

CITY OF GRANT
MINUTES

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DATE : April 7, 2015
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:14 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lobin, Huber,
Lanoux and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson; City Planner, Jennifer Haskamp; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:00 p.m.

PUBLIC INPUT

- (1) Mr. Lee Becker, 8990 107th Street – Cell Tower and aesthetic camouflage.
- (2) Mr. Bob Tufty, Jasmine Ave. – Attorney sitting at Council table.
- (3) Mr. Tim Dewuske, Mahtomedi – Answers to MS4 questions.
- (4) Mr. Jim Derusk, 8682 Jamaca – By-pass lane on Jamaca turning left.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lobin moved to approve the agenda, as presented. Council Member Huber seconded the motion. Motion carried with Council Member Sederstrom Lanoux voting nay.

CONSENT AGENDA

Bill List, \$42,830.38	Approved
Brochman Blacktopping, Pothole Repair, \$10,163.00	Approved
Engineering Guidelines Per MS4 Requirements	Approved
East Metro Water Resource Education	

1 Program: Partnership Agreement Removed
2
3 2015 Dust Control Cost Quote Approved
4

5 **Council Member Lanoux moved to approve the consent agenda, moving Item 4D, East Metro**
6 **Water Resource Education Program to Item 7D under New Business. Council Member**
7 **Sederstrom seconded the motion. Motion carried unanimously.**
8

9 **CONCEPT PLAN REVIEW, MICK LYSKEY**
10

11 Mr. Mick Lyskey, Lyskey and Clark Companies, came forward and stated his client is looking for
12 some Council feedback regarding a rezone on 60th Street to allow for a self-storage facility.
13

14 Council Member Lanoux stated the Planning Commission needs to look at the request.
15

16 Council Member Huber stated the proposal is actually good thinking but he believes it is premature
17 for the City to do anything with the commercial corridor at this point.
18

19 Council Member Sederstrom stated he would support this type of development and the rezone.
20

21 Council Member Lobin stated she is not in favor of changing the current zoning, although she is not
22 opposed to the idea of the self-storage facility.
23

24 Mayor Carr advised the zoning could be changed or it could be allowed in A-2 but he would not want
25 self-storage allowed in all A-2 zones. The Comprehensive Plan stated the City will stay rural and a
26 storage facility is not rural so he would not support the proposed change.
27

28 City Planner Haskamp noted the proposal would also require a Comprehensive Plan amendment that
29 requires a 4/5 vote.
30

31 **STAFF AGENDA ITEMS**
32

33 **City Engineer, Phil Olson**
34

35 **Consideration of Ordinance No. 2015-38 and Ordinance No. 2015-39, MS4 Requirements –**
36 City Engineer Olson advised the Minnesota Pollution Control Agency (MPCA) requires that the City
37 of Grant obtain a Municipal Separate Storm Sewer System (MS4) Permit on a 5-year cycle. The
38 City’s MS4 Permit was reissued by the MPCA on April 3, 2014. The public hearing for the
39 Ordinance was held at the March City Council meeting.
40

41 With the reauthorization of the permit, the City is required to come into compliance with the most
42 current permit requirements and update their Stormwater Pollution Prevention Plan (SWPPP). This
43 updated SWPPP contains six program components:
44

- 45 • Public education and outreach;

- 1 • Public participation;
- 2 • Illicit discharge detection and elimination;
- 3 • Construction site stormwater runoff control;
- 4 • Post-construction stormwater management; and
- 5 • Good housekeeping and pollution prevention practices for municipal operations.

6

7 *Ordinance Analysis*

8 Staff has reviewed the City's ordinances and identified where the current ordinances have deficiencies
9 according to the new requirements of the MS4 Permit. Additionally, staff compared the City's
10 ordinances to the Environmental Protection Agency's model ordinances, and ordinances that have
11 been adopted by other cities that are representative of the type of language and content needed to
12 satisfy the new permit requirements. The revisions to the ordinance are designed to bring the City's
13 ordinances into compliance with the new regulatory mechanism requirements of the MS4 General
14 Permit.

15

16 An additional memo has been prepared by the City Planner. The memo provides specific information
17 regarding the new ordinance changes.

18

19 *Partnership Update*

20 WSB staff has initiated contact with Angie Hong, the education coordinator of the East Metro Water
21 Resource Education Program (EMWREP) to form a potential partnership. The EMWREP is a
22 partnership formed in 2006 to serve 18 local units of government in the east metro area. The purpose
23 of the shared education program is to provide education about the impacts of non-point source
24 pollution on local lakes, rivers, streams, wetlands and groundwater resources and to engage people
25 and communities in projects that will help to protect and improve water quality in the region. By
26 joining the EMWREP, the City will be able to meet the education and outreach, and public
27 participation requirements of the MS4 permit for \$560 per year.

28

29 City Engineer Olson reviewed the City Planner staff report noting staff has been working to update
30 the City's Ordinances for compliance with the Minnesota Pollution Control Agency's stormwater
31 program for municipal separate storm sewer systems (MS4). The proposed amendments and additions
32 include modifications to Chapter 30 Subdivisions and Chapter 32 Zoning of the City Code. Since
33 some of the proposed changes affect the land use chapters of the City Code, a duly noticed public
34 hearing was published for the March 3, 2015 regular City Council meeting.

35

36 City Engineer Olson reviewed the following summary of the proposed ordinance amendments and
37 additions, is provided for your review and consideration:

- 38 • **Chapter 30 Subdivisions:** The attached draft Ordinance 2015-38 includes amendments to the
39 following sections: 30-1 Definitions; 30-3 Enforcement; 30-58 Data required (for Preliminary
40 Plat); and 30-173 Land Requirements. Additions to Chapter 30 include the following:
41 Sections 30-16 Incorporation by Reference; 30-172 Erosion and Sediment Control Plans; and
42 30-173 Stormwater Management Plans.

1 The proposed changes relate primarily to addressing stormwater management and erosion
 2 control when any land altering activities are proposed. This change will require applicants to
 3 prepare the appropriate plans related to these components for review by the City Engineer
 4 during a project application process. The plans must be submitted and approved prior to any
 5 activity on the site. The enforcement section of this ordinance was also amended to help
 6 assure compliance with these requirements and clarify the process if any activity that requires
 7 a plan and review is conducted without appropriate approvals.

- 8 • **Chapter 32 Zoning:** The attached draft Ordinance 2015-39 includes amendments to the
 9 following sections: 32-32 Violations; 32-35 Certificate of Compliance; 32-143 Application
 10 (for Conditional Use Permit); 32-181 Building permit and compliance with building code
 11 requirements; 32-185 Grading permit required, exceptions; and 32-341 Drainage. Additions
 12 to Chapter 32 include: 32-7 Incorporation by Reference.

13 The proposed amendments relate to those sections of the zoning ordinance which have the
 14 potential to permit and approve activities and projects that may disturb the land. For example,
 15 if an Applicant proposes to construct a new supper club and therefore needs a Conditional Use
 16 Permit, there would likely be significant construction and land altering activities that would
 17 occur. In these cases, the Applicant will be required to submit the appropriate stormwater
 18 management plans and erosion control plans to ensure compliance with the City’s Ordinances.
 19 With respect to the enforcement of such requirements, the code is also updated and refers back
 20 to the process contained within Chapter 30 to ensure uniform enforcement of any potential
 21 issues.

22
 23 **Council Member Huber moved to approve Ordinance No. 2015-38 and Ordinance No. 2015-39,**
 24 **as presented. Council Member Lobin seconded the motion. Motion carried with Council**
 25 **Member Sederstrom and Lanoux voting nay.**

26
 27 **Consideration of Resolution No. 2015-09, Summary Publication of Ordinance No. 2015-38 & 39**
 28 **– City Engineer Olson advised Resolution No. 2015-09 authorizes a summary publication of**
 29 **Ordinance No. 2015-38 & 39.**

30
 31 **Mayor Carr moved to adopt Resolution No. 2015-09, as presented. Council Member Lobin**
 32 **seconded the motion. Motion carried with Council Member Lanoux voting nay.**

33
 34 **Consideration of Ordinance No. 2015-40, Repealing Ordinance No. 2011-25 and Providing New**
 35 **Illicit Discharge Ordinance - Illicit Discharge Ordinance 2015-40.** In 2011, the City of Grant City
 36 Council adopted ordinance number 2011-25 Illicit Discharge and Connection Stormwater Ordinance.
 37 To comply with the new MS4 standards additions to the ordinance are required. As such, staff is
 38 recommending that the Council simply repeal all of Ordinance 2011-25, and adopted ordinance
 39 number 2015-40 in replacement. Since this Ordinance is not contained within Chapter 30 or 32 a
 40 public hearing regarding these changes is not required.

41

1 Council Member Lanoux stated Ordinance No. 2011-25 is not the illicit discharge ordinance but
2 refers a lot line adjustment. He stated he is also concerned that the MS4 does not fit the City and the
3 City should be meeting with the Watershed Districts.

4
5 City Engineer Olson advised the City is a MS4 City. The law requires this to be done and the
6 ordinance revisions include a process to follow up on violations.

7
8 Staff noted Ordinance No. 2011-25 is is the Illicit Discharge Ordinance previously approved by the
9 City Council.

10
11 **Council Member Huber moved to approve Ordinance No. 2015-40, as presented. Council**
12 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux voting nay.**

13
14 **Consideration of Resolution No. 2015-10, Summary Publication of Ordinance No. 2015-40 –**
15 City Engineer Olson advised Resolution No. 2015-10 authorizes a summary publication of Ordinance
16 No. 2015-40.

17
18 **Council Member Huber moved to adopt Resolution No. 2015-10, as presented. Council**
19 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux voting nay.**

20
21 **Consideration of 2015 Special Road Projects –** City Engineer Olson advised each year the City
22 completes a special road project within the City. In past years, the projects have addressed specific
23 areas with drainage problems on the roadway and/or areas where small patches are no longer a cost
24 efficient solution.

25
26 This year, Keats Avenue is a candidate for a special road project. Keats Avenue is approximately
27 3700 feet long with potholes along the length of the roadway. Due to the extent of patching needed
28 the entire length of roadway would benefit from a large patch/overlay. With the current budget, this
29 would likely be a 2 to 3 year project.

30
31 An alternate roadway for consideration is Joliet Avenue between Highway 96 and Jody Avenue. This
32 roadway has more isolated issues that could be completed with one year of funding.

33
34 The 2015 budget for special road projects is \$25,000.

35
36 Council Member Sederstrom suggested a road matrix be put in place for decision making.

37
38 City Engineer Olson advised the special road project proposed was recommended by the previous
39 Road Commisisoner and Brochman had suggested Joliet. The City does hava road system that has
40 been identified and includes road counts. He recommended moving forward with Keats as it is cost
41 efficient at this point. The project goes above and beyond the normal patching.

1 Mayor Carr suggested holding off on this and starting with something other than Keats. He also
2 asked if residents on that road should be notified about the project and ask for them to help with the
3 project.

4
5 Council Member Huber stated he would like to move forward with Keats and complete a third of the
6 roadway, the first section.

7
8 City Engineer Olson stated a letter would be sent to residents on Keats asking for feedback.

9
10 This item will be on the regular Council agenda at the May City Council meeting.
11

12 **2015 Roadway Patching** – City Engineer Olson advised In 2013, Council adopted a revised Seal
13 Coat/Roadway Maintenance Plan that includes both seal coat and patching roadways based on the
14 pavement condition. The plan alternates patching and seal coating projects every other year in an
15 effort to keep costs lower by maintaining larger project areas. In 2015, patching is planned on Hadley
16 Avenue, 88th Street/Jeffrey Avenue, and Kimbro Avenue.

17
18 The Seal Coat/Roadway maintenance plan allows the City to give residents an opportunity to utilize
19 the patching money for a larger overlay or rehabilitation project. By notifying residents that their road
20 is scheduled for patching in the near future, residents would have the ability to petition the city for a
21 project with partial funding from this project.

22
23 A standard letter has been attached for council review prior to mailing to the property owners along
24 each roadway. Letters can be mailed by the end of April and will request resident feedback by the end
25 of May. If residents and the city elect to move forward with the planned patching, Brochman
26 Blacktopping is already under contract for the city's patching work and is prepared to complete the
27 work.

28
29 The budget for 2015 is \$68,000. The 2015 Seal Coat/Roadway Maintenance Plan is attached for
30 review.

31
32 **Mayor Carr moved to approve the 2015 Roadway Patching, as presented. Council Member**
33 **Lobin seconded the motion. Motion carried unanimously.**

34
35 **City Planner, Jennifer Haskamp**

36
37 **Consideration of Ordinance No. 2015-41, Recreation Commercial Uses** – City Planner Haskamp
38 At the March 3rd City Council meeting a staff report was prepared soliciting feedback and comments
39 from council members regarding performance standards for Recreation, Commercial (indoor and
40 outdoor) uses. Some of the comments that were passed on to Staff included the following:

- 41
42
 - Request for inclusion of 'grandfathering' clause

43
44 Staff also provided the opportunity to council members to email comments to the
45 Clerk/Administrator, and none have been received to date. With respect to the 'grandfathering'

1 clause, staff would ask council members to review Sections 32-79 through 32-86 of the City Code
2 which addresses Nonconformities in the City to determine whether additional language is necessary.
3 Staff has reviewed this section and believes it would adequately address a legal non-conforming use
4 moving forward, and therefore has not provided additional language in the attached draft ordinance.
5

6 As stated in the February staff report, a draft ordinance with initial thoughts on performance standards
7 is provided for your discussion at the April meeting. Staff is looking for general feedback regarding
8 the ordinance, and would specifically call your attention to the following questions:
9

- 10 ▪ Should there be a principal residential use required as part of an outdoor facility?
- 11 ▪ Should there be restrictions on the number of Accessory Facilities and allowable square
12 footage? How should this be determined if the Principal use is outdoors (if it is determined
13 that a residential use is not required)?
- 14 ▪ Should lighting of outdoor facilities be permitted? (i.e. lighting of a baseball field, or an
15 outdoor ice rink?)
- 16 ▪ Should there be a maximum occupancy of Outdoor facilities? (Indoor will automatically be
17 regulated through the building code).
- 18 ▪ What are the appropriate setbacks of such facilities? What is reasonable to ‘buffer’ between a
19 recreational use and an adjacent residential area?
- 20 ▪ Should there be restrictions on “covered” areas? For example, picnic pavilions?

21
22 The Council directed staff to revised the draft ordinance to eliminate indoor recreation all together;
23 outdoor recreational facility sizes need to be spelled out and limited; storm shelter requirements;
24 limits on occupancy; setbacks that are very sensitive to neighbors and go above and beyond screening;
25 and statement that it is an allowed accessory use only.
26

27 This item will be on the regular agenda at the May City Council meeting.
28 .

29 **City Attorney, Nick Vivian**
30

31 **First Year Review of Conditional Use Permit, 7373 120th Street** – City Attorney Vivian
32 recommended this item be table to a future Council Meeting.
33

34 **Consideration of Liquor License Application, 7373 120th Street** – City Attorney Vivian
35 recommended this item be tabled to a future Council meeting.
36

37 Council Member Huber pointed out that a first year CUP review has never been on the Council
38 agenda before and he requested it not be on a future agenda.
39

40 **Mayor Carr moved to table First Year Review of Conditional Use Permit, 7373 120th Street and**
41 **Liquor License Application, 7373 120th Street, to a future Council Meeting. Council Member**
42 **Lanoux seconded the motion. Motion carried unanimously.**
43

1 **Censure Review of Council Member** – City Attorney Vivian advised on February 3, 2015 the Grant
2 City Council adopted Resolution No. 2015-07, a resolution censuring Council Member Lanoux. The
3 Censure Resolution was adopted following an incident at the City office regarding a breach in the
4 security of the City’s files and public documents. The breach was a result of certain actions taken by
5 Council Member Lanoux in which he unlawfully removed the City’s property file for 9711 Keswick
6 Avenue from the City’s office without authorization. The City Council was notified of this breach
7 immediately following the incident.

8
9 City Attorney Vivian stated the sixty day censure period expired on April 4, 2015. As provided by the
10 Censure Resolution, the matter is now before the City Council for review. He reviewed the noted
11 violations of the censure and stated it is the City Council’s obligation to review the Censure
12 Resolution and determine whether Council Member Lanoux has strictly complied with the sanctions
13 or whether he has materially violated or ignored the City’s direction. The City Council should
14 determine whether the sanctions have sufficiently deterred the conduct involving or whether the
15 Resolution should be extended for an additional period of time.

16
17 Council Member Lanoux responded to the allegations and explained his position.

18
19 City Attorney Vivian advised the censure is not illegal and the concern is documents leaving the City
20 office. The censure is simply a means to put safeguards at the City office.

21
22 Council Member Huber stated there is a police report and the incident is being investigated. He noted
23 he never removed a property file from the City office but had copies of items that were in a file. He
24 stated Council Member Lanoux should simply write a letter to the City outlining why he does not
25 need a CUP for his property.

26
27 Council Member Lanoux stated the Building Inspector was satisfied with his explanation about not
28 needing a CUP. He requested the censure be stricken from the record.

29
30 Mayor Carr advised the City Council as well as citizens need to following the rules. The City Council
31 previously passed a censure for Council Member Lanoux and he did not follow it. Council Member
32 Lanoux has shown lack of respect for the Council’s decision and no remorse for what has occurred.

33
34 **Council Member Sederstrom moved to put the whole thing behind them. Council Member
35 Lanoux seconded the motion. Motion failed with Council Member Lobin, Huber and Mayor
36 Carr voting nay.**

37
38 **Mayor Carr moved to extend the Censure of Council Member Lanoux for ninety days. Council
39 Member Huber seconded the motion. Motion carried with Council Member Sederstrom and
40 Lanoux voting nay.**

41
42 **NEW BUSINESS**

43
44 **March 3, 2015 City Council Meeting Minutes (Sederstrom and Carr abstain) – Council
45 Member Huber moved to approve the March 3, 2015 City Council Meeting Minutes, as**

1 **presented. Council Member Lobin seconded the motion. Motion carried with Council Member**
2 **Lanoux voting nay and Council Member Sederstrom and Mayor Carr abstaining.**

3
4 **Browns Creek Request for Volunteers, Sharon Schwarze – Browns Creek Board Member**
5 **Schwarze** – Ms. Schwarze provided a background as well as outlined the objectives of the Browns
6 Creek Watershed District. She stated they are looking for volunteers to work on a ten year plan. No
7 experience is required and the volunteers do not necessarily have to be City appointed. If anyone is
8 interested please contact Browns Creek.

9
10 **Discussion of Planning Commission** – Council Member Huber stated he believes the City should
11 put a Planning Commission in place due to the number of land use applications being submitted. He
12 provided background on why the Planning Commission was disbanded. He stated he would like to
13 reestablish a Planning Commission that does the job and is an advisory board to the Council. He
14 would like to set very clear rules of procedure as well as roles and responsibilities for the City of
15 Grant Planning Commission.

16
17 Council Member Sederstrom explained what happened when he was the Chair of the Planning
18 Commission. He added that the City Council does not follow their own rules and process. He stated
19 there are serious flaws that the City needs to work through.

20
21 Council Member Lanoux proved a history of the Planning Commission.

22
23 Council Member Huber provided a summary of expenditures related directly to the Planning
24 Commission that was not directed by the City council.

25
26 Roles and Responsibilities of the City of Grant Planning Commission will be on the May City
27 Council meeting agenda.

28
29 **East Metro Water Resource Education program: Partnership Agreement, City Engineer Olson**
30 **-** WSB staff has initiated contact with Angie Hong, the education coordinator of the East Metro Water
31 Resource Education Program (EMWREP) to form a potential partnership. The EMWREP is a
32 partnership formed in 2006 to serve 18 local units of government in the east metro area. The purpose
33 of the shared education program is to provide education about the impacts of non-point source
34 pollution on local lakes, rivers, streams, wetlands and groundwater resources and to engage people
35 and communities in projects that will help to protect and improve water quality in the region. By
36 joining the EMWREP, the City will be able to meet the education and outreach, and public
37 participation requirements of the MS4 permit for \$560 per year.

38
39 Council Member Sederstrom stated the City really needs to take a look at this as it will cost the City
40 money.

41
42 City Engineer Olson advised their goal is education. By participating in the partnership, the City pays
43 \$560 dollars per year and will be a part of the communication process. This will meet an aspect of
44 the MS4 permit requirements. The City will either have to do this on their own or participate in the

1 partnership. All of the watershed districts have agreed this is the best way to make the public aware
2 and meet the requirements.

3
4 Council Member Lanoux stated this may result in a waste water treatment plant being placed in Grant.
5 **Council member Huber moved to approve East Metro Water Resource Education Program:
6 Partnership Agreement, as presented. Council Member Lobin seconded the motion. Motion
7 carried with Council Member Lanoux voting nay.**

8
9 **UNFINISHED BUSINESS**

10
11 **DISCUSSION ITEMS**

12
13 **City Council Reports:** There were no Council updates.

14
15 **Staff Updates:** There were no staff updates.

16
17 **COMMUNITY CALENDAR APRIL 8 THROUGH APRIL 30, 2015:**

18
19 **Mahtomedi Public Schools Board Meeting, Thursday, April 9th and 23rd, 2015, Mahtomedi
20 District Education Center, 7:00 p.m.**

21 **Stillwater Public Schools Board Meeting, Thursday, April 9th 2015, Stillwater City Hall, 7:00
22 p.m.**

23 **Charter Commission Meeting, Thursday, April 16th, Mahtomedi City Hall, 7:00 p.m.**

24 **City Clean Up Day, Saturday, April 25th, Town Hall, 9:00 a.m. to Noon**

25 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

26
27 **ADJOURN**

28
29 **There being no further business, Council Member Huber moved adjourn at 10:14 p.m. Council
30 Member Lobin seconded the motion. Motion carried unanimously.**

31
32 These minutes were considered and approved at the regular Council Meeting May 5, 2015.

33
34
35
36
37 _____
38 Kim Points, Administrator/Clerk

39 _____
Tom Carr, Mayor