

CITY OF GRANT
MINUTES

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DATE : November 3, 2015
TIME STARTED : 7:01 p.m.
TIME ENDED : 9:21 p.m.
MEMBERS PRESENT : Councilmember Sederstrom (part), Lobin, Huber, Lanoux (part) and Mayor Carr
MEMBERS ABSENT : None

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

CALL TO ORDER

Mayor Carr called the meeting to order at 7:01 p.m.

PUBLIC INPUT

There was no public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Mayor Carr advised there has been an issue with Council seating. The City has had a long standing procedure for Council seating. He requested Council Member Sederstrom move from Council Member Lobin’s seat and return to his seat.

Council Member Sederstrom stated he is avoiding conflict with Council Member Huber.

Mayor Carr stated he has to preserve order and decorum at meetings. Authority of the Council is needed to move seats.

Mayor Carr moved to have Council Member Sederstrom move back to his original chair. Council Member Lobin seconded the motion.

Council Member Lanoux stated he does not want Council Member Sederstrom to sit by Council Member Huber. He stated Council Member Lobin does not want to sit by him so they should switch places. There needs to be a safe environment in Council chambers and he asked to see the formal written policy for seating.

Motion carried with Council Member Lanoux and Sederstrom voting nay.

1 **Mayor Carr made a motion authorizing Council Member Huber and Council Member Lobin to**
2 **switch seats. Council Member Lobin seconded the motion.**

3
4 Council Member Lanoux stated he will not sit by Council Member Huber if you want a cohesive
5 meeting.

6
7 **Motion carried with Council Member Lanoux and Sederstrom voting nay.**

8
9 Mayor Carr requested Council Member Sederstrom move seats. Council Member Sederstrom refused
10 to move and stated he would have to be taken out of the meeting.

11
12 The Deputy on duty escorted Council Member Sederstrom from the meeting at 7:08 p.m.

13
14 Council Member Huber and Council Member Lobin switched Council seats.

15
16 Council Member Lanoux indicated he would not participate in the meeting and excused himself at
17 7:09 p.m.

18
19 **Council Member Huber moved to approve the agenda, as presented. Council Member Lobin**
20 **seconded the motion. Motion carried unanimously.**

21
22 **CONSENT AGENDA**

23
24 October 6, 2015 City Council Meeting Minutes Approved

25
26 October 19, 2015, Certification of Election
27 Meeting Minutes Approved

28
29 Bill List, \$49,123.13 Approved

30
31 Kline Bros. Excavating, Road Work, \$11,237.50 Approved

32
33 Pioneer Press, Special Election
34 Publications, \$36,341.70 Approved

35
36 **Council Member Lobin moved to approve the consent agenda as presented. Council Member**
37 **Huber seconded the motion. Motion carried unanimously.**

38
39 **STAFF AGENDA ITEMS**

40
41 **City Engineer, Brad Reifsteck (No action items)**

42
43 **City Planner, Jennifer Haskamp**

44

1 **Consideration of Meridian Amended CUP Application, 11400 Julianne Avenue North** – City
2 Planner Haskamp advised At the regular October City Council meeting Meridian Behavioral Health,
3 LLC (“Meridian” or “Applicant”) requested consideration to amend their existing Conditional Use
4 Permit to allow for the construction of a new facility and increase the number of client-beds
5 associated with their operations. A duly noticed public hearing was held and public testimony given
6 regarding the application. Much of the public hearing testimony focused on safety of the
7 neighborhood, procedure and notification of “walk-offs”, and general concerns over compliance with
8 the existing permit conditions. The Council closed the public hearing and discussed the Applicant’s
9 request giving consideration for the public testimony as well as the information provided in the staff
10 report. The Council requested additional information with respect to the current operations and asked
11 for information which would address the issues brought up during the public hearing.
12

13 The following is a summary of the information requested by the Council in October:
14

- 15 1. Information/clarification with respect to the client admissions process. Specifically the Council
16 requested information regarding the credentials of the responsible person(s) that determines whether a
17 client can be served at the Cedar Ridge facility. Further clarification regarding the role of a
18 psychiatrist in the evaluation process was specifically requested.
- 19 2. Information/clarification regarding Cedar Ridge’s neighborhood notification process with respect
20 to ‘walk-offs’ was requested. The Council wanted to know whether Meridian was complying with
21 the condition stated within the permit with respect to neighborhood notification, and if not, why.
- 22 3. Further detail regarding the security system at the facility as well as additional consideration of
23 security of the grounds was requested. The discussion regarding this item was primarily focused on
24 ‘walk-offs’, but also included some discussion about the overall ‘pinch-points’ of the facility and
25 grounds as well.
- 26 4. The. Council also generally questioned the overall compliance of Meridian’s Cedar Ridge
27 operations with the conditions of the existing CUP and requested some evaluation by both the staff
28 and Applicant to determine if operational compliance was an issue.
29

30 City Planner Haskamp stated that in an effort to answer these questions staff has prepared the
31 information based upon a discussion with the Applicant and was included in the Council packet. The
32 report does not include the information provided in the October staff report in an effort to reduce
33 duplication of information.
34

35 City Planner Haskamp provided a summary of the report relating to client admissions, walk-offs and
36 neighborhood notifications, security and the facility/grounds and general compliance.
37

38 City Planner Haskamp advised that based upon the additional information obtained through staff’s
39 meeting on October 24th, staff is requesting that the City Council consider a stepped or phased
40 approach to the Applicant’s request. First, staff would request that the Council consider amending
41 and updating the operational conditions to more accurately reflect the Applicant’s operations and
42 statutory requirements. Then for a period of 12-consecutive months the Applicant would need to
43 demonstrate compliance with the amended operational conditions with the existing bed count (34). If

1 the Applicant demonstrates compliance for that period of time (or some other agreed to duration) they
2 would be permitted to construct the new facility with the expanded number of client-beds (50). In an
3 effort to demonstrate how this permit might be implemented, staff has prepared a draft amended CUP
4 which is attached for your consideration and discussion. The following summary of the permit is
5 provided for your information as you review the draft permit:
6

- 7 • The Permit's conditions and requirements are broken up into four sections: A, B, C, and D which
8 address the following:
9

10 Section A: this section identifies the operational conditions which would apply to the Cedar Ridge
11 facility regardless of the number of client-beds served. This set of conditions would be used to
12 demonstrate compliance for a period of time.

13 Section B: this section states the conditions that would need to be met for Meridian to be able to
14 expand their operations and construct a new facility. This section would require the Applicant to
15 comply with the operational and general conditions (sections A and D) for a minimum of 12
16 consecutive months before they would be permitted to expand the number of client-beds.

17 Section C: If the Applicant demonstrates compliance with Sections A and D for 12 consecutive
18 months, they would be able to obtain a building permit to construct a new facility with a maximum
19 occupancy of 50 client-beds, with no further amendment of this permit. This section identifies the
20 conditions related to the construction of the new facility.

21 Section D: These are the general conditions of the permit that would apply to the Cedar Ridge facility
22 regardless of the number of client beds.

23 This approach allows for the conditions of the existing permit to be updated and modified to more
24 appropriately reflect state statutes, and better protect the health, safety and welfare of the community.
25 Additionally, as laid out the conditions require the Applicant to demonstrate compliance with the
26 amended operational conditions for a minimum of 12 consecutive months before the expansion of the
27 number of client-beds would be permitted.
28

29 City Planner Haskamp advised staff is requesting direction from the Council to prepare a Resolution
30 reflecting one of the following options:
31

32 *Resolution of Approval with Findings and Amended Conditional Use Permit

33 *Resolution of Denial with Findings
34

35 Mayor Carr asked for clarification regarding not building a new facility until there is proof of
36 compliance of all conditions, the process for compliance and the ability to limit further expansion.
37

38 City Planner Haskamp stated the applicant must demonstrate compliance with all of the conditions for
39 twelve consecutive months. Any violation of any of the conditions within the permit. The process
40 for compliance is the same process as used today. If there is demonstrated compliance for twelve
41 consecutive months the applicant could build the new facility. The conditions that related to

1 operations have to carry over to the new permit and the additional number of beds in the new facility.
2 No expansion would be allowed until the new facility is built.

3
4 Council Member Huber referred to the elopment rate and expressed concern relating to screening and
5 time of public safety response. He stated he wants economic viability of the facility but the rural
6 character of Grant doesn't call for more expansion.

7
8 Mr. Cameron Kelley, Attorney for Meridian, came forward and stated he did provide all the follow up
9 information to the City and he will take questions on that. The elopment rate is at 11% but that is
10 difference that the State. The police reports that were cited during the public hearing related to
11 vulnerable adults. Everyone in the facility is a vulnerable adult by definition.

12
13 Ms. Martha Kluge, Director of Cedar Ridge, came forward and explained the walk-off process noting
14 the Sheriff is always called and there are no physical restraints.

15
16 Mr. Jim Smith, Chief Operational Officer, came forward and explained the assessment process at the
17 facility noting no level of sex offenders are admitted. If the facility determines a sex offender is there
18 they are removed. Licensed staff does check on that.

19
20 Ms. Kluge stated 65% of those admitted do have some sort of court involvement when they come to
21 the facility. There are no out patient services at Cedar Ridge. The facility offers mental health and
22 chemical dependency treatment and the facility can prescribe medication.

23
24 Mr. Kelley noted that even if a client is court referred no violent or sex offenders are admitted and
25 everyone has to go through the admittance process.

26
27 Council Member Huber inquired about the number of staff on site during a typical day, role of the
28 psychiatrist and documentation relating to going through the process of Rule 25.

29
30 Ms. Kluge provided the staff members that are present on a typical day including nights and weekend
31 shifts.

32
33 Mr. Kelley advised a psychiatrist does review every clients chart once they have been admitted.

34
35 Council Member Huber inquired about fencing at the facility and requested fencing be installed
36 around the whole perimeter to ensure elopments only occur through the driveway. He also inquired
37 about the Rule 25 assessment criteria and noted many more trees should be put in for screening.

38
39 Mr. Smith stated fencing is not around the perimeter. The fencing in place does meet the current
40 condition in the CUP. They can work on that issue but there needs to be a turnaround for emergency
41 vehicles.

42
43 Ms. Kluge advised the assessment criteria outlines that clients have to be a two or a three to be
44 admitted to the facility.

45

1 Mayor Carr spoke to the phone tree with the neighborhood and draft CUP condition #11. He stated
2 there has to be a way to contact the neighbors of run-offs with a combination of email, text and phone
3 calls.

4
5 Ms. Kluge explained the process for run-offs noting she is responsible for the calls. Timing is an
6 issue though.

7
8 City Planner Haskamp stated there are web forms available that will generate a list and contact those
9 who wish to be contacted. The calls would go out quickly and can accommodate any number of
10 people. Robocall was looked at but it is not a good option.

11
12 Council Member Huber stressed the importance of simultaneous notification to neighbors and the
13 City. An updated list of who is on that list must be provided to the City.

14
15 Mayor Carr stated when and if a new facility is built, construction traffic needs to stay off of Jasmine.
16 The City needs to have documentation of compliance and that if there is a violation. In addition, there
17 needs to be a mechanism included in the Cup for resetting the clock if there is a violation. He stated
18 he would also like to see a condition relating to no further expansion.

19
20 City Planner Haskamp reviewed the process for non-compliance noting if there is something clear
21 that shows a violation and that violation has not been addressed and eliminated, it is typically brought
22 before the Council for discussion and enforcement options. If the applicant is demonstrating
23 compliance and there are no complaints, the expansion would not be brought back to the Council for
24 review.

25
26 Mr. Kelley advised he would bring back information to the Council relating to the limiting of future
27 expansions. A discussion will be held regarding an agreement for no further expansion for a certain
28 period of time.

29
30 Council Member Huber stated he received the additional information from the applicant two days
31 prior to the meeting this evening. He stated he needs the information prior to that and all information
32 should be included in the Council packets to allow for review time.

33
34 This item will be on the December 1, 2015 City Council meeting agenda.

35
36 **PUBLIC HEARING, Consideration of Amendments to Certain Seasonal Land Use Definitions,**
37 **Ordinance No. 2015-42** – City Planner Haskamp advised that as directed by the City Council in
38 October and July staff has prepared two draft ordinances for review and consideration and included in
39 the Council packets. The following summary of the ordinance is provided:

- 40
41 • Ordinance #2015-42: This draft ordinance addresses two land use definitions which are
42 included within the City's Land Use Definitions Moratorium. The ordinance provides a draft
43 definition for Seasonal Businesses, and also addresses Greenhouses (commercial production
44 only).

1 Staff is requesting direction from the City Council to prepare a resolution, final ordinance and
2 summary publication for each draft ordinance listed above. If directed, staff will prepare the
3 documents and place them on the December consent agenda for review and approval.

4
5 Mayor Carr opened the public hearing at 8:50 p.m.

6
7 There were no public comments.

8
9 Mayor Carr closed the public hearing 8:51p.m.

10
11 **Council Member Huber moved to approve Ordinance No. 2015-42, as presented. Council**
12 **Member Lobin seconded the motion. Motion carried unanimously.**

13
14 **PUBLIC HEARING, Consideration of Amendments to Certain Sections of the Accessory**
15 **Building Standards, Ordinance No. 2015-43** – City Planner Haskamp advised that as directed by
16 the City Council in October and July staff has prepared two draft ordinances for review and
17 consideration. A draft ordinance was included in the Council packets. The following summary of the
18 ordinance is provided:

- 19
20 • Ordinance #2015-43: This draft ordinance amends the Accessory buildings and other non-
21 dwelling structures section of the ordinance, subsections (e) and (f) to address location of
22 accessory buildings in relation to a principal building. This draft ordinance amendment is not
23 subject to the City's Land Use Definitions Moratorium.

24 •
25 Staff is requesting direction from the City Council to prepare a resolution, final ordinance and
26 summary publication for each draft ordinance listed above. If directed, staff will prepare the
27 documents and place them on the December agenda for review and approval.

28
29 City Planner Haskamp noted that additionally, staff would include the first group of land use
30 definitions reviewed by the City Council (which have already been through the public hearing
31 process) in the final resolution, ordinance and summary publication. This will allow for publication
32 all at once, reducing publication expenditures. Once adopted, the seven (6) land uses addressed to-
33 date would be released from the moratorium.

34
35 Council Member Huber clarified that the six feet is consistent with the state fire code and building
36 code.

37
38 City Plannner Haskamp stated the revised ordinance does solve the issues and it will be consistent
39 with the state fire code of building code and does not penalize anyone.

40
41 Mayor Carr opened the public hearing at 9:02 p.m.

42
43 There were no public comments.

1 Mayor Carr closed the public hearing at 9:03 p.m.

2
3 **Council Member Huber moved to approve Ordinance No. 2015-43, as presented. Council**
4 **Member Lobin seconded the motion. Motion carried unanimously.**

5
6 **City Attorney, Nick Vivian**

7
8 **Responsible Party for Charter Commission Data Practices/Censure Criteria** – City Attorney
9 Vivian advised a complaint was filed with the City at the last Council meeting. The complaint was
10 reviewed and it was determined there is no violation. Council Member Huber did submit a data
11 practices request to the Chair of the Charter Commission. The Clerk did assist the Chair in copying
12 Charter meeting DVD's and they were supplied to Council member Huber. The Charter is required to
13 do that and the DVD's are the property of the individual who submitted the data practices request.

14
15 City Attorney Vivian added there is no basis to censure Council Member Huber. The Council did
16 previously take action to censure Council Member Lanoux to protect the City's records.

17
18 Council Member Huber stated he did want to clear the record with a response to the formal complaint
19 submitted by Council Member Lanoux. However, in his absence he will not read the response. He
20 asked anyone to please contact him if they have any questions relating to the false allegations.

21
22 **NEW BUSINESS**

23
24 There was no new business.

25
26 **UNFINISHED BUSINESS**

27
28 **Discussion of Draft City of Grant Planning Commission Manual** – Mayor Carr stated he would
29 like to get a Planning Commission put back in place as the City is now getting more applications. He
30 noted the Planning Commission needs to work Council for many reasons that include eliminating
31 confusion to the applicants.

32
33 Council Member Huber stated the Planning Commission has to follow the law and City ordinances.
34 The Planning Commission is an advisory group and is not separate from the Council.

35
36 Mayor Carr referred to page 10, section 4 and requested a statement be added relating to agenda items
37 being added by staff recommendation.

38
39 **Council Member Huber moved to approve the City of Grant Planning Commission Manual, as**
40 **amended. Council Member Lobin seconded the motion. Motion carried unanimously.**

41
42 The Council determined the City would advertise for Planning Commission applications through
43 January with interviews held in February.

44
45 **DISCUSSION ITEMS**

1 **City Council Reports:**

2
3 Council Member Huber updated the Council on the Comcast extension within the City of Grant.
4 Permission is required from the property owners as there is no dedicated right-of-way.

5
6 Council Member Huber read the letter from the Fire Department that provided information as to why
7 the dry hydrant could not be utilized during the recent house fire near Mann Lake.

8
9 **Staff Updates:**

10
11 There were no staff updates.

12
13 **COMMUNITY CALENDAR NOVEMBER 4 THROUGH NOVEMBER 30, 2015:**

14
15 **Mahtomedi Public Schools Board Meeting, Thursday, November 12th, 2015, Mahtomedi**
16 **District Education Center, 7:00 p.m.**

17 **Stillwater Public Schools Board Meeting, Thursday, November 12th, 2015, Stillwater City Hall,**
18 **7:00 p.m.**

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

20 **City Office Closed, Thursday, November 26th and Friday, November 27th, 2015**

21
22 **ADJOURN**

23
24 **Council Member Huber moved to adjourn at 9:21 p.m. Council Member Lobin seconded the**
25 **motion. Motion carried unanimously.**

26
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28
29 These minutes were considered and approved at the regular Council Meeting December 1, 2015.

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34 _____
35 Kim Points, Administrator/Clerk

36 _____
Tom Carr, Mayor