

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 1, 2022
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 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 Connie Carlson, Michele Hanson, John Dahl, and Ethan Gilmore

Staff present: City Administrator Adam Bell, Assistant City Administrator/Planner Sara Taylor, Public Works Director Matt Kline, Fire Chief Allen Eisinger, Police Chief Laura Eastman, and City Attorney Tom Loonan

APPROVAL OF AGENDA

Administrator Bell requested that the Mayor read a Proclamation for Night to Unite to be held on August 2 and a pay application for the Box Culvert Replacement Project, an off-site lawful gambling license, and two temporary on-sale liquor licenses for Derby Days be added to the Consent Agenda.

It was moved by Councilmember Dahl and seconded by Councilmember Carlson to approve the agenda, as amended. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

Mayor St. Ores noted the July recycling award recipient is Carol Geiger at 365 8th Street North who will be awarded for recycling efforts with a grant made possible by Washington County. She then read a Proclamation for Night to Unite 2022. Chief Eastman presented a lifesaving award to Officer Brittany Lepowsky for commendable action in the line of duty relating to a critical incident.

OPEN FORUM

Sally Anderson, Community Thread, provided an update on the organization's mission, programs, and services and requested a city contribution of \$3,000 to assist in general operating support for 2023.

CONSENT AGENDA

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 22-09

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE
AUGUST 1, 2022 CITY COUNCIL AGENDA**

1. July 11, 2022 City Council workshop minutes
2. July 11, 2022 City Council regular meeting minutes
3. July payables and receipts
4. July building, plumbing, mechanical, and zoning permits report
5. Bayport Fire Relief Association benefit increase and approval of SC-22 form
6. Pay application #1 to Miller Excavating, Inc. for the 2021 Box Culvert Replacement Project
7. Off-site lawful gambling application from Bayport American Legion for Derby Days on September 16, 2022
8. Temporary on-sale liquor license from Bayport American Legion for Derby Days on September 16, 2022
9. Temporary on-sale liquor license from Afton-Bayport-Lakeland Lions for Derby Days on September 17, 2022

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Gilmore and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
Michele Hanson -aye

Connie Carlson- aye
John Dahl - aye

Ethan Gilmore - aye

PRESENTATION OF THE 2021 CITY AUDIT

Administrator Bell introduced Molly Thompson of 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. It was noted that overall, the city is in good financial standing and despite the usual issues that are common for cities the size of Bayport, no issues were found. Investment revenue was less than projected, Ms. Thompson reminded the City Council that the investment report is only the current value of the investments and not the true long-term value. She reiterated that the city is invested appropriately and conservatively to achieve financial gain long-term. Administrator Bell and Ms. Thompson explained why expenditures were higher than budgeted, which include capital outlay and a street improvement project that was carried over from 2020 into 2021. Formal acceptance of the 2021 audit findings is slated for a City Council special meeting/budget workshop on August 22 at 4:00 p.m.

PUBLIC HEARINGS

1. Consider a petition to vacate a portion of the north half of 7th Avenue South and the east half of the adjacent alley of Lot 13, Block 118: Administrator Bell reviewed the location of the proposed vacation and noted that a notice of public hearing was mailed to adjacent/affected property owners and published in the Stillwater Gazette on July 22 and July 29. As proposed, the vacation would increase the buildable area of the existing parcel for development of a single-family dwelling.

Mayor St. Ores opened the public hearing and the following were heard:

Jason Lushine, 768 Minnesota St. S., stated he was concerned about the tree loss that would occur from developing the parcel as proposed and the impact it could have on the scenic riverway district and adjacent Department of Natural Resources (DNR) Scientific and Natural Area access.

Rick Fedorowski, the prospective buyer, acknowledged Mr. Lushine's concern for tree loss and noted he would make a concerted effort to minimize tree removal as necessary to facilitate construction.

Connor Kindom, 414 Cedar View Rd, Hudson, WI, noted he had been following the application and was familiar with the subject area. He felt the lot was sized adequately to construct a single-family dwelling in its current state without the proposed vacation area. As an alternative, he suggested variances from required setbacks in lieu of granting the vacation and relinquishing land that could potentially be utilized for public access to multiple properties to the west and a potential utility extension.

CJ Randazzo, real estate agent for the prospective buyer, noted that it would be difficult to construct a public street to city standards in the proposed vacation location due to the topography and slope. He noted that a majority of the surrounding area is in a conservation easement or under ownership by the DNR and will not likely be developed in the future. He added that other locations exist to access properties to the west, if necessary.

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

Public Works Director Kline commented that the city would not likely attempt any type of public access or installation of utilities in this vicinity, due to topography, tree, cover, and slope and reiterated other potential areas exist that could accommodate such access, if necessary. City Attorney Loonan clarified that the city needs to find that there is a public benefit in granting the proposed vacation. Administrator Bell noted that if granted, the lot area would comply with current minimum lot standards required by the zoning ordinance. However, a variance would still be required to grade and build on the existing slope. Discussion followed on the public benefit and usability of the lot without the vacation. The benefit of having the lot developed and the increased tax base was noted.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 22-10

A RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF THE PLATTED NORTH HALF OF 7TH AVENUE SOUTH AND EAST HALF OF THE ADJACENT ALLEY OF LOT 13, BLOCK 118

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
Michele Hanson -aye

Connie Carlson- aye
John Dahl - aye

Ethan Gilmore - aye

UNFINISHED BUSINESS

1. Discuss a potential project to recognize the city’s centennial: Administrator Bell reviewed a proposal from the Bayport Community Action League (BCAL) for the installation of a pavilion at Village Green Park. Preliminary cost estimates for the pavilion averaged \$50,000-\$70,000. BCAL has tentatively secured a donation from the Bayport American Legion in the amount of \$25,000 and is inquiring about a potential contribution from the city before pursuing other fundraising efforts. Councilmember Hanson reiterated BCAL’s desire to recognize the centennial with a community project and efforts thus far working with St. Croix Recreation to determine feasibility and design for a pavilion. Discussion followed on city capital funds available to contribute to the project in 2023 and ways to solicit public input/interest. It was suggested that further discussion resume at the August 22 City Council budget workshop. No formal action was taken.

NEW BUSINESS

1. Consider an amendment to Bayport Community Action League Partnership Resolution 12-10:

Administrator Bell noted that in 2012, the city adopted a resolution that established a partnership with the Bayport Community Action League (BCAL) for community events. The primary purpose of this partnership resolution was to recognize the value that BCAL brings to the community by organizing and funding these community events. Another aspect of the original resolution was to authorize the city’s assistance both financially and with in-kind service donations to BCAL. Over the years, the original list of community events has changed and may possibly change again in the future. To address this, staff is recommending the agreement be updated accordingly and to provide additional flexibility versus having to amend the resolution’s list of events as they change.

Councilmember Dahl introduced the following resolution and moved its adoption:

Resolution 22-11

A RESOLUTION ESTABLISHING A PARTNERSHIP WITH THE BAYPORT COMMUNITY ACTION LEAGUE FOR COMMUNITY EVENTS

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Gilmore and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - aye
Michele Hanson -aye

Connie Carlson- aye
John Dahl - aye

Ethan Gilmore - aye

2. Consider adoption of a temporary sign policy for the Bayport Community Action League:

Administrator Bell noted that in 2016, staff developed a draft temporary sign policy for the BCAL as an extension of the partnership agreement in order to allow more flexibility with promoting community events with signage. However, the policy was never formally reviewed by the BCAL or subsequently adopted by the City Council. The proposed policy outlines signage regulations agreed to by the BCAL, including location, quantity, duration, size, and material. Staff recommended approval.

It was moved by Councilmember Dahl and seconded by Councilmember Gilmore to adopt a BCAL temporary sign policy, as presented. Motion carried 5-0.

CITY COUNCIL LIAISON REPORTS

Councilmember Dahl reported on the July Middle St. Croix Watershed Management Organization (MSCWMO) meeting. He stated their proposed budget will remain the same as this year for 2023. The MSCWMO will be working with partner communities to ensure permits are not being issued or work commenced prior to receiving

comment/approval from MSCWMO for applicable projects, but it was noted that this has not been an issue specifically in Bayport.

Councilmember Carlson reported on the July Library Board meeting, stating that bids for the Library remodel project came in under budget, and a groundbreaking event to begin construction is scheduled for August 8 at 4:30 p.m. The Library will be closed beginning August 15, but a temporary material pickup and service desk will be set up at City Hall for the duration of the remodel project.

Councilmember Hanson reported on planning and preparation for Derby Days on September 16-17 and reviewed some of the highlight activities/events.

STAFF/CITY ADMINISTRATOR REPORTS

Chief Eisinger reported on call volume, monthly drills/staff training, fire inspections, and the department's participation in past/upcoming events.

Chief Eastman reviewed upcoming events, including Night to Unite on August 2 from 5-8 p.m. at Lakeside Park and an Ice Cream Social on August 24 at Mabel's, sponsored by the Eckberg Lammers Law Firm. She also reported on call volume, staff training, a potential ordinance to address new legislation related to cannabis/THC, and fundraising for the K-9 program.

Public Works Director Kline reviewed recent projects, including an ordinance amendment to regulate the storage of deicing material, upgrades to the booster station pump, and bank stabilization along Perro Creek.

Assistant City Administrator/Planner Taylor reported on preparations for the upcoming State Primary Election on August 9, distribution of the city's summer e-newsletter *Bayport Brief*, and the next Planning Commission meeting will be held on August 22. She noted that residents can subscribe to receive the e-newsletter and other city notices on the city's website by searching "Notify Me." A print copy of the e-newsletter is also available at City Hall.

Administrator Bell reported on the progress of the draft budget and capital improvement plan for 2023 and reviewed upcoming workshop dates to discuss this item. He also reported on the finalization of the decertification of the Croixdale TIF district and new state legislation related to the sale of edible cannabis/THC products.

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 8:57 p.m. Motion carried 5-0.

City Administrator/Clerk