

**CITY OF GRANT
MINUTES**

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DATE : June 7, 2016
TIME STARTED : 7:03 p.m.
TIME ENDED : 8:50 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lobin, Huber,
Lanoux and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Brad Reifsteck; City Planner, Jennifer Haskamp; City Treasurer, Sharon Schwarze; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:03 p.m.

PUBLIC INPUT.

Mr. James Drost, 8682 Jamaca – Commented on road repair and damage to roads from heavy truck traffic.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Mayor Carr requested Council Member Lanoux turn off all electronics per City policy.

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

CONSENT AGENDA

May 3, 2016 City Council Meeting Minutes	Approved
Bill List, \$59,582.26	Approved
Kline Excavating, Road Work, \$23,262.50	Approved

1 **Council Member Lanoux moved to approve the consent agenda moving Item 4A, May 3,**
2 **2016 City Council Meeting Minutes to Item 6B under New Business. Council Member**
3 **Sederstrom seconded the motion.**

4
5 Council Member Huber confirmed with Council Member Lanoux and Sederstrom that neither of
6 them had called the clerk when the draft minutes were sent out to make corrections to the
7 minutes.

8
9 **Motion failed with Council Member Huber, Lobin and Mayor Carr voting nay.**

10
11 **Council Member Lobin moved to approve the consent agenda, as presented. Council**
12 **Member Huber seconded the motion. Motion carried with Council Member Lanoux and**
13 **Sederstrom voting nay.**

14
15 **STAFF AGENDA ITEMS**

16
17 **City Engineer, Brad Reifsteck**

18
19 **Road Ranking System** – City Engineer Reifsteck advised the following is a brief summary of
20 the Pavement Conditions Report. Full bound copies will be available next week and will be
21 distributed to each council member by the City Administrator.

- 22
23
- There are currently 33 miles of City paved roadways in Grant.
 - The current weighted average Overall Condition Index (OCI) for roads in Grant is 64.6. The OCI is based on a 0 to 100 scale, a 100 being a new road or trail with 0 distresses. This average is taken of the OCI values generated on each segment based on the distresses identified in the field. Any type of road maintenance (i.e. patching or crack sealing) done prior to inspections would be accounted for in each OCI value.
 - The average city standard roadway is 24.06 years old.
 - 21.45% of roadways in terms of total length are in the “excellent” category requiring preventative maintenance.
 - 46.64% of roadways in terms of total length are in a “good” category requiring preservation.
 - 13.58% of roadways in terms of total length are in a “fair” category and should be monitored.
 - 18.33% of roadways in terms of total length are in the “poor” category, requiring complete reconstruction.
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39 This report shows that the current funding level of maintenance including chip seals, mill and
40 overlays, overlays and reconstructs will result in the continued lowering of the overall condition
41 of the City’s roadways and will cost significantly more to restore over the long term than if
42 increased funding was provided for roadways to be maintained and reconstructed at a more
43 optimum time.

1 City Engineer Reifsteck advised the report will be finished up and hard copies provided to the
2 Council.

3
4 Council Member Lanoux stated the City is in the same place that it was a year ago with the report
5 not being complete. He asked if there will even be any time to get projects done this year.

6
7 **Council Member Lanoux moved to form a blue ribbon road committee. Council Member**
8 **Sederstrom seconded the motion.**

9
10 Council Member Huber stated a committee won't be able to get any road projects done faster.
11 The Council is looking at specific road projects this evening. Handing off road decisions and
12 Council duties is not the way to run a City.

13
14 City Engineer Reifsteck stated it is not anticipated that any major projects will be done this year
15 and there is still time to complete many projects.

16
17 Council Member Sederstrom stated there was a proposal last year from Mr. Olson to reconstruct
18 McKusick and it just keeps getting pushed off.

19
20 City Engineer Reifsteck advised there is a meeting next week with the McKusick residents and a
21 survey has already been sent to them.

22
23 Council Member Lanoux stated Mayor Carr and Council Member Huber won't do any road
24 projects until the Metropolitan Council comes in with sewer and water.

25
26 **Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.**

27
28 Mayor Carr stated the City has a current road policy and the City will work within that. There
29 are also some dollars to work with this year to get additional projects done.

30
31 The Deputy present came forward and stated weight limites on roadways are very hard to enforce
32 because not every officer is equipped to weigh trucks. Extra training and equipment is required
33 and the City is not in a location to go to a public scale. The heaviest trucks on the roadways are
34 garbage trucks and school buses.

35 **2016 Special Roads Projects** – City Engineer Reifsteck advised field inspections and
36 preliminary pavement ratings are now completed. A preliminary exhibit has been developed
37 and is shown for the purposes of discussing the 2016 Special Roads Project a detailed analysis
38 will be prepared prior to issuing the final pavement rating study prior to the next council
39 meeting.

40 A few candidates for consideration for the 2016 Special Roads Project include the following:

- 41 Keswick Ave — North of 60th Lane North
42 Keats Ave — North of 65th Street
43 Joliet Ave — North of Hwy 96

1 City Engineer Reifsteck referred to a map that indicates the worst and best roads within the City. He
2 added the map and key will be included in the Road Ranking Plan.

3
4 Council Member Huber stated the City had planned to do the Keats Avenue project in thirds as dollars
5 became available. He encouraged the City move forward with another section of that roadway.

6
7 **Council Member Lanoux moved to complete the entire section of Keats Avenue as a special**
8 **roads project. Council Member Sederstrom seconded the motion. Motion failed with Council**
9 **Member Lobin, Huber and Mayor Carr voting nay.**

10
11 Council Member Huber stated the discussion on Keats Avenue included doing the project in three
12 phases. The City also has ditching projects which are important because they keep the water off the
13 roads resulting in less maintenance dollars. He stated the City needs to allocate the resources as best
14 they can. Doing the entire Keats project doesn't make sense at this time and the projects need to be
15 spread out within the City.

16
17 Mayor Carr stated the City is trying to spread the available dollars around a bit. There are also a lot of
18 gravel roads that are on the list and need attention as well. If all ditching project are done that may
19 leave enough dollars to do the second section of Keats.

20
21 Council Member Lanoux stated it is prudent to do Keats in its entirety and the funds have to be spent
22 this year.

23
24 Council Member Huber stated all the funds will be spent this year.

25
26 **Council Member Huber moved to complete the front third of Keats Avenue and the 2016**
27 **ditching projects, as presented. Council Member Lobin seconded the motion. Motion carried**
28 **unanimously.**

29
30 **Resident Petition, Keswick Avenue North Road Improvement, Resolution No. 2016-12 –**
31 City Engineer Reifsteck advised a petition has been submitted by the residents on Keats Avenue.
32 The next step is for the Council to entertain a motion to adopt the resolution declaring petition
33 adequacy and ordering preparation of report.

34
35 Mayor Carr requested the Engineer look at where that roadway is on the schedule for additional
36 maintenance. If that is not too far out, the City could allocate those dollars into the project.

37
38 Council Member Lanoux stated he talked to the residents out there and they think the City will be
39 paying for a portion of this project.

40
41 City Engineer Reifsteck stated the project costs are part of the project. The City is not going to
42 necessarily participate in those costs and the residents have not been told that.

1 City Attorney Vivian explained the 429 process relating to the waiver of rights if the
2 neighborhood has one hundred percent participation. If there is not one hundred percent resident
3 participation, the project will have to go through the 429 process.

4
5 **Council Member Huber moved to adopt Resolution No. 2016-12, as presented. Council**
6 **Member Lobin seconded the motion. Motion carried unanimously.**

7
8 **City Planner, Jennifer Haskamp**
9

10 **Application for Amended Conditional Use Permit for new Cell Tower, 10629 Jamaca**
11 **Avenue (Public Hearing Closed), Resolution No. 2016-11** – City Planner Haskamp advised
12 Martin Consulting, on behalf of Verizon Wireless, has applied to amend the Conditional Use
13 Permit (CUP) for construction of a new telecommunications Monopole and ground Equipment
14 Shelter to allow for the modification of the plan for the ground equipment. The approved CUP
15 was granted in early 2015 and allows for the construction of a Monopole and Equipment Shelter
16 on the subject site. Since initial approval, Verizon Wireless has determined that they would
17 prefer to construct the Monopole without the Equipment Shelter and instead would prefer to use
18 equipment and generator cabinets to support the Monopole which would be constructed on an
19 equipment platform. The approved CUP is conditioned on the construction of an Equipment
20 Shelter, and therefore an amendment to the CUP is required for the Applicant to proceed with
21 their revised preferred plan.

22 The Applicant is requesting an amendment to the approved CUP relating to the Equipment
23 Shelter, and is **not** proposing any changes to the Monopole or the conditions as they relate to that
24 portion of the use. As such, the following staff report is focused on the requested amendment,
25 and does not attempt to repeat the process/analysis which was conducted for the Monopole
26 construction during 2015 since that portion of the requested use has not changed.

27
28 According to the City Code the proposed use require a Conditional Use Permit, and any changes
29 to the approved CUP conditions require an amendment to the permit. Section 32-152 addresses
30 Amended Applications and states the following;

31
32 “An amended conditional use permit application may be administered in a manner similar
33 to that required for a new conditional use permit. Amended conditional use permits shall
34 include re- applications for permits that have been denied or permits that have expired,
35 requests for changes in conditions, and as otherwise described in this chapter.”

36 Additionally, the proposed modifications to the Ground Equipment are subject to performance
37 standards which are identified in Division 4 Antenna Regulations Sections 32-443 through 32-
38 454. This section of the code relates specifically to installation of telecommunications towers
39 within the City. It should be noted that section 32-449(a) and (c) relate to those items needed for
40 review upon *initial* application, which the City Council determined were provided, adequate and
41 complete during the 2015 review.

1 There are no provisions within the Division 4 Antenna Regulations which specifically require the
2 construction of an Equipment Shelter; however, there are various statements within Section 32-
3 452 which should be considered with respect to the request for an amendment.

4
5 In order to determine the appropriateness of the proposed CUP, the proposal should be reviewed
6 for compliance and consistency with the CUP standards, adjacent uses, the zoning district
7 regulations, and the regulations identified within Division 4 of the city's ordinances.

8
9 City Planner Haskamp stated the initial application for a CUP to construct the new Monopole
10 and Equipment Shelter was considered by the City Council in February and March of 2015, and a
11 duly noticed public hearing was held on February 3, 2015 to consider the application request
12 made by the Applicant. During the process the following determinations were made by the City
13 Council, 1) adequate and complete information was provided for review, 2) the Applicant
14 demonstrated that no other 'preferred' locations to site the cell tower were available; 3) that the
15 Monopole and Ground Equipment was consistent with the City's zoning code provided certain
16 conditions were met, and 4) that the Findings of the City Council were that the proposed use was
17 consistent with the Standards as laid out within section 32-146 of the City Code.

18
19 On May 17th, 2016 the Planning Commission convened to consider the application to amend the
20 CUP and held a duly noticed public hearing. The Planning Commission heard the presentation
21 of the staff, and asked questions of both staff and the Applicant. Generally, the discussion
22 focused on the potential for increased visual impacts as well as any additional sound/noise which
23 may result from the removal of the equipment shelter. The public hearing was opened, and no
24 members of the public were present to speak, and no written testimony was submitted. The
25 Applicant, and Owner were in attendance and both indicated that they believe if any additional
26 impact results from the removal of the equipment shelter, that the only property/homeowner that
27 would be impacted would be the property Owner. Additionally, the Applicant acknowledged and
28 understood that the generator would be subject to the MPCA's noise regulations. The Planning
29 Commission recommended approval with a 5-1 vote.

30
31 City Planner Haskamp advised staff has prepared a draft CUP identifying the amendments which
32 would be required to the existing permit as a result of the application. Proposed additions are
33 identified with an Underline, and deletions with a ~~strikethrough~~.

34
35 Council Member Lanoux stated no one was present at the public hearing because people did not
36 know about it. He stated he was not even aware there was Planning Commission meeting. He
37 noted generators will run automatically for maintenance purposes but the sound of the generator
38 is not an issue. What has been requested here is reasonable.

39
40 **Council Member Lanoux moved to adopt Resolution No. 2016-11, as presented. Council**
41 **Member Sederstrom seconded the motion.**

42
43 City Planner Haskamp stated a public hearing notice was mailed to 34 property owners adjacent
44 to the parcel and in close proximity to the parcel, per state law. The public hearing notice was

1 also published in the legal newspaper. The Planning Commission was comfortable with the
2 requested change because the generator noise is minimal.

3
4 Council Member Huber stated that for eighteen months Council Member Lanoux has talked
5 about the need for a Planning Commission. A Planning Commission was appointed and he did
6 not check on meetings. The legal newspaper for the City is back to the White Bear Press where
7 notices are published.

8
9 **Motion carried unanimously.**

10
11 **PUBLIC HEARING, Consideration of New Land Use Definitions for Undefined Land**
12 **Uses Contained with the Table of Uses in the Zoning Ordinance, Ordinance No. 2016-46 –**
13 City Planner Haskamp advised at the May City Council meeting staff presented the remaining
14 draft land use definitions for consideration.

15
16 The City Council reviewed the definitions and determined that the drafts as presented were
17 adequate for consideration and comment by the public. The City Council authorized staff to
18 publish notice of a public hearing to consider the following land use definitions at the June 7,
19 2016 City Council meeting:

- 20
- 21 ▪ Archery Range
- 22 ▪ Armory, or convention halls
- 23 ▪ Broadcasting Studio
- 24 ▪ Gun Range or Gun Club, indoor
- 25 ▪ Hotel or Motel
- 26 ▪ Schools – commercial
- 27 ▪ Schools – public and private
- 28 ▪ Structure, historic, scenic
- 29 ▪ Theater
- 30

31 A duly noticed public hearing was published for the regular City Council meeting, June 7, 2016
32 at 7:00 PM, at the Town Hall.

33
34 City Planner Haskamp stated staff is seeking authorization to prepare the final ordinance and
35 summary publication, with any modification and/or changes, for the July (meeting date is June 28
36 due to fourth of July holiday) City Council meeting.

37
38 Mayor Carr opened the public hearing at 8:10 p.m.

39
40 No one was present to comment.

41
42 Mayor Carr closed the public hearing at 8:11 p.m.

1 Council Member Lanoux stated he requested the Building Inspector be present this evening to
2 discuss the land use definitions. He asked what the purpose was of spending so much time on
3 the definitions because complaints are being made throughout the community by Council
4 Member Huber. He stated he spoke to County Commissioner Fran Miron and he stated resident
5 Joyce Welander should sue the City for harassment relating to a sign issue.

6
7 **Council Member Lanoux moved to prohibit all Council Members from filing any zoning**
8 **complaints. Council Member Sederstrom seconded the motion.**

9
10 Council Member Huber stated he complained about Council Member Lanoux's lack of CUP in
11 public and only did that because he sat up at the Council table and took the Oath of Office. He
12 stated any and all complaints he makes will be done publically and he is hearing that Council
13 Member Lanoux is trying to take the heat off of himself relating to a CUP. He advised he spoke
14 with County Commissioner Fran Miron as well and none of this was mentioned. Council
15 Member Lanoux has a history of attacking other Council Members, staff and consultants. It
16 appears he goes after everyone in the City that doesn't agree with him.

17
18 Mayor Carr stated he is not willing to give up his right to call on something just because he is an
19 elected official that does have the responsibility to protect Grant and follow City Ordinances. All
20 signs within the City must follow the sign ordinance.

21
22 **Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.**

23
24 **Mayor Carr moved to approve the draft land use ordinance, as presented. Council**
25 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux voting**
26 **nay.**

27
28 City Planner Haskamp advised the final ordinance and summary publication will be on the next
29 Council agenda.

30
31 **City Attorney, Nick Vivian (no action items)**

32
33 **Council Member Sederstrom moved to dismiss the censure. Council Member Lanoux**
34 **seconded the motion.**

35
36 Mayor Carr stated a motion is out of order.

37
38 **No vote was taken.**

39
40 **NEW BUSINESS**

41
42 **Accept 2015 Year End Audit, City Treasurer Schwarze** – City Treasurer Schwarze provided a
43 summary of the 2015 year end audit and highlights of the financial results.
44

1 **Council Member Huber moved to accept the 2015 Year End Audit, as presented. Council**
2 **Member Lobin seconded the motion.**

3
4 Council Member Lanoux asked why the City is paying KEJ monthly for services that are not
5 performed.

6
7 City Treasurer Schwarze explained the accounting procedure to track expenses within the KEJ
8 contract. The City Attorney provided a legal opinion regarding the contract and that opinion
9 was provided to the City's auditor.

10
11 City Attorney Vivian stated Council Member Lanoux did contact the State Auditor as well as the
12 City's private audit firm. Auditors are very conservative and will clearly make findings if any
13 inaccuracies or accounting errors are found. There was no finding on this issue because it was
14 legally compliant in terms of the contract and the accounting procedure for tracking.

15
16 Council Member Huber read the letter sent by Council Member Lanoux that resulted in an
17 additional \$1300 fee for the audit. The bill should have been sent to Council Member Lanoux.
18 Another letter was sent this year and the auditor did nothing. Council Member Lanoux made a
19 point of paying for brushing in the winter but he approved a bill for brushing last winter that was
20 submitted by David's Consulting.

21
22 **Motion carried with Council Member Lanoux and Sederstrom voting nay.**

23
24 **UNFINISHED BUSINESS**

25
26 **Addendum to Newsletter Template, City Rules of Procedure** – Council Member Huber
27 advised he would like to discuss the fact that Council Members can no longer write articles for
28 the newsletter. Previous articles were discussed at the last meeting and the potential of the
29 authors being legally liable. The ability to write in the newsletter was pulled because of
30 defamatory statements and criminal defamation. He stated Council Member Lanoux keeps
31 attacking his ability to make a living and there will be repercussions to that. He stated it is the
32 Council's responsibility to be ladies and gentlemen as elected officials. He requested Council
33 Member Lanoux stop attacking his occupation. He stated he would not do that to him so please
34 stop.

35
36 Council Member Lanoux stated if Council Members can't write articles for the newsletter the
37 Mayor should not be able to either.

38
39 Council Member Huber stated the Council can extend the Mayor additional powers and duties.
40 Other cities only have a Mayor's letter that is sent out as opposed to a newsletter. The Council
41 has other opportunities to communicate with residents. He respectfully asked Council Member
42 Lanoux to stop attacking his ability to make a living noting Council Member Lanoux has called
43 his place of employment.

1 **Council Member Huber moved to approve the Addendum to Newsletter Template, City**
2 **Rules of Procedure, as presented. Council Member Lobin seconded the motion. Motion**
3 **carried with Council Member Lanoux and Sederstrom voting nay.**

4
5 **DISCUSSION ITEMS**

6
7 **City Council Reports:**

8 Council Member Lanoux congratulated the City Clerk on candidacy for Ramsey County
9 Commissioner and suggested a draft Request for Proposal be developed because the City should
10 be prepared for her leaving the City of Grant.

11
12 Council Member Huber stated seven days after Council Member Lanoux took his Council seat he
13 applied for the Metropolitan Council. The City Attorney should draft something to replace
14 Council Member Lanoux.

15
16 Council Member Huber noted the City of Grant was named the fourth happiest City in
17 Washington County.

18
19 **Staff Updates:**

20
21 City Treasurer Schwarze advised the budget season is coming up and a work session will be
22 scheduled at the next regular Council meeting. She added as a budget item that the legislature is
23 still working on small cities assistance.

24
25 Fire Warden Tufty advised the Fire Marshall issued a permit a couple weeks ago with no site
26 visit and a burn ban.

27
28 **COMMUNITY CALENDAR JUNE 8 THROUGH JUNE 30 , 2016:**

29
30 **Mahtomedi Public Schools Board Meeting, Thursday, June 9th and June 23rd, Mahtomedi**
31 **District Education Center, 7:00 p.m.**

32 **Stillwater Public Schools Board Meeting, Thursday, June 9th, Stillwater City Hall, 7:00**
33 **p.m.**

34 **July Regular City Council Meeting, Tuesday, June 28th, 7:00 p.m., Town Hall**

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

36
37 **ADJOURN**

38
39 **Council Member Huber moved to adjourn at 8:50 p.m. Council Member Lobin seconded**
40 **the motion. Motion carried unanimously.**

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1 These minutes were considered and approved at the regular Council Meeting June 28, 2016.

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Kim Points, Administrator/Clerk

Tom Carr, Mayor

APPROVED

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