

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
AUGUST 1, 2016  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of August 1, 2016 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 Connie Carlson, Michele Hanson and Patrick McGann

Members Absent: Councilmember Dan Goldston

Staff Present: City Administrator Logan Martin, Police Chief Laura Eastman, Fire Chief Allen Eisinger, Public Works Supervisor Mel Horak, City Engineer John Parotti, City Attorney Andy Pratt, and Assistant City Administrator/Planner Sara Taylor

**APPROVAL OF AGENDA**

Administrator Martin requested the addition of the following items to the consent agenda:

- Temporary on-sale liquor license application from St. Charles Catholic Church for an outdoor event on August 27, 2016
- Grant application to the Metropolitan Council for Comprehensive Plan update assistance (Resolution 16-\_\_)

It was moved by Councilmember Carlson and seconded by Councilmember McGann to approve the August 1, 2016 City Council agenda as amended. Motion carried 4-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The July recycling award recipient is Brad Hallett who will be awarded for his recycling efforts, with funding made possible by a grant from Washington County.
2. Mayor St. Ores proclaimed Tuesday, August 2, 2016 as Night to Unite in Bayport and invited everyone to attend the event tomorrow evening from 5:00-8:00 p.m. Night to Unite is sponsored by the Bayport Police Department.
3. Diane McGann, representing the Washington County Master Gardeners, announced the winners of this year's *Bayport In Bloom* Front Entry Garden Contest. Winners were: Residential: 494 6<sup>th</sup> Street North (Debra and Richard Parent); Commercial: 122 2<sup>nd</sup> Avenue South (Andersen Corporation's Garofalo Center); Public/Nonprofit: 490 4<sup>th</sup> Street North (Bethlehem Lutheran Church); and Container: 950 Highway 95 North (First State Bank and Trust). The following received honorable mention certificates: 415 Lakeside Drive South (Coleen and Tim Siegfried), 790 2<sup>nd</sup> Avenue North (Nancy Edwards), 153 5<sup>th</sup> Street North (Laura Zawislak) and 428 Prairie Way South (Mark Kill).

**OPEN FORUM**

1. Reverend Linda Tossey, Senior Pastor at People's Congregational Church, invited everyone to celebrate the church's upcoming Centennial events. On August 27, the church will be part of a walking tour of the stained glass windows in Bayport churches, and on September 25, they will celebrate with an event at Perro Park. Everyone is welcome to attend.

2. Sally Anderson, Community Thread Executive Director, provided an update on the programs that improve the quality of life for adults and their families in our local community, including the Bayport Senior Center. As a standalone nonprofit organization, Ms. Anderson requested consideration of a city donation in the amount of \$2,000 for 2017, similar to the support received in 2016. Councilmember Carlson who serves on the Community Thread Board of Directors recognized the value of the organization's efforts in bringing volunteers of all ages together to help the local community.
3. Mayor St. Ores noted the city's legal expenses are higher than normal and said her review of fees incurred during the past two months showed the city has paid over \$1,500 related to the garage project at 636 Minnesota Street South. She asked Attorney Pratt for additional information. He said the city has paid \$6,772 in legal fees from January-July 2016 on this matter. Mayor St. Ores expressed her concern with the amount taxpayers paid for a single issue and hopes residents can work together to avoid this type of legal in the future.

**CONSENT AGENDA**

Mayor St. Ores read items 1-11 on the revised consent agenda.

Councilmember McGann introduced the following resolution and moved its adoption:

**Resolution 16-08**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-11 FROM THE  
AUGUST 1, 2016 CITY COUNCIL AGENDA**

1. July 11, 2016 City Council meeting minutes
2. July payables and receipts (check numbers 007310-007447)
3. July building, plumbing and mechanical permits report
4. Donation of \$25.00 to the Fire Department from Lawrence and Sharon Peterson
5. Hiring of Brittany Lepowsky as a part-time police officer and PERA declaration  
*(Resolution 16-08A)*
6. Letter of retirement from Building Official John Buckley
7. Special event application from Anna Scheel, American Cancer Society, for a fundraiser at Barker's Alps Park on August 10, 2016
8. Lawful Gambling Premises Permit from Bayport American Legion for Mallard's on the St. Croix located at 101 5<sup>th</sup> Avenue South
9. Donation to the Bayport Community Action League for Derby Days fireworks display
10. Temporary on-sale liquor license application from St. Charles Catholic Church for an outdoor event on August 27, 2016
11. Grant application to the Metropolitan Council for Comprehensive Plan update assistance  
*(Resolution 16-08B)*

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	Michele Hanson – aye
Connie Carlson – aye	Patrick McGann – aye

**SWEARING IN OF POLICE OFFICER BRITTANY LEPOWSKY**

Police Chief Eastman introduced Officer Lepowsky and Mayor St. Ores administered the Oath of Office to Bayport's new part-time police officer.

**PUBLIC HEARINGS**

**UNFINISHED BUSINESS**

Update on a potential community solar garden project opportunity: Administrator Martin reviewed Bayport’s opportunity to partner with Geronimo Energy to participate in a community solar garden and Xcel Energy’s Solar Rewards Program to acquire a portion of the city’s electric energy at a reduced rate. Doug Wester, Geronimo Energy, handed out an overview of the community solar garden opportunity and reviewed the potential cost savings. The program would save the city \$0.01 per kilowatt hour (kWh), resulting in an estimated \$2,518.50 of first year savings and \$59,325.66 over 25 years (the subscriber agreement period). He explained the background and partnerships with Geronimo Energy, BHE Renewables and Xcel Energy. There is no upfront investment or future capital requirement for subscribers. BHE Renewables will bear the development, construction and operational cost risk for the project. Discussion followed on the possibility of partnering with future programs that may result in greater savings and the amount of kWh the city should commit to this opportunity. Potential risks to the city, including agreement severability, were discussed. Councilmembers expressed support for the program and directed staff to present an agreement for discussion at the next meeting.

**NEW BUSINESS**

Consider an amendment to Chapter 38 – Offenses and Miscellaneous Provisions of the Bayport City Code of Ordinances regarding temporary family health care dwellings: Attorney Pratt explained a new Minnesota Statute, Section 462.3593, regarding temporary family health care dwellings that goes into effect September 1. This legislation would impose a new zoning mechanism on cities that would allow property owners/care givers to place a small (300 square feet or less) dwelling on their property to serve as temporary housing for a family member with mental or physical disabilities. The legislation would override a city’s zoning ordinances and Attorney Pratt said many cities are choosing to opt-out of the statute, which must be done by ordinance. He explained that Bayport could still adopt its own regulations for these types of temporary dwellings, if the city opts-out of the state legislation. Staff recommended approval of the ordinance to opt-out of Minnesota Statutes, Section 462.3593.

Councilmember Hanson introduced the following ordinance and moved its adoption:

**ORDINANCE NO. 853**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA, AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE BAYPORT CITY CODE, OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593, RELATED TO TEMPORARY FAMILY HEALTH CARE DWELLINGS**

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

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| Susan St. Ores – aye | Michele Hanson – aye |
| Connie Carlson – aye | Patrick McGann – aye |

Consider a building official/inspection services agreement: Administrator Martin said the city considered several options for replacing the city’s full-time building official, John Buckley, upon his retirement at the end of July, after 10 years of employment. The city spoke with five independent contractors and one professional firm, receiving proposals from one independent contractor (Peter Kulczyk) and the professional firm (MNSPECT). MNSPECT proposed serving as the city’s designated building official for a fee of 75% of permit fees collected and 75% of plan review fees, with the city retaining the remaining 25% of all fees. Mr. Kulczyk proposed a fee of 60% of permit

fees and 90% of plan review fees, which averages out to the city retaining 25% of all fees. The estimated costs and revenues for a full-time employee versus the consultant model was reviewed and indicates a projected increase in revenues with the consultant model. Staff recommended contracting with MNSPECT due to their staffing levels, timely customer service and professionalism, as noted during the reference check process. Councilmember Hanson questioned when the hourly rate noted in both proposals would be implemented. Scott Qualle, MNSPECT President/Building Official, said the hourly rate is listed for rare instances when the city asks his company to perform a service outside the general scope of the contract and for which no specific fee is established. The proposed contract is for one year, after which MNSPECT would like to lock in for a longer term. The contract includes a 30-day notice for termination, if necessary. Scott does not anticipate having office hours in Bayport but would be willing to provide this service if requested. MNSPECT would provide next day inspection scheduling, Monday-Friday, and complete residential plan reviews within 10 days and commercial reviews within 15 days. His company is finalizing an electronic record keeping process whereby some permits could be issued on-line. Mayor St. Ores said she would like the city to contact holders of open permits about the change in building official responsibilities to make sure no inspections or outstanding issues are missed. Administrator Martin is working with Lake St. Croix Beach staff regarding Bayport's contract to provide building official services to their city.

It was moved by Councilmember Hanson and seconded by Councilmember McGann to enter into a building inspection services agreement with MNSPECT, LLC, as presented. Motion carried 4-0.

### **COUNCIL LIAISON REPORTS**

Councilmember Carlson reported on the July Library Board meeting. The self-checkout station is operational, library circulation numbers are up, and the summer programs have been well received. The Library Foundation is sponsoring a "Books and Beer" fundraiser on September 24, 4:00-9:00 p.m., at the Lift Bridge Brewery in Stillwater. The next Library Board meeting is scheduled for August 16, 2016, 5:00 p.m., at Mallard's restaurant in Bayport.

Mayor St. Ores recognized Library Director Jill Smith for her support and assistance to install a Little Free Library near the beach house in Lakeside Park. Resident Jane Keyes spearheaded the project, and residents Joe and Kathy Ritzer assisted with the painting and installation. Residents of Inspiration have also placed a Little Free Library in their neighborhood. Mayor St. Ores recognized John Buckley's years of service as the city's building official and wished him well in his retirement.

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

Fire Chief Eisinger reported the department responded to 111 calls in July. Monthly training, meetings, tours and community events were highlighted. He reminded everyone to use extra caution during summertime activities and cautioned parents to keep children a safe distance from camp fires.

Police Chief Eastman reviewed her written report. Past and upcoming community events were highlighted, including the two-day youth safety camp that started today at Lakeside Park and Night to Unite tomorrow evening at Lakeside Park. The Police Department received an \$8,155.50 grant from OSHA for extra cameras outside City Hall and updates to the Council Chambers.

Public Works Supervisor Horak reviewed his written report and noted that Public Works will be repainting crosswalks and yellow curb no parking areas in August.

Assistant City Administrator/Planner Taylor reviewed her written report. Staff plans to contract with a firm in the next week to provide an appraisal for a potential Washington County Land and Water Legacy Program project. Signs are being posted at the city's boat launch regarding Asian carp

aquatic invasive species. She has been testing voting equipment and training Election Judges for the August 9 Primary Election and reminded that all residents vote at City Hall. She will be working on the next edition of the city newsletter that will be published in September, as well as updating processes and forms as the city transitions to a new building official model. The Washington County Master Gardeners were thanked for coordinating the *Bayport In Bloom* Front Entry Garden Contest.

Administrator Martin summarized the City Council budget workshop held prior to tonight's meeting, noting that direction to keep the 2017 tax rate flat is achievable. Staff is finalizing the contract with Miller Excavating for the municipal parking lot project, with construction beginning in August. Councilmember Carlson requested additional funding for Community Thread in next year's budget to assist with a special maintenance project. Staff will review the funding available and provide an update.

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

1. Mayor St. Ores reminded everyone about Night to Unite at Lakeside Park on Tuesday, August 2 from 5:00-8:00 p.m.

### **ADJOURNMENT**

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to adjourn the meeting at 7:40 p.m. Motion carried 4-0.

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City Administrator/Clerk