

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
September 9, 2019
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of September 9, 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, Connie Carlson, and Michele Hanson

Members Absent: Councilmember Dahl

Staff Present: City Administrator Adam Bell, Assistant Administrator/Planner Sara Taylor, Police Chief Laura Eastman, Finance Director Wanda Madsen, Public Works Director Matt Kline, City Engineer John Parotti, and City Attorney Andy Pratt

APPROVAL OF AGENDA

It was moved by Councilmember Buckley and seconded by Councilmember Carlson to approve the September 9, 2019 City Council agenda as presented. Motion carried 4-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. The August recycling award recipient is Stephen McNair at 550 8th Street North who will be awarded for his recycling efforts, with funding made possible with a grant from Washington County.

OPEN FORUM

CONSENT AGENDA

Mayor St. Ores read items 1-12 on the consent agenda.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 19-24

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE
SEPTEMBER 9, 2019 CITY COUNCIL AGENDA**

1. August 5, 2019 City Council workshop meeting minutes
2. August 5, 2019 City Council regular meeting minutes
3. August payables and receipts (check numbers 011407-011503)
4. August building, plumbing and mechanical permits report
5. Donations for Safety Camp and Night to Unite
6. Special event application from Andersen Parent Group for Diggy's Dash Walkathon on October 11, 2019 at Barker's Alps Park
7. Donation of park bench from Steven Schneckenberg in memory of Lucy Schneckenberg
8. Award of quote to complete a fire hydrant replacement project

9. Temporary liquor license from Afton-Bayport-Lakeland Lions Club for Derby Days on September 20-21, 2019
10. Special event application from Boy/Cub Scout Troop 113 for Pumpkin and Wreath Sales on September 28 and November 23, 2019 at Village Green Park
11. Special event application from Rich Dippel for St. Croix Preparatory Academy invitational cross country meet at Barker's Alps Park on October 10, 2019
12. Award of quote to replace culvert on 5th Avenue South

The motion for adoption of 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 Buckley- aye

Connie Carlson- aye
Michele Hanson -aye

PUBLIC HEARINGS

Consider the vacation of a portion of 7th Avenue North adjacent to Croixdale: Public Works Director Kline explained that the property owner at 798 3rd St. N. commissioned a land survey of their property, in preparation of a proposed deck addition in October 2018 and discovered that the property line along 7th Ave. N. is only a few feet from the existing house. Staff has since been working with the surveyor, property owner, and Croixdale to identify possible solutions to address the property line discrepancy. Croixdale property extends into the 7th Ave. N. right-of-way, and subsequently, the street encroaches onto the properties to the south. To correct this and allow the property owners of 798 3rd St. N. to proceed with their proposed project, staff is recommending the following:

- City will acquire 30’ from Croixdale on the north side of 7th Ave. N.
- City will vacate 30’ on the south side of 7th Ave. N.
- City will acquire a 10’ utility easement for utilities and drainage on a portion of the vacated south side of 7th Ave. N. (a water main is located in this area)

These actions will relocate the entire right-of-way 30’ to the north, in line with the current city street. It will be the responsibility of the property owners to work with surveyor Barry Stack to realign their property lines accordingly. Given that the realignment corrects a surveying error and correlates with the existing city street and houses, staff believes this serves the interest of the public. As a condition of the vacation, a utility and drainage easement will be recorded on a portion of the vacated city right-of-way, adjacent to 787 5th St. N. and 798 3rd St. N. It is recommended the City Council adopt a resolution vacating a portion of 7th Ave. N. right-of-way, as described.

Mayor St. Ores opened the public hearing and no comments were received. It was moved by Councilmember Buckley and seconded by Councilmember Carlson to close the public hearing. Motion carried 4-0.

Councilmember Buckley introduced the following resolution and moved its adoption:

Resolution 19-25

RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF PLATTED SEVENTH AVENUE NORTH

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
John Buckley – aye

Michele Hanson – aye
Connie Carlson– aye

UNFINISHED BUSINESS

NEW BUSINESS

1. Consider a drainage and utility easement for the vacated portion of 7th Avenue North: Public Works Director Kline explained that pursuant to the vacated portion of 7th Ave. N., the city will require a 10 foot drainage and utility easement in order to maintain a water main that is directly south of the paved street surface. The street vacation and subsequent relocation of the property lines will result in the water main being located about 3 feet from the north property lines of 787 5th St. N. and 798 3rd St. N.. Staff recommends the City Council adopt a motion approving the agreements, with a payment in the amount of \$1.00 to each property owner, for an easement on both properties, as presented.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve drainage and utility easements for 787 5th St. N. and 798 3rd St. N., for the vacated portion of 7th Ave. N. and upon roll call being taken, the following voted via voice:

Susan St Ores - aye
John Buckley- aye

Connie Carlson- aye
Michele Hanson -aye

2. Update on the purchase of real property for a Land and Water Legacy project (LWLP) and execution of conservation easement consistent with the approved Washington County acquisition agreement: Administrator Bell indicated the city and county have been working together on LWLP project in Bayport to acquire and conserve 11 contiguous acres on the St. Croix River for about 5 years. In 2018, the county authorized \$745,000 in LWLP funds to be expended toward this project. The city also secured two grants from the Department of Natural Resources in the amount of \$500,000 and a private donation of \$550,000 for the land acquisition. Together, these three sources are providing the funding to facilitate purchase of the land for this conservation initiative, which was approved by the City Council on May 20. At this meeting, the City Council also authorized completion of a Phase I Environmental Site Assessment and a Phase I Archeological Survey, to comply with state funding and grant requirements. Based on the findings of the Phase I Archeological survey, Principal Investigator Tim Tumberg indicated that he saw no reason why the city could not proceed with finalizing the purchase of the parcels at this point. He did recommend a Phase II assessment for the north portion of the parcel which previously contained St. Croix Lake Ice Company. This would provide a better understanding of what concrete/rock foundation remnants remain and how the proposed improvements on the site plan relate to these remnants from a location standpoint. Since findings of both studies do not indicate any known contaminants or artifacts of significance, the city is now authorized to proceed with executing the conservation easement with Washington County and schedule a closing date for land acquisition. The proposed conservation easement was prepared by Washington County and is consistent with other LWLP projects to conserve land for park and recreation areas. Potential future improvements may include relocation of the city's public boat launch and parking area, trail system, picnic and restroom shelter. Following approval, the easement will be recorded against the property. A late September/early October closing date is anticipated for the land acquisition. Staff recommends the City Council adopt a motion approving the execution of a conservation easement consistent with the approved Washington County acquisition agreement for the LWLP project.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve a conservation easement with Washington County for the Land and Water Legacy St. Croix Conservation Initiative project, as presented. Upon roll call being taken, the following voted via voice:

Susan St. Ores- aye
Michele Hanson – aye

Connie Carlson – aye
John Buckley – aye

3. Consider authorization to apply for a Water Efficiency Grant through the Metropolitan Council:

Assistant Administrator/Planner Taylor stated the city is part of the Washington County Municipal Water Coalition, which recently completed a study on the long-term sustainability of water resources within the county. The Met Council has created a Water Efficiency Grant Program to assist the coalition and other metro area cities implement goals and approaches to sustainable and efficient water use as recommended in the study. The program is geared to support efforts to improve water efficiency in the form of a rebate to residential property owners who choose to replace a water usage device that uses substantially less water. Eligible activities include replacement of toilets, washing machines, irrigation controllers and sprinkler bodies. Staff believes this grant program would be a good opportunity to implement some of the goals and approaches specified in the coalition's study, but also educate residents on the importance of water conservation and efficiency. Based on the grant criteria, staff also believes Bayport would be a good candidate because we have both an aging housing stock that could benefit from efficiency upgrades for appliances, as well as newer construction with irrigation systems that may not have adequate controllers. The grant application submittal deadline is September 30, with notification of grant award by December 2. Because of the unknown success rate in our city, staff believes a grant program total of \$6,000, funded 75% by Met Council and 25% by the city would be fitting on an initial trial basis. However, communities are eligible to apply for grants up to \$50,000. Disbursement of the city's 25% or \$1,500 contribution would only be required if rebates are requested. If grant funds are awarded but not expended, any surplus funds would be returned to Met Council for use elsewhere in the metro area. Staff recommends a motion to apply for a Water Efficiency Grant through the Metropolitan Council with a city contribution of up to \$1,500 or as otherwise directed by the City Council. Discussion followed on resident reporting requirements, maximum reimbursements per property, and staff workload to manage the grant.

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to authorize the application for a Water Efficiency Grant through the Metropolitan Council with a total program cost of \$6,000, including a city contribution of up to \$1,500. Upon roll call being taken, the following voted via voice:

Susan St. Ores- aye
Michele Hanson – aye

Connie Carlson – aye
John Buckley – aye

2020 BUDGET PRESENTATION

City Administrator Bell reported the city's financial standing remains steady. The 2020 tax base continues to grow with a 12.5% increase in the estimated market value, and \$13,915,200 in new construction value added for the 2020 tax year. Local Government Aid and fire service contract revenue increased slightly. The proposed preliminary budget is \$3,329,873, which is an increase of \$135,209 from 2019 (4.23%). He explained the proposed budget includes a 3.62% increase in operating costs, which still includes some capital outlays and a more accurate reflection of staff costs for park maintenance. The general fund budget was reviewed by each department. The Fire Relief funds are continuing to be phased out of the Fire Department budget, shifting \$10,000 to unallocated expenditures which will further spread the share of vehicle and equipment funding. The city anticipates a decrease in MNSPECT expenditures of \$45,000, which will be offset by decreases in revenue due to lower remaining new construction. The library requested no levy increase for 2020. Staff will be conducting a utility rate study in the future, but no adjustment to utility rates is proposed at this time. The Metropolitan Council is decreasing their sewage pumpage fee by 2.08%. The 2020 Capital Improvement Plan (CIP) was reviewed by each department. Due to conservative budgeting

and increased revenue, the proposed general fund levy has a slight increase for 2020 of \$67,881 (5.91%). The total 2020 levy is \$1,392,344, which is a 5.13% increase; however, due to increased revenue and home values, the budget is achievable with a tax rate of 31.6%, which is a 6.9% decrease compared to 2019. The resulting dollar increase for the median valued home is about \$25.00.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 19-26

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ESTABLISHING THE 2019 PRELIMINARY LEVY CERTIFICATION FOR THE CITY'S
GENERAL FUND AND LIBRARY FUND AT \$1,392,344**

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
John Buckley – aye

Connie Carlson - aye
Michele Hanson – aye

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 19-27

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

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
John Buckley – aye

Connie Carlson - aye
Michele Hanson – aye

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 19-28

**RESOLUTION OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA,
ADOPTING THE PRELIMINARY CAPITAL IMPROVEMENT PLAN 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
John Buckley – aye

Connie Carlson - aye
Michele Hanson – aye

Public input on the 2020 budget and levy (Truth in Taxation hearing) is scheduled for the December 2, 2019 City Council meeting. Administrator Bell reminded the City Council that the 2020 levy can be reduced but not increased when the final budget is approved in December.

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson reported that the Library Board last met on August 22. The board is looking for a new member beginning in 2020. There is a new meditation class beginning at the library on September 14 at 10:30 a.m. There will be special library activities associated with Derby Days on September 21, including a medallion hunt for children. The Library Board acknowledged Archer and

Greta Mishek, young residents of Bayport, who donated the proceeds of their lemonade stand to the library. The next Library Board meeting is September 19 at 6:00 p.m.

Councilmember Buckley reported that the Planning Commission will meet on September 23 at 6:00 p.m. to discuss two variance applications.

Councilmember Hanson reported that the Cable Commission will meet on September 23 at 6:00 p.m. She also promoted Derby Days on September 20 and 21.

STAFF/CITY ADMINISTRATOR REPORTS

Police Chief Eastman reported that the staff had a successful Safety Camp on August 5-6 and Night to Unite on August 6. Sergeant Jackson and Chief Eastman attended active shooter training on August 16. The department, including reserve officers, will be busy with Derby Days on September 20-21. All officers will participate in scenario range training. The department has elected not to hold their annual Halloween Open House this year in light of K-9 Keylo's passing. The department has logged 4168 incidents year to date.

Public Works Director Kline reported that the Public Works Department continues to see significant park usage both from rentals and general use. Garbage clean up indicates that our parks are seeing immense usage. JoAnn Sandahl, the part-time seasonal employee, played a large role in keeping the parks maintained this summer. Public Works is also dealing with a number of city and private contractor projects, including the 5th Ave. S. culvert and fire hydrant replacements, hydrant painting, Villas of Inspiration development project, and 2nd Ave. N. drainage project. Larger projects include the Highway 95 road project, the 2nd Ave. N. drainage improvement, hydrant painting, and Emerald Ash Borer (EAB). The Department of Agriculture has verified the presence of EAB within the city. This fall, they will help the city complete a visual survey to determine the extent of the infestation. After this survey, staff will collaboratively work with outside agencies to determine the best plan of action moving forward.

Assistant Administrator/Planner Taylor reported that the Planning Commission is scheduled to meet on September 23 to hold two public hearings. The first application is a variance to expand an existing legally non-conforming single family home with an attached single stall garage and second story addition at 466 Perro Creek Drive. The second application is a variance from impervious coverage requirements for a parking lot and stormwater improvement project at Andersen Corporation, located at 100 4th Avenue North. The next edition of the city newsletter will be ready for print and distributed within the next week. Review of building, zoning and site plan permits continues to be steady and updates are being finished for the Comprehensive Plan. Work will begin on the grant application and program work plan for the water efficiency grant. Preparations have begun for upcoming 2020 elections, the first of which will be the presidential primary election on March 3.

Administrator Bell has completed the 2020 preliminary budget and 2020-2024 Capital Improvement Plan. Staff and Valley Access Channels have been busy with the City Council Chambers audio and video broadcast upgrades. The city received three proposals for waste hauling (Republic, Highland Sanitation, and Waste Management). Staff is reviewing the proposals, and if appropriate, will begin conducting interviews in the coming weeks. If favorable, the staff will bring the proposal and possible new contract to the City Council to consider at the October meeting. In August, the city and SEH conducted a required traffic study on all the Bayport railroad crossings to determine the average daily traffic counts for each intersection. That traffic data has been updated and submitted to the Federal Railroad Administration (FRA) as part of the reaffirmation process for the partial quiet-zone. The staff

also conducted a diagnostic evaluation with reps from Union Pacific, FRA, and MNDOT for adding the pedestrian crossing at the Lakeside Park parking lot to the partial quiet zone. As a reminder, this crossing was not part of the original quiet zone inventory and was never added when the lot was constructed. Based on the evaluation, additional warning signage was added. Hopefully, there are no additional issues discovered with the reaffirmation materials and the FRA can recertify the partial quiet zone quickly.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

Mayor St. Ores acknowledged the memorial bench for Lucy Schneckenberg and thanked Steven Schneckenberg for his donation.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to adjourn the meeting at 7:45 p.m. Motion carried 4-0.

City Administrator/Clerk