

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
APRIL 1, 2019  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of April 1, 2019, to order at 6:05 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 Dahl and seconded by Councilmember Carlson to approve the April 1, 2019 City Council agenda. Motion carried 5-0.

**PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS**

**OPEN FORUM**

**CONSENT AGENDA**

Mayor St. Ores read items 1-7 on the consent agenda.

Councilmember Buckley introduced the following resolution and moved its adoption:

**Resolution 19-08**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-7 FROM THE  
APRIL 1, 2019 CITY COUNCIL AGENDA**

1. March 4, 2019 City Council workshop minutes
2. March 4, 2019 City Council regular meeting minutes
3. March payables and receipts (check numbers 010816-010918)
4. March building, plumbing and mechanical permits report
5. Contract for inspection services with Jeff Brower for MS4 mandated projects
6. In kind donation from Dan and Kit Ridgway for park maintenance
7. Special event application from Fraternal Order of Eagles 94 – Stillwater to escort the Vietnam Veterans Memorial “Wall That Heals” on Highway 95 through Bayport on July 23, 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      Michele Hanson – aye  
John Buckley – aye      John Dahl – aye

## **PUBLIC HEARINGS**

### **UNFINISHED BUSINESS**

Consider accepting a quote for the 2019 Sidewalk Improvement Project: Public Works Director Kline explained that four quotes were submitted with a cost ranging from \$23,957.00 to \$54,607.70. The lowest quote was submitted by Joseph Construction of St. Paul, Inc. Staff has evaluated the quote and recommends acceptance in the amount of \$23,957.00. Upon acceptance, a contract for the work will be executed with the contractor. The city's 50% share of this cost will be funded by the street budget for sidewalks, curb, and gutter. The homeowner's 50% share will be funded via assessments.

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to accept the lowest bid of \$23,957.00 from Joseph Construction of St. Paul, Inc. for the 2019 Sidewalk Improvement Project. Motion carried 5-0.

Councilmember Carlson introduced the following resolution and moved its adoption:

#### **Resolution 19-09**

### **RESOLUTION DECLARING THE COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSEMENTS FOR THE 2019 SIDEWALK IMPROVEMENT PROJECT WITHIN THE CITY OF BAYPORT, MINNESOTA**

The motion for adopting the foregoing resolution was duly seconded by Councilmember Hanson 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 Hanson introduced the following resolution and moved its adoption:

#### **Resolution 19-10**

### **RESOLUTION SETTING AN ASSESSMENT HEARING DATE FOR THE 2019 SIDEWALK 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, the following voted via voice:

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

Consider a resolution receiving a feasibility report and 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 authorized SEH to perform a feasibility report at the June 4, 2018 meeting. City staff and SEH worked together to develop an assessment scenario that was the best fit for the project. Public Works Director Kline has reviewed the project for need and benefit and determined that the project meets intent in both areas. Upon acceptance of the resolutions, staff will continue with the Minnesota Statute 429 process for assessments. This includes noticing the affected property owners of the improvement hearing and providing them with a copy of the proposed assessment roll. Property owners will have the ability to speak about the project and proposed assessments at the improvement hearing during the May City Council meeting. Bid acceptance is anticipated for this coming fall and

an assessment hearing would follow afterward. Construction for the project would begin in spring of 2020, but assessments would not be placed on the tax roll until November 2020. Staff recommends the City Council adopt a resolution receiving a feasibility report and a resolution setting a public improvement hearing for the city infrastructure work as part of MnDOT's 2020 Highway 95 Improvement Project.

Councilmember Dahl introduced the following resolution and moved its adoption:

**Resolution 19-11**

**A RESOLUTION RECEIVING A FEASIBILITY REPORT 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      John Buckley – aye      Michele Hanson – aye  
Connie Carlson –aye      John Dahl – aye

Councilmember Dahl introduced the following resolution and moved its adoption:

**Resolution 19-12**

**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 Hanson and upon roll call being taken thereon, the following vote via voice:

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

**NEW BUSINESS**

Consider amendments to Appendix B – Zoning of the Bayport City Code of Ordinances related to the regulation of residential short term rental use, fences, and land reclamation/grading and summaries of ordinances for publication: City Administrator Bell proposed a model to allow short term rentals (STR) while still protecting neighboring properties from potential negative impacts. The proposed STR ordinance was presented to the Planning Commission on March 18, 2019, which included a public hearing. The draft ordinance before the City Council includes amendments to address concerns raised at the Planning Commission meeting. Namely, the enforcement of the proposed ordinance would be subject to the review of the City Administrator, Police Chief, and City Planner to determine if a complaint is legitimate or substantiated, similar to enforcement processes for other ordinances. In addition, the new ordinance would not allow STR in an area where there were already restrictive covenants prohibiting it, with language specific to homeowner associations (HOA). City Administrator Bell then proceeded to discuss the STR criteria that would be included in the proposed ordinance. Councilmembers raised concerns about the eligibility requirements and the 80% acceptance rate of abutting property owners. The complaint process within the enforcement criteria was also a concern. Councilmember Dahl acknowledged members of the public that may wish to

comment and requested the Mayor and City Council solicit input. Mayor St. Ores then opened the floor to discussion and three property owners commented on the proposed ordinance.

Rob Schmidt, 1 Point Road, was a supporter of the proposed ordinance, but disagreed with the required 80% acceptance rate of abutting neighbors. He suggested it gave surrounding property owners too much control over STR eligibility.

April Amys, 528 6<sup>th</sup> Street North, suggested tabling the proposed ordinance for further discussion. She outlined her experience as a STR host and suggested that STRs have a positive impact on the local economy. She supported the idea of a ‘substantiated complaint’ process whereby adjacent property owners either record rental infractions or call for police enforcement.

Sarah Deziel, 206 5<sup>th</sup> Street South, asked for the ordinance be tabled for further discussion, citing difficulty with the eligibility criteria and the required 80% acceptance rate required of abutting property owners. She also expressed skepticism about the proposed quiet hours and how they would be enforced.

It was moved by Councilmember Buckley and seconded by Councilmember Carlson to table the amendment of Appendix B – Zoning of the Bayport City Code of Ordinances related to the regulation of residential short term rentals until a future date.

Following discussion on STR, Assistant City Administrator/Planner Taylor discussed changes to the existing fence ordinance to improve ease of use and define the permit process to better align with current practices. Councilmember Buckley suggested the addition of a fence/wall definition and staff noted the ordinance would be amended to include this reference.

Councilmember Carlson introduced the following ordinance and moved its adoption:

**Ordinance # 871**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING APPENDIX – B ZONING OF THE BAYPORT CITY CODE RELATED TO THE  
REGULATION OF FENCES**

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

**Ordinance # 871S**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING APPENDIX B – ZONING OF THE BAYPORT CITY CODE RELATED TO THE  
REGULATION OF FENCES**

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

Assistant City Administrator/Planner Taylor explained that under the proposed ordinance, grading projects would require an administrative permit to be reviewed by the City Engineer versus the existing conditional use permit. City Engineer Parotti suggested the existing conditional use permit approach was too arduous for most property owners. Conditional use permits require City Council and Planning Commission approval and may necessitate a public hearing. The criteria for necessitating a permit would not change, simply the type of permit issued.

Councilmember Carlson introduced the following ordinance and moved its adoption:

**Ordinance # 872**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING APPENDIX – B ZONING OF THE BAYPORT CITY CODE RELATED TO  
LAND RECLAMMATION AND GRADING**

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

**Ordinance # 872S**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING APPENDIX B – ZONING OF THE BAYPORT CITY CODE RELATED TO  
LAND RECLAMMATION AND GRADING**

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

Consider authorization for SEH to perform construction services for the 2019 2<sup>nd</sup> Avenue Drainage Improvement Project: Public Works Director Kline provided assurance that the SEH estimate for construction services was in accordance with industry standards and recommended that the City Council approve the SEH construction and engineering services quote.

It was moved by Councilmember Buckley and seconded by Councilmember Dahl to authorize SEH to perform construction services for the 2019 2<sup>nd</sup> Avenue Drainage Improvement Project in the amount of \$17,500. 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

Consider a labor agreement with the Minnesota Public Employees Union for the Police Department:

City Administrator Bell explained that the Bayport Sergeant and Police Chief voted to organize and become represented by a labor union in fall 2018. They could not join the already existing Police Department union due to their supervisory status. Discussion ensued on the proposed 3% cost of living allowance (COLA) for years 2019/2020/2021. Staff recommends the City Council approve the 2019 – 2021 labor agreement with the Minnesota Public Employees Association Union, for the Police Sergeant and Police Chief.

It was moved by Councilmember Buckley and seconded by Councilmember Dahl to accept the terms of a labor agreement with Minnesota Public Employees Union, effective January 2019 - December 2021. 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

Consider a labor agreement with the Teamsters Local 320 for the Police Department: City Administrator Bell explained the union contract with the city’s Police Department officers under Law Enforcement Labor Services, Inc. (LELS) expired at the end of 2018. Prior to the end of that contract, the police union voted to change representation from LELS to Minnesota Teamsters Public and Law Enforcement Employees’ Union, Local #320. The contract included 3% COLA for all three years, \$100.00 equipment/uniform allowance, one box of ammunition per month for training, and an increase of one hour for shift differentials. The physical fitness incentive was also changed from 0.5% of base pay annually to a flat fee of \$500.00 annually. Staff recommends the City Council approve the 2019 – 2021 labor agreement with Minnesota Teamsters Public and Law Enforcement Employees’ Union, Local #320 for the Police Department.

It was moved by Councilmember Buckley and seconded by Councilmember Dahl to accept the terms of a labor agreement with Teamsters Local 320 Union, effective January 2019 - December 2021. 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

### **CITY COUNCIL LIAISON REPORTS**

Councilmember Hanson attended her first Cable Commission meeting as the Chair and indicated that Tom Weidner, Stillwater City Councilmember, was elected as Treasurer. The Cable Commission approved the removal of a cable payment drop box from Kowalski’s Market in Oak Park Heights. The commission also approved an on-line video ordering service for council and commission recorded meetings via Valley Access. They welcomed a new member to the Cable Commission, Chuck Dougherty, Oak Park Heights City Councilmember.

Councilmember Carlson reported that the Library Board met on March 19. Cosmetic improvements continue with the library meeting facilities. The annual Easter Egg Roll and Bunny Storytime events will be held on April 16 at 10:30 a.m. Ryan Ciminski, one of the library teen volunteers, was selected to receive a 2019 Teen Community Involvement Award from Community Thread. The next Library Board meeting will be held on April 16 at 6:00 p.m.

Councilmember Dahl attended the Planning Commission Meeting on March 18 in place of Councilmember Buckley. STR and fence changes were discussed. Councilmember Dahl also attended the Middle St. Croix Watershed Management Organization (MSCWMO) meeting. The city may be facing an increase in fees payable to this organization in 2020. The MSCWMO approved a \$61,000.00

cost share project for Perro Creek water quality improvements. Projects at the Stillwater Country Club and Lake St. Croix Beach are still in development.

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

City Administrator Bell indicated that repairs to the old Fire Hall had commenced with the improved weather. He announced the hiring of Mary Goulette to fill the full-time Office Support Specialist (OSS) position and Chantelle McRoberts as a supplemental part-time OSS. The city recently completed the 2018 audit process and a report is anticipated to be presented to the City Council at the May 6 meeting.

Police Chief Eastman reported on a bill currently in legislation regarding wireless communication use. The bill would prohibit using a cell phone while stopped at red lights and while a teen still has a provisional license. Certain occupations would ban cell use entirely while on the job. Police Chief Eastman also mentioned that the city does cite distracted drivers and wireless communications are often a player in these instances.

Fire Chief Eisinger reported that members recently attended the Fire Department Instructors Conference. The department is expected to take delivery of a new truck on April 18. The 1994 Heavy Rescue Vehicle being replaced may be sold via a brokerage service to optimize resale value.

### **CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. City Administrator Bell reported that the river has crested, but flooding still remains a concern. He urged residents to sign up for city email updates. He also reminded City Councilmembers that the Greater Stillwater Chamber of Commerce would be holding a “Toast and Topics” meeting on April 24.
2. Mayor St. Ores expressed appreciation for Dan and Kit Ridgway’s continued volunteer maintenance of city flower beds.
3. Councilmember Hansen indicated that Bayport Community Action League (BCAL) would be hosting an Easter Egg Hunt on April 20 from 1:00-2:00 p.m. at Barker’s Alps Park. BCAL will also hold an Earth Day cleanup on April 22 at Perro Creek Park at 12:00 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Buckley and seconded by Councilmember Carlson to adjourn the meeting at 8:15 p.m. Motion carried 5-0.

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City Administrator/Clerk