporary certificates of occupancy, dissociating the completion of external landscape, grading and city infrastructure from the internal construction aspects of the new home. Sediment and erosion control charges have been deemed unnecessary and will be removed.

Fees related to short term rental have been included. Driveway curb cut fees have been increased to \$50.00 to better reflect the staff time involved, and the service charge to certify delinquent refuse charges to a property has also been specified.

Councilmember Carlson introduced the following ordinance and moved its adoption:

Ordinance 876

**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 Buckley and upon roll call being taken, the following voted via voice:

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

Councilmember Buckley introduced the following summary ordinance for publication and moved its adoption:

Ordinance #876S

**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 Dahl and upon roll call being taken, the following voted via voice:

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

3. Consider a resolution setting a public improvement hearing for the city infrastructure work as part of MnDOT's 2020 Highway 95 Improvement Project: The City Council held a public improvement hearing for assessments related to the MnDOT Highway 95 Improvement Project on May 6, 2019. Following the hearing, the city has six months to order the improvements. As a result of a delay by MnDOT in letting the project, the city needs to set a date to hold another public improvement hearing. This will not affect the assessment process. Construction and assessment estimates from the feasibility report that was accepted by the City Council at the April 1, 2019 meeting will be presented at the public improvement hearing. Staff will be publishing and distributing the required notices for the public hearing in December. Councilmember Hanson clarified City Council will still have an opportunity to discuss if street lighting should be included in the assessment.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 19-34

**A RESOLUTION SETTING A PUBLIC IMPROVEMENT HEARING DATE AND DISPENSING
WITH THE NEED FOR PLANNING COMMISSION REVIEW FOR CITY INFRASTRUCTURE
WORK AS PART OF MNDOT'S 2020 HIGHWAY 95 IMPROVEMENT PROJECT WITHIN THE
CITY OF BAYPORT, MINNESOTA**

The motion for adoption of 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
Connie Carlson – aye

John Buckley – aye
John Dahl – aye

Michele Hanson – aye

PUBLIC INPUT [TRUTH IN TAXATION] ON 2020 CITY BUDGET AND LEVY

Administrator Bell indicated the final budget remains unchanged from the preliminary budget adopted in September. He provided an overview of the 2020 budget, noting the city’s tax base continues to increase, with 12.5% growth in estimated market value. The proposed budget is \$3,329,873 which is a 4.23 % increase from 2019. Health insurance costs have increased by 6.4% and there is a 3% contractual increase in wages. No additional employees are requested for 2020. MNSPECT expenditures will be offset by decreases in revenue as the Inspiration development nears build-out. The Fire Department budget, at year 6 of a 15 year agreement, maintained a 3% increase. The 2020 Capital Improvement Plan (CIP) includes Phase II improvements to Lakeside Park playground equipment, the 2020 MnDOT Highway Improvement Project, purchase of a generator for the water treatment facility, and expenses associated with the Land and Water Legacy project. Due to conservative budgeting, the proposed total 2020 levy is \$1,392,066, a 5.1% increase. The city’s 2020 budget is achievable via a tax rate of 31.6%, which is a 6.9% decrease compared to 2019. Administrator Bell thanked staff and the City Council for their input and assistance in achieving a budget that adds valuable services, while demonstrating fiscal responsibility. Councilmembers noted their gratitude to staff for their work on the budget.

There was no public input on the budget and levy.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 19-35

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
CERTIFYING THE CITY OF BAYPORT’S LEVY TO WASHINGTON COUNTY FOR THE YEAR
2020 BUDGET AT \$1,392,066**

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

Susan St. Ores – aye
Connie Carlson – aye

John Buckley – aye
John Dahl – aye

Michele Hanson – aye

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 19-36

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING
THE CITY BUDGET FOR 2020**

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

John Buckley – aye
John Dahl – aye

Michele Hanson – aye

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 19-37

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, ADOPTING
THE CAPITAL IMPROVEMENT PLAN FOR 2019**

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

John Buckley – aye
John Dahl – aye

Michele Hanson – aye

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson reported that the Library Board met on November 19. The board has a new member, Colleen Robinson. They discussed proposals for a new masterplan and accepted the bid by Bentz, Thompson and Rietow, Inc. The Library Board will next meet on December 17 at 6:00 p.m.

Councilmember Dahl attended a Middle St. Croix Watershed Management Organization meeting on November 14. Budgeting for 2020 microbial testing of Perro Creek was discussed.

Mayor St. Ores participated in a ceremony and celebration for the Yellow Ribbon Organization at Andersen Corporation. She commended the company on their support of veterans and their families.

STAFF/CITY ADMINISTRATOR REPORTS

Due to the length of the meeting, Administrator Bell announced that staff will not present individual reports but was available for questions.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

The Bayport Community Action League Lighting of the Green will take place on December 4 at 6:30 p.m.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to adjourn the meeting at 9:24 p.m. Motion carried 5-0.

City Administrator/Clerk