

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
FEBRUARY 1, 2021  
6:00 P.M.**

\*\* Due to COVID-19 and social distancing protocols, this meeting was conducted by electronic means as permitted by Minnesota Statute 13D.021 due to a health pandemic or declared emergency. \*\*

**REGULAR MEETING**

**6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of February 1, 2021, to order and asked Councilmembers, staff, and the audience to join in pledging allegiance to the American Flag.

**ROLL CALL (St. Ores, Carlson, Dahl, Hanson, and Gilmore)**

Members present: Mayor Susan St. Ores and Councilmembers Connie Carlson, Michele Hanson, John Dahl, and Ethan Gilmore (present by electronic means)

Staff present: City Administrator Adam Bell, Assistant Administrator/Planner Sara Taylor, Fire Chief Allen Eisinger, Police Chief Laura Eastman, Public Works Director Matt Kline, City Engineer John Parotti, and City Attorney Tom Loonan (present by electronic means)

**APPROVAL OF AGENDA**

It was moved by Councilmember Dahl and seconded by Councilmember Carlson to approve the City Council agenda 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

Ethan Gilmore - aye

**PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS**

Mayor St. Ores noted the January recycling award recipient is Cathy Nelson at 703 5<sup>th</sup> Street North who will be awarded for recycling efforts, with funding made possible with a grant from Washington County.

**OPEN FORUM**

There were no public comments.

**CONSENT AGENDA**

Mayor St. Ores read items 1-12 on the Consent Agenda. Councilmember Dahl introduced the following resolution and moved its adoption:

**Resolution 21-03**

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE  
FEBRUARY 1, 2021 CITY COUNCIL AGENDA**

1. January 4, 2021 City Council workshop minutes
2. January 4, 2021 City Council regular meeting minutes
3. January payables and receipts
4. January building, plumbing, mechanical, and zoning permits report
5. Special event application from Bayport Community Action League for 2021 community events (tentative)
6. Special event application from KinniCroix Girl Scouts for July 29-31, 2021 at Lakeside Park (tentative)
7. Special event application from USO Car Club for June 12, 2021 at Lakeside Park
8. Letter of credit reduction request by Landucci Homes, Inc. for Villas of Inspiration
9. Purchase of a replacement Bobcat 5600 Toolcat for the Public Works Department

- 10. Purchase of a new grader attachment for the Bobcat Skid Steer for the Public Works Department
- 11. Mutual aid agreement with the City of St. Paul for law enforcement assistance
- 12. Application for new off-sale liquor license from E5 Enterprises LLC for operations at Bayport Liquor located at 102 3<sup>rd</sup> Street North

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

Susan St. Ores - aye  
John Dahl - aye

Connie Carlson- aye  
Michele Hanson -aye

Ethan Gilmore - aye

**PUBLIC HEARINGS**

There were no public hearings.

**UNFINISHED BUSINESS**

1. Consider a resolution accepting a feasibility report and cost estimate for proposed 2021 city infrastructure improvements: Public Works Director Kline noted that SEH has completed a feasibility report and developed an assessment scenario for proposed 2021 city infrastructure improvements. Work includes a mill and overlay and curb installation on 6<sup>th</sup> St. N. from 5<sup>th</sup> Ave. N. to Pickett Ave., paving of gravel city cemetery road, sanitary sewer lining, and miscellaneous street and utility repairs. He reviewed the proposed assessments to affected property owners, including street improvements and sanitary sewer lining. Water system improvements are considered maintenance and will not be assessed. The adjusted front footage method was used to determine the assessments. This method resulted in assessment amounts that were more equitable across the board, given the cemetery does not have the infrastructure usage volume associated with receiving a disproportionately higher assessment. Upon acceptance of the resolutions for this project, staff will continue with State Statute Chapter 429 process for assessments, including noticing affected property owners of the improvement hearing and assessment role. Property owners will have the ability to comment on the project and assessments at the improvement hearing tentatively scheduled for the March 1, 2021 City Council meeting. Plans and specifications will be reviewed at the hearing, and upon acceptance, the project will be put out for bid. Following receipt of bids, an assessment hearing will be scheduled for the April or May City Council meeting. Director Kline noted that he discussed the project specifically with St. Michael’s Cemetery and Croixdale, who will receive the largest assessments, but residential properties were not contacted individually. Discussion followed on assessable costs related to sewer lining, the method used to calculate the assessments for this particular project, and payment options for assessments. Councilmember Hanson reiterated that she would like to revisit the city’s assessment policy and applied methods at some point in the future.

Councilmember Gilmore introduced the following resolution and moved its adoption:

**Resolution 21-04**

**A RESOLUTION ACCEPTING A FEASIBILITY REPORT FOR A 2021 INFRASTRUCTURE IMPROVEMENT PROJECT**

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

Susan St. Ores - aye  
John Dahl - aye

Connie Carlson- aye  
Michele Hanson -aye

Ethan Gilmore - aye

2. Consider a resolution setting the public improvement hearing date for proposed 2021 city infrastructure improvements: A resolution is required by State Statute Chapter 429 to set the public improvement hearing for the project. The hearing is scheduled for the March 1, 2021 City Council meeting.

Councilmember Gilmore introduced the following resolution and moved its adoption:

**Resolution 21-05**

**A RESOLUTION SETTING A PUBLIC IMPROVEMENT HEARING AND DISPENSING WITH PLANNING COMMISSION REVIEW FOR A 2021 INFRASTRUCTURE IMPROVEMENT PROJECT**

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

Susan St. Ores - aye  
John Dahl - aye

Connie Carlson- aye  
Michele Hanson -aye

Ethan Gilmore - aye

3. Discuss a proposal for a traffic speed limit study prepared by City Engineer consulting firm SEH: City Engineer Parotti reviewed discussion last month about a proposal to reduce speed limits to 25 or 25 MPH and implement additional traffic control at two specific intersections. He noted the speed study was estimated at \$4,800 and each intersection evaluation was estimated at \$2,200, for a total cost of \$9,200. He clarified that a speed reduction from 30 MPH to 25 MPH would not trigger the requirement for a full speed study by state statute, but some cost would be incurred to identify appropriate locations and actual placement of new speed signs. Public Works Director Kline reiterated that most city streets do not currently have speed limit signs posted because they are classified at the 30 MPH state standard. If the city were to reduce the limit to 20 or 25 MPH, new signs would need to be posted throughout the city. Engineer Parotti added that the speed study would focus on traffic use and volume, rather than vehicle speed data for analysis. It was also noted that current traffic and crash data did not support warranting a reduction in speed limit or the need for additional intersection control. Therefore, neither were recommended by staff. If speed limit reduction is an option the City Council would like to consider, it would only apply uniformly to minor residential streets under city jurisdiction and not include Highway 95, 5<sup>th</sup> Ave. N., Maine St., and other potential streets designated as having a primary commercial traffic component.

Discussion followed on whether a lack of compliance with the current speed limit is attributed to isolated areas or specific motorists versus an ongoing citywide issue. Councilmembers and staff voiced hearing conflicting public input whether speed is a concern on all city streets or just concentrated to habitual offenders or main thoroughfares, such as Highway 95 and 5<sup>th</sup> Ave. N. There were also differing opinions on whether it would be most beneficial to conduct the speed study now or postpone until additional traffic data could be collected during the summer months as recommended by the City Engineer, especially in light of the recent improvements on Highway 95 and how traffic patterns and/or speeds may have changed as a result of the traffic calming and safety enhancements. Councilmembers Dahl, Hanson, and Gilmore voiced support for a more immediate expenditure of funds for the study, while Mayor St. Ores and Councilmember Carlson expressed interest in gathering more data to weigh the cost benefit of proceeding with a study. The City Council acknowledged the importance of public safety in the community and agreed that public engagement was also key in deciding whether to proceed with the speed study and/or a speed limit reduction. Specific types of public engagement efforts were reviewed, such as use of social media, newsletter, and website to solicit input, as well as a feasible timeline for feedback. Mayor St. Ores and Councilmember Hanson expressed an interest in assisting staff with public engagement efforts, offering experience from their perspective professional backgrounds in marketing and research.

It was moved by Councilmember Carlson and seconded by Councilmember Dahl to solicit public input on a potential speed limit reduction to less than 30 MPH on residential streets under city jurisdiction, to be presented for consideration at the May 3, 2021 City Council meeting 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

Ethan Gilmore - aye

**NEW BUSINESS**

1. Consider a resolution approving a conditional use permit and site plan review for an expansion of burial sites, including upright columbaria structures, within St. Michael’s Cemetery located at 700 6<sup>th</sup> Street North: Planner Taylor explained that in 2008, the church began planning for a future burial expansion area in southeast portion of the property. Before proceeding with the expansion, the city identified several discrepancies at the cemetery which needed to be resolved, including varying zoning classifications, inconsistent property boundaries, and existing graves that were located in unimproved city rights-of-way. Now that the rezoning, vacation of rights-of-way, legal descriptions, and deeds have been rectified and recorded, the church intendeds to proceed with plans for the expansion area.

Planner Taylor noted that since St. Michael’s was in existence prior to adoption of the zoning code, it is considered a legal non-conforming use and may continue to operate as a cemetery. However, new structures require a conditional use permit and site plan approval from the city. She reviewed the master plan layout for the expansion area, noting a proposed combination of traditional and cremains gravesites, supplemented by up to 10 columbaria structures which will offer 1,400 cremains niches. Phase I will include the utility extension, access road, walkways, stormwater treatment, plantings, and landscaping along the property perimeter. Phase II and III improvements will follow and improvements within each phase, such as walkways and plantings, will be required to be completed prior to occupancy/use of gravesites and columbaria in that phase.

At its meeting on January 25, 2021 the Planning Commission discussed and held a public hearing on the application. No public comments were received. Following discussion, the Planning Commission voted 5-0 to recommend approval of the application to the City Council. Since the Planning Commission meeting, the cemetery has requested some leniency with the construction timeline for the access road, due to cost. After discussing the request, staff feels a fair compromise would be to allow sale/use of the 4 columbaria in Phase I before full construction of the access road, as long as walkways are installed to access the central plaza area and the road is completed no later than June 1, 2023. As such, staff has revised the resolution to reflect this revision. Because the proposed expansion is consistent with the existing cemetery use, the columbaria will not alter the character of the neighborhood, and the land use is in harmony with the city’s comprehensive plan, staff is recommending approval of a CUP, subject to implementation of the master plan site improvements and conditions of approval listed in the resolution. Discussion followed on stormwater enhancements and clarification that the paving of the cemetery access road planned for this summer was located to the west of the expansion area, not on 6<sup>th</sup> Ave. N. which abuts the north boundary.

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 21-06**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN FOR EXPANSION OF BURIAL SITES, INCLUDING UP TO 10 UPRIGHT COLUMBARIA WITHIN THE SOUTHEAST PORTION OF ST. MICHAEL’S CEMETERY, BAYPORT, WASHINGTON COUNTY, MINNESOTA, AS DEFINED ON THE ATTACHED LEGAL DESCRIPTION**

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

Susan St. Ores - aye  
John Dahl - aye

Connie Carlson- aye  
Michele Hanson -aye

Ethan Gilmore - aye

2. Update on municipal water demand, usage, upgrades, and conservation: Public Works Director Kline presented information on the city’s municipal water system, which includes an Upper Zone, serving the Inspiration neighborhood and specific properties in Baytown, and the Lower Zone, which serves the Bayport

Fire Station and all residential and commercial properties in the downtown area. The presentation primarily focused on the Upper Zone, which currently has a summer usage ratio of 5.3 times greater compared to winter usage. He reviewed trends in usage since 2017, noting a significant increase is due to new development and lawn irrigation systems. He noted that potential future developments which would increase demand. Solutions and/or strategies to manage water demand include conservation, education, and mechanical upgrades. A rate study to determine if current funding is sufficient for future projects, repairs, and potential upgrades is also something the city should consider in the immediate future.

### **CITY COUNCIL LIAISON REPORTS**

Councilmember Hanson reported that she will accompany Councilmember Gilmore to the February Cable Commission meeting as the outgoing liaison. She also attended the Planning Commission meeting on January 25 which covered St. Michael's Cemetery CUP and site plan application for a burial expansion project.

Councilmember Dahl attended a Middle St. Croix Watershed Management Organization meeting which discussed the 2021 budget, but no projects specific to Bayport.

Councilmember Carlson reported on the January 19 Library Board meeting, noting Colleen Chute will serve as the new board president. The library is currently offering curbside pickup of materials and service by appointment. Upcoming programs were reviewed and it was noted that there is a current opening for a part-time library clerk.

Mayor St. Ores reported on a recent Bayport Fire Department Advisory Committee meeting, which included election of new officers and discussion on the 2021 budget. She also attended a meeting with fellow Washington County mayors, which included guest speaker Congresswoman Betty McCollum, and provided updates on COVID efforts by community.

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

Fire Chief Eisinger reported that the 2020 total call volume was 946. COVID protocols continue, including vaccination of all members. He reviewed recent department meetings and a recent tour of the station by the Lake Elmo Fire Department.

Police Chief Eastman reported the 2020 total call volume was 9,246. The department recently participated in taser and Narcan training.

Public Works Director Kline reported on ongoing winter maintenance activities and a recent interior rehab project for Pumphouse #2. He provided an update on upcoming projects, including sidewalk cutting/replacement, sealcoating, sewer cleaning and televising.

Assistant Administrator/Planner Taylor reported on distribution of a-winter e-newsletter, execution of a conservation easement for remaining outlots in Inspiration, and the January Planning Commission meeting. In the coming months, she will be pursuing a grant to assist with buckthorn removal and restoring native plant species at the Clean Water Land and Legacy site. The January 20 Highway 36 Transit Technical Advisory Work Group meeting focused on draft technical recommendations in response to transit service types, travel patterns, modeled scenarios, and ridership forecasts gathered from public engagement.

Administrator Bell reported on the progress of the new city website and preparation for the upcoming 2020 city audit. He acknowledged recent inquiries regarding the potential extension of municipal water to a proposed development in Baytown Township. He noted that the existing Joint Powers Agreement with Baytown would need any new property added by resolution and adopted by the City Council before proceeding with any extension of services.

### **COUNCIL ITEMS AND ANNOUNCEMENTS**

Councilmember Hanson commented on the recent transition of residential refuse hauling services from Republic Services to Tennis Sanitation and questioned whether the city had received any resident feedback. Administrator Bell noted that some refuse carts were not collected timely by Republic, so city Administration and Public Works Departments coordinated with property owners to collect remnant carts. He explained the fee increase with Tennis, but also noted that Tennis offered the best value and less expensive pricing for services when compared to a renewal contract with Republic, with the addition of weekly recycling.

**ADJOURNMENT**

It was moved by Councilmember Hanson and seconded by Councilmember Dahl to adjourn the meeting at 8:28 p.m. 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

Ethan Gilmore - aye

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City Administrator/Clerk

