

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 3, 2020
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of February 3, 2020 to order at 6:13 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 Attorney Andy Pratt, and City Engineer John Parotti

APPROVAL OF AGENDA

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve the City Council agenda. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. The January recycling award recipient is Kenneth Ellis, 157 3rd St. S., who will be awarded for recycling efforts, with funding made possible by a grant from Washington County.
2. State Representative Shelly Christensen will be hosting a community conversation on transportation topics on Wednesday, February 5 at 6:30 p.m. at the Stillwater Public Library.
3. A workshop with MnDOT was held prior to the City Council meeting where construction plans for the Highway 95 Improvement Project were discussed, including planned and proposed safety enhancements.
4. MnDOT will be hosting a public open house in April on the Highway 95 Improvement Project.

OPEN FORUM

1. Romack Franklin of Republic Services gave an update on Bayport's recycling program. The city has increased the tonnage of materials recycled, with paper and cardboard being the most common materials recycled. The increase is attributed to consumer education. The commodity market for recycled materials has declined due to increased sorting demands from China, the primary purchaser of recycled materials.

CONSENT AGENDA

Mayor St. Ores read items 1-9 on the Consent Agenda. Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 20-04

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE
FEBRUARY 3, 2020 CITY COUNCIL AGENDA**

1. January 6, 2020 City Council workshop minutes
2. January 6, 2020 City Council regular meeting minutes
3. January payables and receipts (check numbers 011929-012054)
4. January building, plumbing, mechanical, and zoning permits report
5. Appointment of Election Judges for the Presidential Primary Election on March 3, 2020
6. Letter of support for Twin Cities Habitat for Humanity to solicit HOME funds from Washington County CDA for a project in Bayport
7. Special Event Application from Kinni Croix Valley Girl Scouts for Twilight Camp at Lakeside Park on June 25-28, 2020

8. Special Event Application from American Cancer Society for Bark for Life fundraiser at Barker's Alps Park on May 16, 2020
9. Promotion of an existing part-time officer to a full-time officer with the Police Department

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

Public improvement hearing for city infrastructure upgrades associated with the MnDOT 2020 Highway 95 Improvement Project: Public Works Director Kline explained that notification of the hearing was published twice in the city's official newspaper and mailed directly to all affected property owners. A previous public hearing was held in April, but due to timing issues and the increased bid price of the project, staff believed the city should hold another public improvement hearing. The revised feasibility report provides a reasonable estimate of the amount proposed for assessment and a description used to calculate the preliminary assessments. There are two blocks of water main that are being proposed for replacement and one block proposed for abandonment. Approximately 1,550 feet of sewer main is scheduled to be lined with the project along with 115 feet of spot repairs in five locations. MnDOT will be replacing a significant amount of sidewalk and pedestrian ramps during their project for ADA purposes. This will necessitate the relocation of approximately 13 light poles. The City Council adopted a motion at the January 6 meeting not to assess street lighting costs associated with this project. The revised feasibility report reflects this direction.

Mayor St. Ores opened the public hearing and invited anyone wishing to comment to come forward to the podium and state their name and address for their record.

Laura Kushel (St. Charles Church), 409 3rd Street North, expressed concern about the size of the \$57,000 assessment being levied on their non-profit organization. She was also worried about effectively communicating time sensitive traffic access and parking changes to the congregation.

Eric Zawislak, 473 2nd Street North, questioned how the assessment amounts are calculated. Engineer Parotti explained that the city's assessment policy calls for a 50/50 shared cost between the city and property owner for sanitary sewer and water improvements to an existing facility.

Gregg Ellingson, 293 3rd Street North, questioned if the property owner is assessed the cost of the improvement only when they are the sole beneficiary of said improvement. Engineer Parotti indicated that a property owner is assessed when the water or sewer line that directly services their property is improved.

It was moved by Councilmember Buckley and seconded by Councilmember Dahl to close the public hearing. Motion carried 5-0.

UNFINISHED BUSINESS

1. Consider a resolution ordering the improvement for city infrastructure upgrades associated with the MnDOT 2020 Highway Improvement Project: Public Works Director Kline explained that a resolution was previously adopted ordering this improvement in June of 2019. Due to necessary revisions to the feasibility report and increased bid costs, staff believed it was appropriate to adopt a revised resolution and hold a second public improvement hearing. The resolution does not bind the City Council to a set assessment amount, but does confirm that the project is necessary, cost-effective, and feasible, as detailed in the revised feasibility report.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 20-05

A RESOLUTION ORDERING IMPROVEMENTS FOR CITY INFRASTRUCTURE WORK AS PART OF MNDOT'S 2020 HIGHWAY 95 IMPROVEMENT PROJECT

The motion for adopting the foregoing resolution was duly seconded by Councilmember Hanson 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 a resolution for the sale of General Obligation Utility Revenue Bonds, Series 2020A, to fund city infrastructure improvements: Administrator Bell called on Tammy Omdal, Northland Securities, to present the outcome of the bond sale. Four bids with premium were received and the lowest bidder was R.W. Baird with a true interest cost to the city at approximately 1.21%. With premium, the bond amount was reduced to \$985,000. As advisor to the city for this bond sale, Northland Securities recommended the city accept this bid.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 20-06

RESOLUTION AWARDING THE SALE OF \$985,000 GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2020A; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

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

3. Consider a concept design for Phase II playground improvements at Lakeside Park: Administrator Bell noted that an open house was held at City Hall on January 21 to provide an opportunity for public input on the proposed Phase II playground options for Lakeside Park. An estimated 15 residents attended, including adults and children. Based on feedback from the open house, staff believes that increasing the project scope to include three pieces of equipment at this time is a good investment. Chris Johnsen, St. Croix Recreation, presented the concept design to the City Council, which was an amalgam of the three open house design options. Staff is recommending the purchase of a ‘Pentagode L’ rope style climber, a ‘VIP swing’, and a ‘Sculptura’ climbing structure. Mr. Johnsen estimated the lifetime of these materials at 25-30 years with replaceable components like ropes and cables in cases of excessive wear. The components generally have a manufacturer’s warrantee of 10-15 years. Mr. Johnsen assured the City Council that the component is designed to minimize potential falls with the spacing of the ropes. The total cost of purchase and installation is \$76,889.84, which will be funded by the Capital Recreation Equipment Fund, which has an estimated balance of \$120,000 and/or the Park Dedication Fund, which has an estimated balance of \$400,000. If workload and time permit, Public Works would make an effort to assist with the installation, if possible. There is an expected 8-week lead time for delivery of the equipment, which will result in projected installation for the beginning of May.

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve the concept design, equipment purchase, and installation for Phase II playground replacement at Lakeside Park. 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

4. Final pay application #5 for 2017 Infrastructure Improvement Project: Public Works Director Kline announced that work associated with the project was complete. It was originally bid at \$618,203.50 and the final expenses came under-budget at \$569,543.57. He clarified that no refund of assessments would be made to residents in light of the project being under the actual bid amount. Staff is recommending the City Council approve the final pay application.

It was moved by Councilmember Buckley and seconded by Councilmember Carlson to approve the final pay application #5 for the 2017 Infrastructure Improvement Project. 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

NEW BUSINESS

1. Consider a resolution declaring costs to be assessed and ordering preparation of assessments for city infrastructure upgrades associated with the MnDOT 2020 Highway Improvement Project, along with a resolution calling for a public hearing on proposed assessments: Public Works Director Kline recalled that City Council adopted a resolution approving a cooperative construction agreement with MnDOT for utility infrastructure and light improvements in conjunction with the Highway 95 Improvement Project last November. The city's portion of the project is \$1,005,367.75, which includes construction costs and MnDOT engineering costs, but does not include a contingency or city engineering costs. The assessed portion will be \$376,043.00. Staff is recommending adoption of a resolution declaring costs to be assessed and ordering the preparation of proposed assessments. The total estimated cost of the project, city and property owner cost portions, assessment period, and interest rate have been outlined within the proposed resolution. A notification was published and mailed to all property owners who are proposed for assessment. Staff is also recommending adoption of a second resolution to call for a public hearing on the proposed assessments, to be held at the March 2 City Council meeting. This proposed resolution also outlines how the assessment would be paid by property owners and the timing of the payments and interest charges. Public Works Director Kline assured that adoption of these resolutions does not bind the City Council to the individual assessment amounts proposed. Adoption of the final assessment would occur at the March 2 meeting.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 20-07

RESOLUTION DECLARING COST TO BE ASSESSED, AND ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR A UTILITY INFRASTRUCTURE 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

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 20-08

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 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 a construction and engineering service agreement with SEH for the MnDOT 2020 Highway 95 Improvement Project: Public Works Director Kline recalled that the City Council awarded the construction contract for this project on March 4, 2019. As part of this project, staff solicited a proposal from SEH to provide construction engineering services and oversight. Staff reviewed the proposal and engineering costs are roughly

22% when compared to the construction cost, falling within the normal range of 20-25%. Total engineering costs for this project are \$209,100.00. Staff is recommending approval of the agreement with SEH.

It was moved by Councilmember Carlson and seconded by Councilmember Dahl to adopt the construction and engineering service agreement with SEH for the MnDOT 2020 Highway 95 Improvement Project. Upon roll call being taken, the following voted via voice:

Susan St. Ores- aye
John Buckley – aye

Connie Carlson – aye
John Dahl – aye

Michele Hanson – aye

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson attended the Library Board meeting on January 21. The two new Library Board members were present, Coleen Robinson and Jenny Erickson. Circulation is up over 2018 numbers and over 105 people participated in the Library “Noon” Year’s Eve Party. The next Library Board meeting will be held on February 15 at 6:00 p.m.

Councilmember Hanson attended the quarterly Central St. Croix Valley Cable Commission meeting where they discussed a marketing campaign for Valley Access Channels. She also attended the Greater Stillwater Chamber of Commerce “Toast and Topics” event, where downtown Stillwater parking concerns were discussed.

Mayor St. Ores attended the Lakeside Park design open house and the Davinci Festival at Stillwater High School that featured art and science student projects. She also attended an Oak Park Heights City Council meeting to express an opinion on the proposed changes to how Bayport Fire Department will respond to medical calls within their city. The Oak Park Heights City Council voted to proceed with the change and will trial the new response approach for 6 months. Mayor St. Ores also noted that the joint meeting request discussed last month by the Bayport City Council was declined by the Oak Park Heights City Council.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Eisinger reported that the January month-to-date call volume is 82, compared to 87 in January 2019. Department drills for January consisted of set up/training burn and a First Responder/EMT quarterly review. Chief Eisinger attended the Washington County Fire Chiefs meeting and participated in a survey with the RW Management Group regarding fire service within the City of Lake Elmo. Results of the survey will not be made public. Plans are being made to prepare the Fire Hall for the upcoming primary election, without impeding emergency staff and vehicle responses. The new call policy with Oak Park Heights took effect on Friday, January 31. Chief Eisinger expressed his appreciation to Mayor St. Ores for her support at the Oak Park Heights City Council meeting.

Police Chief Eastman reported that Officer Aaron Slinger completed his one-year employment probation on December 17. Brian St. Claire was promoted to the Community Service Officer position as of January 6. Full-time officer promotional interviews were completed by Administrator Bell, Sgt. Jackson, and Chief Eastman on January 14. The position was awarded to Officer Nick Teske, who was a reserve and part-time officer with the city prior to his promotion. Officer Slinger is participating Critical Incident Training (CIT) on February 24. All licensed officers will participate in individual meetings with psychotherapist Marie Ridgeway on March 5 as part of an officer mental health program.

Public Works Director Kline reported that the department has been snowplowing, tree trimming as time permits, and maintaining the ice rinks. Water is applied to the rinks daily, which is a time-consuming process. Staff has completed a draft Emerald Ash Borer (EAB) Management Plan which will be discussed at the March City Council workshop and meeting. Staff will solicit quotes for the removal of the EAB infested and potentially infested trees that were identified by the Department of Agriculture. The EAB grant that was awarded in December will go towards mitigating the costs of removal. At present, staff is unaware of a grant opportunity to help individual property owners with EAB management. SEH has mapped all of the ash trees located on public property within the city. Staff will be posting this map on the city’s website, along with other informational materials on ash trees and EAB. Staff is reviewing feedback from Washington County and the Metropolitan

Council regarding the Wellhead Protection Plan update. Research continues on alternative options for chemical and fertilizer applications. Staff has contacted a local lawn company and the Washington Conservation District for recommendations, which will be included in a proposal for consideration in March. The city will be conducting a sidewalk cutting project to remove concrete trip hazards. This work was last completed in 2018. Staff will be soliciting quotes in early spring and anticipate this project to occur over the summer months.

Assistant Administrator/Planner Taylor received correspondence from the State Historical Preservation Office (SHPO) indicating that demolition can proceed on the Land and Water Legacy Project (LWLP) structures. SHPO requests that work be completed during frozen ground conditions, to minimize ground disturbance and potential damage to the ice company foundation. Demolition is scheduled for February 14. The city recently received feedback from the Metropolitan Council regarding the 2040 Comprehensive Plan update. Comments relate to future land use, density calculations, and projected housing needs. The Metropolitan Council has forecasted that Bayport will add housing and jobs, but did not acknowledge the lack of undeveloped land to create new residential, commercial or industrial growth. City staff has scheduled a meeting on January 29 to discuss the comments and possibly request the forecasts be modified to be consistent with existing and/or actual levels of anticipated development and population/households. The Presidential Nomination Primary (PNP) Election will be held on March 3 at the new Bayport Fire Department. Preparations are underway, including training of election judges, marking of test ballots, accuracy tests of election equipment, and testing the transmission of results by modem. The city newsletter will be ready for publication within the next two weeks. Topics include Lakeside Park Phase II playground equipment, MnDOT/Highway 95 project, EAB, 2020 Census, and elections. There is no Planning Commission meeting scheduled for February.

Administrator Bell indicated that much of his staff report had already been mentioned in tonight's agenda. His month was busy with discussions surrounding a policy change within Oak Park Heights that limits Bayport Fire Department's responses to some Level 1 medical calls. Bayport staff opposes this change, as it believes it to be a degradation of the level of emergency service provided to Oak Park Heights residents. Councilmember Buckley, Building Official Scott Qualle, and Fire Chief Eisinger continue to discuss the inspection criteria surrounding Short Term Rentals. MnDOT will be hosting an open house for the Highway 95 project in the next few months to provide an opportunity for the community to attend and learn more about the project and its potential impact. Lastly, it was clarified that the tenant or homeowner is responsible for clearing sidewalks of snow and ice following a winter storm and complaints should be directed to City hall.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 7:57 p.m. Motion carried 5-0.

City Administrator/Clerk