

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
August 5, 2019
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores called the regular City Council meeting of August 5, 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, Public Works Director Matt Kline, 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 August 5, 2019 City Council agenda. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

1. The July recycling award recipient is Mary Hanf, 340 4th Street South. She will be awarded for her recycling efforts, with funding made possible with a grant from Washington County.
2. Mayor St. Ores proclaimed Tuesday, August 6, 2019, as Night to Unite in Bayport. All residents were encouraged to attend the event at Lakeside Park from 5:00-8:00 p.m.

OPEN FORUM

1. Romack Franklin, Republic Services, thanked the City Council for the partnership as the city's trash and recycling provider and he indicated that any complaints or concerns about residential waste services could be directed to him for resolution.

CONSENT AGENDA

Mayor St. Ores read items 1-9 on the consent agenda.

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 19-22

**RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-9 FROM THE
AUGUST 5, 2019 CITY COUNCIL AGENDA**

1. July 8, 2019 City Council regular meeting minutes
2. July 29, 2019 City Council workshop meeting minutes
3. July payables and receipts (check numbers 011278-011406)
4. July building, plumbing and mechanical permits report
5. Donation of a park bench from Bayport Community Action league in memory of Kathy Conley
6. Donation of \$25,000 from Fire Relief Association to the Fire Department for fire rescue boat purchase

7. Joint Powers Agreement with Washington County Sherriff's Office to share law enforcement data created, stored and utilized in the Central Square (TriTech) Software Systems records management system
8. Abatement of property taxes related to the assessment of 2018 delinquent waste charges at 171/173 1st Avenue North (*Resolution 19-22A*)
9. Designation of property lines for 775 3rd Avenue North

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

Susan St. Ores - aye	John Dahl - abstained	Connie Carlson- aye
John Buckley- aye	Michele Hanson -aye	

PUBLIC HEARINGS

UNFINISHED BUSINESS

NEW BUSINESS

1. Consider a concept design for Phase I playground replacement at Lakeside Park: Administrator Bell discussed plans to replace the large wooden playground structure at Lakeside Park using project funds designated in the Capital Improvement Plan (CIP). After 40 years, the playground is visibly decaying and needs to be replaced to avoid potential liability. Staff has met with Christopher Johnsen, St. Croix Recreation, to discuss a concept design to replace the wooden structure. Staff believes a phased approach is the best option, both from a budget and impact standpoint. Phase I would include removal of the existing wooden equipment and installation of a new main platform play structure this fall, as well as two tire swings and spinner. Phase II would likely involve a public open house for input on accessory play structures to surround the main platform, with installation planned for spring 2020. One of St. Croix Recreation's preferred suppliers can accommodate a fall installation. The goal is to place the order for Phase I components in August, with installation in October, after park reservations cease and facilities are winterized for the season. For the past several years, the CIP has included between \$90,000 - \$175,000 specifically earmarked for replacement of the wooden playground structure. As proposed, the 2020 CIP includes an additional \$50,000 for the Phase II equipment purchase. The Park Dedication and Recreational Capital Equipment Funds have a combined balance of approximately \$500,000. Together, the CIP and special funds have adequate resources to facilitate the Phase I equipment purchase and installation this year, which is estimated at \$118,550.19, as well as additional funds for Phase II. Staff recommends the City Council adopt a motion approving the concept design, equipment purchase, and installation for Phase I playground replacement at Lakeside Park. Both Councilmembers Dahl and Hanson asked if it would be an appropriate and cost effective time to consider replacing the existing 8,000 square foot wood chip bed of the playground pad with a rubberized surface during Phase 1 installation. Chris Johnsen estimated a rubberized surface would cost about \$22.00/square foot and recommended against such an expense. Mayor St. Ores expressed concern with the empty appearance of the playground during a phased approach for installation. Administrator Bell indicated the phased approach was necessary for inclusion of a rope climber component sourced from Germany. Delivery of this very specialized and novel playground component could not occur until spring, and it should not be much of an issue during winter. The phased approach would also allow time for an open house to gather public input on the project. Mayor St. Ores asked that a handout showing both existing and proposed playground equipment at Lakeside Park be added to the city website.

It was moved by Councilmember Dahl and seconded by Councilmember Buckley to approve the concept design, equipment purchase, and installation for Phase I playground replacement at Lakeside Park, including the second tire swing, and upon roll call being taken thereon, the following vote via voice:

Susan St Ores - aye
John Buckley- aye

John Dahl - aye
Michele Hanson -aye

Connie Carlson- aye

2. Consider a resolution approving an application submitted by Bruce Lenzen Design Build for variances from the 100 foot ordinary high water elevation setback, 40 foot bluffline setback, and 20 foot street property line setback to construct a new single-family home at 333 Lake Street South:

Planner Taylor presented details of the application. The property is zoned R-2 single family urban and is located within the Lower St. Croix River Shoreland, Bluffland, and Floodplain Management areas. The existing house is considered legally non-conforming because it does not meet the regulatory flood protection elevation of 693 feet, the 100 foot setback from the ordinary high water mark, or the 40 foot setback from the bluffline required by city ordinance. Applicant Bruce Lenzen has been working with the property owners on a proposed plan to demolish the existing house and garage and elevate the property with fill to create a building pad for a new house and attached garage to comply with the minimum floodplain elevation requirements. The proposed house and garage will still require variances, but considerable efforts have been made to reduce the encroachment toward the riverway, impervious surface coverage, and stormwater runoff. This would bring the property closer to compliance with city code when compared to existing conditions and is a positive improvement. Planner Taylor explained that the applicant is requesting three variances:

- 1) 91.8 foot setback from the OHW (100 feet is required)
- 2) 22.7 foot setback from the bluff line (40 feet is required)
- 3) 18.4 foot average setback from the street (20 feet is required)

State statute dictates that a variance shall only be permitted 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 ordinance, while also reducing the impervious lot coverage and improving storm water drainage and infiltration. Secondly, the configuration of the lot and angled street property line pose challenges to comply with setback requirements. The variance will not alter the essential character of the neighborhood because the improvements are consistent with other properties in the surrounding vicinity that have elevated structures on fill to comply with the regulatory flood protection elevation. The Planning Commission held a public hearing on this application on July 22, 2019. Following discussion, they voted to approve the variances, subject to the findings of fact and conditions of approval recommended by staff. For these reasons, staff is recommending approval of the application, with the conditions listed in the staff report.

Councilmember Buckley introduced the following resolution and moved its adoption:

Resolution 19-23

**A RESOLUTION APPROVING VARIANCES FROM THE 100 FOOT
ORDINARY HIGH WATER MARK ELEVATION SETBACK, 40 FOOT BLUFFLINE
SETBACK, AND 20 FOOT STREET PROPERTY LINE SETBACK TO CONSTRUCT A NEW
SINGLE-FAMILY HOME AT 333 LAKE STREET, AS DESCRIBED ON THE ATTACHED
LEGAL DESCRIPTION, 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
John Dahl – aye

Michele Hanson – aye

3.Consider an amendment to Appendix B-Zoning of the Bayport City Code of Ordinances, Section 402, related to the regulation of non-conforming buildings, uses, and structures and a summary ordinance for publication: Administrator Bell presented details of a proposed amendment to Appendix B – Zoning of the Bayport City Code of Ordinances Section 402, related to the regulation of nonconforming buildings, uses, and structures. He explained a recent building permit application to replace a non-conforming garage highlighted non-compliance with current state statutes. Staff worked with Attorney Pratt to alter the ordinance language. The requirement of a conditional use permit has been removed from the ordinance to align with state requirements. In addition, the determination of destruction would now be based on the change in property value via county assessor or insurance adjuster versus the existing requirement of the city’s Building Official assessing the extent of destruction. The Planning Commission recommended approval of the amendment at the July 22 meeting.

Councilmember Dahl introduced the following ordinance and moved its adoption:

Ordinance 873

**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
John Dahl – aye

Michele Hanson – aye

Councilmember Dahl introduced the following summary ordinance for publication and moved its adoption:

Ordinance 873S

**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 Carlson 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

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson expressed sympathy to the family of Renee Tolonen, a past library director for the city. The Library Board will next meet on September 20 at 6:00 p.m.

STAFF/CITY ADMINISTRATOR REPORTS

Fire Chief Eisinger reported the July month-to-date call volume was 102. The 2019 year-to-date is 727, compared to 745 in 2018. Monthly drills included an EMR/EMT quarterly module, water movement, and rural water operations with mutual aid. The department had a busy month with 4th of July fireworks, Lumberjack Days parade, Corrections Officer Gomm memorial, escort for the Wall That Heals memorial, Washington County Dispatch Fire Improvement Team and the Washington County

Fair. Chief reported that the new fireboat was used on an emergency call this month with a response time of approximately 8 minutes.

Police Chief Eastman and officers participated in use of force training this month. Officers attended the July 18 memorial service of Corrections Officer Joe Gomm and escorted the Wall that Heals memorial on July 23. The department has Safety Camp August 5- 6 and Night to Unite community event on August 6. Chief Eastman also announced that longtime K-9 Keylo had passed away and expressed gratitude for everyone's kindness and understanding as the department mourns the loss.

Public Works Director Kline reported that he continues to work with MnDOT on the final plans for the Highway 95 road project. Xcel Energy has relocated their gas mains and for the 2nd Avenue North Drainage Improvement Project and the construction of the storm drainage system and infiltration basins will begin the first week of August. The project should be completed in 2-3 weeks with minimal disruption to the neighborhood. The city has hired a contractor to paint water hydrants in both the downtown area and Inspiration. In total, 113 hydrants will be cleaned, primed, and painted. Public Works will be leading a wellhead protection plan to provide new information about the water system, city growth, and new requirements within the plan.

Planner Taylor indicated that McCardle's was selected as the new service provider for the City's cleaning contract, with service to begin August 15. SEH has completed the Phase I Environmental Site Assessment for the Land and Water Legacy project (LWLP) with no recognized environmental conditions. The archeological study will be complete within the next two weeks. Councilmember Dahl requested a City Council site visit of LWLP property at the conclusion of the due diligence period.

Administrator Bell reported that the City Council held a budget workshop on July 29 to review the draft 2020 General Fund, Water/Sewer Fund, and the Library Fund budgets. City staff continues to work on the 2020-2024 Capital Improvement Plan (CIP). A request for proposals (RFP) for solid waste, yard waste, and recycling hauling was released to the public on July 25. The city is required to recertify all railroad crossing partial quiet zones every few years. Without advanced notice from the Federal Railroad Administration, partial quiet zone recertification was recently requested. The last certification was completed in 2008. Staff is working with SEH to conduct a traffic study on all the crossings for daily traffic counts for each intersection. The traffic data must be included with the recertification paperwork. Staff is also working with Union Pacific to evaluate the pedestrian crossing at the Lakeside Park parking lot, which was brought to the city's attention during the recent inspection. This crossing was not part of the original quiet zone. Until the crossings are recertified, the partial quiet zone is suspended. Staff understands the impact this has on residents and is working to expedite a resolution.

After meeting with the U.S. Census Bureau to discuss supporting the 2020 Census, Administrator Bell is proposing to create a Complete Count Committee staffed by residents to promote the Census. The Census Bureau would complete the necessary training with little demand on staff or officials. Residents can contact City Hall if they are interested in participating or being hired to help with the Census. Administrator Bell also announced that there is a new City of Bayport Facebook page.

CITY COUNCIL ITEMS AND ANNOUNCEMENTS

Mayor St. Ores recognized the BCAL and their donation of a bench to honor Kathy Conley. She also thanked the fire relief association for their donation to help offset the cost of the new fire boat and commended the Public Works department on maintaining the beautiful hanging flowers downtown.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Buckley to adjourn the meeting at 7:32 p.m. Motion carried 5-0.

City Administrator/Clerk