

CITY OF GRANT
MINUTES

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DATE : December 4, 2012
TIME STARTED : 7:04 p.m.
TIME ENDED : 10:30 p.m.
MEMBERS PRESENT : Councilmember Bohnen, Fogelson, Huber, Potter
and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson; City Planner, Breanne Rothstein; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Huber moved to approve the agenda as presented. Council Member Fogelson seconded the motion. Motion carried unanimously.

CONSENT AGENDA

November 8, 2012, City Council Meeting Minutes	Approved
November 15, 2012, Special City Council Meeting Minutes	Approved
Bill List, \$66,441.68	Approved
City of Mahtomedi, 4 th Quarter Fire Contract, \$28,739.50	Approved
City of Stillwater, 2 nd Half Fire Contract, \$44,896.00	Approved

Council Member Bohnen moved to approve the Consent Agenda, as presented. Council Member Huber seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

Mr. Loren Sederstrom, 9330 107th Street, came forward and provided an update from the Cable Commission relating to the potential of streaming City meetings.

1 Mr. Larry Lanoux, Keswick Avenue, came forward and suggested citizens do the annual appointment
2 list and also noted the article in the City newsletter relating to the GRP was incorrect as the City did
3 not host the parade.

4 Mr. Bill David, 9131 Keswick Avenue, came forward and commented on the Planning Commission
5 Review Process noting a statement has not been made and expressed concern that he was unable to
6 get a copy of a letter of resignation from the City Attorney.

7 Mr. John Smith, 67th Lane, came forward and congratulated the City Clerk on the title change and
8 expressed concern that a job description was not put in place prior to that title change.

9

10 STAFF REPORTS

11

12 **City Engineer, Phil Olson**

13

14 **Grading Contract Renewal** – City Engineer Olson advised the current contract needs to be update.
15 The options include 1) renew the current contract as is; or 2) go out for quotes.

16

17 Council Member Bohnen stated he would be happy if the Council can extend the current contract as
18 he is happy with the contractor.

19

20 Council Member Huber inquired about the fuel price outline within the current contract. He also
21 inquired about bills being submitted by the contractor and the Engineer's recommendation.

22

23 Mayor Carr referred to Section 3 within the contract noting the provision that the contract could be
24 terminated with a seven day notice.

25

26 **Council Member Bohnen moved to authorize the City Engineer to make the required language**
27 **changes to extend the current grading services contract. Council Member Fogelson seconded**
28 **the motion. Motion carried unanimously.**

29

30 **Staff Report** – City Engineer Olson reviewed the November staff report relating to engineering
31 activities noting the Manning Avenue project. A meeting will be scheduled with the City Council to
32 present the details of that project.

33

34 **City Planner, Breanne Rothstein**

35

36 **Resolution No. 2012-12, Signal Acquisition, LLC, Amended Cup, 11900 Manning Cell Tower** –
37 City Planner Rothstein presented the staff report advising Sprint was originally granted approval to
38 install their antennas and cabinets at the existing tower site in 2000. In 2006, Sprint received an
39 amendment to their conditional use permit for modifications and upgrades to their equipment at
40 the site. Documentation of the previously issued CUP and amendment could not be found for
41 review. Therefore, staff proposes issuance of a new conditional use permit for the proposed
42 modifications.

43

44 As shown on the submitted plans, Sprint currently has a total of three antenna sectors, with three
45 antennas per sector for a total of nine antennas. As part of this project, Sprint proposes to add an

1 additional 3 antennas (1 per sector) for a total of 12 antennas. The new antenna configuration will
2 be tested by Sprint for a period of approximately 6-12 months. Following this test period, Sprint will
3 remove three old antennas (one per sector), at which point Sprint will return to having a total of 9
4 antennas.

5 City Planner Rothstein noted there are no land use impacts relating to the application. The proposed
6 modifications by Sprint are consistent with all provisions of the code and all standards for approving
7 conditional use permits.

8 City Planner Rothstein recommended approval of the requested conditional use permit subject to
9 conditions.

10
11 Council Member Huber inquired about the property owners consent on the signed application. City
12 Planner Rothstein advised the property owners are aware of the application but she doesn't believe
13 they have signed off on this. They are trying to resolve some issues with the tower owners.

14
15 Mayor Carr asked if it is standard that the property owners have to consent to this and also inquired
16 about the City assurance that the temporary antennas would be removed.

17
18 City Planner Rothstein advised she is unclear as to whether it is standard or not. Part of the reason the
19 applicant has had to go through the CUP process is the requirement that the applicant has to remove
20 the temporary antennas. The City's building official will be part of ensuring that requirement is met.

21
22 City Attorney Vivian added that the City can revoke CUP's if they are not in compliance of all
23 conditions set forth. The CUP can be put on the review list next yet to ensure compliance.

24
25 City Planner Rothstein noted condition #8 that states the applicant must notify the City in writing
26 when the antennas have been removed.

27
28 Council Member Potter suggested a letter of credit or an escrow be submitted to ensure the antennas
29 are removed.

30
31 City Attorney Vivian stated the cost of removal would have to be known and any security collected
32 would be specific to removal of the antennas.

33
34 Mr. John Knapp, applicant, came forward and stated the current equipment is unusable. Sprint has
35 been doing upgrades throughout the state. It appears there is an issue between the tower owner and
36 the property owner and there is a lease agreement in place. The property owner has agreed to all
37 improvements. The tower is not being removed to the best of his knowledge.

38
39 Council Member Potter stated the tower owners should be applying for the CUP amendment.

40
41 City Attorney Vivian stated the City has 120 days to make a decision on the application, which is
42 January 2, 2013. It is too late to deem an incomplete application. The City can deny the application,
43 take no action and request Sprint agree to an extension, or approve based on conditions.

44
45 Mr. Knapp stated he has explained why the application has not been signed by the property owner.
46 He stated he does have a building permit. Sprint wants to do what they have been doing all over the

1 state.

2
3 City Attorney Vivian stated the CUP is to allow for the temporary antennas. A building permit is to
4 build but not necessarily use. A zoning application has to be addressed in 60 days or consent to
5 extend is needed. If the application is denied, there is a six month wait to reapply. He stated he does
6 not believe the tower owners need to be the application for the amended CUP. The City can approve
7 the application with the condition that a signed approval from the property owners is obtained within
8 a certain amount of time. If consent is not obtained, the CUP will not be issued.

9
10 It was the consensus of the Council to approve the application based on the condition that the
11 property owner provides consent within 30 days.

12
13 **Council Member Huber moved to adopt Resolution No. 2012-12, as amended. Council Member**
14 **Bohnen seconded the motion. Motion carried with Council Member Potter voting nay.**

15
16 **Resolution No. 2012-13, Flug CUP, 8255 75th Avenue North** - City Planner Rothstein advised that
17 on October 15, 2012, the City received an application from Jessica and Christine Flug for a
18 conditional use permit to allow for a horse boarding business of more than ten horses at a density
19 greater than one horse per every two grazable acres. In total, they are seeking a permit to allow for
20 the boarding/pasturing of 95 animal units as a business, of which 20 horses would be housed in a
21 paddock in a future building on site. Horse boarding has been conducted on this property. The existing
22 neighboring land uses are predominantly agricultural; however, there is an existing, single-family
23 neighborhood nearby, although not immediately adjacent to, the property.

24 The proposed use does require MPCA registration, which is in process. The MPCA institutes
25 these regulations in order to protect the health, safety, and welfare of the general public and
26 surrounding neighbors and minimize any impacts. The proposal is under the threshold for
27 requiring any storm water management practices or plan (minimum of 300 animal units).

28
29 City Planner Rothstein noted no additional parking or lighting facilities are proposed as part of this
30 application.

31
32 City Planner Rothstein recommended approval and outlined the proposed conditions of approval.

33
34 Mayor Carr referred to the condition regarding manure and asked how the City will know it is being
35 kept 100 feet away from a wetland. He asked if the MPCCS does check up on permits issued and if
36 more than one per two horses is allowed there is a registration with the MPCA but how is that
37 enforced?

38
39 City Planner Rothstein stated the City does check up on permits on a complaint basis. Anything under
40 100 animal units is only a registration from the MPCA but no permit is required. The City is
41 responsible for enforcement of CUP's.

42
43 Mayor Carr stated that when the one per two grazable acres is exceeded a permit should be enforced
44 by who issues that permit. How does the city enforce this and does the City have liability? He noted

1 hours of operation until 11:00 p.m. does seem late. He asked if the watershed and Washington
2 Conservation District visited the site.

3
4 Ms. Jessyca Flug, applicant, came forward and stated the Washington Conservation District did have a
5 site visit and no recommended changes were made.

6
7 City Planner Rothstein advised the watershed district does not require a permit for this land use.

8
9 Council Member Bohnen stated wetland delineation is very expensive. The application is for 95
10 horses and there are 105 dry acres on that property. He indicated he does not have a problem with
11 approving the application without a wetland delineation.

12
13 Council Member Potter referred to the MLCCS system and noted along with aerials from the
14 Washington Conservation District all areas will be shown. The issue is having the proper buffer.

15
16 Council Member Huber stated as a group, the Council came to the conclusion that the MLCCS system
17 was sufficient and the best practice moving forward. It does look good as far as dry area and the
18 proposed placement of the manure pile.

19
20 Ms. Christine Flug, applicant, came forward and noted requirements include having a manure pile 300
21 feet from a river or stream. She referred to the aerial view pointing out the property lines, fenced area,
22 paddocked area and manure area.

23
24 Council Member Potter encouraged the applicant to look at the LMCCS data and work with the
25 Planner. He referred to condition #1 relating to the paddock area and suggested a language change
26 clarifying 75 horses are permitted in the grazable areas and 20 in the paddocked area.

27
28 Ms. Flug came forward and advised she would prefer that both are not specified. She referred to the
29 proposed hours of operation and stated the ballfield across the street has activities until 10:00 p.m. She
30 stated there is a cool off period for horses so it is typical people would not be leaving until 11:00 p.m.
31 The proposed hours of operation are not for events and there is a noise ordinance that kicks in at 10:00
32 p.m.

33
34 Council Member Potter suggested a condition of approval be added relating to the MLCCS system and
35 Washington Conservation District relating to the wetlands. He referred to condition #5 relating to
36 lighting and asked that the ordinance be sent to the applicant. He suggested condition #12 be struck all
37 together.

38 City Planner Rothstein advised a desk top review of the wetlands can be done.

39
40 Council Member Fogelson referred to condition #11 and stated the applicant does hold another CUP.
41 He asked if the applicant wants to include up to five inspections per year.

42

1 Ms. Flug advised she is okay with an annual CUP review. The 24-hour notice stipulated is to make
2 sure someone is on site for an inspection or review. She stated she is agreeable to that condition.

3
4 Council Member Huber added that all applicants should be sent copies of the City ordinances that are
5 applicable to their specific application.

6
7 City Attorney Vivian advised the legal description is not included in the resolution and it will have to
8 be added. He inquired about a condition being added that relates to the number of animal units
9 allowed based on the total of 164 acres. A statement could be added that the owner needs to keep
10 ownership or control of the entire parcel to keep the approved number of animal units. The number of
11 animals is based on the number of acres. If that changes then an amended CUP would need to be
12 applied for.

13
14 City Attorney Vivian provided language to include that condition in the approval if the Council so
15 chooses.

16
17 Ms. Flug advised she is agreeable to that condition as long as the CUP itself runs with the land.

18
19 Council Member Bohnen suggested language to indicate the animal density shall never exceed one
20 horse per one dry acre.

21
22 Mayor Carr expressed concern regarding that statement. He stated he is supportive of a one unit per
23 two grazable acres. He wished the applicant well and noted he is not a fan of the MPCA permit
24 allowing more than the one per two. He stated the applicant is a good application and a great use for
25 the land.

26
27 The Council directed staff to include revisions in the conditions relating to the legal description of the
28 property, wetland delineation from the MLCCA to provide for the file, and the property owner being
29 in control of the 164 acres.

30
31 **Council Member Potter moved to adopt Resolution No. 2012-13, as amended. Council Member**
32 **Fogelson seconded the motion. Motion carried with Mayor Carr voting nay.**

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37 **Staff Report** – A report from City Planner Rothstein was provided for November 2012 planning
38 activities to be placed on file.

39
40 **City Attorney, Nick Vivian**

41
42 **December Planning Commission Meeting** – City Attorney Vivian advised he has been requested to
43 attend the December Planning Commission to discuss Planning Commissioners performance reviews.

1 He stated he wanted the Council to be aware of that request as there is a cost. He indicated it may be
2 advisable to meet with the Planning Commissioner after the joint work session with the City Council.

3
4 Mayor Carr asked if there is anything the Council has directed the Planning Commission to work on.
5 He stated if not the Planning Commission does not have to meet in December.

6
7 Planning Commissioner Larry Lanoux came forward and stated the Planning Commissioner
8 performance reviews are on the agenda. The Planning Commission wanted to address that issue in
9 October but a meeting was not posted. The Planning Commission can initiate meetings, set their
10 agendas and the Commission wants the City Attorney present.

11
12 Council Member Huber stated he does not believe the Planning Commission has the right to set
13 meetings and the Planning Commissioners can be reviewed at the Council discretion. The Planning
14 Commissioners are appointed by the City Council.

15
16 City Attorney Vivian confirmed that the City Council can review Planning Commissioners at their
17 discretion as well as staff and consultants. The practice within the City has always been that the
18 Council sends items for to discussion to the Planning Commission.

19
20 Council Member Potter stated the Chair of the Planning Commission should be determining out if
21 there are relevant topics for them to discuss. The Planning Commission has been asked to look at
22 some things in the past. He stated he does not have the specific list with him but if there is still
23 something on that list they could have a meeting. If not they could wait until after the joint meeting
24 with the City Council.

25
26 It was the consensus of the Council there would not be a December Planning Commission.

27
28 **Cable Commission Report** – City Attorney Vivian distributed a letter received by the Cable
29 Commission Attorney. He outlined the letter from Attorney Bradley noting there is no conflict of
30 interest for Cable Commissioner's as they receive cable and internet services that are paid by the
31 Commission rather than Comcast.

32
33 Council Member Huber requested Cable Commissioner Sederstrom come forward and explain the
34 purpose of the Cable Commission and what the Commission does.

35
36 Mr. Sederstrom came forward and provided the background noting they are currently working on
37 renewing the franchise agreement. The Commission votes on budgets, policy and the ten
38 communities are involved. The purpose is to set policy and determine parameters.

39 Council Member Huber added that the purpose of the Commission is to mitigate and manage a
40 monopoly that has been granted to Comcast. The monopoly was allowed because the infrastructure is
41 so large. The Commission is a mediator between the franchise and its users and to force and
42 negotiate the franchise agreement. The Cable Commission is a public utilities commission. Part of
43 the City's income is from the franchise agreement and there are a lot of different benefits. The
44 franchise negotiation itself is very important.

1 Mr. Larry Lanoux came forward and stated the conflict is whether or not an elected official can
2 receive the benefits.

3
4 City Attorney Vivian stated there is not a conflict of interest for an elected official to receive the
5 cable services.

6
7 City Attorney Vivian referred to the comment made earlier in the meeting regarding shredded
8 documents. He stated that was an inaccurate statement as no City documents have been shredded.
9 Personnel documents are private. Copies of the document were collected as they are protected under
10 the Data Practices Act.

11
12 **November Staff Report** – A report was provided from City Attorney Vivian for November 2012
13 Legal activities to be placed on file.

14
15 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
16 November 2012 to be placed on file for review.

17
18 **NEW BUSINESS**

19
20 **November 9, 2012 Canvas of Election Meeting Minutes – Council Member Fogelson moved to**
21 **approve the November 9, 2012 Canvas of Election Meetings Minutes, as presented. Council**
22 **Member Bohnen seconded the motion. Motion carried with Council Member Huber and Potter**
23 **abstaining.**

24
25 **Resolution No. 2012-14, Final 2013 Levy, Sharon Schwarze** – City Treasurer Schwarze advised
26 the Truth in Taxation hearing was held earlier this evening. The Council again worked hard on the
27 levy and budget. The final proposed levy is at a 2/8% increase from 2012.

28
29 **Council member Huber moved to adopt Resolution No. 2012-14, as presented. Council**
30 **Member Bohnen seconded the motion. Motion carried unanimously.**

31
32 **Resolution No. 2012-15, Final 2013 Budget, Sharon Schwarze – Council Member Bohnen**
33 **moved to adopt Resolution No. 2012-15, as presented. Council Member Fogelson seconded the**
34 **motion. Motion carried unanimously.**

35
36 **Resolution No. 2012-16, City of Grant Reserves Policy, Sharon Schwarze** – City Treasurer
37 Schwarze advised the auditor has recommended the City adopt a reserves policy, basically to
38 maintain a working capital for emergencies. She reviewed the draft policy noting there the policy
39 maintains reserves at approximately 50-75%.

40
41 **Council Member Potter moved to adopt Resolution No. 2012-15, as presented. Council**
42 **Member Huber seconded the motion. Motion carried unanimously.**

43
44 **Discussion of Investment Policy, Bob Mikkelsen** – City Investment Advisor Mikkelsen updated the
45 Council relating to the City's investments, current interest rate, CD's, Wells Fargo Banking. He
46 stated that per the City Auditor, the City does need an investment policy specific to Grant. He will

1 work with the City Treasurer to develop an investment policy as well as look at alternate investment
2 options.

3
4 Council Member Huber suggested the City utilize different banks similar to the Cable Commission.
5 He advised he would obtain the contact information for the Commisison's Finance Director.

6
7 **Resolution No. 2012-17, Sawmill 2013 Liquor License – Council Member Potter moved to adopt**
8 **Resolution No. 2012-17, as presented. Council Member Huber seconded the motion. Motion**
9 **carried unanimously.**

10
11 **Resolution No. 2012-18, Applewood Hills 2013 Liquor License – Council Member Potter moved**
12 **to adopt Resolution No. 2012-18, as presented. Council Member Huber seconded the motion.**
13 **Motion carried unanimously.**

14
15 **Resolution No. 2012-19, Big T Windy Acres 2013 Liquor License – Council Member Potter**
16 **moved to adopt Resolution No. 2012-19, as presented. Council Member Huber seconded the**
17 **motion. Motion carried unanimously.**

18
19 **Resolution No. 2012-20, Shone's Inc., Gausthaus Bavarian 2013 Liquor License – Council**
20 **Member Potter moved to adopt Resolution No. 2012-20, as presented. Council Member Huber**
21 **seconded the motion. Motion carried unanimously.**

22
23 **Resolution No. 2012-21, MoGrow, Inc., Indian Hills 2013 Liquor License – Council Member**
24 **Potter moved to adopt Resolution No. 2012-21, as presented. Council Member Huber seconded**
25 **the motion. Motion carried unanimously.**

26
27 **Schedule Joint City Council/Planning Commission Work Session** – A joint work session with the
28 Planning Commission was schedule on Thursday, Januar 24, 2013, 7:00 p.m.

29
30 **Clarification of City Clerk Attendance at Planning Commission Meetings** – Mayor Carr advised
31 there has been some debate on the Clerk attending Planning Commission meetings. He requested
32 clarification.

33
34 Council Member Potter clarified that the intent of his previous motion was for the Clerk to be at
35 Planning Commission meetings. If a meeting does not work for her schedule the Planning
36 Commission should determine an alternate to take the meeting minutes.

37 Mr. Bob Tufty came forward and stated Commission Seikemeier will take minutes for the Clerk if
38 there are no City applications on the agenda.

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40 **OLD BUSINESS**

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42 **Website Items** – Council Member Bohnen stated his City email is still not forwarded to another
43 address.

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46 **DISCUSSION ITEMS**

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Public Comment Inquires, Mayor Carr – Council Member Fogelson advised he has no interest in being the Cable Commissioner.

City Council Reports – Council Member Fogelson advised that as the newsletter editor, he clarified that the City owned land that the ballfield and Town Hall are located on, was purchased by the City. The land was not donated to the City by Mr. Welander.

Mayor Carr advised an invitation has been sent to the City Council from the School District to tour the new school. He requested Council Member contact the Clerk regarding the scheduling of that tour.

Mayor Carr advised there is a proposal relating to the transit tax that would include the City of Grant. He asked that the Council be updated on the proposal and have time to provide input to that proposal.

Mayor Carr presented Council Member Potter an appreciation plaque and thanked him for his years of service on the City Council.

Council Member Potter thanked staff for their help his four years on the Council. He also thanked all the volunteers and the Council Members. He stated it was a good learning experience and although the Council did not always agree they were respectful. He added that he was proud to serve on the City Council for the City of Grant.

Council Member Huber read the Community Calendar noting the upcoming community meetings.

Staff Reports (any updates from Staff) – There were no updates from staff.

COMMUNITY CALENDAR DECEMBER 5 THROUGH DECEMBER 31, 2012:

Stillwater School Board Meeting, Thursday, December 6, 2012 Stillwater City Hall, 7:15 p.m.

Mahtomedi School board Meeting, Thursday, December 13, 2012, District Education Center, 7:00 p.m.

Washington County Commissioners Meeting, most Tuesdays, Washington County Government Center, 9:00 a.m. (Schedule not confirmed or posted yet)

Planning Commission Meeting, Monday, December 17, 2012, Town Hall, 7:00 p.m.

City Office Closed, Monday & Tuesday, December 24 & 25, 2012, Christmas Holiday

ADJOURN

There being no further business, Council Member Potter moved to adjourn at 10:30 p.m. Council Member Fogelson seconded the motion. Motion carried unanimously.

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These minutes were considered and approved at the regular Council Meeting January 8, 2013.

Kim Points, City Clerk

Tom Carr, Mayor

APPROVED