

**CITY OF BAYPORT
CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 3, 2022
6:00 P.M.**

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

Pursuant to due call and notice, Mayor St. Ores 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 Susan St. Ores and Councilmembers Connie Carlson, Michele Hanson, John Dahl, and Ethan Gilmore

Staff present: City Administrator Adam Bell, Assistant City Administrator/Planner Sara Taylor, Public Works Director Matt Kline, Fire Chief Allen Eisinger, and City Attorney Tom Loonan

APPROVAL OF AGENDA

Councilmember Hanson requested the agenda be amended to discuss the one-story restriction on specific lots within the Villas of Inspiration development. Administrator Bell suggested this item be included as #3 under Unfinished Business. It was moved by Councilmember Hanson and seconded by Councilmember Carlson to approve the agenda, as amended. Motion carried 5-0.

PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS

Mayor St. Ores noted the September recycling award recipient is Christopher Grecian at 966 Inspiration Parkway who will be awarded for recycling efforts with a grant made possible by Washington County.

OPEN FORUM

There were no public comments.

CONSENT AGENDA

Councilmember Hanson introduced the following resolution and moved its adoption:

Resolution 22-17

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-8 FROM THE
OCTOBER 3, 2022 CITY COUNCIL AGENDA**

1. September 12, 2022 City Council workshop minutes
2. September 12, 2022 City Council regular meeting minutes
3. September payables and receipts
4. September building, plumbing, mechanical, and zoning permits report
5. Appointment of additional election judges for the November 8, 2022 General Election
6. Award quote for Perro Creek restoration project
7. Easement agreement for 206 and 240 2nd St. N. related to Perro Creek restoration project
8. Pay application #2 to Miller Excavating, Inc. for the 2021 Box Culvert Replacement Project

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

Susan St. Ores - aye
Michele Hanson -aye

Connie Carlson- aye
John Dahl - aye

Ethan Gilmore - aye

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

1. Consider a Memorandum of Understanding with the Bayport American Legion for a centennial pavilion project: Administrator Bell reviewed discussions on the project to date, as well as the terms included in the draft Memorandum of Understanding (MOU). He introduced Commander Corey Quick from the Bayport American Legion who stated that the Legion is willing to partner with the city to fund the purchase and installation of a pavilion at the Village Green Park in recognition of the city's centennial, per the terms outlined in the MOU. He mentioned a groundbreaking ceremony for the project is planned to be held in conjunction with the American Legion's centennial celebration sometime in November. Attorney Loonan suggested the MOU be modified to include a not to exceed dollar amount for the project, an expected date of completion, and an acknowledgment that the city will be responsible for managing the project.

Several council members acknowledged that while the pavilion would be a useful amenity for various community events, they contemplated whether this project should be prioritized from both a budgetary and timing standpoint over other existing planned and budgeted park improvements and/or projects. Mayor St. Ores acknowledged her appreciation for the Legion's support and partnership for this and previous projects but explained that she is not comfortable voting in favor of this project due to the increased cost and other future park-related needs that will require additional funding.

The city council asked for clarification of the MOU process and certain terms of the MOU and these were explained by Attorney Loonan. It was noted that if anything causes a delay in meeting the target completion date, the MOU can be mutually revised in writing. It was noted that almost 62% of the 117 individuals that participated in the online survey supported the concept of a pavilion at Village Green Park and multiple council members expressed that to be a contributing and/or influencing factor in deciding whether the city should proceed with the project.

It was moved by Councilmember Hanson and seconded by Councilmember Gilmore to authorize staff to finalize the draft Memorandum of Understanding with the suggested amendments and to authorize staff to proceed with the centennial project, and upon roll call being taken thereon, the following vote via voice:

Susan St. Ores - nay
Michele Hanson -aye

Connie Carlson- aye
John Dahl – aye

Ethan Gilmore - aye

2. Consider a City Council and staff appointment to participate in stakeholder meetings related to the decommissioning of the Xcel Energy Allen S. King plant: Administrator Bell explained that the city has been invited by Michael Wilhelmi, Xcel Energy Community Relations Manager, to participate in a stakeholder input panel related to the decommissioning of the Allen S. King plant in 2028. The stakeholder panel is a requirement of the Public Utilities Commission and meetings will be held quarterly through 2023. Xcel has suggested the city appoint one City Council member and one city staff member to attend the meetings, as feasible. Administrator Bell suggested Assistant City Administrator/Planner Taylor be appointed as the staff liaison, as she recently attended a series of meetings related to the potential redevelopment of the Xcel site hosted by the City of Oak Park Heights. As for the City Council liaison, he suggested that this appointment be postponed until January and discussed with other City Council liaison assignments and appointments for 2023.

It was moved by Councilmember Gilmore and Councilmember Dahl to appoint Assistant City Administrator/Planner Taylor as the staff liaison and postpone a City Council liaison until January. Motion carried 5-0.

3. Discuss the one-story restriction on specific lots within the Villas of Inspiration Development: Administrator Bell reviewed the one-story restriction that was placed on lots 600, 712, and 720 Inspiration Place as part of the city's approval for the Villas of Inspiration development on November 2, 2018. The restriction was in response to resident concerns regarding the disruption of viewshed from their existing homes adjacent to this new phase of development. He reviewed the criteria used by the city to determine compliance with the one-story restriction for 720, which is currently under construction. He noted that the pitch of the roof and the grade of the lot visually contribute to the mass and height, but the structure does meet the one-story restriction.

Several council members voiced their frustration with the resulting "one-story" structure not meeting the expectation of the restriction imposed. Mayor St. Ores also voiced her concern that the staff and the city attorney at the time did not recommend additional criteria to accomplish the City Council's wishes. Administrator Bell noted that it was clear that the restriction did not accomplish what was expected by the City Council, but explained that this requirement was added by the City Council at the meeting without staff review, and at the time, the staff did not have the background to know or a reason to believe it would be insufficient. Mr. Bell also noted that former Councilmember Buckley noted at the time

that the roof and design of the home could still cause view sight issues but did not propose any further restriction criteria. Discussion followed on whether options exist for the city to further restrict structures on lots 600 and 712, such as roof pitch and/or architectural design standards to minimize visual impacts to other existing adjacent homes, as these lots have yet to be developed. Attorney Loonan responded that the city could offer suggestions to the developer regarding design, but because the development was approved by the city under the existing conditions outlined in the PUD permit and developer's agreement, the city does not have the legal authority to require additional restrictions. Screening and tree planting requirements were also discussed, and the staff was directed to communicate the City Council's sentiments to the developer for consideration.

NEW BUSINESS

There was no new business.

CITY COUNCIL LIAISON REPORTS

Councilmember Carlson provided an update on the Library building renovation project. She also reported that a new Library website and logo design are in process.

Councilmember Hanson reported on the success of Derby Days and thanked city staff and volunteers for their hard work. She specifically recognized Dan and Ginny Peulen for their work in coordinating the centennial display of Bayport memorabilia at City Hall and it was noted that the featured centennial book *Through the Lens of Walt Serier* is still available for purchase.

STAFF/CITY ADMINISTRATOR REPORTS

Chief Eisinger reported on call volume, staff training, and the department's participation in past/upcoming events. Fire Prevention week is October 9-15 with an open house event to be held on October 15 from 9 a.m. – 12 p.m. He acknowledged members Camden Goepferd for 2 years and Barney Sachs for 10 years of service.

Public Works Director Kline reviewed recent projects, including tree trimming and street sweeping efforts, an Eagle Scout project in Lakeside Park, the removal and replacement of ash trees, and the sealcoating of trails and bike paths in the parks.

Assistant City Administrator/Planner Taylor reported on the Metropolitan Council's review of the city's 2040 Comprehensive Plan and absentee voting is now open for the General Election on November 8. The city's print newsletter *Bayport News* is scheduled for distribution in late October and she thanked Coleen Siegfried and Aaron Ochs for agreeing to serve another three-year term each on the Planning Commission.

Administrator Bell reported on supplemental city tax information that will be distributed by Washington County with this year's tax statements and model cannabis licensing requirements and regulations adopted by other cities. He mentioned the potential of a city centennial essay contest suggested by Councilmember Hanson and if supported, the city would coordinate efforts with the American Legion.

COUNCIL ITEMS AND ANNOUNCEMENTS

There were no comments.

ADJOURNMENT

It was moved by Councilmember Hanson and seconded by Councilmember Carlson to adjourn the meeting at 7:33 p.m. Motion carried 5-0.

City Administrator/Clerk