

CITY OF GRANT
MINUTES

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DATE : September 1, 2015
TIME STARTED : 7:04 p.m.
TIME ENDED : 9:18 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lobin, Huber,
Lanoux and Mayor Carr
MEMBERS ABSENT : None

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

CALL TO ORDER

Mayor Carr called the meeting to order at 7:04 p.m.

PUBLIC INPUT

There was not public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lanoux moved to approve the agenda with the addition of Item 6F, Change City Newspaper and Item 6G, Performance Reviews. 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

Bill List, \$54,620.91	Removed
M.J. Raleigh, 2015 Gravel, \$51,462.43	Approved
Brochman Blacktopping, Keats Avenue Special Project, \$25,000	Approved
Brochman Blacktopping, Kimbro Mill and Overlay, \$31,837.00	Approved

1 NSI, 2015 Dust Control, \$20,425.00 Approved

2

3 Resolution No. 2015-16, Appointment of
4 Special Election Judges Approved

5

6

7 **Council Member Sederstrom moved to approve the consent agenda with moving Bill List,**
8 **\$54,620.91 to Item 6F under New Business. Council Member Lanoux seconded the motion.**
9 **Motion carried unanimously.**

10

11 **STAFF AGENDA ITEMS**

12

13 **City Engineer, Phil Olson**

14

15 **Discussion of McKusick Avenue Maintenance Options** – City Engineer Olson advised there is no
16 update on this item at this time. He indicated he is still in discussions with the property owners. An
17 update will be provided when those discussions are complete.

18

19 **Mayor Carr moved to table Discussion of McKusick Avenue Maintenance Options to a future**
20 **Council meeting. Council Member Lanoux seconded the motion. Motion carried unanimously.**

21

22 **Consideration of Road Ranking System** – City Engineer Olson advised at the July City Council
23 meeting, Council directed engineering staff to again provide a proposal for rating the City’s paved
24 roads. A proposal from WSB & Associates which includes tasks, costs, and a schedule for rating the
25 City’s paved roads in 2015, was included in the July Council packet. The cost will be slightly greater
26 due to an annual increase in hourly rates if the road rating is completed in 2016.

27

28 **Council Member Huber moved to authorize WSB to complete tasks within the Pavement**
29 **Rating Work Plan, as presented. Council Member Lanoux seconded the motion. Motion**
30 **carried unanimously.**

31

32 **City Planner, Jennifer Haskamp**

33

34 **Discussion of Business-Seasonal Land Use Definitions** – City Planner Haskamp advised the staff
35 report for the regular July council meeting provided draft definitions related to four land uses included
36 within the moratorium. At the meeting, the Council delayed the discussion until the regular August
37 meeting to allow for additional time to review and consider the definitions, and also requested staff to
38 narrow the four land use definitions to two for discussion purposes in August. As such, staff has
39 prepared the following staff report addressing Business Seasonal and Greenhouses (commercial
40 production only).

41

42 The following background information related to these uses is provided for your review and
43 consideration:

44

1 **Business – Seasonal**

2 The City’s ordinances currently do not provide a definition for Seasonal Businesses; however, there
 3 have been several inquiries from residents and landowners with respect to the seasonal operation of
 4 businesses. There are several businesses in the city that are seasonally operated that were either
 5 processed under the guise of a home occupation or under Ordinance 50 when Seasonal Businesses
 6 were a permitted conditional use in most zoning districts (See table below depicting current Table of
 7 Uses related to Seasonal Business and also how the use was categorized under Ordinance 50). The
 8 City’s previous Ordinance 50 which was replaced when the ordinances were codified permitted
 9 Seasonal Businesses with a Conditional Use Permit in every zoning district except the Conservancy
 10 district where they were not permitted. Various council people and other members of the public have
 11 brought up to Staff that perhaps the codified version is an error that should be corrected to reflect how
 12 the use was permitted under Ordinance 50. As a starting point, the City Council should discuss
 13 whether Seasonal Businesses should be permitted, and if so, should they be permitted with a
 14 Conditional Use Permit in the same zoning districts as previously permitted in Ordinance 50?

15 *Table 32-245:*

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Business - Seasonal	N	N	N	N	N
<i>ORDINANCE 50</i>	<i>N</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>

16
 17 Secondly, the City’s ordinance includes a general definition for **Business**, which is provided for your
 18 reference:

19 **Business** means any occupation, employment or enterprise wherein merchandise is exhibited
 20 or sold, or where services are offered for compensation.

21 It would be reasonable to use this as the starting point for a definition related to seasonal business and
 22 to simply address the ‘seasonal’ nature of a use. Some general definitions of “Seasonal Business” are
 23 provided for your reference (dictionary.com, webster, etc.):

24 **Seasonal business** is a term that refers to the fluctuations in business that correspond to
 25 changes in season

26 **Seasonal** – pertaining to, dependent on, or accompanying the seasons of the year or some
 27 particular season; periodical

28 **Seasonal** - relating to, occurring in, or varying with a particular season

29 However, staff would request Council to consider what types of seasonal uses and businesses would
 30 fit the character of the community. Through researching various codes, most communities address
 31 seasonal businesses that are primarily agricultural types of product/merchandise. For example, even
 32 the City of Bloomington addresses ‘seasonal’ in this context. A couple definitions related to seasonal
 33 sales are provided for your reference:

1 **Seasonal sales, outdoor** – Outdoor seasonal retail sales, where permitted, including but not
 2 limited to the seasonal sale of Christmas trees, plants, flowers, vegetables and related products
 3 available on a seasonal basis. (Bloomington)

4 **Agricultural-Business, Seasonal** - A seasonal business not exceeding six (6) months in any
 5 calendar year operated on a rural farm as defined offering for sale to the general public,
 6 produce or any derivative thereof, grown or raised on the property. (Scandia and Stillwater
 7 Township)

8 Staff would request the Council discuss what, if any, types of seasonal operations should be permitted
 9 and then staff can draft the appropriate language based upon that direction.

10
 11 **Greenhouses (commercial production only)**

12 Section 32-1 of the City Code does not include a definition for Greenhouses, commercial production
 13 only, and there are no other sections of the code that provide a definition. The following excerpt from
 14 Table 32-245 Table of Uses is provided related to this, and similar uses:

USE	ZONING DISTRICT				
	Conserv ancy	Agricultu ral A1	Agricultu ral A2	Residenti al R1	General Business (GB)
Greenhouses (commercial production only)	N	C	C	C	C
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

15
 16 Staff researched other city codes from communities of similar size and character and found that the
 17 majority of codes do not call out Greenhouses as a separate use. Instead, they address Greenhouses as
 18 a permitted structure/use in coordination with Nursery uses. Grant’s code does address Nursery uses
 19 as identified in the above table, which are further defined in Section 32-1 Definitions of the code as
 20 the following:

21 *Nursery, landscape* means a business growing and selling trees, flowering and decorative
 22 plants, and shrubs which may be conducted within a building or without. (Grant)

23 As noted in our definition, a building would be permitted associated with a Landscape Nursery, and a
 24 greenhouse could theoretically be the building. Some general definitions of Greenhouses are
 25 provided below:

26 **Greenhouse:** a building or complex in which plants are grown. A greenhouse is a structural
 27 building with different types of covering materials, such as a glass or plastic roof and
 28 frequently glass or plastic walls; it heats up because incoming visible sunshine is absorbed
 29 inside the structure. Air warmed by the heat from wared interior surfaces is retained in the
 30 building by the roof and walls; the air that is warmed near the ground is prevented from rising
 31 indefinitely and flowing away. (Wikipedia)

1 Greenhouse: A structure, primarily of glass or sheets of clear plastic, in which temperature and
2 humidity can be controlled for the cultivation or protection of plants.

3 Staff would ask Council to discuss and consider the following questions to provide direction to staff
4 when preparing a draft definition for this use:

- 5 ▪ What is the intended use associated with the greenhouse? Is it to permit retail sales from the
6 greenhouse?
- 7 ▪ Should there be a size limit on the greenhouses? Additional setbacks? Or are they simply
8 compatible with rural character?
- 9 ▪ Is the intent to permit greenhouses only for distribution of what's grown in the greenhouses?
10 No retail sales? (Essentially, just a distributor)
- 11 ▪ Is there a reason why commercial production of trees and shrubs is acceptable in most
12 districts, but other plant types would not be acceptable? What about flower cultivation in
13 greenhouses?
- 14 ▪ Should Greenhouses just be covered under the Nursery use?

15 City Planner Haskamp noted staff is not looking for specific action related to these definitions at this
16 time. Instead, staff is seeking input and discussion related to these uses so that a draft ordinance
17 addressing these uses can be brought forward for consideration in October.

18 Council Member Sederstrom stated he does not want any definition of nursery to conflict with
19 agricultural use and the right to farm.

20 Council Member Huber read the seasonal sales definition from the staff report and noted examples of
21 a good model for this type of use including Costas.

22 Mayor Carr stated the City should be careful of retail sales turning into products other than
23 agricultural products. The spirit of the draft definition is good. Clarifications should be made
24 relating to how many days this type of activity can occur, type of structures, etc.

25 **Council Member Lanoux moved to table action on this item until a Planning Commission is in
26 place. Council Member Sederstrom seconded the motion.**

27 Council Member Huber read the staff report noting staff is not asking for any action. Staff is
28 requesting input to draft definitions.

29 **Motion failed with Council Members Lobin, Huber and Mayor Carr voting nay.**

30 City Planner Haskamp requested clarification on the table itself relating to requiring a COC or a CUP
31 once the definition and performance standards are in place.

32 It was the consensus of the Council to move forward with well defined performance standards and
33 utilizing a COC for the permitting requirement for a nursery.

34 Council Member Huber stated he sees that a greenhouse is different in terms of viewing it. He
35 suggested a size limit, removal of what can be grown in it and tie it into a seasonal business. When a
36 greenhouse were to go larger and get into commercial production than a CUP would be required.

1 Mayor Carr suggested it would be beneficial in terms of definitions to not only define what the City
2 does want but also what it doesn't want.

3 Council Member Sederstrom stated the allowable size of a greenhouse should also be dependent upon
4 the lot size.

5 City Planner Haskamp advised she will incorporate the Council input and come back with revisions
6 of the definition for Council review and discussion.

7
8 **Discussion of Zoning Ordinance-Accessory Buildings** – City Planner Haskamp advised as
9 requested by Council, in June staff presented preliminary information regarding Section 32-313(f)
10 *Accessory building as part of principal building*, of the City's Code. At that meeting, Council
11 expressed concern over the current ordinance language, and requested additional information and
12 suggestions from staff on how to move forward to clarify this ordinance language to avoid future
13 issues with this section.

14
15 The ordinance section of concern is contained within *Section 32-313 Accessory buildings and other*
16 *non-dwelling structures* and is identified below:

17
18 (f) *Accessory building as part of principal building*. An accessory building shall be considered as
19 an integral part of the principal building if it is located six feet or less from the principal building. The
20 exterior design and color shall be the same as that of the principal building or be of an earthen tone;
21 the height shall not exceed the height of the principal structure unless more restrictive portions of this
22 chapter prevail.

23
24 After reviewing codes from similarly sized communities (and larger communities), the Minnesota
25 State Fire and Building Codes, and other resources staff was able to determine the following:

- 26 ■ Per state fire code, all structures (accessory) must be located a minimum of 6-feet from a
27 principal structure; or
- 28 ■ If an accessory structure is located closer than 6-feet, then per fire code, they are considered
29 part of the principal structure and are potentially subject to additional building standards (i.e.
30 fire resistant walls, architectural standards for eaves, etc.)

31
32 As a result of this requirement, most city codes do address this issue in some way. A couple
33 examples of how various codes address the separation of accessory structures from principal
34 structures is provided below:

- 35 ■ All accessory structures must meet setbacks and distance requirements per state building code
36 – essentially an accessory structure must be detached. The city does not permit an accessory
37 building to be closer than 6-feet from a principal building. No additional standards (i.e.
38 architectural) are provided for attached garages. (Scandia)
- 39 ■ “In residential districts, accessory buildings shall not be attached to, or erected, altered, or
40 moved within 10 feet of the principal building.” (Medina)
- 41 ■ All accessory structures must meet setbacks; however no specificity with respect to 6-feet of
42 separation. However, Stillwater Township does incorporate the state building code by

1 reference, as do many other city and township codes. Additional provision within the code
2 regarding attached garage size stating, “For attached garages, the maximum footprint of the
3 attached garage shall not be more than 100% of the footprint of the primary structure.”
4 (Stillwater Township)

5
6 Generally, most communities simply do not permit accessory structures to be located within 6-feet of
7 the principal structure. Ultimately, this simplifies the process, and reduces the need for special
8 architectural standards such as fire resistant walls, eave dimensions, pitches, etc., when an applicant
9 wishes to construct an accessory structure.

10
11 At the June meeting, the Council expressed concern with respect to detached garages and ensuring
12 that if a principal structure does not have an attached garage, then they would be able to construct a
13 detached garage and not have it count towards their allowable accessory structure quantity and square
14 footage. However, this is already provided for in Section 32-313 of the code as follows:

15
16 (e) Garages. A detached garage, when there is no garage attached to the principal building,
17 which is 720 square feet or less in size shall not count as one of the accessory buildings or in
18 calculating the square footage limitation, even if it is more than six feet from the principal building, as
19 long as the detached garage exterior matches the exterior design and color of the principal building.

20
21 Based upon the research and review of the existing city ordinance, staff would request council discuss
22 the following Options:

- 23
24 ■ **Option 1:** Delete Section 32-313(f) from the city ordinance. This essentially would disallow
25 accessory structures to be located within 6-feet of a principal structure. The garage section (e)
26 would remain, addressing the concern of the Council with respect to allowing a garage and
27 principal structure to be located on a property without counting towards the allowable
28 accessory structure square footage and quantity provided it meets the requirements of Section
29 (f). Based on this language, a garage would be permitted to be constructed anywhere on a
30 property provided it met the setbacks, including within 6-feet of the principal structure. If this
31 option is selected, it may be prudent to add in some language into (e) with respect to the state
32 fire code to ensure that if a detached garage is constructed within 6-feet of the principal
33 structure that it is constructed in compliance with the fire code.
- 34
35 ■ **Option 2:** Modify the language in Section 32-313(f) to include language regarding the state
36 fire code, and limit the size of the structure. Staff has drafted the following language for
37 discussion purposes:
- 38 ○ *Accessory building as part of principal building.* An accessory building shall be
39 considered as an integral part of the principal building if it is located six feet or less
40 from the principal building, and shall be subject to the state fire code. Such accessory
41 buildings shall not be more than 100% of the footprint of the principal structure and
42 the use shall be restricted to *Detached residential accessory building*, as defined in

1 Section 32-313(a)(2). The exterior design and color shall be the same as that of the
2 principal building ~~or be of an earthen tone~~; and the height shall not exceed the height
3 of the principal structure unless more restrictive portions of this chapter prevail.

- 4 ○ Also, the council should consider whether we would need to add additional language
5 to Section (e) Garages IF a property owner were to utilize (f) above. (i.e. a principal
6 structure with a detached residential accessory building with a detached garage – all of
7 which would be excepted from the accessory building standards.)

- 8
- 9 ■ **Option 3:** Any other Council suggestions.

10

11 City Planner Haskamp noted staff is looking for your comments on the above items and direction
12 regarding next steps.

13 Council Member Lanoux stated if the City is going to restrict garages, the City should also consider
14 increasing the allowed size of accessory buildings.

15 City Planner Haskamp stated she did do an analysis on allowed accessory buildings and the City of
16 Grant is on the low end of what is allowed.

17 Council Member Sederstrom suggested the City look at allowed accessory buildings per lot size and
18 tweak that a bit.

19 City Planner Haskamp stated she would revise the accessory building draft ordinance and bring back
20 for Council review and discussion.

21

22 **City Attorney, Nick Vivian**

23

24 **PUBLIC HEARING, Vacate CUP's, 11591 McKusick Road and 6450 117th Street** – City
25 Attorney Vivian advised as contemplated by Section 32-156 of the Grant City Code, City Staff
26 reviewed twenty-two conditional use permits (CUPs) and Jack Kramer conducted five site inspections
27 in connection the City's annual review of its CUPs.

28

29 Mr. Kramer has recommended that the CUPs for 11591 McKusick Road and 6450 117th Street be
30 vacated for non-use. Accordingly, the Council should conduct a formal review of each of the two
31 CUPs recommended for vacation. Each of the property owners has been notified of the City's
32 intention to vacate the CUPs.

33

34 As a component of this process, a public hearing will take place at which the property owners will
35 have an opportunity to address the Council.

36

37 If neither of the property owners appear or otherwise contest the City's intended action, he
38 recommended the Council adopt a motion to vacate the Conditional Use Permits for 11591 McKusick
39 Road and 6450 117th Street.

40

41 Mayor Carr opened the public hearing at 8:16 p.m.

1 There was no one present to speak at the public hearing. Mayor Carr closed the public hearing at 8:17
2 p.m.

3
4 **Council Member Huber moved to vacate the CUP's, as presented. Council Member Lobin**
5 **seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting**
6 **nay.**

7
8 **Consideration of Zoning Enforcement, 10851 69th Street** – City Attorney Vivian advised In April
9 of 2014, Jack Kramer (“Kramer”) received a formal complaint regarding certain zoning violations
10 involving the property owned by Marc Mahowald (“Mahowald”) located at 10851 – 69th Street North,
11 Grant, MN 55082 (“Property”). After an inspection, Kramer confirmed Mahowald was using the
12 Property for outside storage of commercial equipment in violation of Grant Code of Ordinances Section
13 32-316(c). Kramer also suspected the Property was being used for the operation of a commercial
14 business in violation of Grant Code Section 32-245.

15
16 On April 16, 2014, Kramer sent a formal letter to Mahowald demanding him to cease all commercial
17 activity on the Property and remove all commercial equipment. On June 14, 2014, Kramer met with
18 Mahowald at the Property. Kramer noted that Mahowald made significant progress in the removal of
19 the commercial equipment. During this visit, Kramer also informed Mahowald that the accessory pole
20 barn located on the Property violated the Certificate of Compliance issued to him on September 30,
21 2013 and Grant Code Section 32-313(b)(2)(b). Kramer requested removal of the metal roofing and
22 siding prior to an inspection date of August 1, 2014, as a “good faith effort” to comply with the
23 requirements of the Certificate of Compliance. On August 5, 2014, Kramer re-inspected the Property.
24 Only one front-end loader remained on the Property, but the pole barn still remained in place, without
25 any good faith effort for removal.

26
27 On September 8, 2014, we sent a demand letter to Mahowald informing him of the zoning violations on
28 the Property and demanding compliance. Mahowald contacted us via telephone. Mahowald denied that
29 he was running a commercial landscaping business on the Property and expressed a need for additional
30 time to remove the pole barn. In early November, Mahowald indicated that he would not be able to
31 remove the pole barn prior to the winter season.

32
33 In May 2015, we discussed with Kramer the status of the Property. Kramer conducted an informal
34 inspection of the Property. Upon his inspection, he discovered an increased number of pieces of
35 construction equipment stored on the Property indicative of the operation of a commercial landscaping
36 business. Additionally, Kramer discovered that the pole barn still remained on the Property in violation
37 of the City’s Code. On June 5, 2015, we sent another Notice of Ordinance Violation and Demand for
38 Compliance to Mahowald via certified mail. Mahowald received the letter on June 8, 2015. The letter
39 warned Mahowald that if the Ordinance violations were not remedied within twenty-five (25) days of
40 the letter, the City would seek legal action. Mahowald failed to respond to the letter.

41
42 On July 1, 2015, we contacted Kramer and requested a final inspection of the Property with appropriate
43 photographs. Kramer inspected the Property on July 3, 2015. The Property continues to remain in
44 violation of City’s Code of Ordinances and Mahowald has absolutely failed to comply with the June 8,
45 2015 Notice of Violation.

1 City Attorney Vivian stated that despite repeated opportunities to remedy the ordinance violations, the
2 Property remains in violation of City's Code of Ordinances. He recommend that the City initiate legal
3 action against Mahowald 1.) seeking an order from the Court for declaratory and injunctive relief, 2.)
4 affirming that the Property is in violation of the City's Code of Ordinances and 3.) mandating Mahowald
5 to immediately comply with the City's zoning, building, and property maintenance codes and
6 ordinances.

7
8 Council Member Lanoux asked if a written signed complaint was submitted to the City and noted the
9 City is over budget on complaints. He noted he did go out and speak to the property owner regarding
10 this issue.

11
12 Council Member Huber asked if Council Members should be going out and talking to property owners
13 regarding zoning violations.

14
15 City Attorney Vivian stated the pole building is in violation of the COC. There is a cost to enforce City
16 ordinances. The Council needs to decide if they want to enforce this violation and that is why it is
17 before the Council.

18
19 Mayor Carr stated the City has to enforce its ordinances and go with the next level of enforcement on
20 this violation.

21
22 Council Member Sederstrom stated he has no specifics on what type of violation and how far out of
23 compliance it really is. Those details are needed for him to decide if the violation should go to the next
24 level of enforcement.

25
26 Council Member Lobin stated the law is the law and it should have no bearing on how much a property
27 is out of compliance.

28
29 Council Member Huber stated the Council has to enforce the law. The City Council can not pick the
30 winners and losers relating to zoning enforcement.

31
32 **Mayor Carr moved to initiate legal action for zoning enforcement, as presented. Council Member**
33 **Huber seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
34 **voting nay.**

35
36 **NEW BUSINESS**

37
38 **Consideration of July 30, 2015 City Council Meeting Minutes (Lanoux and Sederstrom abstain)**
39 **– Council Member Huber moved to approve the July 30, 2015 City Council Meeting Minutes,**
40 **as presented. Council Member Lobin seconded the motion. Motion carried.**

41
42 **Consideration of Resolution No. 2015-14, 2016 Preliminary Budget, Treasurer Schwarze – City**
43 **Treasurer Schwarze presented the 2016 Preliminary Budget in the amount of \$1,386,006.00 as**
44 **discussed during the budget work session.**

1 **Council Member Huber moved to adopt Resolution No. 2015-14, as presented. Council**
2 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux and**
3 **Sederstrom voting nay.**

4
5 **Consideration of Resolution No. 2015-15, 2016 Preliminary Levy Certification, Treasurer**
6 **Schwarze** – City Treasurer Schwarze reviewed the 2016 Preliminary Levy Certification in the amount
7 of \$1,096,856.00.

8
9 Council Member Lanoux stated the preliminary levy should be increased to include the amount of
10 \$200,000 to repair roads. The levy can always be reduced but it cannot be raised.

11
12 Council Member Sederstrom stated the preliminary levy should be increased by 6.5% because it can
13 be reduced.

14
15 Council Member Lobin stated she was comfortable with a 4% increase. Mayor Carr stated he was
16 willing to go with a 5% increase. Council Member Huber stated he would support a 3.5% increase.

17
18 **Council Member Lobin moved to adopt Resolution No. 2015-15, as presented. Mayor Carr**
19 **seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting**
20 **nay.**

21
22 The Truth in Taxation public hearing is scheduled for Tuesday, December 1, 2015.

23
24 **Consideration of Reappointment to Incumbent, Sharon Schwarze to Browns Creek Watershed**
25 **District, City Clerk** – Mayor Carr moved to recommend reappointment, as presented. Council
26 **Member Huber seconded the motion. Motion carried unanimously.**

27
28 **Consideration of Bat Mitigation Project, City Clerk** – Mayor Carr stated there is a bat problem at
29 Town Hall that needs to be considered. Pricing was obtained and the estimate was included in the
30 packets.

31
32 Council Member Lanoux suggested the City engage 4H kids to come in and complete the bat
33 mitigation project.

34
35 Mayor Carr stated the City can't have kids come in and take care of a bat problem. They are a
36 protected species, can't be exterminated and are possibly diseased. He asked if the clean up after the
37 bats are out is included in the pricing quote and requested that be determined.

38
39 **Mayor Carr moved to approve the Bat Mitigation Project, as presented. Council Member**
40 **Huber seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
41 **voting nay.**

42
43 **Bill List, \$54,620.91** – Council Member Lanoux stated there are no account numbers for Eckberg
44 Lammers billing and there is no detail provided for KEJ. KEJ is not doing the work himself. He

1 asked if there is a certificate of insurance on file for the contractors and suggested KEJ is improperly
2 paying his contractors.

3
4 Council Member Huber stated KEJ can employ other contractors. It is his responsibility to make sure
5 the subcontractors are insured. He asked if Council Member Lanoux is accusing KEJ of improper
6 payment.

7
8 **Mayor Carr moved to approve the Bill List, as presented. Council Member Huber seconded
9 the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.**

10
11 **UNFINISHED BUSINESS**

12
13 **Discussion of Draft City of Grant Planning Commission Manual – Council Member Lanoux
14 moved to keep the Planning Commission Ordinance in place as is. Council Member
15 Sederstrom seconded the motion. Motion carried unanimously.**

16
17 Mayor Carr referred to the staff report stating Council feedback is being requested in regard to the
18 draft manual. He asked that the section relating to agenda items be tightened up, agendas not be
19 modified at meeting, land use application, five to seven members, and staff is not present unless they
20 need to be there.

21
22 Council Member Huber stated he would like a definitive process for removing PC members added
23 and a statement relating to no Council Members commenting during public hearings. PC members
24 should never contact the consultants. He suggested written comments only for Council Members.

25
26 Council Member Lanoux stated the Planning Commission should be allowed to do the agendas. He
27 read an email relating the utilization of a scoring system to appoint PC members.

28
29 The Planning Commission with revisions will appear on the October, 2015 City Council meeting
30 agenda for discussion and Council review.

31
32
33 **DISCUSSION ITEMS**

34
35 **City Council Reports:**

36
37 Council Member Huber updated the Council on the Cable Commission.

38
39 **Staff Updates:**

40
41 There were no staff updates.

42
43 **COMMUNITY CALENDAR SEPTEMBER 2 THROUGH SEPTEMBER 30, 2015:**

44

1 **Mahtomedi Public Schools Board Meeting, Thursday, September 10th and 24th, 2015,**
2 **Mahtomedi District Education Center, 7:00 p.m.**

3 **Stillwater Public Schools Board Meeting, Thursday, September 10th, 2015, Stillwater City**
4 **Hall, 7:00 p.m.**

5 **Charter Commission Meeting, Thursday, September 17th, 2015, Oakhill Lutheran Church,**
6 **7:00 p.m.**

7 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
8

9 **ADJOURN**

10
11 **Council Member Huber moved to adjourn at 9:18 p.m. Council Member Lobin seconded the**
12 **motion. Motion carried unanimously.**

13
14
15 These minutes were considered and approved at the regular Council Meeting October 6, 2015.
16
17
18

19 _____
20 Kim Points, Administrator/Clerk

_____ Tom Carr, Mayor

21
22