

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 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 March 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 Buckley, John Dahl, Connie Carlson and Michele Hanson

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, and Assistant City Administrator/Planner Sara Taylor

APPROVAL OF AGENDA

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve the March 4, 2019 City Council agenda. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. February recycling award recipients are Sarah and Fred Deziel who will be awarded for their recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores addressed flood concerns and noted the city is discussing a flood plan to assist city residents.
3. Mayor St. Ores encouraged residents to complete the 2020 census. More information will follow as the census approaches.

OPEN FORUM

Joey Casale addressed the City Council regarding a proposed Pollinator Garden Eagle Scout Project at Lakeside Park. Joey stated he would be collecting donations from local garden centers to assist with materials for the project, but may be requesting the city contribute up to \$500.00 to cover additional costs, if necessary. It was noted this request could be added to the Consent Agenda at an upcoming City Council meeting.

CONSENT AGENDA

Mayor St. Ores read items 1-8 on the consent agenda.

City Administrator Bell announced that Councilmember Buckley would like the minutes from the February 4, 2019 special meeting to reflect a vote of 3-0 with Councilmember Buckley abstaining from the vote.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 19-06

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE
MARCH 4, 2019 CITY COUNCIL AGENDA**

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
John Buckley – aye

Connie Carlson – aye
John Dahl – aye

Michele Hanson – aye

PUBLIC HEARINGS

UNFINISHED BUSINESS

NEW BUSINESS

Consider bids to perform the 2019 2nd Avenue North Drainage Improvement Project: Public Works Director Kline stated the City Council approved the preparation of plans and specifications for the project at the August 2018 meeting. As discussed, this project is a cooperative effort with the Middle St. Croix Water Management Organization (MSCWMO) in an effort to remove nutrients and sediment from storm water runoff by treating the water in bio-infiltration basins before it reaches Perro Creek and subsequently the St. Croix River. This project also is being used for repayment of a credit of water quality requirements that the MSCWMO granted to the city during the 2017 Infrastructure Project. Staff conducted a bid opening on February 25. Multiple bids were received, with the lowest responsible bidder of Miller Excavating at \$129,891.75. The project will be funded by the Street Improvement Fund which has a current fund balance of \$3,330,983.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to accept the lowest responsible bid and award the 2019 2nd Avenue North Drainage Improvement Project to Miller Excavating in the amount of \$129,891.75. Motion carried 5-0.

Consider appointments to the Planning Commission: Assistant Administrator/Planner Taylor stated that due to the election of John Dahl to the City Council, the Planning Commission currently has two vacant seats. Staff recently solicited interest from the two applicants the city had on file from 2018 and conducted an interview with Aaron Ochs and Orin Kipp on February 19 to discuss their background and interest. Following the interviews, staff agreed that both Aaron and Orin's experience would be an asset to the Planning Commission and therefore are recommending appointment.

It was moved by Councilmember Dahl and seconded by Councilmember Carlson to appoint Aaron Ochs with a term to expire on December 31, 2019 and Orin Kipp with a term to expire December 31, 2021 to fill the two vacant seats on Planning Commission. Motion carried 5-0.

Consider authorization to declare no on-street parking on a portion of the 100 block of 5th Avenue North: Administrator Bell stated that street parking has been an ongoing issue for some residents on the 100 block of 5th Ave. N. This portion of the street currently includes several off-street parking spaces and a 2-hour parking restriction. Due to its proximity to Andersen Corporation, this street is often used for short-term parking by its employees and visitors. There is only one residential property with street access on this block, but unfortunately, the owner of the property has reported having trouble with cars limiting or blocking access to his property. The Police Department has been actively patrolling the area for heightened parking enforcement. The Public Works Department has also attempted to alleviate the parking problem by extending yellow painting along the curb. However, during the winter time, this painted curb is often covered by snow and is ineffective. Therefore, staff believes this block should be posted "no parking" on the north side, from the intersection of 5th Ave. N. and 2nd St. N. to the off-street parking area on the east. This will not only improve safety, it will also reduce non-residential traffic and parking from interfering with access to surrounding properties.

Questions and discussion followed by the City Council. Property owners Joe Redding, 162 5th Avenue North and Sue Neuman, 423 2nd Street North commented that the area to be designated for no on-street parking is adjacent to their property and noted their support for the proposal.

It was moved by Councilmember Carlson and seconded by Councilmember Dahl to declare no on-street parking on a portion of the 100 block of 5th Avenue North, as presented. Motion carried 5-0.

Consider amending Appendix D – Fee Schedule of the Bayport City Code of Ordinances and summary of ordinance for publication: Administrator Bell reviewed the various fees to be amended, noting that adding “cost incurred” to specific fees would allow the city to recover costs that may exceed an escrow amount retained for certain projects. Other fee amendments were discussed related to utilities and service charges.

Councilmember Buckley introduced the following ordinance and moved its adoption:

Ordinance # 870

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 Connie Carlson – aye Michele Hanson – aye
John Buckley – aye John Dahl – aye

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

Ordinance # 870S

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 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

Update on short term rental activity and implementation of a potential ordinance regulating use: Administrator Bell announced that a public hearing would be held at the March 18 Planning Commission meeting regarding the adoption of a potential residential short term rental ordinance. He highlighted some criteria of the draft ordinance and noted it was anticipated to be brought to the City Council for consideration at the April 1 meeting.

CITY COUNCIL LIAISON REPORTS

Mayor St. Ores noted she attended a meeting of the Greater Stillwater Chamber of Commerce where Mayors and City Administrators from surrounding communities discuss projects and events happening in their cities. Mayor St. Ores also attended a meeting of the Bayport Fire Department Advisory Group with the communities of Oak Park Heights, Baytown Township and West Lakeland. Staff presented a review of 2018 calls and gave an update on fire service members. Potential future staffing challenges and ideas to address this topic were also discussed. The next quarterly meeting is planned for May 2019.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Eisinger reported the February month-to-date call volume is 103, compared to 109 in February 2018. The 2019 year-to-date call volume is 190, compared to 215 in 2018. Monthly drills consisted of blood-borne pathogens/ hazardous materials (HazMat) awareness and CPR refresher continuing education. The department

attended meetings to discuss dispatch operations with Sheriff Starry and neighboring Fire Chiefs, Auto-Aid with other departments, and the Bayport Fire Department Advisory Group with surrounding communities. Past and upcoming tours and events were reviewed and it was noted that the fundraiser dance at the Bayport American Legion was a big success. The department is also working with Rosenbauer on completion of the new heavy rescue truck, with delivery estimated in April. He concluded with a thank you to those residents who shoveled out the fire hydrants after the recent heavy snow.

Police Chief Eastman reported on past events, including the part-time officer/eligibility interviews, Andersen Elementary security meeting, and the legislative hearing at the Stillwater Prison. She noted that contingent offers have been made to two applicants for the part-time officer position, pending successful passing of a background check, psychological, and physical testing. Upcoming events include an Andersen Elementary “Meet and Greet” with Officers and Keylo and Karen Huftel’s retirement gathering on March 14 from 1–5:00 p.m. at City Hall. She reminded everyone that Minnesota's basic speeding law prohibits motorists from driving “at a speed greater than is reasonable and prudent under the conditions.” The law also requires every driver to use care while driving, remain aware of any hazards existing on the road, and reduce speed to avoid collisions. This means although the speed limit may be 30 mph, common sense should prevail when it is icy, snowing, blowing, etc.

Public Works Director Kline reported that the record snowfall this month has kept the Public Works Department extremely busy, noting snow related activity was completed 18 of the 28 days of February. The area for depositing snow that is plowed off the roads and alleys is becoming limited, so residents were advised to use caution. He discussed ongoing projects, including the Perro Creek bank restoration project with the Girl Scouts which will proceed with another 100 feet of restoring prairie plants along the creek at Perro Park, pursuing contract services for MS4 construction site, and continuing with preparation of the 2019 Sidewalk Improvement Project.

Assistant City Administrator/Planner Taylor reported that staff met with the private donor on February 5, which included discussion on securing a memorandum of understanding (MOU) for their monetary contribution toward Phase II – Land Acquisition of the Land and Water Legacy conservation project. Staff anticipates execution of the MOU within the next few weeks, which would complete Step 1 – Securing funding sources within this phase of the project and allow the city to then proceed with Step 2 – Execution of a purchase agreement with the landowners. Staff has also been developing a project timeline, as well as compiling information and cost estimates to address comments and questions raised by the Mayor and Councilmembers in past workshops and meetings. She noted that staff is in the process of reviewing revised plans submitted by Landucci Homes for Phase II – Villas of Inspiration to comply with the city’s conditions of approval from November 13, 2018. Groundbreaking is still on track for this spring. She welcomed new Planning Commissioners Aaron Ochs and Orin Kipp and noted the Planning Commission is tentatively scheduled to meet on March 18 to review a proposed ordinance regulating residential short-term rental, which would include a public hearing. This topic was discussed by the Planning Commission in a workshop last October and the overall consensus was for support of an ordinance that would allow and regulate this activity. A recommendation on the ordinance is anticipated to be brought to the City Council following Planning Commission consideration.

City Administrators Bell reported that the city has finally received both the Minnesota Public Employees Association police supervisor union and the Teamsters Local 320 non-supervisor union draft labor agreements. However, the drafts that were received require additional resolution on some terms before presentation to the City Council. He noted that he attended the Greater Stillwater Chamber of Commerce *Toast and Topics* event on February 25 with Councilmember Hanson. The speaker panel consisted of State Senator Karin Housley and State Representatives Shelly Christensen and Bob Dettmer. All three officials presented their 2019 legislative goals and provided updates on current issues. The city hosted the 2019 first quarter Bayport Fire Department

Advisory Group meeting with officials from Oak Park Heights, Baytown Township, and West Lakeland Township on February 26.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

CLOSED SESSION UNDER THE ATTORNEY-CLIENT PRIVILEGE

Mayor St. Ores announced that the City Council will now adjourn into a closed session to discuss matters under the attorney-client privilege, pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(b). The matter to be discussed is pending or threatened litigation related to a proposed zoning enforcement action against real property located in the city. The City Council will take no action during the closed session, and may only take action on these matters during open session.

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn into closed session at 7:16 p.m. Motion carried 5-0. [Closed session occurs].

It was moved by Councilmember Buckley and seconded by Councilmember Hanson to resume open session at 8:22 p.m.

ADJOURNMENT

It was moved by Councilmember Buckley and seconded by Councilmember Hanson to adjourn the meeting at 8:22 p.m. Motion carried 5-0.

City Administrator/Clerk