

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
July 8, 2019
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of July 8, 2019, 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 John Buckley, John Dahl, Connie Carlson, and Michele Hanson

Staff Present: City Administrator Adam Bell, Assistant Administrator/Planner Sara Taylor, Fire Chief Allen Eisinger, Police Chief Laura Eastman, City Engineer John Parotti, and City Attorney Andy Pratt

APPROVAL OF AGENDA

It was moved by Councilmember Carlson and seconded by Councilmember Buckley to approve the July 8, 2019 City Council agenda. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. The June recycling award recipient is Robert Radke, 460 6th Street North, who will be awarded for his recycling efforts, with funding made possible with a grant from Washington County
2. Recognition of Girl Scout Troop 56631 for water quality improvement efforts along Perro Creek
3. Land and Water Legacy Project update: Administrator Bell indicated that the project is in the due diligence phase. The firm of 10,000 Lakes Archeology has initiated the archeological survey and SEH has been selected for the environmental assessment. After the results of these studies are complete, closing dates will be coordinated for the subject properties.

OPEN FORUM

1. Sally Anderson, Director of Community Thread, introduced Linda Corsi as the new coordinator for the organization's chore service and medical transportation program. Ms. Anderson provided an overview of Community Thread's services and their overriding mission to assist older adults and encourage independent living. Programs include free tax preparation in conjunction with AARP, a discount food program called "Fare for All", and the Bayport Senior Center for social interaction and engagement. Community Thread is funded through a variety of sources including area foundations, United Way, and private donations. She then requested a \$3,500 donation from the city to support local efforts for 2020. This request is an increase of \$500 from the 2019 donation. Councilmembers expressed appreciation for the organization's efforts for the community.

CONSENT AGENDA

Mayor St. Ores read items 1-16 on the consent agenda.

Councilmember Buckley introduced the following resolution and moved its adoption:

Resolution 19-19

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-16 FROM THE
JULY 8, 2019 CITY COUNCIL AGENDA**

Consider a resolution adopting items 1 through 16

1. June 3, 2019 City Council regular meeting minutes
2. June payables and receipts (check numbers 011160-011277)
3. June building, plumbing and mechanical permits report

4. Pay application #3 from Braden Construction for pumphouse #2 rehabilitation project
5. Donation of flowers at the Fire Department from Mary and Paul Goulette
6. Donation of equipment to the Police Department from Rick and Jennifer Schneider
7. Hiring of Nick Teske as a part-time police officer and PERA declaration (Resolution 19-19A)
8. Fireworks display permit from BCAL for Derby Days on September 21, 2019
9. City donation to the Bayport Community Action League for Derby Days fireworks display
10. Donation of flowers for planters on 5th Avenue North from Nicole Bell, Embellish Salon
11. Donation of flowers and landscape maintenance at City Hall from Dan and Ginny Peulen
12. Special event application from Mary Ostertag for the Mark Ostertag Memorial 5K Walk/Run on August 24, 2019
13. Special event application from Andersen Corporation for staff picnic at Lakeside Park on August 1, 2019
14. Special event application from Zephyr Theatre for “Comedy of Errors” performances and related activities at Barker’s Alps Park on June 25 – July 1 (retroactive due to timing of request)
15. Renewal of 2:00 a.m. liquor license for Woody’s Bar and Grill located at 109 3rd Street N.
16. Award quote for painting fire hydrants

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

Susan St. Ores- aye
John Buckley – aye

Connie Carlson – aye
John Dahl – aye

Michele Hanson – aye

SWEARING IN OF POLICE OFFICER NICK TESKE

Police Chief Eastman presented Officer Nick Teske to the City Council. Nick has been a reserve officer with Bayport for 1 year and is also employed by the Washington County Sherriff’s Office as a reserve officer since 2017. Mayor St. Ores administered the oath and Eric Teske pinned Nick’s badge.

PUBLIC HEARINGS

UNFINISHED BUSINESS

NEW BUSINESS

1. Consider a resolution approving an application submitted by submitted by Paul and Sara Zeuli for a variance to expand a legal non-conforming detached garage at 393 4th Street South: Planner Taylor explained that the property currently consists of a single-family house and detached single stall garage off the rear alley. It is zoned R-2 single family urban, and presently guided for residential use by the Comprehensive Plan. The existing single-stall garage is considered legally non-conforming because it does not meet the current 7-foot setback requirement from the east property line. The zoning code allows legally non-conforming structures to continue to be used and be reasonably maintained. However, any alteration, expansion, or improvement to the structure beyond normal maintenance requires a variance. The existing garage and slab are in good condition, but the structure is undersized to accommodate reasonable parking for vehicles and storage. The property does not currently have a driveway to the garage or off-street parking in the rear. As proposed, the north and east walls of the existing garage will be retained and the footprint will be expanded toward the interior of the lot to create a two-stall garage. The east wall will be extended at the existing setback of 2.9 feet, similar to other garages on surrounding properties. The rest of the expansion will meet all other setback, height, and impervious coverage requirements. As part of the proposed improvements, a new bituminous driveway will be installed to provide adequate access to the garage and off-street parking, which does not currently exist on the property and will be a significant improvement over the present conditions. State statute dictates that a variance shall only be permitted by the Planning Commission when in harmony with the general purposes and intent of the ordinance, consistent with the comprehensive plan, and practical difficulties prevent compliance with the zoning ordinance. In this specific case, staff feels the intent is to use the property in a reasonable manner not permitted by the zoning ordinance; there are circumstances unique to the property that were not created by the landowner; and the variance will not alter the essential character of the neighborhood. For these reasons, staff is recommending

Police Chief Eastman reported that the biennial audit of the department's portable recording devices (bodyworn cameras) has been completed and policies and practices are in compliance with the provisions referenced in MN Statute 13.825 Subd. 9. Reserve officers participated in the Stillwater Chamber of Commerce Food Truck Extravaganza squad tour. Officers and reserve officers were on duty for the Lift Bridge Road Race on June 29.

Public Works Director Kline's report was delivered by Administrator Bell. The electrical installation at the Barker's Alps picnic shelter is complete. The city has seen an immense amount of water usage from irrigation systems, primarily in Inspiration and Miller Farms neighborhoods, which has led to active enforcement of the odd/even day watering ban to try and curtail some of this usage. Normal winter usage through the booster station which feeds the Baytown water tower is about 70,000 gallons per day. On June 18, the booster station pumped 483,000 gallons to this tower. That is roughly 7 times the normal winter usage. Field inspections are ongoing and staff will be working closely with the city engineer, contractor, and other staff on the Inspiration Landucci project. The Girl Scouts have once again replanted approximately 100' of the creek shoreline in Perro Park along 2nd Street North.

Assistant Administrator/Planner Taylor reported the Planning Commission will convene a meeting on July 22 to discuss a zoning ordinance amendment related to restoration of non-conforming structures in order to comply with the state statute. Staff discovered the ordinance discrepancy when recently approached by a property owner inquiring about rebuilding a garage that collapsed as a result of heavy snowfall. The second order of business will be discussion on multiple variances to accommodate a tear down and new home construction at 333 Lake Street. A request for cleaning service proposals was distributed on June 24 and is due back July 22. A new cleaning service provider will ideally be in place in early August. Assistant Administrator Taylor attended the League of Minnesota Cities conference in early June. Other projects include a storm water improvement and paving project with Andersen Corporation that will likely require a variance for impervious coverage. Final design and grading discussions for the 333 Lake Street project are ongoing. The permit department has also been very busy with multiple new homes and projects requiring zoning review.

Administrator Bell reported that staff has begun 2020 budget preparations. A budget workshop is proposed for July 29 to discuss both the General Fund Budget and Capital Improvement Plan. As part of the 2019 Capital Improvement Plan, audio and video upgrades have been scheduled for the Council Chambers for July to improve broadcasting and streaming capabilities.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

Mayor St. Ores and Councilmember Hanson expressed appreciation to the Bayport city staff and volunteers for their efforts in beautifying the city.

ADJOURNMENT TO CLOSED SESSION UNDER ATTORNEY CLIENT PRIVILEGE

City Attorney Andy Pratt indicated that the City Council would now discuss privileged matters pertaining to potential litigation as it related to a zoning enforcement action. Mayor St. Ores asked to adjourn into a closed session pursuant to Minnesota Statutes, Section 13D.05, Subdivision 3(b).

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to adjourn to closed session at 7:00 p.m. Motion carried 5-0.

RETURN TO OPEN SESSION

It was moved by Councilmember Dahl and seconded by Councilmember Buckley to return to open session at 7:58 p.m. Motion carried 5-0.

It was moved by Councilmember Dahl to authorize staff and City Attorney Pratt to use their discretion to undertake civil action to enforce city code against Bayport parcel 11.029.20.33.0041. The motion was 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
John Dahl – aye

Michele Hanson – aye

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 8:01 p.m. Motion carried 5-0.

City Administrator/Clerk