

CITY OF GRANT
MINUTES

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- DATE** : March 3, 2015
- TIME STARTED** : 7:02 p.m.
- TIME ENDED** : 8:17 p.m.
- MEMBERS PRESENT** : Lobin, Huber, Lanoux
- MEMBERS ABSENT** : Sederstrom and Mayor Carr

Staff members present: Acting City Attorney, Kevin Sandstrom; City Engineer, Phil Olson; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

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

PUBLIC INPUT

1. Jerry Helander, 6251 Jasmine – Commented on the City logo being used for flyers not put out by the City.
2. Bob Tufty 6365 Jasmine – Legal costs incurred by City Council Members data practices submittals and litigation.
3. Ron Vasco, 10105 101st St. – Video taping of Charter Commission meetings.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Acting Mayor Huber moved to approve the agenda with the addition of Item 6C, Charter Commission Update and Expenditure Request, Item 6D, Planning Commission, and Item 6E, City Attorney Seating. Council Member Lobin seconded the motion. Motion carried with Council Member Lanoux voting nay.

CONSENT AGENDA

- February 3, 2015 City Council Meeting Minutes Approved
- Bill List, \$48,421.48 Approved
- KEJ Enterprises, Snow Removal/Sign Replacement, \$7,312.50 Approved

1 City of Mahtomedi, 1st Quarter Fire
2 Contract, \$31,404.75 Approved

3
4 Resolution No. 2015-03, Verizon Cell Tower
5 10629 Jamaca Avenue North Approved

6
7
8 **Acting Mayor Huber moved to approve the consent agenda, as presented. Council Member**
9 **Lobin seconded the motion. Motion carried with Council Member Lanoux voting nay.**

10
11 **STAFF AGENDA ITEMS**

12
13 **City Engineer, Phil Olson**

14
15 **Consideration of Resolution No. 2015-08, CSAH 15 Turn Lane Project, Municipal Consent –**
16 City Engineer Olson advised Washington County is requesting municipal consent to install new turn
17 lanes on County State Aid Highway 15 (CSAH 15) near the Gateway Trail Bridge. Washington
18 County has provided three figures showing the approximate location of the new turn lanes along with
19 a summary of the proposed improvements (attached). There is no city cost for this project.

20
21 **Council Member Lobin moved to adopt Resolution No. 2012-08, as presented. Acting Mayor**
22 **Huber seconded the motion. Motion carried unanimously.**

23
24 **Consideration of Resolution No. 2015-02, CSAH 12/CSAH 17 Traffic Signal Project, Municipal**
25 **Consent and Cooperative Agreement –** City Engineer Olson advised Washington County is
26 requesting municipal consent to install a new traffic signal at the intersection of County State Aid
27 Highway 12 (CSAH 12) and County State Aid Highway 17 (CSAH 17). The project includes
28 removing the existing stop signs on CSAH 17 and installing with a new traffic signal. Turn lanes,
29 pedestrian improvements, and paving are also included in the project. A plan sheet of the intersection
30 improvements is attached for review.

31
32 The north leg of the intersection is currently gravel and is owned by Grant. Roadway widening and
33 paving are required on this leg of the intersection to align the drive lanes across the intersection.
34 Also, loop sensors for the signal will be installed in the new pavement.

35
36 A cooperative agreement between Grant and Washington County is required for this project. The
37 cooperative agreement establishes the cost participation and requires city funding for the surface
38 improvements to the north leg of the intersection. The current estimate of city funding is \$20,164
39 based estimated construction and construction engineering costs. All other project costs will be
40 funded by Washington County. The current funding split from Washington County is attached.

41
42 A resolution of municipal consent is also required for this project.

43

1 With the approval of the cooperative agreement and a resolution of municipal consent, Washington
2 County will move forward with the bidding process and begin construction in the spring. It is
3 anticipated that construction will be finalized in the fall.

4
5 **Council Member Lanoux moved to adopt Resolution No. 2015-02 as presented and authorize**
6 **the execution of a cooperative agreement for the installation of a signal at the intersection of**
7 **County State Aid Highway 17 and County State Aid Highway 12. Council Member Lobin**
8 **seconded the motion. Motion carried unanimously.**

9
10 **PUBLIC HEARING, Consideration of Ordinance No. 2015-38 and Ordinance No. 2015-39,**
11 **MS4 Requirements** – City Engineer Olson advised the Minnesota Pollution Control Agency
12 (MPCA) requires that the City of Grant obtain a Municipal Separate Storm Sewer System (MS4)
13 Permit on a 5-year cycle. The City’s MS4 Permit was reissued by the MPCA on April 3, 2014. With
14 the reauthorization of the permit, the City is required to come into compliance with the most current
15 permit requirements and update their Stormwater Pollution Prevention Plan (SWPPP). This updated
16 SWPPP contains six program components:

- 17 • Public education and outreach;
- 18 • Public participation;
- 19 • Illicit discharge detection and elimination;
- 20 • Construction site stormwater runoff control;
- 21 • Post-construction stormwater management; and
- 22 • Good housekeeping and pollution prevention practices for municipal operations.

23 *Ordinance Analysis*

24 Staff has reviewed the City’s ordinances and identified where the current ordinances have deficiencies
25 according to the new requirements of the MS4 Permit. Additionally, staff compared the City’s
26 ordinances to the Environmental Protection Agency’s model ordinances, and ordinances that have
27 been adopted by other cities that are representative of the type of language and content needed to
28 satisfy the new permit requirements. The revisions to the ordinance are designed to bring the City’s
29 ordinances into compliance with the new regulatory mechanism requirements of the MS4 General
30 Permit.

31
32
33 An additional memo has been prepared by the City Planner. The memo provides specific information
34 regarding the new ordinance changes.

35 *Partnership Update*

36 WSB staff has initiated contact with Angie Hong, the education coordinator of the East Metro Water
37 Resource Education Program (EMWREP) to form a potential partnership. The EMWREP is a
38 partnership formed in 2006 to serve 18 local units of government in the east metro area. The purpose
39 of the shared education program is to provide education about the impacts of non-point source
40 pollution on local lakes, rivers, streams, wetlands and groundwater resources and to engage people
41 and communities in projects that will help to protect and improve water quality in the region. By
42 joining the EMWREP, the City will be able to meet the education and outreach, and public
43 participation requirements of the MS4 permit for \$560 per year.
44
45

1 An agreement for the city to join the EMWREP will be added to the consent agenda in April.

2
3 City Engineer Olson reviewed the City Planner staff report noting staff has been working to update
4 the City's Ordinances for compliance with the Minnesota Pollution Control Agency's stormwater
5 program for municipal separate storm sewer systems (MS4). The proposed amendments and additions
6 include modifications to Chapter 30 Subdivisions and Chapter 32 Zoning of the City Code. Since
7 some of the proposed changes affect the land use chapters of the City Code, a duly noticed public
8 hearing was published for the March 3, 2015 regular City Council meeting.

9
10 City Engineer Olson reviewed the following summary of the proposed ordinance amendments and
11 additions, is provided for your review and consideration:

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

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

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

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

- 38
39 • **Illicit Discharge Ordinance 2015-40.** In 2011, the City of Grant City Council adopted ordinance
40 number 2011-25 Illicit Discharge and Connection Stormwater Ordinance. To comply with the new
41 MS4 standards additions to the ordinance are required. As such, staff is recommending that the

1 Council simply repeal all of Ordinance 2011-25, and adopted ordinance number 2015-40 in
2 replacement. Since this Ordinance is not contained within Chapter 30 or 32 a public hearing
3 regarding these changes is not required.

4
5 Acting Mayor Huber provided the background regarding this issue and noted the City did budget
6 for the permit, which is a federal government mandate. The permit was not initiated by the City
7 and the City has no choice. He did inquire as to how much flexibility the city has with the
8 language of the ordinance in relation to being within the permit guidelines.

9
10 City Engineer Olson advised the language in the draft ordinance is standard language for the
11 surrounding communities. The MS4 staff at WSB would have to determine if the language could
12 be changed if that would depend on the affect of that change.

13
14 Council Member Lanoux stated there are four watershed districts within the City and there is no
15 citizen involvement with any of them as it was turned over to staff. The Council no longer has any
16 input on City issues.

17
18 City Engineer Olson advised there are two watershed districts that are subject to the MS4 permit
19 and are going through the same process. They are asking for citizen participation and have public
20 hearings. Staff does not want to duplicate effectos and the watersheds are doing some of the same
21 requirements for the permit. All watersheds have these same goals and intent. Ordinances are in
22 draft form and staff is asking for Council feedback. It is not intended that the draft ordinances will
23 be approved this evening.

24
25 Council Member Lanoux stated that the Council had no input on the draft ordinances because
26 Council is not allowed to attend staff meetings.

27
28 Acting City Attorney Sandstrom stated Council Members attending staff meetings would be a
29 problem as there is the potential of violating open meeting laws. The City Council packets are the
30 primary way for Council Members to get information and then provide input at the Council
31 meetings.

32
33 Acting Mayor Huber opened the public hearing at 7:44 p.m.

34
35 Mr. Bob Zick, Press, came forward and stated that it would be nice if citizens can see plans when
36 they are being developed. He referred to the School District CUP and the site being contaminated.
37 The MS4 is supposed to be monitoring this type of thing.

1 Mr. Jim Frosty, 6082 Jamaca, came forward and stated the term best management practices is too
2 vague and needs more specificity.

3
4 Mr. Tim Dewusky, 170 View Road, came forward and stated he submitted questions last year at
5 the MS4 hearing and the answers he was provided was in the form of one sentence. He has many
6 questions and would like them to be answered.

7
8 Acting Mayor Huber closed the public hearing at 7:55 p.m.

9
10 Council directed staff to address the issue of the distance of time required to allow for compliance,
11 in terms of violations, and specifics relating to the term of best practices.

12
13 **Council Member Lanoux moved to table Ordinance No. 2015-38, 2015-39, and 2015-40 to the**
14 **April City Council Meeting. Council Member Lobin seconded the motion. Motion carried**
15 **unanimously.**

16
17 **Consideration of Ordinance No. 2015-40, Repealing Ordinance No. 2011-25 and Providing New**
18 **Illicit Discharge Ordinance**

19
20 **City Planner, Jennifer Haskamp**

21
22 **Performance Standards for Recreation Areas** – Acting Mayor Huber reviewed the staff report
23 providing the following:

24
25 At the February 3, 2015 regular City Council meeting a public hearing was held for the consideration
26 of draft land use definitions that are currently undefined, or inadequately defined, within the City's
27 adopted city code in association with the recently enacted moratorium. After public testimony during
28 the public hearing, and after discussion, the City Council agreed that some additional detail and
29 clarification with respect to the *Recreation, commercial indoor* and *Recreation, commercial outdoor*
30 *definitions* would be helpful to ensure such facilities are appropriately located within the City, if they
31 were to be proposed.

32
33 Based upon that direction, staff has prepared the following memo for your initial thoughts and
34 consideration. Staff is not looking for a formal recommendation at the March meeting, but instead
35 offers the following for your initial thoughts and direction.

36
37 **Proposed Addition/Location within ordinance:**

38
39 Recently, the city adopted new performance standards for Supper Clubs and Rural Event facilities
40 with the intent on ensuring that such facilities were properly located. Staff would suggest that a
41 "*Recreation, commercial indoor*" and "*Recreation, commercial outdoor*" use would have the
42 potential to impact the City's character and infrastructure similarly, and as such similar performance

1 standards would be relevant. The following items that staff would recommend for inclusion are
2 summarized below:

- 3 ▪ Add a new section **32-354 Recreation, commercial (outdoor and indoor)** Staff believes that
4 the same performance standards would likely be applicable to both indoor and outdoor
5 facilities. Therefore, we would only need to add one section to the ordinance.
- 6 ▪ The Purpose and Intent would be summarized to include protection of existing rural
7 residential neighborhoods, while providing opportunities, where reasonable, for operation of
8 commercial recreational facilities.
- 9 ▪ The required permits would be summarized based upon whether a proposed use was primarily
10 an indoor or outdoor facility. As currently drafted in the land use definitions, commercial
11 indoor recreational uses would only be permitted with a CUP in the General Business (GB)
12 District, and commercial outdoor recreational uses would be permitted with a CUP in the A1,
13 A2 and GB zoning districts.
- 14
- 15
- 16 ▪ A section addressing Performance standards would be drafted. Staff would request the City
17 Council to consider such items as:
- 18
- 19 ○ Should there be a requirement in residential districts (A1 and A2) that the use should
20 be accessory to a principal residential use? Or is that unnecessary?
- 21 ○ Should there be an occupancy limit on a facility/operation? Should there be a
22 correlation with the site acreage? Location within the community?
- 23 ○ How would the building sizes be regulated – for example a ticket booth, warming
24 house, or community gathering space? Are these ‘accessory’ uses acceptable? Should
25 there be a quantity/size limit?
- 26 ○ Should a facility/operation be required to have primary frontage on a County or State
27 road?
- 28 ○ Should there be an acreage requirement? Such as, no facility shall be permitted on a
29 site zoned A1 or A2 that is smaller than 20 acres.
- 30 ○ Should there be increased yard setbacks if adjacent to existing residential areas?
- 31 ○ Others?
- 32
- 33 ▪ In addition, staff would recommend including some language similar to the following:
- 34
- 35 1) Any commercial recreation facility, whether indoor or outdoor, shall provide on-site
36 parking sufficient to handle all guests, staff, and any other vehicles necessary to support
37 the operations of the facility. All parking standards shall be, at a minimum, consistent
38 with those stated within the City’s Code of Ordinance.

- 1 2) Any enclosed structure proposed to support a commercial recreational use, indoor or
2 outdoor, shall be architecturally designed to be consistent with the principal structure if
3 applicable; or shall be designed to blend in with the site and environment.
- 4 3) The commercial recreation use, indoor or outdoor, must comply with all rules and
5 regulations of Federal, State, County and Local agencies.
- 6 4) The City may impose conditions related to landscaping, access, security, sanitary sewer,
7 liability or other insurance requirements, and other conditions as necessary.

8 **It should be noted that an Applicant would still be required to submit the materials as requested in
9 *Section 32-143 Application* for a Conditional Use Permit; and the items above are Performance
10 Standards that are tailored specifically to this type of use and would be required in addition for
11 consideration.

12 Staff is not seeking any action on this item at the March meeting. Staff is looking for your comments
13 on the above items, which can be emailed to the City Clerk/Administrator prior to the April City
14 Council meeting. A draft ordinance will be brought forward in April compiling and integrating the
15 Council's comments, upon your direction.

16
17 **City Attorney, Nick Vivian (No action items)**

18
19 **NEW BUSINESS**

20
21 **Consideration of Eagle Project, Drew Osterman** – Acting Mayor Huber provided a quick overview
22 of the proposed project noting more detail will be provided at a future date.

23
24 **Acting Mayor Huber moved to approve Drew Osterman Eagle Scout project as presented.**
25 **Council Member Lobin seconded the motion. Motion carried unanimously.**

26
27 **Consideration of Eagle Project, Luke Osterman** – Acting Mayor Huber provided a quick overview
28 of the proposed project noting more detail will be provided at a future date.

29
30 **Acting Mayor Huber moved to approve Luke Osterman Eagle Scout project as presented.**
31 **Council Member Lobin seconded the motion. Motion carried unanimously.**

32
33 **Charter Update and Request for Expenditure, Charter Liaison Steve Bohnen** – Charter
34 Commissioner and Charter Liaison Steve Bohnen distributed questions for the City Council to
35 consider relating to Charter expenditures, a special election, donations, educational materials and the
36 City's legal newspaper. He requested Council direction regarding these issues.

37
38 **Council Member Lanoux moved to authorize up to \$4,500 for a legal review of the draft**
39 **Charter. Motion failed with no second.**

40
41 After discussion, it was determined that the questions submitted would need a legal opinion from the
42 City Attorney and the full Council should be present for the discussion.

1 It was the consensus of the Council to give the presented questions to staff and direct staff to provide
2 a legal memo addressing the questions.

3
4 Acting Mayor Huber called for a five minutes break at 8:43 p.m.

5
6 Acting Mayor Huber reconvened the meeting at 8:49 p.m.

7
8 **Planning Commission** – Acting Mayor Huber advised the need for a Planning Commission has been
9 discussed. The City did adopt a resolution stating the City Council was reviewing applications. He
10 stated he does want to discuss putting a Planning Commission back in place. He asked for the
11 consensus of the Council to place this issue on the April City Council meeting agenda.

12
13 It was the consensus of the Council that Planning Commission Discussion will be on the April
14 meeting agenda.

15
16 **City Attorney Seating** – Council Member Lanoux stated the City never had the Attorney sitting at
17 the Council table as he is not elected. He said he would rather have the Road Commissioner seated
18 with the Council. None of the City's staff lives in Grant. City staff is taking over the City. He stated
19 he does not think the Attorney should be seated with the Council.

20
21 **UNFINISHED BUSINESS**

22
23 **January 6, 2015 City Council Meeting Minutes** – Administrator/Clerk Points stated Council
24 Member Sederstrom questioned the vote after the Mayor called the question.

25
26 Acting City Attorney Sandstrom stated calling the question does not require a vote. The vote taken
27 was on the motion and second.

28
29 Council Member Lanoux advised he did not vote on the Code of Conduct and would like the minutes
30 to reflect that. Council agreed that the vote on that item should be amended.

31
32 **Acting Mayor Huber moved to approve the January 6, 2015 City Council Meeting Minutes, as**
33 **amended. Council Member Lobin seconded the motion. Motion carried with Council Member**
34 **Lanoux voting nay.**

35
36 **Council Member Lanoux moved to add to the minutes a statement regarding censuring and not**
37 **being able to make motions. Motion failed with no second.**

38
39 **Consideration of Resolution No. 2015-05, Comcast-Midwest/Greatland Transfer, Cable,**
40 **Commissioner Huber** – Cable Commissioner Huber advised the merger will take place and
41 Greatland will be taking over Comcast. The franchise has been extended until 2018 and the City did
42 get a mile and a half extension of cable within the City of Grant.

43
44 **Acting Mayor Huber moved to adopt Resolution No. 2015-05, as presented. Council Member**
45 **Lobin seconded the motion. Motion carried with Council Member Lanoux voting nay.**

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DISCUSSION ITEMS

City Council Reports:

Council Member Lanoux stated the GRP Youth Scholarship Program information will not be put on the City website or in the City newsletter.

Acting Mayor Huber referred to and read a letter from the University of Minnesota Equestrian Team per their request. The letter outlined the contributions of Council Member Lanoux. He then advised the letter was not written by the individual that submitted the letter.

Council Member Lanoux stated he helped them write the letter.

Acting Mayor Huber confirmed that no one from that group wrote the letter.

Mr. Steve Bohnen approached the podium and commented on respect and getting it back on this current City Council. Good decorum is very important.

Staff Updates:

Administrator/Clerk reminded Council the deadline for newsletter articles is Friday, March 6.

COMMUNITY CALENDAR MARCH 4 THROUGH MARCH 31, 2015:

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

Stillwater Public Schools Board Meeting, Thursday, March 12th 2015, Stillwater City Hall, 7:00 p.m.

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

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

ADJOURN

There being no further business, Acting Mayor Huber moved adjourn at 9:25 p.m. Council Member Lobin seconded the motion. Motion carried unanimously.

These minutes were considered and approved at the regular Council Meeting April 7, 2015.

Kim Points, Administrator/Clerk

Tom Carr, Mayor

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APPROVED