

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
JANUARY 9, 2017  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of January 9, 2017, to order at 6:00 p.m., and asked Councilmembers, staff and the audience to join in pledging allegiance to the American Flag.

**SWEARING IN OF MAYOR SUSAN ST. ORES**

Interim City Administrator Taylor administered the Oath of Office to Mayor St. Ores.

**SWEARING IN OF CITY COUNCIL MEMBERS JOHN BUCKLEY AND CONNIE CARLSON**

Mayor St. Ores administered the Oath of Office to Councilmembers Buckley and Carlson.

**ROLL CALL**

Members Present: Mayor Susan St. Ores, Councilmembers John Buckley, Connie Carlson, Michele Hanson and Patrick McGann

Members Absent: None

Staff Present: Interim City Administrator/Planner Sara Taylor, Fire Chief Allen Eisinger, Public Works Supervisor Mel Horak, Public Works Director Matt Kline, City Planning Consultant Dan Licht, City Engineer John Parotti, and City Attorney Mark Vierling

**APPROVAL OF AGENDA**

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to approve the January 9, 2017 City Council agenda. Motion carried 5-0.

**PROCLAMATIONS/COMMENDATIONS/PETITIONS/ANNOUNCEMENTS**

1. The December recycling award recipient is Alis DeLisle who will be awarded for her recycling efforts, with funding made possible by a grant from Washington County.
2. Residents were reminded that annual pet license registrations for are due February 1. All pets over 4 months of age must be licensed with the city. A late fee will apply after February 1.
3. Mayor St. Ores recognized residents Jim Kosmo, Dan Asmus and Jessica Buck for their winning entries in the *Focus on Bayport* Photo Contest. Winners were presented with a certificate and a Target gift card.
4. Mayor St. Ores thanked Avery and Lydia, 5<sup>th</sup> grade students at Andersen Elementary, for their recent letters of concern regarding littering. She hopes to visit their class to discuss the concerns expressed in the letters.

**OPEN FORUM**

Interim City Administrator Taylor said that per discussion at the December City Council meeting, residents were invited to provide public input during the open forum at tonight's meeting on the use of Police Department body worn cameras. Police Chief Eastman is working with the City Attorney to address the public comments the department previously received and revise the draft policy. An update will be provided at an upcoming meeting. Fire Chief Eisinger said his department works with City of Oak Park Heights police officers who utilize body worn cameras, and he believes they are a great resource.

**CONSENT AGENDA**

Mayor St. Ores read items 1-13 on the consent agenda.

Councilmember McGann introduced the following resolution and moved its adoption:

**Resolution 17-01**

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-13 FROM THE  
JANUARY 9, 2017 CITY COUNCIL AGENDA**

1. November 15, 2016 City Council special meeting minutes
2. November 21, 2016 City Council workshop meeting minutes
3. December 5, 2016 City Council workshop meeting minutes
4. December 5, 2016 City Council regular meeting minutes
5. December 19, 2016 City Council special meeting minutes
6. December payables and receipts (check numbers 007891-008014)
7. December building, plumbing and mechanical permits report
8. Commercial refuse hauling licenses for 2017
9. Renewal of Complete Health Environmental and Safety Services (CHESS) safety consulting/training service agreement for 2017
10. Special event application from Run Stillwater, Inc., for Lift Bridge Road Race at Lakeside Park on July 22, 2017
11. Reappointment of Brian DeLisle as citizen representative on the Central St. Croix Valley Cable Commission
12. Pay application #2 from Miller Excavating for parking lot improvement project
13. Donation of \$1,000.00 to Fire Department for airboat from Michael Swisher

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

Patrick McGann – aye

**PUBLIC HEARINGS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Consider a conditional use permit (CUP) submitted by Engineered Supply, LLC to operate a distribution warehouse and outdoor storage in conjunction with corporate and design offices at the commercial property located at 201 2<sup>nd</sup> Avenue South, along with an amendment to Appendix B - Zoning of the Bayport City Code of Ordinances allowing for light distribution warehousing: Planning Consultant Licht reviewed an application from Arlen Grant, Engineered Supply, LLC, to move his business to the property located at 201 2<sup>nd</sup> Avenue South. The business is a light distribution warehouse used for office, inventory storage, distribution of goods, product assembly and packaging, and the proposed use is not currently identified as an allowed use in the B-1 Limited Business zoning district. The applicant is requesting a text amendment to the zoning ordinance to allow for this use in the B-1 district, along with a CUP to allow the use and outdoor storage accessory to the proposed use. The applicant plans to reduce the currently non-conforming impervious surface coverage (85% of the lot area) by adding 3,740 square feet of greenspace. The applicant will be making significant storm water management improvements and increasing infiltration, thus effectively managing storm water in compliance with the zoning ordinance. The site contains an existing 2,275 square foot building that the applicant intends to use immediately. The applicant proposes to build another 2,125 square foot office building to the east of

the existing building and a new 2,100 square foot warehouse/distribution building at the south (rear) portion of the property. Improvements to the existing access sites were reviewed and Planner Licht noted there are no conflicts with residential properties. The Planning Commission recommended a specific route for heavy trucks and vehicles be designated, especially during spring when seasonal weight restrictions are in effect. The site plan will be revised to identify 15 off-street paved parking stalls to comply with the zoning ordinance. The required site improvements and conditions of approval will be completed by December 31, 2017, and the developer will execute a development agreement with the city and provide a letter of credit to ensure completion of all improvements. At the December 19, 2016 Planning Commission public hearing/ meeting, the members recommended approval of the application. Staff is recommending approval of the text amendment to the zoning ordinance to allow the proposed use, based on consistency with the city's comprehensive plan and that the use is appropriate in the B-1 zoning district. Staff also recommends approval of a CUP allowing light distribution warehousing and outdoor storage on the site, subject to the 16 conditions of approval listed in the December 28, 2016 staff planning report.

Councilmember McGann, Planning Commission liaison, summarized the discussion at the Planning Commission meeting. He noted an average of 1-2 semi-trucks per day is expected as the business grows, however the majority of the vehicles accessing the site would be light trucks. Arlen Grant, Engineering Supply LLC, said his business distributes roof anchors for high-rise building window washing activity. Councilmember Hanson questioned the city action needed to address seasonal weight restrictions. Public Works Supervisor Horak said Central Avenue, Maine Street and part of Second Avenue South have been historically used as a 10-ton year-round truck route, however he is uncertain if the city has formally documented the route. He believes the city should designate these roadways as a 10-ton truck route to assure trucks can access the applicant's business year-round. Mayor St. Ores asked whether 2<sup>nd</sup> Avenue South is being considered for rework in the near future, as part of the city's street/utility improvements, since the applicant may be required to install curb and gutter. City Engineer Parotti said a determination will be made on the timing of recommended 2<sup>nd</sup> Avenue South water/sewer and street improvements, once it is determined how the water service will come into the building. Staff is also working with the applicant on the details of extending sewer to the site.

Councilmember Hanson introduced the following ordinance and moved its adoption:

**Ordinance #856**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING APPENDIX B – ZONING OF THE BAYPORT CITY CODE**

The motion for adopting the foregoing ordinance 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

Patrick McGann – aye

Councilmember Hanson introduced the following resolution and moved its adoption:

**Resolution 17-02**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) TO OPERATE A  
LIGHT DISTRIBUTION WAREHOUSE AND OUTDOOR STORAGE IN CONJUNCTION  
WITH CORPORATE AND DESIGN OFFICES AT THE COMMERCIAL PROPERTY  
LOCATED AT 201 2<sup>ND</sup> AVENUE SOUTH, LEGALLY DESCRIBED AS LOTS 16-24, BLOCK  
88, BAYPORT, WASHINGTON COUNTY, MINNESOTA**

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

Susan St. Ores – aye  
John Buckley – aye

Connie Carlson – aye  
Michele Hanson – aye

Patrick McGann – aye

Consider an amendment to the city’s Comprehensive Plan submitted by the Stillwater Area Public School District to extend Bayport municipal water and sewer utilities to a parcel located along Stagecoach Trail in Baytown Township to facilitate construction of a new transportation service and maintenance facility: Planning Consultant Licht reviewed the Stillwater Area Public Schools-ISD 834’s request to extend Bayport’s sanitary sewer and water utilities to the property at 3547 Stagecoach Trail North, Baytown Township, to serve a proposed new bus maintenance facility for the school district. The school district determined that use of on-site sewage treatment and well utilities is not feasible, primarily due to the planned bus washing facility. All land use issues are subject to Baytown Township’s zoning and subdivision requirements and the application is being heard by the Baytown Planning Commission and Town Board this evening. In conjunction with the Baytown Township review, the City of Bayport has been requested to consider an amendment of its comprehensive plan to allow for designation of the property to be served by sanitary sewer and water services. Bayport’s comprehensive plan limits future utility extensions to service areas defined by the Metropolitan Council’s 2040 Municipal Urban Service Area (MUSA). Since the proposed site falls outside the MUSA boundary, a comprehensive plan amendment is needed to include the site within the city’s future utility service area. Extension of the municipal utilities would only serve the subject site, and all costs would be borne by the school district. City staff have determined that extending the MUSA boundary to include the site would have minimal impact on the city’s land use plan, and that it is good policy to work with the public school district that provides services to shared constituents. The City Engineer has determined that the existing trunk sewer lines and water system have adequate capacity for the proposed facility, however additional review may be required to verify an adequate supply for fire protection needs. The Planning Commission conducted a public hearing on the application at the December 19, 2016 meeting and recommended approval of the application. Extension of the utilities would be contingent upon execution of a Joint Powers Agreement (JPA) between the city and Baytown Township.

Mayor St. Ores requested additional information on Bayport’s capacity to provide for the long-term water needs of its residents and the proposed bus maintenance facility’s potential impact on water quality. City Engineer Parotti stated he reviewed capacity calculations through 2030 and there would be a negligible impact on projected sanitary sewer flow rates. Tony Willger, Manager of Operations for the school district, said the bus washing bay would have pollutant control measures in place. The application will also be forwarded to the Metropolitan Council for review, since it treats Bayport’s waste water. Mayor St. Ores questioned the impact additional bus traffic on Stagecoach Trail may have for Inspiration residents. Mr. Willger said they have been working with Washington County on traffic issues and possible upgrades to the route when Stagecoach Trail is improved in 2018. Consultant Licht added that Washington County will be approving the site access and addressing traffic issues, and the Middle St. Croix Watershed Management Organization will be involved to make sure any site contaminants are properly controlled. He added the proposed facility is over 1,000 feet from the homes at the southern edge of Inspiration and Baytown Township will be reviewing noise concerns as part of the land use application. Interim City Administrator Taylor added that Baytown officials have received comments about traffic, noise, etc., and will be considering these issues as part of their review/approval process.

Councilmember Carlson introduced the following resolution and moved its adoption:

**Resolution 17-\*\***

**A RESOLUTION AMENDING THE CITY OF BAYPORT COMPREHENSIVE PLAN TO REVISE THE DESIGNATED MUNICIPAL URBAN SERVICE AREA (MUSA) BOUNDARIES AND AUTHORIZE THE EXTENSION OF BAYPORT MUNICIPAL UTILITIES TO FACILITATE CONSTRUCTION OF A NEW TRANSPORTATION SERVICE AND MAINTENANCE FACILITY FOR THE STILLWATER AREA SCHOOL DISTRICT LOCATED AT 3547 STAGECOACH TRAIL NORTH, BAYTOWN TOWNSHIP, WASHINGTON COUNTY, MINNESOTA, AS LEGALLY DESCRIBED ON THE ATTACHED DESCRIPTION**

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

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

***\*\* Subsequent to approval of the above resolution, Baytown Township denied the school district’s application and the Stillwater School District withdrew their application. For these reasons, the City of Bayport resolution was not executed and the Comprehensive Plan was not amended.***

Consider appointments, designations, and City Council liaison assignments for 2017:

Deputy Mayor	Patrick McGann
City Attorney	Eckberg Law Firm
City Engineer	SEH (John Parotti)
City Auditor	Schlenner Wenner and Co.
Deputy City Clerk	Asst. City Administrator (Sara Taylor)
Emergency Preparedness	Fire Chief (Allen Eisinger)
	Police Chief (Laura Eastman)
Deputy Fire Chiefs	Jason Severson
	Mike Galowitz
Weed Inspector	Mayor (Susan St. Ores)
Assistant Weed Inspector	Public Works Supervisor (Mel Horak)
Animal Control	Police Chief (Laura Eastman)
Assessor	Washington County
Official Depository	First State Bank and Trust
Official Newspaper	Stillwater Gazette
Animal Impound Agency	St. Croix Animal Shelter-Woodbury
On Site Septic Inspection	Washington County
Financial Advisor	Northland Securities, UBS, FTN, Springsted
Planning Commission Liaison	John Buckley/Patrick McGann, alternate
Library Board Liaison	Connie Carlson/Michele Hanson, alternate
Cable Commission Liaison	Michele Hanson/Connie Carlson, alternate
Middle St. Croix Watershed Liaison	Patrick McGann/Susan St. Ores, alternate
Andersen Citizen Advisory Liaison	Susan St. Ores/Michele Hanson, alternate

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to accept the 2017 appointments, designations and City Council liaison appointments as listed above. Motion carried 5-0.

Consider City Council regular meeting and workshop dates for 2017: Following discussion on the proposed dates, the following meeting and workshop dates were recommended:

Monday, January 9	Monday, May 1	Monday, September 11*
Monday, February 13**	Monday, June 5	Monday, October 2
Monday, March 6	Monday, July 10*	Monday, November 6
Monday, April 3	Monday, August 7	Monday, December 4

\*Due to the Independence and Labor Day holiday

\*\* **February meeting will be held on second Monday at 7:00 p.m.**

Workshop dates: March 6, June 5, September 11, December 4 at 4:30 p.m., unless otherwise noted.

It was moved by Councilmember Carlson and seconded by Councilmember Hanson to accept the 2017 City Council meeting and workshop dates as listed above. Motion carried 5-0.

### **COUNCIL LIAISON REPORTS**

Councilmember McGann said there are two open seats on the Planning Commission and encouraged residents to consider these appointments.

Councilmember Carlson said the Library Board is seeking a new member to complete the term of James Eberhardt who recently resigned from the board. The next meeting of the Library Board is scheduled for February 21, 6:00 p.m., at the library.

Mayor St. Ores attended the Lighting of the Green on December 7 at Village Green Park and thanked everyone who contributed to the success of this Bayport Community Action League (BCAL) event.

Councilmember Hanson reported she is a new member of the BCAL and welcomed interested residents to attend the next meeting on Thursday, January 12, 6:30 p.m., at the Bayport American Legion.

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

Fire Chief Eisinger reported the department responded to 112 calls in December, with a total of 1,280 calls in 2016 (3.7% growth from 2015). The yearly breakdown of calls was reviewed, with a continued increase of calls to Oak Park Heights noted. Monthly training, meetings, community events and upcoming events were reviewed. The child car seat clinic was a success and will be repeated in 2017. On call car seat appointments are also available through Regions Hospital. The Minnesota Firefighter Foundation Board, of which Chief Eisinger is a member, received a \$12,000 donation to assist with an upcoming memorial service at the Minnesota State Capitol. The department will have their annual appreciation dinner on January 21, and the Lower St. Croix Valley Fire Department will cover calls during the event. A long-awaited Computer Aided Dispatch Records Management System will be in place within Washington County soon and the public safety software dispatch package will greatly enhance the department's response efficiency. He reminded everyone that "no ice is safe ice" and asked everyone to remove snow and ice from their sidewalks and driveway. Mayor St. Ores acknowledged the department for their commitment in honoring firefighters from other jurisdictions.

Public Works Supervisor Horak reviewed his monthly update, noting that six large hazardous trees in the city were recently removed. Ongoing tree trimming will occur throughout the winter months and residents were asked to use caution around tree trimming activities. New Public Works Director Matt Kline began his employment with the city today.

Interim City Administrator/Planner Taylor noted the application deadline for the City Administrator position closed January 5, and 82 applications were received. The consulting search firm is reviewing

the applications and the City Council will meet on January 23 to select candidates for interviews. Priority park reservations are open for residents through January 15. Lights will be installed in the new municipal parking lot this week.

**CITY COUNCIL ITEMS AND ANNOUNCEMENTS**

1. Michael Swisher was recognized and thanked for his donation to the Fire Department.
2. Councilmember Buckley was welcomed to the City Council.

**ADJOURNMENT**

It was moved by Councilmember Buckley and seconded by Councilmember Hanson to adjourn the meeting at 7:27 p.m. Motion carried 5-0.

---

City Administrator/Clerk