

**CITY OF GRANT
MINUTES**

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DATE : April 5, 2016
TIME STARTED : 7:02 p.m.
TIME ENDED : 8:24 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lobin, Huber
and Mayor Carr
MEMBERS ABSENT : Lanoux

Staff members present: City Attorney, Nick Vivian; City Treasurer, Sharon Schwarze; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:02 p.m.

PUBLIC INPUT

Mary Sante, League of Women Voters – Introduced herself and stated they are present to observe the meeting as part of a second year study of City meetings.

Sharon Schwarze – Commented on the great job Kline Bros. did on Joliet Avenue that was in bad shape due to the quick thaw.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

| | |
|---|----------|
| March 2, 2016 City Council Meeting Minutes | Approved |
| Bill List, \$61,632.65 | Approved |
| Croix Valley Inspector, \$21,945.84 | Approved |
| City of Mahtomedi, 1 st Quarter Fire Contract, \$32,347.00 | Approved |

1 **Council Member Huber moved to approve the consent agenda, as presented. Council**
2 **Member Lobin seconded the motion. Motion carried unanimously.**

3
4 **STAFF AGENDA ITEMS**

5
6 **City Engineer, Brad Reifsteck**

7
8 **Discussion of McKusick Millings** – A memo relating to the issue of millings on McKusick was
9 included in the Council packets. There was a discussion at the March 2, 2016 Council meeting to
10 investigate the use of bituminous millings as a method to maintain local roadways, in particular,
11 McKusick Road North between Manning Ave and Dellwood Road.

12
13 A few facts about the method for using millings for roadway maintenance purposes:

- 14
- 15 • Used to maintain existing gravel surface roadways only.
 - 16 • Millings are generated from grinding off the top bituminous surface during local mill &
17 overlay street projects or in cooperation with similar County or neighboring City projects
18 to gain a cost advantage on materials.
 - 19 • Millings are repurposed by placing over an existing gravel surface using paving
20 equipment similar to a typical road surfacing project.
 - 21 • Residual oil in millings lessens the need for other dust pollution remedies.
 - 22 • Maintenance (reapplication) is required approximately every 2-3 years, depending on
23 traffic volumes.

24
25 **McKusick Road Characteristics:**

- 26
- 27 • The bituminous roadway is approximately 24' wide with 2'-4' gravel shoulders.
 - 28 • The roadway is approximately 6,100 lineal feet in length.
 - 29 • Records indicate the road was paved in 1988 and received a seal coat in 2008.
 - 30 • Annual maintenance includes patching and pothole filling.

31
32 McKusick Road is not a candidate for the bituminous millings method mentioned above.

33
34 McKusick Road will be given a condition rating as part of the 2016 Pavement Management
35 Report. The report will provide recommendations for complete rehabilitation or maintenance
36 methods for all roadways, including McKusick Road. The expected cost for improvements to the
37 entire length of McKusick Road will range from \$73k (Patching) to \$457k (complete
38 rehabilitation) depending on the report's recommended method and available funding.

39
40 Mayor Carr stated the City Engineer is not present but the Council did request a report on
41 millings in terms of McKusick Avenue.

42
43 Council Member Huber stated the use of millings is not a bad idea but the Engineer has indicated
44 they can't be used on McKusick. He stated he still wants the Road Ranking system completed

1 prior to the discussion of 2016 special road projects. It was noted that there are other roads in
2 surrounding communities that the state is providing some financial help with.

3
4 **Mayor Carr moved to appoint Council Member Huber to talk to the County about**
5 **financial help with McKusick Road. Council Member Lobin seconded the motion. Motion**
6 **carried unanimously.**

7
8 **City Planner, Jennifer Haskamp**

9
10 **Continuation of Land Use Definitions** – As discussed and directed at the March Council
11 meeting, staff has prepared the following draft land use definitions for your initial discussion and
12 consideration. At the March meeting there was general consensus over the draft definitions
13 provided for Broadcasting Studio, Hotel or Motel, and Theater. The Council directed staff to do
14 the following 1) provide additional thought/consideration of Archery Range, Gun Club and Gun
15 Range, and 2) to consider modifying the definition for historic structures slightly. In addition,
16 staff has prepared draft definitions and comments related to the last (and final) group of land uses
17 initially considered with the Land Use Moratorium that recently expired.

18
19 **March Definitions - Revisions**

20
21 **Archery Range, Gun Club and Gun Range (Continued discussion)**

22
23 In March the Council discussed definitions related to Archery Range, Gun Club and Gun Range
24 and provided some direction and feedback to staff. The following is a summary of staff's
25 understanding of the Council's recommendations:

- 26
27
- 28 ▪ Archery Ranges: Are acceptable as identified within the Table of Uses, and would be
29 acceptable both indoors and outdoors. Such facilities would be subject to State rules, if
30 applicable, for setbacks, acreage requirements, etc.
 - 31 ▪ Gun Clubs: Are acceptable as identified within the Table of Uses and would allow indoor
32 and outdoor facilities. Such facilities would be subject to State rules, if applicable, for
33 setbacks, acreage requirements, etc.
 - 34 ▪ Gun Ranges: are acceptable as indoor facilities only, and no outdoor facilities would be
35 permitted. Such facilities would be subject to state rules, if applicable.

36 Chapter 87A of the Minnesota Statutes addresses shooting ranges (both archery and gun ranges)
37 and as background staff has attached the statute to the staff report. Staff is seeking council
38 direction on the following related to this land use:

- 39
- 40 ▪ Is staff's summary accurate?
 - 41 ▪ Since the statute identifies specific performance standards related to these facilities, the
42 Council could consider incorporating them by reference. Is this something council would
43 like to consider, or would you prefer to draft independent performance standards?

- Should staff keep the land uses separate (archery ranges, gun ranges and gun clubs)? State statutes group Archery and Gun Ranges together. So, if we were to incorporate the states by reference we must consider how to differentiate the uses.

After direction is given by the Council, staff will prepare a draft definition to be brought back at the next council meeting for discussion.

Structure, historic, scenic

Based on the council’s discussion, staff has made the following adjustment to the draft definition prepared in March. The changes are marked with a strikethrough:

Structure, historic, scenic means a building, structure, archaeological site, or other place that is listed on the national or state register of historic places, ~~or meets the requirements for listing on the national or state historic registers,~~ or is designated as a significant historic site by the city council. All unplatted cemeteries meeting provisions of Minn. Stats 307.08 are significant historic sites.

Through discussion, the Council referred to the archery ranges/gun clubs and determined the staff summary was accurate, performance standards should be included in the definition except maybe in the General Business zone in terms of acreage and state statutes should also be included. A gun range would be different because it is indoors so different performance standards should be established and only allowed in General Business. The Council accepted the draft structure definition.

Consideration of land Use Definitions, Final Group – Draft Definitions and Discussion (Final Group)

Armories, convention halls and similar uses

Staff has drafted the following definition for your consideration:

Armory, or convention halls means a large building able to accommodate individuals and groups that gather to promote and share a common interest. Such facilities typically include auditoriums, concert halls, lecture halls, meeting rooms and conference rooms.

The City’s Table of Uses Section 32-245 identifies “Armories, convention halls and similar uses” as not permitted in any zoning district as identified in the following excerpt:

| Use | Conservancy | Agricultural A1 | Agricultural A2 | Residential R1 | General Business (GB) |
|---|-------------|-----------------|-----------------|----------------|-----------------------|
| Armories, convention halls and similar uses | N | N | N | N | N |

Commercial Schools

1 Staff has researched various communities’ ordinances, the American Planning Association
 2 standard land use definitions and other resources and is unsure what is meant by “Commercial
 3 Schools”. As identified in subsequent sections “Schools – public and private” is fairly broad and
 4 would seem to address most types of schools, with the exception of Trade Schools and
 5 Vocational Schools (although this could be included in the definition for Schools below, if
 6 desired). While staff could not find examples based on research, Commercial Schools could be
 7 defined to address institutions that are focused on specific skill or business like karate, or
 8 accounting, or art, or similar. Another option would be to simply remove Commercial Schools
 9 from the land use table. Staff is looking for direction from the Council to either prepare a
 10 definition or remove the use from the table.

| Use | Conservancy | Agricultural A1 | Agricultural A2 | Residential R1 | General Business (GB) |
|--------------------|-------------|-----------------|-----------------|----------------|-----------------------|
| Commercial Schools | N | N | N | N | C |

12 **Student Housing**

13 There is no definition for Student Housing within the existing ordinance. Currently the table of
 14 uses conditionally permits student housing in the A1, A2 and R1 zoning districts (see below).
 15 Staff has conducted some research regarding this land use and the common definition generally
 16 refers to student living quarters associated with a college or university, and such uses would have
 17 fairly high density and require urban services. Since this use has been conditionally permitted in
 18 the A1, A2 and R1 zoning districts, it seems likely that this is NOT the type of student housing
 19 contemplated by the City. Staff would look for direction from the Council with respect to this
 20 land use in order to appropriately draft a definition, since it does not seem like the common
 21 definition of “Student Housing” would apply. Depending on the direction of the Council, this
 22 land use could also be removed from the table of uses.

| Use | Conservancy | Agricultural A1 | Agricultural A2 | Residential R1 | General Business (GB) |
|------------------|-------------|-----------------|-----------------|----------------|-----------------------|
| Housing, student | N | C | C | C | N |

23 **Schools – public and private**

24 Staff has prepared a draft definition of schools as identified below. The draft definition is
 25 tailored specifically to the instruction of children in their primary and secondary school years, but
 26 could be expanded to include trade schools, skills schools (i.e. karate school, or similar), etc.
 27 Staff would ask the Council discuss the draft definition and provide direction as to whether or
 28 not the definition should be broadened to accommodate additional types of schools. (Some of the
 29 differentiation could be made within the Commercial Schools, if desired, see above).

1 **Schools – public and private** means an institution or building in which children and young
 2 people usually under 19 receive education. Such institutions may be funded by public funds,
 3 private organizations, or private individuals.

| Use | Conservancy | Agricultural A1 | Agricultural A2 | Residential R1 | General Business (GB) |
|------------------------------|-------------|-----------------|-----------------|----------------|-----------------------|
| Schools – public and private | N | C | C | C | N |

4
 5 **Storage – Open**

6 Currently, the City’s ordinance does not define “Storage – Open”, however the table of uses cross
 7 references the definition with Section 32-341 Drainage. It is unclear why the reference to the
 8 drainage section of the code is provided, and staff believes it may be a typo, and that the
 9 appropriate code reference would be to Section 32-316 Exterior Storage. As indicated in the
 10 following excerpt from the table of uses Exterior Storage is addressed as both principal and
 11 accessory uses on a property and depending on the zoning district is permitted, conditionally
 12 permitted or not permitted. Further the City’s definition for Exterior Storage includes “open
 13 storage” as part of the definitions as follows:

14
 15 *Exterior storage* includes the term "open storage" and means the storage of goods,
 16 materials, equipment, manufactured products and similar items not fully enclosed by a building.

17
 18 Additionally the table of uses clearly describes storage in terms of principal and accessory on a
 19 site, which is shown in the following excerpt of the table of uses:

| Use | Conservancy | Agricultural A1 | Agricultural A2 | Residential R1 | General Business (GB) |
|--|--------------|-----------------|-----------------|----------------|-----------------------|
| Storage – Open (See section 32-341) | N | C | C | C | C |
| Storage – as a principal use. (See section 32-316) | N | C | C | C | C |
| Storage – normally incidental to the principal use. (See section 32-316) | A | A | A | A | A |
| Storage – not accessory to a permitted principal use. (See section 32-316) | N | C | C | C | N |

20
 21
 22 Based on the table of uses, Section 32-316 and the definition of Exterior storage which includes a
 23 reference to “open storage” staff would recommend removing “Storage – Open” from the table of
 24 uses (as crossed out above). Because the Exterior storage definition includes “open storage”
 25 there is no differentiation between the two terms, and therefore the table of uses seems redundant
 26 and somewhat contradictory in terms of the permitting process. Also, staff believes that the table
 27 of uses adequately addresses the types of exterior storage that may occur on a property, and

1 performance standards are addressed in Section 32-316. Staff is requesting the Council consider
2 the staff's recommendation to strike "Storage – Open" from the table of uses.

3
4 Mayor Carr suggested commercial schools be removed from the use table because the private
5 school definition would include that. More information relating to dance schools, karate schools,
6 etc. was requested in terms of the current ordinance.

7
8 The Council suggested private/public schools contain performance standards and could be better
9 defined with square footage requirements. Open storage is redundant and should be eliminated
10 from the land use chart.

11
12 Council Member Sederstrom stated storage facilities should be allowed in the General Business
13 zone and "man caves" are becoming very popular.

14
15 Council Member Huber agreed and added that allowing those in the General Business zone is a
16 good idea as there is low impact and does generate taxes. Allowing those types of facilities
17 would be good, smart development.

18
19 City Attorney Vivian asked the Council to think about incorporating interior storage in the
20 definition. The City also has a warehousing use.

21
22 The Council determined student housing would be removed from the land use chart.

23
24 This item will appear on the next regular Council agenda.

25
26 **City Attorney, Nick Vivian (no action items)**

27
28 **NEW BUSINESS**

29
30 **Consideration of Resolution No. 2016-10, Supporting Dedicated State Funding for City**
31 **Streets, City Treasurer, Sharon Schwarze** – City Treasurer Schwarze advised the draft
32 resolution was provided at the last regular Council meeting. She asked if there were any
33 questions regarding the resolution and stated the bill has been introduced to both the Senate and
34 House.

35
36 Council Member Huber advised the Legislature is working on a short schedule this year. The
37 time to talk to the Legislatures is now to try and influence them to continue the small city road
38 funding.

39
40 **Council Member Huber moved to adopt Resolution No. 2016-10, as presented. Council**
41 **Member Lobin seconded the motion. Motion carried unanimously.**

42
43 **Consideration of City of Grant Rules of Procedure, City Newsletter Addendum** – Mayor
44 Carr reviewed the following staff report that was included in the Council packets:

1 In 2015 the City Council appointed City staff as the City newsletter Editor and approved a
2 newsletter template relating to articles as a means of meeting City requirements including the
3 recycling grant and MS4 permitting.
4

5 The template included articles from City Council Members. Space was allotted to each Council
6 Member depending on how many Council articles were submitted. If every Council Member
7 submitted an article the space available is about ¼ page each.
8

9 The Spring 2015 newsletter included a Council Member article that was too large so the font was
10 minimized to fit. There were no issues with the Fall 2015 newsletter articles as the articles
11 submitted were shorter and there was more space available, eliminating the problem of
12 unreadable articles. Those articles submitted do note “no permission to edit in any way”.
13

14 Articles were submitted by Council Members for the Spring 2016 newsletter. Again they were
15 too long for the space allowed and no edits were allowed. The Editor did request revised articles
16 to accommodate the space that was allowed and received a revised, longer, three page article in
17 18 point font.
18

19 **PUBLISHING OF NEWSLETTER**

20
21 With the background provided above and timing an issue, three options relating to the City
22 newsletter were clear:
23

- 24 1) Publish the newsletter with articles that had font too small to read – A disservice to
25 residents and makes the City and the City newsletter look bad.
- 26
27 2) Publish the newsletter without the articles that were too long – The implications of that
28 are fairly clear. No explanation needed.
29
- 30 3) Don’t publish City Newsletter – Again, the City has requirements relating to the
31 newsletter that have repercussions including financial.
32

33 **OPTIONS**

- 34
35 1. Better define newsletter article submittals; space, font size, etc.
- 36 2. Add statement relating to articles submitted that do not meet the defined guidelines.
37

38 Mayor Carr stated it appears as though with this issue the City will now need more rules. The
39 newsletter is not about politics and is good for citizens.
40

41 Council Member Huber stated the length of the articles made it impossible to print but the
42 content is also a problem. The articles were full of alligations with no proof. There continues to
43 be a pattern of attacking staff over and over and over. Staff is not here to be picked apart and it
44 needs to stop. The only way to do this is to minimize all Council Members and it is truly
45 embarassing for the City.

1 Council Member Lobin stated guidelines are needed for Council articles.

2
3 Mayor Carr stated it is very unfortunate but the only way to do this is eliminate Council articles.

4
5 **Council Member Lobin moved to remove City Council articles from the City Newsletter**
6 **template, as presented. Council Member Huber seconded the motion. Motion carried with**
7 **Council Member Sederstrom voting nay.**

8
9 Council Member Huber asked for a legal opinion regarding the articles.

10
11 City Attorney Vivian stated the articles written do run the risk of being liable and slanderous.
12 The Council should never argue policy outside of the public forum. It also raises open meeting
13 violations as well.

14
15 **UNFINISHED BUSINESS**

16
17 There was no unfinished business.

18
19 **DISCUSSION ITEMS**

20
21 **City Council Reports:**

22
23 Mayor Carr referred to an incident in which a Council Member was harassed by a citizen of
24 Mahtomedi. An affidavit was signed by Council Member Sederstrom indicating the citizen was
25 a reporter for him. The case was dismissed because of that. The incident happened outside of a
26 regular City meeting. A public tv cable show does not give anyone the right to claim he has
27 reporters. The Mayor stated he thinks the whole situation is disgusting as residents pay for this
28 and Council Member Sederstrom has taken responsibility for that citizen.

29
30 Council Member Sederstrom stated the citizen in question has been on his show numerous times
31 and has provided him with information. He is responsible for his reporters and the first
32 amendment rights allow that.

33
34 Council Member Huber provided the public with the background on the evening in question
35 noting a special Council meeting was scheduled in the afternoon as opposed to the evening due
36 to scheduling conflicts with several Council Members. A citation for harassment was issued
37 with probable cause. Going to court was to determine if the citizen involved was going to trial.
38 The affidavit gave him legal remedy to not go to trial. He asked if we as Council Members
39 should be chasing other Council Members at private functions?

40
41 Council Member Sederstrom stated Council Member Lobin filed a false police report and
42 explained how mercury is now getting into Lost Lake due to the construction of the new
43 elementary school.

1 Mayor Carr referred to a real police report that could be discussed. The Council and City staff
2 has taken this abuse for too long. There are two Council Members that harass and intimidate
3 everyone. He stated he wants to do the work of the City and work with the entire Council. It
4 needs to stop as everyone is tired of it.

5
6 Council Member Huber apologized that the City has to go through any of this. He stated he
7 would like to be at Council meetings to discuss policy. Each Council Member is present and was
8 elected to argue policy and that can't seem to be done without constant harassment.

9
10 **Staff Updates:**

11
12 A Planning Commission training session was held in March for the newly appointed Planning
13 Commission. It appears that the City has a good group that is eager to get started and serve the
14 City.

15
16 **COMMUNITY CALENDAR APRIL 6 THROUGH APRIL 30 , 2016:**

17
18 **Mahtomedi Public Schools Board Meeting, Thursday, April 14th and 28th, Mahtomedi**
19 **District Education Center, 7:00 p.m.**

20 **Stillwater Public Schools Board Meeting, Thursday, April 14th, Stillwater City Hall, 7:00**
21 **p.m.**

22 **City of Grant Clean-Up Day, Saturday, April 23, 2016, 9:00 am to Noon**

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

24
25 **ADJOURN**

26
27 **Council Member Huber moved to adjourn at 8:24 p.m. Council Member Lobin seconded**
28 **the motion. Motion carried unanimously.**

29
30
31
32 These minutes were considered and approved at the regular Council Meeting May 3, 2016.

33
34
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37 _____
Kim Points, Administrator/Clerk

APPROVED