

**CITY OF BAYPORT  
CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
NOVEMBER 13, 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 Hanson and Councilmembers John Dahl, Ethan Gilmore, and Katie Hill

Members absent: Councilmember Connie Carlson

Staff present: City Administrator Matt Kline, Assistant City Administrator/Planner Sara Taylor, Interim Police Chief Jay Jackson, Public Works Director Simon Wirth, and City Attorney Tom Weidner

**APPROVAL OF AGENDA**

It was moved by Mayor Hanson and seconded by Councilmember Hill to approve the agenda. Motion carried 4-0.

**PROCLAMATIONS, COMMENDATIONS, PETITIONS, ANNOUNCEMENTS**

Mayor Hanson noted the October recycling award recipient is Michael Lindholm at 228 Periwinkle Place 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 Gilmore introduced the following resolution and moved its adoption:

**Resolution 23-18**

**A RESOLUTION APPROVING CONSENT AGENDA ITEMS 1-10 FROM THE  
NOVEMBER 13, 2023 CITY COUNCIL AGENDA**

1. October 2, 2023 City Council workshop minutes
2. October 2, 2023 City Council regular meeting minutes
3. October payables and receipts
4. October building, plumbing, mechanical, and zoning permits report
5. Reappointment of Carl Bliss to the Planning Commission
6. Final pay application #5 to Pioneer Power for the 2022 Booster Station Improvement Project
7. Acknowledgement of Washington County All-Hazard Mitigation Plan adoption (*Resolution 23-18A*)
8. Contract extension with Tennis Sanitation for residential waste/recycling services
9. Contract extension with Eckberg Lammers for civil and prosecution legal services
10. Special event application for Inspiration Thanksgiving 5K walk/run on November 23, 2023

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:

Michele Hanson - aye  
Ethan Gilmore - aye

John Dahl - aye  
Katie Hill - aye

**PUBLIC HEARINGS**

1. Certification of past due solid waste/recycling charges and vacant building registration fees to property taxes:  
Administrator Kline noted that per state statute, the purpose of this hearing is to allow property owners the opportunity to contest charges for delinquent solid waste/recycling and vacant buildings from appearing on their property tax

statement. Property owners were notified of the delinquency in September, and thus far, 28 of the 52 properties have paid the charges. Collection efforts will continue over the few weeks, but any properties with past due balances remaining will be certified to Washington County by November 30, along with a penalty charge of 10% to reimburse the city for administrative expenses resulting from the delinquency.

The public hearing was opened and no comments were heard. It was moved by Councilmember Dahl and seconded by Councilmember Gilmore to close the public hearing. Motion carried 4-0.

It was moved by Councilmember Gilmore and seconded by Councilmember Hill to approve certification of past due solid waste/recycling and vacant building fees to Washington County, as presented. Motion carried 4-0.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **NEW BUSINESS**

1. Consider an interim use permit for a period of approximately one year to conduct auto sales with outdoor storage and display at 397 5<sup>th</sup> Ave. N.: Assistant Administrator/Planner Taylor noted the property is surrounded by a mixture of commercial business on the north, east, and west property boundaries, and residential on the south. The business formerly operated as JR Transmission, which offered auto restoration and repair services. Applicant Brennan Swanson recently purchased the property with the intent of offering auto repair, as well as auto sales and display, with a primary focus of online advertising and sales by appointment only. Auto repair is a permitted use in the B-2 zoning district, but auto sales and display requires a special use permit.

Planner Taylor explained that the city's current ordinance regulating auto sales was adopted many years ago and is clearly meant to regulate a more traditional type dealership with on-site advertising and display, as well as an unanticipated volume of "drop in" customers during business hours. The ordinance also requires distinct design and dimensional standards to prevent the potential for nuisance operations or impacts to adjacent properties. Currently, the property is deficient in meeting many of these standards, as summarized in the staff report. In an effort to be more inventive in how the city could potentially allow and regulate the applicant's proposal for online auto sales, the City Council held a workshop on September 11 and October 2 to discuss the potential for an interim use permit. The interim permit would allow online auto sales on a one year trial basis under certain conditions to evaluate whether the use is appropriate for the site long-term. If so, the city could then consider issuance of a permanent conditional use permit for the use upon expiration of the interim permit.

In general, the applicant is proposing to make minimal improvements to the property during the one year interim use period. General hours of operation will be Monday-Saturday, 8:00 a.m. to 9:00 p.m. by appointment only. Surfacing, lighting, signage, and exterior finishes on the building will remain as is. Fencing will be repaired as needed and existing outdoor storage will be removed. Planner Taylor noted the applicant has been made aware that additional improvements, such as mitigation of excess impervious and gravel surface and enhanced landscaping will likely be conditions of approval if the city were to consider a permanent conditional use permit following the interim period. The site plan was reviewed, noting up to 16 stalls would be allocated to auto sales/display and employees and 2 stalls would be designated for customers. To mitigate some impervious surface, staff is recommending restoration of a sod/landscape buffer strip along the south property line and sections of fence that are 4 ft. in height will be increased to 5 ft. to comply with city code and provide an enhanced buffer for the neighboring residential property.

Planner Taylor noted the Planning Commission held a public hearing on October 30 and voted 4-0 in support of the interim use permit. Discussion followed on the fence upgrades, signage, and landscaping and the consensus was that the interim permit would provide a good opportunity to evaluate whether the use is appropriate for the site before considering a permanent conditional use permit.

Councilmember Dahl introduced the following resolution and moved its adoption:

### **Resolution 23-19**

#### **A RESOLUTION APPROVING AN INTERIM USE PERMIT TO CONDUCT AUTO SALES WITH OUTDOOR STORAGE AND DISPLAY AT 397 5<sup>TH</sup> AVENUE NORTH, BAYPORT, WASHINGTON COUNTY, MINNESOTA**

The 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 - aye
Ethan Gilmore - aye	Katie Hill - aye

2. Consider awarding a proposal to complete a Financial Management Plan and Utility Analysis: Administrator Kline explained that the city solicited proposals from three firms to prepare a plan and analysis for future funding and improvement projects by verifying that the current budget and funding allocations are making that possible. The primary components of the plan/analysis include budget, utility rate study, and financial management model. This project has been discussed since 2017 and will provide the framework to retain the city's good financial position, as well as complete capital improvement work. Northland Public Finance submitted the lowest bid in the amount of \$32,500 and has provided other services for the city in the past. Administrator Kline introduced Jessica Green from Northland and the City Council expressed their eagerness to proceed with the project.

It was moved by Councilmember Dahl and seconded by Mayor Hanson to award a proposal from Northland Public Finance to perform a Financial Management Plan and Utility Analysis for a not to exceed amount of \$32,500 and upon roll call being taken thereon, the following vote via voice:

Michele Hanson - aye	John Dahl - aye
Ethan Gilmore - aye	Katie Hill - aye

3. Consider a petition from Nathan Jespersen, 317 Lake St., contesting charges to process his variance appeal: Administrator Kline explained that Nathan Jespersen submitted a variance application to the city on November 21, 2022 for additions to the north and east sides of his home. When submitting a zoning or land use application, the property owner/applicant acknowledges and agrees that *"All expenses incurred by the city for processing this application are the responsibility of the applicant and property owner, whether the application is approved or denied."* Expenses incurred for city consultants or other organizations that are directly related to the zoning/land use application are debited to an initial escrow account. Additional expenses beyond the initial escrow are then billed to the property owner/applicant, including printing/publishing for a public hearing, engineering and legal services, and watershed management review/approval. City staff time beyond the initial application fee is not billed to the property owner/applicant.

Administrator Kline reviewed the outstanding fees, noting a majority are city attorney expenses related to the appeal of the condition requiring removal of the boathouse. City Attorney Tom Weidner referenced the April 4 letter from Mr. Jespersen's attorney which triggered the appeal process and subsequent fees. Administrator Kline noted that staff has reviewed the fees and identified a few expenditures that could be attributed to city process, and therefore he recommended a reduction from \$13,971.16 to \$12,197.16. Discussion and questions ensued with Mr. Jespersen regarding the fees and process to date. The consensus of the City Council was that an appeal was filed by Mr. Jespersen's attorney and the corresponding fees shall be his responsibility.

4. Consider an amendment to Appendix B - Zoning of the Bayport City Code of Ordinances related to the regulation of short term rentals and summary for publication: Assistant Administrator/Planner Taylor noted that in 2019, the city adopted an ordinance to regulate and license short term rentals (STR) for any period less than 30 days. Since adoption, the city has only issued two licenses. In reviewing the ordinance in response to the most recent license application, staff identified areas of the ordinance that need to be clarified to ensure consistent administration. Staff also recognized that that the existing ordinance could benefit from reorganization, not only to assist staff administer the provisions, but also help applicants better understand the license eligibility requirements and inspection process. On October 2, the City Council held a workshop to discuss the ordinance and provided direction to staff on desired amendments. Substantial revisions relate to approval process, notification to adjacent properties, removal of block face density requirements, transferability, and suspension/revocation procedures.

The Planning Commission held a public hearing on October 30 and voted 4-0 in support of the ordinance amendments. Discussion followed on minimum lot area and dwelling area, number of bedrooms, and maximum occupancy provisions. Planner Taylor noted that the minimum area and bedroom requirements are intended to help prevent over-intensive use and excessive occupancy of a property, which may result in nuisances to the surrounding neighborhood. The City Council expressed varying levels of support for removing certain requirements, while still ensuring other portions of the ordinance remain, to assist in regulation of STR use.

Joe Ritzer, 171 5<sup>th</sup> St. N., encouraged the City Council to consider retaining the existing STR regulations to minimize impacts to the surrounding neighborhood.

Following discussion, the consensus of the City Council was to eliminate the minimum lot and dwelling area requirements, and only require one bedroom, as opposed to two, with a maximum occupancy of four occupants per bedroom and no more than 12 occupants per property.

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

**Ordinance 894**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AMENDING APPENDIX B – ZONING, SECTION 748 SHORT TERM RENTALS OF THE BAYPORT CITY CODE OF ORDINANCES**

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

Michele Hanson - aye	John Dahl - aye
Ethan Gilmore - aye	Katie Hill - aye

5. Consider an amendment to Chapter 54 – Traffic and Vehicles of the Bayport City Code of Ordinances related to winter on-street parking regulations: Administrator Kline noted that the city has discussed and considered implementing winter on-street parking restrictions over the years. In the past, residents seemed to make a concerted effort to refrain from parking on the street or moving vehicles to facilitate efficient and effective snowplowing. In more recent years, this has not been the case, making it increasingly difficult to keep streets safe, and at times, warranting several passes to clear the snow. Last year, this became especially problematic, due to the volume and frequency of snowfall. Stillwater, Oak Park Heights, Lakeland, Hudson, and River Falls all have adopted varying winter parking restrictions. Staff believes the best model for consideration would be seasonal restrictions from November 1 to April 1, between the hours of 1:00 a.m. and 8:00 a.m., requiring vehicles to be parked on the side of the street that corresponds with odd/even addresses according to the date. It was noted that this provision would not apply to areas in the city with other more restrictive no parking regulations. The city would promote the new regulations via newsletter, social media, website, and direct outreach to residents in areas of the city where on-street parking is prevalent. For the first few snow events, staff would also work with residents to inform them of the new restrictions before pursuing any enforcement efforts. Discussion followed on whether the suggested hours and/or odd/even restriction was the best model for Bayport and reviewed potential alternatives, such as implementing a snow emergency approach. Ultimately, the consensus of the City Council was to implement the regulations as recommended by staff and included in the draft ordinance.

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

**Ordinance 895**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA AMENDING CHAPTER 54 – TRAFFIC AND VEHICLES OF THE BAYPORT CITY CODE OF ORDINANCES**

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

Michele Hanson - aye	John Dahl - aye
Ethan Gilmore - aye	Katie Hill - aye

**CITY COUNCIL LIAISON REPORTS**

Councilmember Hill provided a summary of the Planning Commission meeting held on October 30. She noted that Santa is expected to visit the community on the morning of November 24 and the upcoming Lighting of the Village Green event on December 6, sponsored by the Bayport Community Action League.

Mayor Hanson reported on various meetings and events associated with the Greater Stillwater Chamber of Commerce, Leadership in the Valley, Valley Community Center Partners, Regional Council of Mayors, United Way, and Washington County Community Development Agency. She met with members of the Baytown Board to discuss a potential extension of Bayport municipal sewer to the Audubon development, as well as development proposals/annexation for the Jan and Brad Anderson parcel and the fire service contract. Mayor Hanson also attended the Bayport Fire Relief Association meeting, met with American Legion Commander regarding the centennial pavilion, and had a welcome visit with the new pastor of Bethlehem Lutheran Church and the new business owners of Royal Auto.

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

Interim Chief Jackson reported on call volume, a successful Halloween event, and planning for Toys for Tots donation campaign.

Public Works Director Wirth provided an update on the centennial pavilion project, tree replacement, spray patching, and sewer cleaning and televising. He encouraged cooperation from residents to refrain from on-street parking during snow events and to refrain from depositing snow from private property onto city streets.

Assistant Administrator/Planner Taylor reported on updates to the city's employee personnel policy, revisions to the STR license application and inspection checklist to comply with the new ordinance, and the next edition of the print newsletter will be distributed in late December. She provided statistics from the recent special election and thanked the residents who helped staff the polling place and assist voters.

Administrator Kline reported on call volume for the Fire Department and member anniversaries. He provided an update on a potential sewer extension to the Audubon development in Baytown and preparations to begin work on the Financial Management Plan and Utility Analysis. He met with new Oak Park Heights City Administrator Jacob Rife to discuss progress on the evaluation of the current fire service contract and anticipated timeline for completion.

#### **COUNCIL ITEMS AND ANNOUNCEMENTS**

Mayor Hanson expressed her condolences for the passing of John Buckley who was employed as the city's building official for several years and also served on the City Council.

#### **ADJOURNMENT**

It was moved by Mayor Hanson and seconded by Councilmember Dahl to adjourn the meeting at 8:17 p.m. Motion carried 4-0.

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City Administrator/Clerk