

CITY OF GRANT
MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

DATE : October 6, 2015
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:27 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 Administrator/Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:00 p.m.

PUBLIC INPUT

Mr. Bob Engelhart, 9280 Joliet – Commented on Rules of Procedure relating to the consent agenda.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Sederstrom moved to remove the bill list from the consent agenda. Motion failed with no second.

Council Member Lanoux moved to add City Newspaper and Special Meetings from the regular agenda. Council Member Sederstrom seconded the motion. Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.

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

September 1, 2015 City Council Meeting Minutes Approved

Bill List, \$60,924.37 Approved

1 Kline Bros. Excavating, Road Work, \$11,070.00 Approved

2

3 City of Mahtomedi, 3rd Quarter
4 Fire Contract, \$31,404.75 Approved

5

6 Authorization for Check Deposit,
7 History Books Approved

8

9

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

13

14 **STAFF AGENDA ITEMS**

15

16 **City Engineer, Brad Reifsteck (No action items)**

17

18 **City Planner, Jennifer Haskamp**

19

20 **PUBLIC HEARING, Meridian Amended CUP Application, 11400 Julianne Avenue North –**
21 City Planner Haskamp advised the Applicant, Meridian Behavioral Health, LLC (“Meridian”) is
22 requesting an amendment to the existing CUP (Exhibit 3) which allows for the operation of a
23 residential treatment facility on the property located at 11400 Julianne Avenue North to:

24

25 ■ Remove all existing buildings and site improvements on the subject property and construct
26 one new building to improve facility operations and allow for an expansion of the number of
27 client beds permitted.

28

29 ■ Allow for interim operations in the existing buildings until such time site work and
construction commences for the new facility.

30

31 ■ Allow for the closure of the operations for 6-months during the demolition and construction
32 process since the location of the new building is generally in the same location as the existing
buildings.

33

34 ■ Allow for the new building to be constructed to accommodate an increase in the maximum
number of beds from 36 to 50.

35

36 ■ Allow for interim operations (from time of amended permit to closure for construction of new
37 building) to accommodate a maximum of 34 client-beds, and remove the conditions in the
existing permit related to quarterly client-bed averaging.

38

39 City Planner Haskamp provided the background of the facility noting that in 1971 a Special Use
40 Permit was issued on the subject parcel by Grant Township for the purposes of operating a
Residential Drug Treatment Facility. Between 1971 and 1991 the Jamestown Foundation operated a

1 youth residential chemical treatment facility on the subject parcel(s) until such time that Pine Shores
 2 acquired the property. In 1991 Pine Shores applied to amend the existing permit to allow the facility
 3 to transition from a youth residential treatment facility to an adult residential treatment facility. In
 4 1991 Pine Shores and Town of Grant (at the time) were involved in litigation with respect to the
 5 change of the proposed demographic served. The litigation resulted in the Town of Grant issuing a
 6 Conditional Use Permit in 1992 to permit the operations of the adult residential treatment facility as
 7 requested by Pine Shores. A summary of the litigation can be found in the attached Attorney’s memo
 8 (Exhibit 4). The most recent CUP Amendment was issued April 1, 1997 and is the permit which
 9 Meridian now wishes to amend (Exhibit 3).

10
 11 City Planner Haskamp advised a duly noticed public hearing was posted for October 6, 2015 and
 12 notices were sent directly to all properties located within ¼-mile of the subject parcel.

13
 14 **Project Summary**

Applicant: Meridian Behavior Health, LLC	Site Size: 50.96 Acres
Zoning & Land Use: A-1	Request: Amend Conditional Use Permit (CUP)
Address: 11400 Julianne Avenue North	PIDs: 0303021130001 (10.43 Acres – <i>location of facility</i>) 0303021420001 (30.53 Acres) 0303021430001 (10.00 Acres)

15 The Applicant has applied to amend the existing CUP which allows for the operation of the adult
 16 residential treatment facility on the subject parcel(s). Since the permit was issued in 1997, Meridian
 17 has acquired additional land increasing the total acreage associated with the operations from
 18 approximately 30 acres to just over 50 acres. The existing Cedar Ridge facility is an MI/CD licensed
 19 residential chemical center program which serves adult men aged 18 and older. As stated in the
 20 Applicant’s narrative, “Cedar Ridge is a state-licensed facility with strict documented protocols,
 21 policies and procedures for providing high-quality, safe care. All clients have 24-hour, 7-days week
 22 supervision by licensed professionals who are focused on providing evidence-based support to treat
 23 substance abuse and addiction. Residents are part of a highly-structured program throughout the entire
 24 day, seven days a week.” Further description can be found in the Applicant’s narrative (Exhibit 1).

25 The Applicant is proposing to amend the permit to allow for the removal of the existing buildings and
 26 facilities on the subject parcel and to construct a new building to accommodate 50 client beds
 27 following the same program operations as identified in the preceding paragraph. The location of the
 28 new building would be generally in the same location as the existing facilities.

29 City Planner Haskamp provided a summary of the proposed site improvements and modifications that
 30 was included in the Council packets.

31
 32 As stated within the review, staff would recommend that some additional information be provided by
 33 the Applicant for consideration. Preliminarily those items are:

- 34 ▪ Further detail regarding security and monitoring of the new building would be helpful in
 35 assessing the improvements associated with the new building, and would also assist with the
 36 appropriate drafting of the conditions.

- 1 ▪ Exterior Lighting plan including parking lot and any fixtures proposed on the north side of the
2 facility.
3 ▪ The Applicant's timeline for interim operations and construction of the new building is not
4 clear. It would be helpful to know when the Applicant anticipates pulling the building and
5 demolition permits and when the new building would be operational.

6 City Planner Haskamp stated staff has provided a marked up copy of the existing conditional use
7 permit based upon the proposed amendments for Council review and consideration.
8

9 In addition, the City Engineer provided the following analysis of the application:
10

11 Plans were prepared by Wenck Associates are dated July 2015 and last revised August 24, 2015.
12 Engineering review comments were generated from the following documents included in the
13 submittal:

- 14 • Certificate of Survey
15 • Site plans including:
16 ○ Existing conditions & Demolition Plan
17 ○ Site plan & Grading Plan
18 ○ SWPPP & Erosion Control Plan
19 ○ Storm Sewer Plan & Sanitary Sewer Plan
20 ○ Details & Landscape Plan

21 **STORMWATER MANAGEMENT COMMENTS:**

- 22 1. The applicant is required to submit an approved stormwater permit from Brown's Creek
23 Watershed District (BCWD). The applicant has submitted the plan for review.
24 2. The applicant is required to submit an approved NPDES permit to the City prior to
25 construction.
26 3. The applicant is required to supply the City with an approved permit from Washington County
27 for the septic system.
28 4. Following construction, as-built plans are required to be submitted to the city for the official
29 file.
30

31 City Planner Haskamp advised a report from the City Attorney was also provided in the Council
32 packet. The Memorandum summarizes the claims and disposition of the 1991 litigation between Pine
33 Shores, Inc. ("Pine Shores") and the Town of Grant:
34

35 Beginning in 1971, the property was owned by Jamestown, Inc. as used as a residential treatment
36 facility for chemically dependent youth subject to a conditional use permit. The CUP initially
37 permitted a 24 bed operation and in 1985 the Town amended the permit to allow for 28 beds.
38

39 In 1991, Jamestown, Inc. was foreclosed upon and Pine Shores entered into a purchase agreement to
40 acquire the property. On March 29, 1991 Pine Shores applied for a CUP due to the change in
41 ownership.
42

1 On April 24, 1991 the Town Planning Commission reviewed the application and deferred the matter
2 for 60 days. The following issues were identified with the property: dust and noise on Jasmine from
3 vehicles accessing the property, neighbor complaints about clients walking along Jasmine without
4 supervision, lack of sufficient on-site parking which resulted in parking on Jasmine, lack of visual
5 screening, concerns about the maintenance of the structures, the need for ongoing liaison with the
6 neighbors, the need for a septic system.

7
8 One June 22, 1991, Pine Shores entered into a purchase agreement for land south of and adjacent to
9 the property with the intention of constructing a new driveway and entrance that would avoid the
10 problems from Jasmine.

11
12 On June 24, 1991 Pine Shores presented its permit application at a meeting of the Commission. Pine
13 Shores requested a CUP for a residential treatment facility housing up to 40 chemically dependent
14 adults. Pine Shores did not propose to enlarge buildings or make structural changes other than
15 maintenance.

16
17 Pine Shores indicated that the new driveway would quell concerns about traffic and dust from
18 Jasmine. It also indicated it would add walking trails to the property to prevent neighbor conflicts, add
19 parking to eliminate spillover parking on Jasmine, add landscape buffering, employ full time
20 maintenance/contracts to maintain and improve buildings, residents would be voluntary, residents
21 would not leave property unsupervised, and they would receive septic system approval from the
22 County as a condition of operating.

23
24 Pine shores also had a traffic & land use study which concluded that the number of vehicle trips in
25 and out of the facility would be appropriate for local traffic flow, parking requirements would be
26 satisfied, there would be no impact on public sewer, no impact on the school district, the facility
27 would not depreciate home values or adversely impact the neighborhood, it would not impair public
28 health, safety, or welfare, and that the facility would improve the community in many ways.

29
30 The objections from the town residents were as follows: property values would be reduced, residents
31 would create disturbances or bother neighbors, residents would have criminal records, there will be an
32 increase in disorderly conduct calls, residents will be victims of sexual abuse and they would pose a
33 danger to the community, high staff turnover, problems with fences and added traffic, there will need
34 to be additional visual screening, there will be an insufficient number of staff on duty, the facility will
35 have a negative effect on neighbors' family lives, and the residents may damage adjacent property.

36
37 The Commission recommended approval of the permit but recommended a limit of 28 beds.

38 On July 2, 1991, Pine Shores presented its permit application to the Town Board. The minutes from
39 the Commission meeting were read into the record. There was additional supplementary information
40 stating that property values would not be reduced.

41
42 Members of the public testified with the following concerns: the proposed facility is incompatible
43 with neighborhood because it is a business, there will be conflicts between residents and neighbors,
44 because the walking trails will not be built for a year the residents "will be encountering neighbors,"
45 the residents will be there to avoid legal problems and be reluctant to participate in treatment, people

1 with drug backgrounds concern concerns neighbors, there will be possible break-ins from residents,
2 residents will leave unsupervised, residents will have to lock doors and not let their children ride
3 bikes to get to the school bus, there will be a turnover in home ownership, concerns about inability to
4 maintain facility, and there will be an “injustice” to the quality of life in the neighborhood.
5

6 At the meeting the Town Board members admitted they hadn’t received or read written material Pine
7 Shores submitted to the Town. The Town attorney recommended the Board table the matter to review
8 the material. However, the Board chair had “heard enough” and the CUP was denied.
9

10 After the meeting, Pine Shores contacted the Town to see if there was room for compromise, but
11 Town Board members refused meetings.
12

13 Pine Shores again attended the August 6, 1991 meeting to try to compromise with the Board. The
14 Board again rejected the CUP, making the following findings:
15

- 16 1) The proposal is a significant change in use.
- 17 2) The proposed increase in the number of beds is not compatible with the present residential
18 character of the neighborhood.
- 19 3) The proposed increase is not allowed under the comprehensive plan which provides that
20 commercial uses are to be “immediately adjacent to existing commercial uses” and the
21 increase is not envisioned by the zoning ordinance.
- 22 4) An “adult for profit” facility is not within the contemplated use granted in 1971.
- 23 5) The proposal does not meet the County’s septic system requirements.
- 24 6) The facility would adversely affect the neighborhood with increased traffic, water quality,
25 and operation of a business in a residential area.
- 26 7) The facility would be detrimental to the health, safety, and welfare of the town.
27

28 Pine Shores filed a Complaint in Federal District Court alleging with the following claims:
29

- 30 1) A mandatory injunction and an Order to issue the CUP. Pine Shores alleged that the
31 reasons for denial were pretextual - there was no credible evidence to refute Pine
32 Shore’s experts which indicated the opposite of the Board’s findings.
33
- 34 2) Violation of Fair Housing Act - The Town zoning ordinance prohibited “institutional
35 housing” which was for, among other things, mentally and physically handicapped.
36 Pine Shores was labeled as “institutional housing.” The Federal Fair Housing Act
37 prohibits discrimination based on handicap, which includes drug and alcohol
38 addiction. Pine Shores alleges the Town’s complete failure to compromise shows a
39 clear intent to discriminate against handicapped persons.
40
- 41 3) Violation of Minnesota Human Rights Act - this Act prohibits discrimination against
42 the disabled. Again, alcohol and drug dependency qualifies as a disability. The Town’s
43 zoning ordinance, in its face, illegally discriminates. Pine Shores’ facility was labeled
44 “institutional housing.” This discrimination is illegal.
45

1 4) Governmental Taking without Compensation- The facility has always been used for
2 residential treatment. The Board's characterized the property as "for profit" and thus
3 commercial. The reasonable use for the property is residential treatment facility, the
4 illegal denial was based on the status of a "for profit" which has nothing to do with
5 determining residential or commercial. The denial of the permit is a taking.
6

7 5) Violation of Equal Protection- The property was already a treatment facility, the only
8 change is from 28 to 40 beds and from children to adults. All allegations from the
9 Board were directly refuted by Pine Shore's experts. The bulk of objections were based
10 on the character of the residents. The Town refused to compromise as to the facts that
11 mattered which leads to the conclusion the decision was based solely on the handicap
12 of the residents. Thus the equal protection clause is violated.
13

14 As damages, Pine Shores sought the following:
15

- 16 1) A mandatory injunction requiring the Town to issue a CUP
- 17 2) Actual damages not less than \$500,000 and punitive damages
- 18 3) Reasonable attorney's fees
19

20 The Town of Grant moved for summary judgment. Its motion was denied.
21

22 On September 8, 1992 the parties entered in to a voluntary settlement agreement whereby the City of
23 Grant paid \$46,000 for costs and attorney's fees to Pine Shores. In addition, the Town was to issue
24 Pine Shores a CUP within 30 days from the date of the order. As conditions, Pine Shores was to:
25

- 26 1) Secure all appropriate licenses to operate an adult chemical dependency facility,
- 27 2) Close the Jasmine driveway and open the new driveway,
- 28 3) No residents were to have vehicles on the property,
- 29 4) Add 10 new parking spaces on the property,
- 30 5) Construct walking trails for residents,
- 31 6) Install an evergreen screen,
- 32 7) Direct all lights onto the property, and
- 33 8) Maintain an annual client bed count of 31, the total occupancy per night could not exceed 36
34 beds.
35

36 Resolution may have been reached much sooner with less money spent by the Town of Grant. The
37 final settlement agreement mirrored Pine Shores pre-suit proposal **plus** \$46,000 in costs and
38 attorney's fees. Every legitimate concern on behalf of the Board and Residents was addressed by Pine
39 Shores in its attempt to compromise prior to initiating the lawsuit. Pine Shores agreed to secure
40 appropriate permits, to open a new driveway, to add new parking spaces, to construct walking trails,
41 and install additional screening. With these concerns addressed, and in light of the requirements of
42 federal and state law, the Town was left with no legitimate rationale for denying the application.
43

44 Mr. Cameron Kelley, Attorney for Meridian, came forward and reviewed the application request
45 stating he believes consolidation of the buildings enhances the health, safety and welfare of the

1 community. He noted Meridian has owned the property since 2007 and the property size has
2 increased. He stated concerns relating to the condition of the current buildings are addressed with the
3 new plan. All of the old buildings will be removed. The facility is a very well run facility and all
4 policies and procedures are in place. Meridan owns 18 facilities across the state and organized
5 training is provided to staff. The facility is also regulated by the Minnesota Department of Health and
6 no complaints have been filed in eight years. The benefits of a new facility include the enhanced
7 ability to monitor clients. Lock downs cannot occur because clients are there on a voluntary basis.
8

9 Mr. John Seymore, Vice-President of Marketing and Business, came forward and provided a brief
10 overview of Meridian and the types of clients they serve. He commented on the daily operations of
11 the facility noting they do not admit clients that are a danger to themselves or others.
12

13 Mr. Denton Mack came forward and stated he has been hired to design the new facility. He referred
14 to the floor plan of the proposed facility noting there is a perimeter monitoring service. The site
15 lighting follows City ordinance requirements and a full lighting plan will be submitted.
16

17 Council Member Sederstrom stated there were unsupervised clients at the end of the driveway last
18 week. It was very disturbing. There seems to be minimal activity there but he has heard clients out in
19 the fields.
20

21 Council Member Huber referred to the current CUP and noted referrals are accepted for non-violent
22 clients. He inquired about the fence and construction access. He asked if the phone numbers of local
23 residents had been updated recently. He noted the lighting and stated it looks as though the facility is
24 moving west which is where the closest neighbors are. Screening also appears to be an issue.
25

26 Mayor Carr stated protection of clients is important but Grant is out in the middle of nowhere. There
27 are no street lights. No violent clients are admitted but how does the City know that and is there a
28 mechanism for the City to know that.
29

30 Council Member Lobin clarified there is a fence around the facility but clients are free to leave. The
31 concern is clients leaving whenever they want.
32

33 Mr. James Smith, Chief Operational Officer, came forwards and stated clients do walk down the
34 driveway but are always supervised. An assessment is done when clients are admitted. The program
35 encourages clients to stay and graduate from the program. There is a procedure if they want to leave
36 and 911 is called if someone just walks away from the facility without going through that procedure.
37

38 Council Member Lanoux confirmed that the average length of stay at the facility is 30 days. He stated
39 at the last two City elections, clients were bussed to the polling location to vote. If they are only there
40 for 30 days they are not a resident of Grant and should not vote.
41

42 Mayor Carr opened the public hearing at 8:10 p.m.
43

44 Ms. Kristine Thunhorst, 11710 Keats, came forward and stated there are no residency requirements at
45 the facility so sex offenders are not required to register. She referred ro police reports relating to the

1 facility commenting on calls relating to drug overdose, walk offs and 911 calls. She stated the CUP
2 requires notification of these problems. There is also a history of problems with past employees,
3 assaults at the facility and mistreatment of the clients. The issues that were clear back in year 2000
4 are still issues today. Violent clients are being placed in this facility. The City should be discussing
5 how to revise the current CUP. Alarm systems could be installed and third party compliance checks
6 should be required. The City should refuse additions beds until all current conditions are met.

7
8 Ms. Phyllis Johnson, 11410 Jasmine, came forward and stated she had to run one of their clients off
9 her property with a pitchfork. The facility was not even aware he was missing. Neighbors are
10 supposed to be notified of walk offs. No calls are being made and she has not received a call in ten
11 years. A client did flag her down for a ride two months ago because he said he has to get out of there.
12 There is concern over additional beds as they can't handle what is going on there now with less beds.
13 The City does not need this and should not allow it as they are not following current CUP.

14
15 Mr. Joseph Kiel, 11316 Jasmine Trail N, came forward and asked if the facility was still overflow for
16 the Council. He stated he was a resident when the City fought the facility before. He added he hoped
17 the Council could come together on this issue.

18
19 Mr. John Smith, 10244 67th Lane, came forward and stated he is not sure how much a facility can cure
20 in 30 days. He asked if the clients are financially able to pay for the care as it sounds like the facility
21 is a revolving door.

22
23 Ms. Kami Mendez, 118th Street, came forward and stated this is very disturbing. She has two children
24 whoever oversees the conditions of the CUP needs to follow through on this.

25
26 Ms. Lauren Bethke, 10520 118th, came forward and stated she did not know about this until two days
27 ago. She stated she has never received a call from the facility. She asked who the licensed people are
28 doing the evaluations and the staff client ratio. She added that many clients there also have mental
29 health issues as well as chemical dependency problems. She stated the bed count should remain as is.

30
31 Ms. Sandra Kaebly, 11675 Keats, came forward and expressed concern regarding the evaluation
32 process. With 36 beds at 30 days there are 400 people going through the facility which allows for
33 plenty of room for mistakes.

34
35 Mr. Shane Bethke, 10520 118th Street, came forward and stated why would the City add 15 more
36 reasons for all the issues that would come with the additional beds.

37
38 Another resident across the street from the facility expressed concern regarding the walk offs, drug
39 related information being distributed and having no fence around the facility. Property values will go
40 down and a locked gate should be installed.

41
42 Mayor Carr closed the public hearing at 8:31 p.m.

43
44 All documents submitted during the public hearing for the public record are attached to the minutes.

45

1 Mr. Smith came forward and advised clients cannot be restrained at this facility. The facility does
2 everything possible to transport those that want to leave and do call 911 when needed. The facility
3 does not put tracking devices on the clients. He stated the facility does have psychiatrists but
4 counselors do the initial reviews. There is a mental health staff on site to determine needs.
5

6 Council Member Huber stated there must be some code of conduct the clients sign before admittance.
7 The facility could make them agree to a tracking device. He asked if a psychiatrist is providing the
8 evaluations. The City makes agreements with applications for a CUP. He referred to the current CUP
9 and read the conditions of it relating to evaluations by a psychiatrist. Social workers are far from that.
10 It does sound like the process is efficient but he would like to see a full description of the evaluation
11 process. He inquired about the level of offenders that are treated and the criteria for that level. He
12 also asked what level of sex offenders are allowed in the facility.
13

14 Mr. John Seymore, Vice-President of Marketing, came forward and stated the facility is not licensed
15 to accept any sex offenders. The facility does not take any violent clients. Drugs often do cause
16 violent activity or crime. The facility overall does reduce criminal activity.
17

18 Mayor Carr stated many clients can be unstable when going through this and those issues are
19 concerning.
20

21 Council Member Sederstrom stated another concern is a percentage of the clients come from the
22 system because they were given a choice between the facility or jail.
23

24 Council Member Lanoux stated the common theme here is that residents don't want an increase in the
25 number of beds. He asked if they would still move forward with the new facility with no increase.
26

27 Mr. Kelly advised Meridian would have to look at the feasibility of a new facility with no increase in
28 beds. The new plan calls for 50 beds and a pinch point for the facility.
29

30 The Council requested more information relating to the requirement of a tracking system,
31 responsibility of notifying neighbors, better information through the code red system, evaluations by
32 an independent psychiatrist, significant security improvements that could be made now, all
33 documentation relating to code of conducts, rules of admission, etc. and reasons as to why
34 notifications are not currently going out.
35

36 In terms of an amended CUP, the Council requested new conditions relating to independent
37 evaluations prior to admittance, pinch points, security measures, gate installation, plan of removal,
38 more buffering, higher fencing and additional list of phone numbers for notifications.
39

40 Mayor Carr also requested information relating to potential future expansions as the City is not set up
41 for expansion.
42

43 This item will appear on the November 2015 City Council meeting agenda.
44

45 Mayor Carr called for a short recess at 9:30 p.m.

1
2 Mayor Carr reconvened the meeting at 9:40 p.m.

3
4 **Discussion of Business – Seasonal Land Use Definitions, Jennifer Haskamp** – City Planner
5 Haskamp advised at the September City Council meeting staff presented some background
6 information and discussion points related to the Seasonal Businesses and Greenhouses (commercial
7 production only) land use definitions. The following draft definitions are provided for your review
8 and feedback based upon the preliminary input heard at the September meeting.

9 **Business – Seasonal**

10 The following summary is staff’s understanding of the general discussion related to Seasonal
11 Businesses by the City Council:

- 12 ■ The Table of Uses should be updated to reflect that Seasonal Businesses are permitted in most
13 zoning districts with a conditional use permit, consistent with Ordinance 50. Based upon that
14 recommendation staff would propose the following modifications to the table.

15 *Table 32-245:*

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Business - Seasonal	N	N C	N C	N C	N C

- 16
- 17 ■ The intent of permitting seasonal businesses is to allow for business operations with a limited
18 or defined period of time. The general consensus was to permit seasonal business operations
19 for a maximum of 6-months in a calendar year.
 - 20 ■ The council also discussed the possibility of limiting seasonal businesses to be less permanent
21 such as restricting the uses to temporary structures and stands, and not allowing electricity.
22 However, after contemplating this, staff believes that this type of use would fit into the
23 “Roadside sales stand (seasonally operated)” which is permitted with a COC in most districts.
24 Staff would suggest that the seasonal business land use would refer more to businesses such as
25 Apple Orchards and associated retail sales, Corn Mazes, Haunted Hay Rides, etc. If that were
26 to be the case, a permanent structure may be associated with the use, which likely would
27 require electricity.
 - 28 ■ The council also had some discussion regarding whether a seasonal business would more
29 properly be permitted through a Certificate of Compliance rather than a Conditional Use
30 Permit. Based upon the above bullet, staff would suggest that the uses associated with a
31 seasonal business might be more intense than that generated from a roadside stand for
32 example – which may warrant the CUP process to ensure a public process and that neighbors
33 are communicated with.

- Finally, there was discussion regarding tying greenhouses into a Seasonal Business as a permitted structure.

Based upon these comments, staff offers the following draft definition for your consideration:

Business, Seasonal means a business which operates for not more than six (6) months of any calendar year, and whose primary product or service offered is based on agricultural products or activities produced on site and may or may not include a permanent structure for operations. Examples of such businesses include, but are not limited to: the sale of locally produced produce or any derivative thereof grown or raised on the property; outdoor/indoor seasonal sales such as Christmas trees, plants, flowers, etc., which may be produced in a greenhouse or outdoors; seasonal events such as hay rides, apple orchards and associated activities, which may include associated retail sales.

Greenhouses (commercial production only)

In September the City Council had some discussion regarding Greenhouses and whether or not they should have a standalone land use definition or whether they would better fit as a structure. There was not unanimous agreement about the best way to address Greenhouses, so staff has prepared the following thoughts for discussion purposes regarding this land use designation.

Based upon the discussion in September, there did seem to be some general agreement that Greenhouses are primarily a structure and that they should be regulated in some way within the zoning ordinance. As a result, staff would suggest that a definition for Greenhouse be added to Section 32-313 **Accessory buildings and other non-dwelling structures.** (a) *Types of buildings:*

(6) *Greenhouse, private* means a structural building with different types of covering materials, such as a glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants. Such buildings may be temporary or permanent, with a maximum gross area regulated in subsection (b) of this section. Greenhouses of a commercial nature shall be regulated section (4) or (5) of this section.

As a result of adding this definition to this section private Greenhouses would be defined and regulated through the accessory building process, while commercial Greenhouses would be regulated through the Nursery Commercial or Seasonal Business land uses. This is represented in the updated table below:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Greenhouses (commercial production only)	N	€	€	€	€
Nursery – Commercial (production of trees and shrubs)	CC	P	C	C	N
Nursery and garden supplies (exterior or enclosed sales)	N	N	N	N	C
Seasonal Business (as noted above)	N	C	C	C	C

1 Based on this approach, staff would recommend modifying the definition for Nursery, landscape
2 slightly to reference Greenhouses and also to make the definition consistent with the naming
3 convention found in the Table of Uses.

4 *Nursery, ~~Commercial landscape~~* means a business growing and selling trees, flowering and
5 decorative plants, and shrubs which may be conducted within a building such as a greenhouse
6 or without.

7 Staff is seeking input and discussion related to these draft land use definitions and associated code
8 changes so that a draft ordinance addressing these changes can be brought forward for consideration
9 at an upcoming meeting and public hearing.

10
11 Council direction for a draft definition relating to business seasonal included a time maximum,,
12 allowed in all zones but more intense uses would require a CUP and also include agriculture use and
13 help sustain agricultural use.

14
15 In terms of the greenhouse definition, the Council indicated they would like to look at allowable
16 accessory building square footage and setbacks.

17
18 This item will appear on the November, 2015 City Council meeting agenda.

19
20 **City Attorney, Nick Vivian**

21
22 **Council Member Censure Review** – City Attorney Vivian advised on February 3, 2015, the City
23 Council voted to approve Resolution 2015-07 (“Resolution”) censuring Councilmember Larry
24 Lanoux. The Resolution directed the City Council to review compliance with the Resolution after
25 sixty days.

26
27 On April 7, 2015, the City Council voted by motion to extend Resolution 2015-07 by an additional 90
28 days. The extension of the Resolution expired on July 6, 2015.

29
30 On July 7, 2015, the City Council again voted by motion to extend Resolution 2015-07 by an
31 additional 60 days. In addition, the Council authorized the filing of an injunction to keep Mr. Lanoux
32 from violating the Censure Resolution. The Resolution calls for City Council review as of September
33 7, 2015.

34
35 City Attorney Vivian advised the status of the censure resolution is again before the Council for
36 review and consideration. The Council should determine whether the sanctions contained within the
37 censure resolution have sufficiently deterred Mr. Lanoux’s conduct or whether the resolution should
38 be extended for an additional period of time. The resolution principally concerns Mr. Lanoux’s
39 conduct with staff arising from the unauthorized removal of governmental property from the City’s
40 office, outbursts of anger privately and in public toward City staff and members of the City Council,
41 the creation of an unsafe, unfriendly, unsecure and intolerable environment in the City’s workplace
42 and a disregard for City procedures and protocol. Resolution No. 2015-17 was provided in the packet
43 which includes concerns related to outbursts of violence and erratic behavior against City
44 Councilmembers including Councilmember Huber. Additionally, Mr. Lanoux has continued to
45 violate the censure previously imposed by the City Council.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

The Council may take the following actions:

1. Consider the Censure of Councilmember Lanoux to be complete.
2. Approve the attached censure resolution, which extends for a period of 90 days, for engaging in conduct which creates a difficult, unsafe, unfriendly, unsecure and intolerable work environment for staff.

Council Member Sederstrom moved to table Resolution No. 2015-17. Motion failed with no second.

Council Member Huber moved to adopt Resolution No. 2015-17, as presented. Mayor Carr seconded the motion.

Council Member Lanoux provided the background relating to City incidents and reviewed the resolution rebutting all points in the resolution. He stated the City should stop paying the City Attorney do draft new censure resolutions for 30 or 60 days and censure him for the whole year. He provided a formal complaint to the City requesting a censure on Council Member Huber.

Council Member Huber stated Council Member Lanoux’s behavior has caused the censures along with the removal of government property from the City office. The censure was very simple and easy to do and has not been complied with.

City Attorney Vivian stated Council Member Lanoux has admitted to sending emails without copying the Mayor. The point is not to stop Council Member Lanoux from conducting City business as an elected official. The censure has not been complied with.

Motion carried with Council Member Lanoux and Sederstrom voting nay.

NEW BUSINESS

There was no New Business agenda items.

UNFINISHED BUSINESS

Discussion of Draft City of Grant Planning Commission Manual – This item will be discussed at the November, 2015 City Council meeting.

DISCUSSION ITEMS

City Council Reports:

There were no City Council reports.

Staff Updates:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

There were no staff updates.

COMMUNITY CALENDAR OCTOBER 7 THROUGH OCTOBER 31, 2015:

Mahtomedi Public Schools Board Meeting, Thursday, October 8th and 22nd, 2015, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, October 8th, 2015, Stillwater City Hall, 7:00 p.m.

Special Election, Tuesday, October 13, 2015, Oakhill Lutheran Church, 7:00 am to 8:00 p.m.

Charter Commission Meeting, Thursday, October 15th, 2015, Mahtomedi City Hall, 7:00 p.m.

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

ADJOURN

Council Member Lobin moved to adjourn at 10:27 p.m. Mayor Carr seconded the motion. Motion carried unanimously.

These minutes were considered and approved at the regular Council Meeting November 3, 2015.

Kim Points, Administrator/Clerk

Tom Carr, Mayor