

CITY OF GRANT
MINUTES

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DATE : February 3, 2015
TIME STARTED : 7:03 p.m.
TIME ENDED : 10:30 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 7:03 p.m.

PUBLIC INPUT

- 1. Liz Nordling, 115th Street- Advised she is present to observe the meeting on behalf of the League of Women Voters and will be conducting a survey of Open Meeting Laws
- 2. Bob Zick, N. St. Paul – commented on allowing all citizens to address public officials

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lanoux requested clarification on the City’s firearms policy at City meetings.

Council Member Lanoux moved to amend the motion to include the addition of the Charter Commission, Planning Commission and GRP Scholarship to the regular agenda. Council Member Sederstrom seconded the motion. Motion failed with Mayor Carr, Council Member Lobin and Huber voting nay.

Council Member Huber moved to approve the agenda with the addition of Item 6D, City Office Security, under New Business. Council Member Lobin seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Bill List, \$66,536.01

Approved

1 KEJ Enterprises, Snow Removal/Sign
2 Work, \$7,435.00

Approved

3
4 Washington County Sheriff, July –
5 December 2014, \$57,569.69

Approved

6
7 **Council Member Sederstrom moved to approve the consent agenda moving January 6, 2015**
8 **City Council Meeting Minutes to Item 6E, under New Business. Council Member Lanoux**
9 **seconded the motion. Motion carried unanimously.**

10
11 **STAFF AGENDA ITEMS**

12
13 **City Engineer, Phil Olson**

14
15 **Consideration of Resolution No. 2015-02, CSAH 12-17 Signal Project, Municipal Consent and**
16 **Agreement for Cooperative for Signal and Maintenance** – City Engineer Olson provided the
17 background regarding this issue and advised Resolution No. 2015-02 should be tabled to the March
18 City Council meeting. He noted the City share for the project is less than the budgeted dollar amount.

19
20 **Council Member Huber moved to table Resolution No. 2015-02 to the March City Council**
21 **meeting. Council Member Lobin seconded the motion. Motion carried unanimously.**

22
23 **City Planner, Jennifer Haskamp**

24
25 **PUBLIC HEARING, Consideration of Resolution No. 2015-03, Application for a Conditional**
26 **Use Permit for new Cell Tower** – City Planner Haskamp advised the Applicant, Martin Consulting,
27 LLC, has made an application on behalf of Verizon Wireless to construct a new wireless
28 communication cell tower at 10629 Jamaca Avenue North, Grant, MN. A couple months ago the City
29 was made aware of a proposed cell tower that would be located in the area through the NEPA review
30 process which addressed historical/environmental impacts with respect to the proposed site and
31 construction. During that process the proposer was made aware that the appropriate process,
32 applications and permits would be required in order to construct the cell tower and this application for
33 a Conditional Use Permit (CUP) is the follow-up to the initial contact. The applicant has submitted a
34 package to construct a new telecommunications monopole and associated equipment for Verizon
35 Wireless on 10629 Jamaca Avenue North.

36
37 City Planner Haskamp reviewed the staff report along with draft conditions. As indicated in the staff
38 report, the proposed monopole and supplemental equipment shelter did not meet the City's standards
39 for accessory buildings. In response, the Applicant discussed the options with the Owners of the
40 property and has amended their application to include the following:

- 41
42
 - 43 ■ The Application is amended to include both PIDs currently owned by the DeMars'. The
44 Application now includes the following PIDs: 0903021140003 and 1003021230004. The
total acreage when considering both parcels is approximately 22 acres (Attachment A).

1 *As stated in the staff report dated January 23, 2015, on parcels greater than 20 acres there*
2 *are no limits on number of accessory buildings or allowed square footage. As a result of*
3 *the amended application, the proposed monopole and equipment shelter would meet the*
4 *city's standards for accessory structures.*

- 5
- 6 ■ A Letter of Intent to Sign a Development Agreement is included to ensure that both parcels
- 7 are associated with a CUP if it is approved by the City Council (Attachment B).

8 *In the staff report dated January 23, 2015 it was recommended that if the Applicant and*
9 *Owner agreed to consider both PIDs for purposes of this application that a Development*
10 *Agreement would be necessary to ensure that both parcels are considered together into*
11 *perpetuity. The Applicant has submitted an LOI indicating that the Owners would be*
12 *willing to sign a Development Agreement with certain conditions (please see Summary of*
13 *Terms identified in Attachment B).*

14

15 Additionally, the Applicant has re-submitted some information previously provided in the packets, as
16 well as correspondences between the Applicant and staff. This information is provided to you as
17 requested by the Applicant (Attachment C). In addition, the Owners are requesting that the City
18 Council consider granting the requested CUP without amending the application or Development
19 Agreement. (See Attachment A)

20

21 City Planner Haskamp reviewed the following draft recommendations and findings for Council
22 consideration:

- 23
- 24
- 25 ■ The Applicant and Owners shall enter into a Development Agreement prior to execution of
26 the Conditional Use Permit to ensure that both parcels, PID 0903021140003 and
27 1003021230004 are jointly considered for purposes of this Application, and that the parcels
28 may not be sold or transferred independently of each other.
- 29 ■ The Equipment Shelter should be designed to be architecturally compatible with other existing
30 structures on the site. Based upon the submitted plans, the color and detail of the structure is
31 not known. However, based upon the information provided it appears that some additional
32 detail and/or alternate materials and colors should be considered for compatibility with
33 existing structures.
- 34 ■ The plan set shall be updated to indicate placement of the signage on the gate, driveway and
35 equipment shelter.
- 36 ■ An updated plan set reflecting the City Engineer's recommendations and requirements shall be
37 submitted prior to issuance of any building permit.
- 38 ■ All ground equipment, including the Equipment Shelter, fencing and vegetation shall be kept
39 in good repair and shall be maintained in compliance with the standards set forth in this
40 permit.
- 41 ■ All antennas shall be construction in compliance with city building and electrical codes. A
42 building permit must be obtained prior to construction

- 1 ▪ No advertising, of any type, shall be affixed to the monopole or any components within the
- 2 Land Area.
- 3 ▪ Antennas shall not be artificially lit and may not display any strobe lights.
- 4 ▪ The Applicant must obtain all necessary, applicable, federal state and local agency permits
- 5 prior to construction of the monopole and installation of the antennas.
- 6 ▪ Written statement from the Fire Department shall be submitted as indicated in Section 32-
- 7 449(8) prior to a building permit being issued.
- 8 ▪ All antennas shall be shall be subject to state and federal regulations pertaining to nonionizing
- 9 radiation and other health hazards related to such facility. If new, more restrictive standards
- 10 are adopted, antennas shall be brought into compliance with the new standards by the owner
- 11 and operator. The cost of verification of compliance shall be borne by the owner and
- 12 operation of the antenna.
- 13 ▪ Any future antenna installation shall be subject to the regulations and standards as set forth in
- 14 Section 32-446 Permit Requirements, or corresponding section, of the City's adopted
- 15 ordinances.
- 16 ▪ The Owner/Operator of the tower shall be required to submit yearly proof of insurance and
- 17 compliance of operations.
- 18 ▪ Every five years the applicant shall submit a report consistent with those requirements stated
- 19 within Section 32-449(c), or corresponding section, of the City's adopted ordinance.

20
21 City Planner Haskamp advised staff is requesting direction from the Council to prepare a Resolution
22 reflecting one of the following options:

- 23
- 24
- 25 ▪ Resolution of Approval with Draft Conditional Use Permit and Conditions
- 26 ▪ Resolution of Denial with Findings

27
28 City Attorney Vivian suggested a development agreement be recorded against the deeds so the two lots
29 cannot be sold individually. The two lots will be tied together.

30
31 Mayor Carr noted to the applicant that if the additional lot is buildable, it is worth twice as much if
32 the lots are not combined.

33
34 City Planner Haskamp stated that if the two lots are not combined, it is a legally non-conforming lot.
35 Expansion and development could not occur as it would make the lot even more non-conforming. In
36 addition, there are issues with the number of accessory buildings and square footage of those
37 buildings.

38
39 Council Member Lanoux stated there are other properties within the City of Grant that could
40 accommodate the tower. He asked why the Planner had not looked at other properties for the tower
41 location.

42

1 City Planner Haskamp advised she has nothing to do with the proposed location of the tower and the
2 City must process the application as submitted.

3
4 Mayor Carr opened the public hearing at 7:45 p.m.

5
6 Mr. Scott Buttermore, 107th Street, came forward and expressed concern regarding property values.
7 He referred to a map and asked for clarification regarding the building and tower. He asked if there
8 the tower could be moved to the south and suggested it also be placed by the power lines.

9
10 Ms. Sharon Schwarze, Joliet Ave., came forward and stated she lives across the street and was there
11 when the Kendrick estate was subdivided. She stated one side lot was set aside so it would be
12 conforming but it may not have been recorded.

13
14 Mr. Wally Anderson, 88th Street, came forward and stated he was curious about the “exchange” of
15 buildings on the site.

16
17 Mr. Steve Bohnen, 60th Street, came forward and stated a tower in that area does make sense. The
18 tower people go out and solicit properties for tower locations. The applicant tonight is here on
19 behalf of the property owner. It is not the job of the City to offer properties for cell tower locations.
20 He added he is in favor of the tower.

21
22 Mr. Lee Becker, 107th Street, came forward and requested the tower have a decent aesthetic look to it
23 so it is not so obvious.

24
25 Mr. Mark Hollerman, 107th Street, came forward and voiced support for moving the tower to the
26 south a bit as the site line would be blocked by pine trees.

27
28 Mayor Carr closed the public hearing at 7:56 p.m.

29
30 Mr. Lewis Martin, applicant, came forward and stated the site location is best suited to the tower.
31 Other locations would not work due to the slope, power lines, easements, etc. There is the least
32 amount of environmental impact in the proposed location.

33
34 Mayor Carr stated the question is if the City thinks there is enough documentation to illustrate that the
35 proposed location is the best spot within the preferred locations.

36
37 **Council Member Huber moved to direct staff to prepare a resolution and draft conditions also**
38 **including a development agreement and updated site plan for approval on the March consent**
39 **agenda. Council Member Lobin seconded the motion. Motion carried with Council Member**
40 **Lanoux abstaining.**

41
42 **PUBLIC HEARING, Consideration of Ordinance No. 2015-38, Land Use Definitions – City**
43 **Planner Haskamp referred to the attached draft ordinance for consideration of the proposed**
44 **amendments including additions and deletions to the Land Use Definitions contained in Section 32-1**
45 **and in the Table of Uses Section 32-245 of the City’s Zoning Ordinance. In October of last year the**

1 City enacted a moratorium on its undefined land uses so that the City could study and draft definitions
2 for inclusion in the Zoning Ordinance. The City Council identified and prioritized five land uses to
3 initiate the process which are as follows:

- 4
- 5 ▪ Golf Courses and country clubs
- 6 ▪ Home Occupations (Meeting Criteria/Not Meeting Criteria)
- 7 ▪ Recreation areas – commercial
- 8 ▪ Recreation areas – private
- 9 ▪ Commercial Recreation

10 Over the past few months the City Council has reviewed and considered draft language related to
11 these definitions and also reviewed the Table of Uses for consistency with the objectives related to the
12 use. The attached draft ordinance provides draft definitions as well as amendments to the table of
13 uses reflecting the City Council's discussions to-date related to these land uses.

14

15 As such, the attached Draft Ordinance containing the proposed definitions, amendments including
16 additions and deletions is provided for consideration and comment by the public during the public
17 hearing. Staff has posted for a duly noticed public hearing for this evening.

18

19 Council Member Sederstrom suggested a limit on size of recreational buildings per the size of the lot,
20 similar to the accessory buildings.

21

22 City Planner Haskamp advised the scope of recreational areas can be defined with performance
23 standards. That is added to that section of the ordinance but not part of the definitions.

24

25 Council Member Lanoux read the duties of the Planning Commission and stated these issues need to
26 be reviewed by the Planning Commission.

27

28 Mayor Carr reviewed the draft use table noting the proposed changes are less restrictive.

29

30 Mayor Carr opened the public hearing at 9:03 p.m.

31

32 Mr. John Smith, 67th Lane N, came forward and expressed concern that the City is moving towards a
33 home in the City. He asked why and stated he is not opposed to definition but concerned that people
34 moved to Grant to do things and that is now changing. Definitions should include a process for
35 enforcement and focus on health, safety and welfare.

36

37 Mr. Wally Anderson, 80th Street, came forward and thanked the Administrator/Clerk for providing
38 information on the public hearing. He suggested the condition relating to parking and parking spots
39 be eliminated.

40

41 Mr. Kevin Rhodes, Upper Heather Avenue, came forward and stated he is on of those that border
42 Grant and what Grant does affects them. He stated enforcement is a big issue.

1 Mr. Jerry Linser, Jody Avenue, came forward and stated he has been here a long time and this is
2 perfect example as to why the City needs a Planning Commission and then get on with developing
3 reasonable policy for the City of Grant.

4
5 Mr. John Wycoff came forward and asked what he would have to go through if he would like to have
6 a small business in Grant.

7
8 Mr. Steve Bohnen stated he believes the Council has enough information to make a decision. He
9 noted the decorum at meetings needs to be respected and consistent.

10
11 Mayor Carr closed the public hearing at 9:20 p.m.

12
13 City Planner Haskamp advised that if the City wants to look at performance standards, that should be
14 done prior to approving definitions.

15
16 **Mayor Carr moved to table Ordinance No. 2015-38 to the March City Council meeting.**
17 **Council Member Lobin seconded the motion. Motion carried unanimously.**

18
19 Council Member Sederstrom read from Ordinance 50 noting it was adopted in 1983.

20
21 City Attorney Vivian advised grandfathering is not a legal term. Non-conforming uses are addressed
22 in the City's code.

23
24 **City Attorney, Nick Vivian (No action items)**

25
26 **NEW BUSINESS**

27
28 **Consideration of Resolution No. 2015-04, Dellwood Wedding Barns Liquor License** – Mayor
29 Carr advised the City received an application for a liquor license from the Dellwood Wedding Barns.

30
31 City Attorney Vivian advised the Council has a recommendation from staff for approval which relates
32 to the state laws regarding liquor licenses. The application appears to meet all state requirements.
33 The Council has the discretion to approve liquor license applications. The Dellwood Wedding Barns
34 was a challenging application for the City and the City did receive complaints last year. There are no
35 pending violations at this time. The Council can decide it would benefit the applicant to wait a year
36 or determine it would be better off to use a vendor. The staff recommendation was based on meeting
37 all requirements but the Council can set policy on the application. If the Council determines to deny
38 the application, it should be done by Resolution with findings of fact relevant to the denial.

39
40 Ms. Julie Varney, applicant, came forward and stated all previous complaints have been addressed.
41 The reason for the license is to have more control over the bar and servers. The license would apply
42 to the current hours of operation and current CUP. She stated she does not understand a reason to
43 wait for action on the application.
44

1 City Attorney Vivian advised the Council can table the application to allow for time to get all the
2 information together regarding the CUP review.

3
4 **Council Member Sederstrom moved to table Resolution No. 2015-04 to the April City Council
5 meeting. Council Member Lanoux seconded the motion. Motion carried unanimously.**

6
7 Mayor Carr called for a five minute recess at 10:00 pm.

8
9 Mayor Carr reconvened the meeting at 10:06 p.m.

10
11 **Consideration of Resolution No. 2015-05, Comcast-Midwest/Greatland Transfer, Cable
12 Commissioner Jeff Huber** – Cable Commissioner Huber provided the background on this issue and
13 requested it be tabled until the March City Council meeting.

14
15 **Council Member Huber moved to table Resolution No. 2015-05 to the March City Council
16 meeting. Council Member Lobin seconded the motion. Motion carried unanimously.**

17
18 **Consideration of Resolution No. 2015-06, Authorization to Participate in the Government Cable
19 Meeting TV, Cable Commissioner Huber** – Cable Commissioner Huber referred to the information
20 included in the packet and recommended approval of Resolution No. 2015-06.

21
22 **Council Member Huber moved to adopt Resolution No. 2015-06, as presented. Council
23 Member Lobin seconded the motion.**

24
25 Council Membe Lanoux stated Council Member Huber should not be on the Commission and part of
26 negotiations when he receives free cable.

27
28 Council Member Huber stated Mr. Bohnen is on the Commission and he never heard it was a problem
29 when Council Member Sederstrom was on the Commission.

30
31 **Motion carried with Council Member Lanoux voting nay.**

32
33 **Mayor Carr moved to extend the meeting to 10:15 p.m. Council Member Huber seconded the
34 motion. Motion carried unanimously.,**

35
36 **Council Member Sederstrom moved to reimburse a video tech for services relating to the taping
37 of the Charter Commission meetings. Council Member Lanoux seconded the motion. Motion
38 failed with Mayor Carr and Council Member Lobin and Huber voting nay.**

39
40 **City Office Security** – City Attorney Vivian provided the background noting there was a breach of
41 security at the City office. He provided a request that protective measures be put in place by the City
42 Council. He noted this is not a matter that allows for a closed session.

43
44 Mayor Carr stated he can not believe a Council Member would remove files from the City office that
45 is shared with other cities. It is appalling and the City can not put up with this type of behavior.

1 Council Member Huber read a letter from Larkin Hoffman relating to another incident by current
2 Council Members. The letter indicated the City should take action relating to the incident. He stated
3 there is a pattern of behavior here and a hostile atmosphere at the City office has been created. He
4 stated the City does have liability and the City is responsible for keeping permanent records safe.
5

6 Council Member Sederstrom referred to the letter that was read and stated he never trespassed on the
7 school property and he was in the truck when the file was taken from the City office.
8

9 City Attorney Vivian stated that due to the request for protective measures, draft resolution 2015-07
10 was prepared for Council consideration. It is critical that the City maintain a work environment that is
11 safer and protects City files. The resolution stated Council Member Lanoux cannot be at the City
12 office for 60 days and then the City would review. There is protocol for procedures and rules and
13 when a Council Member acts in excess of his authority, that individual Council Member is liable. By
14 law, the City documents and records must be safeguarded and a system has to be put in place for
15 Council to do its job and the staff to do their jobs. This is a very serious matter and should not be
16 taken lightly.
17

18 **Mayor Carr moved to extend the meeting to 10:35 p.m. Council Member Huber seconded the
19 motion. Motion carried unanimously.**
20

21 **Mayor Carr moved to adopt Resolution No. 2015-07, as presented. Council Member Lobin
22 seconded the motion. Motion carried with Mayor Carr, Council Member Lobin and Huber
23 voting yay.**
24

25 **January 6, 2015 City Council Meeting Minutes – No action taken.**
26

27 **UNFINISHED BUSINESS**

28

29 There was no unfinished business.
30

31 **DISCUSSION ITEMS**

32

33 **City Council Reports:**
34

35 **Staff Updates:**
36

37 **COMMUNITY CALENDAR FEBRUARY 4 THROUGH FEBRUARY 28, 2015:** 38

39 **Mahtomedi Public Schools Board Meeting, Thursday, February 12th and 26th, 2015,
40 Mahtomedi District Education Center, 7:00 p.m.**

41 **Stillwater Public Schools Board Meeting, Thursday, February 12th 2015, Stillwater City Hall,
42 7:00 p.m.**

43 **Charter Commission Meeting, Thursday, February 19th, Mahtomedi City Hall, 7:00 p.m.**

1 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
2 **City Office Closed, Monday, February 16th, 2015, Presidents' Day**
3

4 **ADJOURN**

5
6 **Mayor Carr moved adjourn at 10:30 p.m. Council Member Huber seconded the motion.**
7 **Motion carried unanimously.**
8

9 These minutes were considered and approved at the regular Council Meeting March 3, 2015.
10
11
12

13 _____
14 Kim Points, Administrator/Clerk

Tom Carr, Mayor

