

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
JULY 12, 2021
6:00 P.M.**

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 July 12, 2021, to order and asked Councilmembers, staff, and the audience to join in pledging allegiance to the American Flag.

ROLL CALL

Members present: Mayor Susan St. Ores and Councilmembers Michele Hanson, Ethan Gilmore, Connie Carlson and John Dahl.

Staff present: City Administrator Adam Bell, Public Works Director Matt Kline, Chief Laura Eastman, and City Attorney Tom Loonan.

APPROVAL OF AGENDA

It was moved by Councilmember Dahl and seconded by Councilmember Carlson to approve the City Council agenda with the addition of item #4 to New Business to consider ending the Declaration of Emergency for COVID-19. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

Mayor St. Ores noted the June recycling award recipient is Jim Borden 385 3rd Street S. who will be awarded for recycling efforts, with funding made possible with a grant from Washington County. Mayor St. Ores called on Police Chief Eastman to present a Letter of Commendation to Office Larry Cornell for his notable response and action in the line of duty to address a recent critical incident.

OPEN FORUM

There were no public comments.

CONSENT AGENDA

Mayor St. Ores read items 1-8 on the Consent Agenda.

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 21-20

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE
JULY 12, 2021 CITY COUNCIL AGENDA**

1. June 7, 2021 City Council workshop minutes
2. June 7, 2021 City Council regular meeting minutes
3. June payables and receipts
4. June building, plumbing, mechanical, and zoning permits report
5. Renewal of 2 a.m. liquor license for Woody's Bar and Grill located at 109 3rd Street N.
6. Fireworks display permit from Bayport Community Action League for Derby Days on September 18, 2021
7. Hiring of Kevin Asaukas as a part-time, paid on call member of the Fire Department
8. Annual funding contribution to support Community Thread

The motion for adopting the foregoing resolution was duly seconded by Councilmember Gilmore 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

PRESENTATION OF THE 2020 CITY AUDIT

Administrator Bell introduced Molly Thompson with Schlenner Wenner, the city’s auditing firm. An overview of the audit process was provided, noting the city received an unmodified (clean) audit opinion. Ms. Thompson stated that the audit involves examination of internal controls relative to financial reporting and that compliance was identified. A summary of the budgeted versus actual expenditures was provided, in addition to a revenue analysis of the general, water, and sewer funds. Overall, the city is in good financial standing, with current assets in the amount of approximately \$13,800,000 and almost \$31,900,000 non-current/capital assets at 2020 year end. The General Fund balance exceeds 180% of operating costs compared to the city’s fund balance policy that calls for a minimum of 40% operating cost balance. Administrator Bell further explained that the main reason the expenditures were higher than budgeted were due to the planned capital expenditures incurred in 2020, which included the Lakeside Park new playground equipment, City Hall roof and lock/security system upgrades, and lighting infrastructure related to the Highway 95 Improvement Project. He also commented on the trends in revenue and expenditures related to the water/sewer funds.

It was moved by Councilmember Hanson and seconded by Councilmember Gilmore to accept the findings of the 2020 city audit. Motion carried 5-0.

PUBLIC HEARINGS

1. Overview of the city’s Municipal Separate Storm Sewer System (MS4) program materials and annual report: Public Works Director Kline reviewed the National Pollutant Discharge Elimination System (NPDES) General Permit for the MS4. He noted a major component of the permit was the Stormwater Pollution Prevention Plan (SWPPP), which consists of best management practices (BMPs) and standard operating procedures (SOPs) that work towards the management, operation, and maintenance of the storm sewer system to minimize the discharge of pollutants. The six minimum control measure (MCM) components included within the SWPP are Public Education and Outreach (MCM 1), Public Participation and Involvement (MCM 2), Illicit Discharge Detection and Elimination Program (MCM 3), Construction Site Stormwater Management (MCM 4), Post Construction Stormwater Management (MCM 5), Municipal Operations BMP and SOP Manual (MCM 6). An annual report is also required by the Minnesota Pollution Control Agency to be compliant with the NPDES permit. Public Works Director Kline mentioned that a full copy of the MS4 materials and annual report are available for public view and that no comments were received prior to the July 12 City Council meeting.

Mayor St. Ores opened the public hearing. No public comments were received.

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

Discussion followed on the requirements of the MS4 program and permit. Public Works Director Kline noted that because the city has critical waterways leading to the St. Croix River, the permit stipulates conditions and best management practices for the city to regulate stormwater discharge.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

1. Consider an encroachment and license use agreement for an existing private driveway at 111 Central Avenue located on city right-of-way: Public Works Director Kline provided a summary of the existing encroachment conditions, which included a private driveway and utilities within city right-of-way. To mitigate these conditions, the city is proposing an encroachment and license use agreement. The license agreement would allow the owner to independently maintain the road, grass, and potentially install limited landscaping with city approval. The license agreement is not binding to the next property owner and it can be terminated with 30 days of notice by either party. The encroachment agreement grants the property owner, both current and future, the ability to repair and maintain the private water and sewer lines,

with any land disturbance to be mitigated back to the condition prior to the disturbance. Both agreements will be recorded against the property to avoid further dispute on obligation of the property owner and city.

It was moved by Councilmember Hanson and seconded by Councilmember Gilmore to approve an encroachment and license use agreement for an existing private driveway at 111 Central Avenue located on city right-of-way. Motion carried 5-0.

2. Consider authorization to proceed with insecticide treatment of trees for Emerald Ash Borer (EAB): Public Works Director Kline noted the city received a grant from the Department of Natural Resources (DNR) in 2020 to help mitigate the effects of EAB, primarily for removal and replacement of ash trees within boulevards, but also GIS mapping and treatment. To avoid significant canopy loss in concentrated areas of the city, staff is recommending an insecticide treatment of designated trees for EAB at an estimated cost of \$4,461.60 (which includes the \$1,400 required by the DNR grant). Future treatments will depend on whether the City Council prefers to extend the life of the ash trees indefinitely or eventually replace them with other tree species. The current plan would be to allow any newly planted trees that are in close proximity to these treated trees to grow up and then either replace the treated trees in the future or keep treating them until they die of old age. Discussion followed on the map of infested trees and those designated for treatment and/or removal.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to proceed with the insecticide treatment of designated trees for EAB by Rainbow Treecare at a cost not to exceed \$5,000 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. Consider acceptance of box culvert plans/specifications and authorization to solicit bids: Public Works Director Kline noted that SEH was authorized to complete plans and specifications for the box culvert replacement work located in the two alleys south of 3rd Ave. N. between 4th St. N. and 6th St. N. last February. The alley box culverts were inspected in the fall of 2020 and recommended for a load limit reduction to 5 tons and replacement within 2 years, given their current condition. The engineering estimate for the work is \$77,867.90. The plans and specifications provided by SEH include survey/design and bid services, structural engineering services, and hydrologic/hydraulic design services at a cost of \$38,613. The 2021 Capital Improvement Plan did not include reconstruction of the two box culverts, but staff did include an estimated \$70,000 for the replacement of the street lights along 5th Ave. N. Those funds could be designated to cover a portion of the box culvert replacements. Additional construction engineering services will be required if the project moves forward to the construction phase. Bids will be presented to the City Council at a future meeting for consideration. The project is slated for fall construction.

It was moved by Councilmember Hanson and seconded by Councilmember Dahl to accept the box culvert plans/specifications and authorize solicitation of bids. Motion carried 5-0.

4. Consider ending a Declaration of Emergency for COVID-19: Administrator Bell noted that on March 16, 2020, the City Council adopted Resolution 20-11, a Declaration of Emergency for COVID-19, to allow modified city operations for social distancing, as well as the ability to conduct City Council meetings electronically for health and safety reasons. Effective July 1, 2021 Governor Walz ended the State of Minnesota Declaration of Emergency. To be consistent, staff recommends ending the City of Bayport Declaration of Emergency, effective immediately.

It was moved by Councilmember Carlson and seconded by Councilmember Gilmore to revoke Resolution 20-11, terminate the Declaration of Emergency and all powers and authorities granted by the resolution, 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

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson reported on the June 15 Library Board meeting. Additional grants and donations have been secured in the amount of \$1.5 million to help fund a proposed remodel of the Library building. Summer program attendance is strong and circulation/patronage has recently increased.

Councilmember Hanson reported that the Citywide Cleanup Day was well organized and ran smoothly, but with less participation than expected. She also highlighted events planned for Derby Days on September 17-18 by the Bayport Community Action League.

Mayor St. Ores reported on a recent tour of Tennis Sanitation, the city's residential refuse hauler, accompanied by staff and councilmembers. She promoted the importance of recycling efforts to residents and encouraged participation.

STAFF/CITY ADMINISTRATOR REPORTS

Police Chief Eastman summarized her written report, including past and upcoming events, Oath of Office for new Officer Ryan Jones, and Letter of Commendation for Officer Larry Cornell. Total annual incidents to date are 4,122.

Public Works Director Kline reviewed recent maintenance and repair projects, highlighted a recent Girl Scout stormwater improvement project, and provided an update on the 6th St. improvements and water booster station upgrades. Installation of plantings in the median on Highway 95 should be complete in the coming weeks.

Administrator Bell summarized Fire Chief Eisinger's report, noting recognition of service for Steve Buege (34 years) and Matt Lundquist (12 years), as well as tips for water safety. He also highlighted progress on personnel and sign ordinance updates, and the Clean Water, Land and Legacy site access included in Assistant City Administrator/Planner Taylor's report. He announced that effective June 21, City Hall has reopened for regular business hours. Staff is working on preliminary figures for the 2022 budget, for discussion at an upcoming workshop. He also fielded questions on placement of and requirements for new speed limit signage.

COUNCIL ITEMS AND ANNOUNCEMENTS

There were no comments.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to adjourn the meeting at 8:10 p.m. Motioned carried 5-0.

City Administrator/Clerk