

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 6, 2023
6:00 P.M.**

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

Pursuant to due call and notice, Mayor Hanson 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 Michele Hanson and Councilmembers Katie Hill, John Dahl, Ethan Gilmore and Connie Carlson

Staff present: Interim City Administrator Matt Kline, Assistant City Administrator/Planner Sara Taylor, Police Sergeant Jay Jackson, Fire Chief Allen Eisinger, and City Attorney Nick Vivian

APPROVAL OF AGENDA

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

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

Mayor Hanson noted the February recycling award recipient is Kelly Treanor at 483 9th Street N., who will be awarded for recycling efforts with a grant from Washington County.

OPEN FORUM

There were no public comments.

CONSENT AGENDA

Councilmember Carlson introduced the following resolution and moved its adoption:

Resolution 23-05

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-12 FROM THE
MARCH 6, 2023 CITY COUNCIL AGENDA**

1. February 6, 2023 City Council workshop minutes
2. February 6, 2023 City Council regular meeting minutes
3. February payables and receipts
4. February building, plumbing, mechanical, and zoning permits report
5. Purchase of a replacement squad vehicle for the Police Department
6. No waiver of statutory tort liability limits for city insurance coverage
7. Revision to city's personnel policy to establish National Independence Day "Juneteenth" as an observed holiday
8. Special event application from People's Church for a May Festival on May 20, 2023 at Barker's Alps Park
9. Special event application from Andersen Elementary School for Razzle Dazzle Carnival on May 18, 2023
10. Pay application #3 to Pioneer Power for the Booster Station Improvement Project
11. Joint powers agreement with Washington County Sheriff's Office to purchase fuel for the Police Department
12. Grant agreement with Metropolitan Council for the 2020 Inflow and Infiltration (I/I) Program (*Resolution 23-05A*)

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

Michele Hanson - aye
John Dahl - aye

Connie Carlson - aye
Katie Hill - aye

Ethan Gilmore - aye

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

1. Consider an application submitted by Nathan Jespersen for variances to allow an expansion of the existing substandard single-family home at 317 Lake Street South: Planner Taylor stated at the February 6 meeting, the City Council considered variance requests to allow expansion of the existing substandard home at 317 Lake St. The meeting concluded with the City Council approving variances to allow a north addition. The City Council subsequently tabled the discussion regarding variances for an east addition to extend the footprint and roofline of the 3rd floor in violation of city setback regulations. Since the last meeting, the City Attorney and staff have provided further guidance on establishing findings of fact and conditions if the City Council seeks to vote in support of the variances. Planner Taylor stated that staff stands with the initial recommendation to deny the variances, subject to the finding of facts outlined in the resolution. Conversely, if the City Council determines that criteria exists to substantiate approval of the variances, staff recommends the City Council specifically articulate those findings of fact that support the state statute criteria on the record, subject to the conditions of approval outlined in the staff memo regarding removal of excess impervious surfaces, implementation of enhanced landscaping between the house and the river, removal of the substandard, dilapidated boathouse, and improved stormwater management.

Mayor Hanson introduced the following resolution and moved its adoption:

Resolution 23-06

A RESOLUTION APPROVING SETBACK AND IMPERVIOUS COVERAGE VARIANCES FOR AN EAST ADDITION TO THE EXISTING SUBSTANDARD SINGLE-FAMILY HOME LOCATED AT 317 LAKE STREET SOUTH, BAYPORT, WASHINGTON COUNTY, MINNESOTA

The motion for adoption of the foregoing resolution was duly seconded by Councilmember Gilmore.

Discussion followed on the condition to remove the existing, non-conforming boathouse structure that has been determined by the city’s building official to be beyond the point of repair or rehabilitation, non-compliant with current building codes, and potentially unsafe. Applicant Nathan Jespersen requested a due diligence period to determine if the structure has any historical significance and the consensus of the City Council was to grant 45 days to conclude that determination. A majority of the City Council expressed support for the variances, subject to staff’s recommended conditions of approval, with the exception of Councilmember Dahl, who expressed support for staff’s recommendation to deny the variances for reasons outlined in the staff report and draft resolution presented at the February 6 City Council meeting.

Following additional discussion, Mayor Hanson amended her motion to include the additional stipulations discussed regarding the boathouse and that the four conditions outlined in the staff memo be completed by the applicant prior to submittal of any building/zoning permits for construction of the east addition.

The amended 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:

Michele Hanson - aye
John Dahl - nay

Connie Carlson - aye
Katie Hill - aye

Ethan Gilmore - aye

NEW BUSINESS

1. Consider authorization for SEH to proceed with plans and specifications for a culvert lining project and related work on Point Road: Interim Administrator Kline stated that staff performed a preliminary inspection survey of city culverts in 2022. The intent of the survey was to determine any immediate improvements that may need to be prioritized as a result of deteriorating galvanized metal culverts. The survey identified the culvert at the north end of Andersen Bay near Point Road as needing immediate attention. The culvert is showing significant signs of deterioration due to corrosion. Staff met with lining contractors and local excavators to determine the best method for replacement or preservation. In consultation with the City Engineer, it was determined that lining the existing culvert in a similar fashion as lining a sewer main was the least intrusive and financially feasible method for preserving the existing culvert.

It was moved by Councilmember Dahl and seconded by Councilmember Gilmore to authorize SEH to proceed with plans and specifications for a culvert lining project and related work on Point Road and upon roll call being taken thereon, the following vote via voice.

Michele Hanson - aye
John Dahl - aye

Connie Carlson - aye
Katie Hill - aye

Ethan Gilmore - aye

CITY COUNCIL LIAISON REPORTS

Councilmember Gilmore was not able to attend the most recent Cable Commission meeting on February 27 due to the joint Bayport City Council/Planning Commission meeting, but provided an overview of the meeting minutes.

Councilmember Hill reported on upcoming Bayport Community Action League events including the Easter Egg Hunt at Barker's Alps on April 8 and efforts to acquire insurance for community events.

Mayor Hanson reported on attending multiple meetings including the Bayport Fire Relief Association, Xcel Community Stakeholder meeting, Minnesota Correctional Facility Community Advisory Committee, and Lake Elmo Airport Advisory Committee. She met with Commander Quick from the Bayport American Legion to discuss the centennial pavilion and Stillwater Public Schools Superintendent Mike Funk and Board Member Pete Kelzenberg on long-range planning for the district.

STAFF/CITY ADMINISTRATOR REPORTS

Sergeant Jackson reported on call volume, staff training, and the department's participation in past/upcoming events. The department recently received a grant for four AEDs that will be fitted in patrol squads to assist with cardiac emergencies.

Chief Eisinger reported on call volume, monthly drills/staff training, fire inspections, and the department's participation in past/upcoming events. Councilmember Dahl commented on a local fire and the kindness and quick thinking of helpful neighbors, which prevented a potential tragedy.

Assistant City Administrator/Planner Taylor reported on the next edition of the city's print newsletter *Bayport News* and noted that the land appraisal for the land and water legacy project has been deferred at the request of the property owner. She reported on an annexation petition and concept development plan for 28 acres in Baytown that was considered by the City Council and Planning Commission on February 27 and next steps for the developer. The Xcel Energy Community Outreach Stakeholder meeting on February 23 focused on requirements for decommissioning the plant and historical remediation efforts on other similar Xcel sites. She noted the Library is expected to hold their grand opening event on April 21, from 7:00-9:00 p.m. for adults and April 26, 3:30-5:30 p.m. for families and children.

Interim City Administrator Kline recognized the Public Works Department staff for their efforts over the past few months while he has been serving as Interim Administrator. The department is working on a lead and copper inventory of utility lines and mentioned that if residents receive an orange door knocker, they should contact the city to schedule an inspection. He provided an overview of a mapping project intended to facilitate better cemetery record management, including gravesite sales, identifying open/occupied sites, and a database search feature. He noted that Washington County has selected Stagecoach Trail as the preferred route for the Middle St. Croix Regional Trail, still leaving Bayport with an opportunity to install connectors to the proposed main trail. A street rating survey will be conducted this spring to assist in prioritizing street maintenance work, such as seal coat and crack sealing.

COUNCIL ITEMS AND ANNOUNCEMENTS

Mayor Hanson read a statement expressing disappointment with discussion at the February 28, 2023 Oak Park Heights City Council meeting related to the Fire Department service agreement.

ADJOURNMENT

It was moved by Councilmember Carlson and seconded by Councilmember Hill to adjourn the meeting at 7:28 p.m. Motion carried 5-0.