

**City of Grant
Planning Commission Agenda
July 16, 2012**

A Planning Commission Meeting of the City of Grant will be called to order at 7:00 p.m. on Monday, July 16, 2012, in the Grant Town Hall for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Approval of Minutes, June 25, 2012**
5. **Public Comment**
6. **New Business**
7. **Old Business**
 - A. **Grading Permits**
 - B. **Minutes, May 21, 2012**
8. **Commissioner Reports**
9. **Set Agenda, August 20, 2012 Planning Commission Meeting**
10. **Adjournment**

Planning Commission Meeting Minutes
City of Grant
June 25, 2012

Present: Terry DeRosier, Loren Sederstrom, Becky Siekmeier, Larry Lanoux, Bob Tufty and Mark Wojcik
Absent: Bill David
Staff Present: City Engineer, Phil Olson

a. CALL TO ORDER

Chair DeRosier called the meeting to order (7 minutes early) at 7:23 p.m.

b. PLEDGE OF ALLEGIANCE

c. APPROVAL OF AGENDA

MOTION by Commissioner Tufty to approve the agenda. Commissioner Sederstrom seconded the motion. MOTION carried unanimously.

d. APPROVAL OF MINUTES, MAY 21, 2012

There was discussion among the members of the Planning Commission that the minutes did not accurately reflect the comments made by the guests from the watershed districts and the ensuing discussion with the City Inspector afterward regarding the grading process used by each government entity. MOTION by Commissioner Wojcik to rewrite the minutes of the May meeting. Commissioner Sederstrom seconded the motion. Chair DeRosier added a friendly amendment during discussion that the rewrite should include input from Commissioners. Friendly amendment was accepted by Commissioner Wojcik. MOTION carried. The minutes as submitted were not approved.

e. PUBLIC COMMENT

Bob Englehart, Joliet Avenue, asked for clarification from Commissioner Siekmeier on the difference between a situation and a complaint with regards to the Complaint Protocol and Communication Process. Commissioner Siekmeier explained that the situations being used as examples in the May meeting were unusual situations, both involving Commissioner Lanoux, that were initiated outside of the City. The Complaint Protocol and Communication Process should be used for complaints between residents; the situations being used with regards to Commissioner Lanoux were not good examples of the intent of the request to document the City's complaint process.

John (Jack) Smith (62nd or 67th) Lane North, said he's been a resident for 31 years, and has been watching the Council conduct its business in a 'spirited way.' He would like the Council to explore the Home Rule Charter style of city government. He explained that there are many possible

configurations, but that the features of a Charter vs. a Statutorial arrangement include more control of the City by the voters/citizens of the city. The citizens would draft the Charter. Mr. Smith believes a Charter would be better than the current system. His goal is to stop the confrontational approach to governing that is present currently in city government. Although he moved to Grant "to be left alone, [he] still wants to be part of a community."

Wally Anderson, 80th Street asked about grading permits with regards to the new elementary school and the dirt that is being moved offsite. He questioned whether the school had a permit to remove the dirt, and why, if they had so much extra dirt, couldn't they have replaced the berm that was removed several years ago between his property and the school's property. He also questioned if someone from the city was monitoring the water in the holding ponds, the dirt, and the sewer and water installation.

Commissioner Sederstrom repeated a rumor he's heard about a second tank being removed from the school property.

The City Engineer, Phil Olson, responded that the city was doing random inspection of the school site to check for compliance with the CUP. He said he was not aware of a second tank removal, and would look into the claim about the dirt being moved offsite. He also stated the city is not involved with utility inspection.

Mr. Anderson said the truck loads of dirt were being taken off school property to 66th street and dumped behind a building on private property.

Commissioner Wojcik said he had no recollection of the CUP requiring random inspections, and that they should be more stringent than than.

Mr. Olson replied that the city does not have an inspector on site constantly, and that there have been no 'red flags' to date. The city does have the ability to investigate the dirt removal. He also stated that the city doesn't decide what or whether to do any testing during construction; the contractors and their engineers are responsible for certifying the safety of the site.

Commissioner Lanoux said that directional drilling was not an option inside Grant boundaries for sewer and water and questioned if it was wise to give up inspection control to the state and if the holding ponds were being tested.

Mr. Olson replied that the school was not asked to test the temporary holding ponds during construction, only the final holding ponds before the school opens.

Commissioner Lanoux asked what the baseline water quality was before construction began.

Mr. Olson replied that they would compare to other stormwater ponds in the area, not to a pre-construction baseline. The city is doing site visits once every week or every other week. The only permits with the city are the CUP and the grading permits. All other permits are with the state. Commissioner Lanoux asked if any fill was being tested. Mr. Olson said no, none were requested in the CUP. Commissioner Lanoux asked if contaminants were being moved offsite, and who was watching out for contaminants. Mr. Olson explained that was the contractor's responsibility, and that he would request the results of any testing that's been done. The city does not have the authority to ask for additional testing.

Bob Englehart asked for clarity on the number of tanks removed from the site, and how a citizen could get a copy of the final CUP. Commissioner DeRosier said it should be available at City Hall.

Public comment was closed at 8:05

f. NEW BUSINESS

No new business

g. OLD BUSINESS

a. Grading Permits Discussion –

Commissioner DeRosier handed out a document titled, "Grant Grading Permit Review for discussion purpose only" dated June 25, 2012, to PC members for the discussion

Commissioner Sederstrom asked why the city should have a grading permit process if the watershed district already had one (redundancy question).

Commissioner DeRosier said because if we give everything to the watershed districts and there's a problem, the city needs to have some control to make sure things are done right.

Commissioner Sederstrom asked to have a better definition of "one yard": Does the yard of dirt get counted every time it's moved (coming out + going in = 2 yards)? Mr. Olson said it was about the net change in dirt on the property, not how many times it's moved.

MOTION by Commissioner Lanoux that the Planning Commission not make a recommendation on the grading permit to the city council until the City Engineer, City Planner, City Building Inspector and all four representatives of the watershed districts were called back to discuss the process. MOTION seconded by Commissioner Wocjik.

Commissioner DeRosier asked the City Engineer why there was a need for two separate grading permits. Mr. Olson said the city needs control due to state MS4 permits: the city is responsible for all water control in the city, and that the city would violate its responsibility under the state permit if it didn't do grading permits and would take on additional risk without being involved in the grading permit process.

One of the Commissioners mentioned that at the May meeting, the city Inspector agreed that the watershed districts could do the initial inspections; which should there be two different escrows and sets of fees? Seems redundant.

Mr. Olson explained that most request were just about reviewing the request for reasonableness. He said perhaps the escrow money could be shared (helps cover the city if there's a violation). Other options to recoup money if there's a problem is to transfer the fees to property taxes.

Commissioner Wocjik said the goal should be to have a good sense plan for the city and the watershed, and indicated that the process for getting to a plan was taking too long.

Commissioner DeRosier replied that this is only the second meeting where there was discussion about the process, that it was not a long and winding road, and not uncommon to contact multiple agencies when water is moved.

Commissioner Tufty said he believes the grading permit fees need to cover the city staff time; otherwise those costs would be transferred to taxes.

Commissioner Lanoux called the question.

Commissioner DeRosier requested that PC members finish discussing the document so it would be prepared for the full meeting of all parties noted in the MOTION.

Commissioner Tufty asked for further clarification on the MOTION, which was revised to include the presence of the following people and documents at a new grading permit discussion: City of Grant Building Inspector, Engineer, Planner, Clerk, Audio Technician, PC members, at least one member of the Watershed Districts, Mr. Olson's comparison document, the staff report on grading, and all documents for the existing grading permits and Commissioner DeRosier's "discussion document" dated June 25.

The MOTION passed unanimously.

c. Job Descriptions

Commissioner DeRosier asked if we had time to review the job descriptions.

Commissioner Siekmeier stated that she had reviewed the job descriptions handed out previously, beginning with that of the Planning Commission, which clearly showed that it is not the PC's role to review job descriptions. That is the responsibility of the City Council, and that unless they have directed us to review them, we should not do so.

MOTION made by Commissioner Lanoux to have the City Clerk put all available job descriptions in one place for citizens to review on the website. MOTION amended to remove the website requirement, substituting a binder at the City office.

Commissioner Siekmeier seconded the MOTION.

MOTION passed with Commissioners Sederstrom, Lanoux, Siekmeier, DeRosier, and Wojcik voting YAY. Commissioner Tufty voted NAY.

- b. Review of Complaint Protocol and Communication Process.
 - i. The Complaint Process was revised as follows:
 1. COMPLAINT – The complaint is submitted by the Complainant. If the complaint is made by phone, the Complainant must follow up with a written and signed complaint before any action is taken by the City.
 2. NOTIFICATION – The City contacts the Complainee by phone, alerting the Complainee that there is a complaint against him/her. The phone call is followed by written notification of the grievance. If there is a legitimate issue, the City explains the problem and how to resolve it. Depending on the situation...(the rest of the NOTIFICATION section is the same as originally presented in the packet)
 3. INSPECTION – (this section is the same as what was originally presented in the packet, except that it was moved from number 2 to number 3)

There were no changes to numbers 4 - 7

Note:

“Complainant” - person filing a complaint

“Complainee” - person against whom a complaint is filed

MOTION by Commissioner Wojcik to approve the Complaint Protocol and Communication Process as read by Commissioner Siekmeier and to have it put on the City Council agenda. MOTION seconded by Commissioner Lanoux. MOTION carried unanimously.

h. COMMISSIONER REPORTS

No reports

i. SET AGENDA

July 16, 2012 Planning Commission Meeting: Review grading permit only

j. ADJOURNMENT

MOTION to adjourn by Commissioner DeRosier. MOTION seconded by ???. Meeting adjourned (didn't note the time – it was about 9:00 p.m.)



Memorandum

To: *City of Grant Planning Commission
Kim Points, City of Grant*

From: *Phil Olson, PE, City Engineer
WSB & Associates, Inc.*

Date: *July 9, 2012*

Re: *July Staff Report*

A. Agenda Items

- i. Grading Permit Review:** The grading permit was last discussed at the Planning Commission Meeting in June. At that meeting, several options were reviewed for possible changes to the permit. This item was tabled to allow all staff and watersheds to be at the same meeting.

The information below has been previously presented to the Planning Commission and is included again for background.

The City currently requires a grading permit for any project with grading quantities between 50 cubic yards and 5000 cubic yards. A CUP is required for grading quantities greater than 5000 cubic yards.

The current fee and escrow are based on the following schedule:

50 CY – 1,000 CY.....	\$300
1,000 CY – 5,000 CY.....	\$300 + [\$0.05(X CY – 1,000 CY)]
Escrow (Site Restoration).....	\$3000

The escrow is returned to the permit holder once vegetation is established on the site.

Below are the grading permit fees, escrows, and requirements for several surrounding cities.

City/Township	Minimum Requirements	Permit Fee	Escrow/LOC
Grant	50 CY	\$300	\$3000
Lake Elmo	50 CY	\$125	\$1500/acre
Afton	50 CY	\$100	\$1000
May	50 CY	Minor: \$50 Major: \$200	Project Specific
Hugo	None	None	None
Mahtomedi	10 CY – 100 CY CUP over 100 CY	\$100	\$500 if with CUP
Stillwater	50 CY	\$150 residential, \$500 commercial	\$1500 residential, \$5000 commercial

Historically, staff has not required a grading permit for paving/graveling a driveway. It may be beneficial to specifically note on the grading permit that driveway surfacing does not require a grading permit. A grading permit would still be required if ditch grading or a new driveway was proposed.

For discussion purposes, below are three options for the grading permit fees/escrow.

Option 1: Current Permit - \$300/\$3000

50 CY – 1,000 CY.....	\$300
1,000 CY – 5,000 CY.....	\$300 + [\$0.05(X CY – 1,000 CY)]
Escrow (Site Restoration).....	\$3000

Option 2: Minor/Major Permit

Minor Grading Permit (Building Inspector)

- o 50 CY –99 CY.....\$100
- o Escrow (Site Restoration).....\$200

Major Grading Permit (Engineer)

- o 100 CY – 1,000 CY.....\$300
- o 1,000 CY – 5,000 CY.....\$300 + [\$0.05(X CY – 1,000 CY)]
- o Escrow (Site Restoration): 100 – 499 CY\$1000
- o Escrow (Site Restoration): 500 – 999 CY\$2000
- o Escrow (Site Restoration): 1000 – 5000 CY\$3000

Option 3: Joint City/Watershed Permit

Action: Discussion. If desired, amend current grading permit fee and/or escrow.

If you have any questions, please contact me at 763-512-5245.

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

May 21, 2012

Present: Terry Derosier, Loren Sederstrom, Becky Siekmeier, Larry Lanoux, Bill David, Bob Tufty and Mark Wojcik

Absent: None

Staff Present: City Clerk, Kim Points

1. **CALL TO ORDER**

Chair Derosier called the meeting to order at 7:08 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

Commissioner Lanoux moved Item 6A, Discussion of Grading Permit Process, City of Grant, Watershed Districts and Building Inspector to Item 7A noting it is old business.

The agenda was approved as amended.

4. **APPROVAL OF MINUTES, APRIL 23, 2012**

MOTION by Commissioner Siekmeier to approve the April 23, 2012 Minutes, as presented. Commissioner Wojcik seconded the motion. **MOTION** carried unanimously.

5. **PUBLIC COMMENT**

MOTION by Commissioner Lanoux to allow public comment to opened up after every agenda item. Commissioner Sederstrom seconded the motion.

Chair Derosier made a friendly amendment to include that it is up to the discretion of the Chair. Commissioner Lanoux and Sederstrom agreed to the friendly amendment.

Mr. Bob Englehart, Joliet Avenue, came forward and asked that the Planning Commission take into consideration that he wanted to talk at one of the previous meeting and the Chair would not let him. The Planning Commission should listen to the citizens.

MOTION carried with Commissioner Tufty voting nay.

6. **NEW BUSINESS**

There was no new business.

7. **OLD BUSINESS**

A. Discussion of Grading Permit Process, City of Grant, Watershed Districts and Building Inspector

Ms. Karen Kill, Administrator for Brown's Creek, came forward and stated she is not sure what kind of information the Planning Commission is looking for.

Commissioner Wojcik advised he attended a meeting of the Brown's Creek Watershed District to learn more about the grading permit process. He stated that the City is looking at their process and there may be an opportunity to streamline the entire process.

Ms. Kill provided the background relating to grading permits noting the concern for Brown's Creek is erosion and moving 50 cubic yards or more is the trigger for a permit. Any amount less than that is handled administratively. She reviewed the current fees for permits and deposits relating to site visits, inspections, etc. She explained the erosion control permits in detail noting all their rules are posted on their website. She advised that adding to an existing gravel driveway does not trigger a permit from Brown's Creek and she also believes there are opportunities to streamline the procedure as it is currently done in the City of Hugo.

Mr. Kyle Axdahl, Rice Creek Watershed District, came forward and advised erosion control permits can be triggered by itself or due to other rules or guidelines. He stated the fee schedule is on the website. The City of Hugo has accepted all the rules of the watershed and they administer all erosion control permits for the watershed district. He noted the minimum fee is \$1,000 for one acre and residential has a flat fee of \$150-\$250.00.

Mr. John Hanson, Valley Branch Watershed District, came forward and provided the background noting there are fourteen different communities within their district. The top permits include erosion control and impervious surface. For residents the fee is typically waived but the fee is based on the project itself.

Mr. Jim Shaver, Carnelian-Marine Watershed District, came forward and distributed the fee schedule and district rules. He noted the rules are similar to Brown's Creek as they were modeled after them.

Mr. Jack Kramer, Building Inspector, came forward and stated he always tells developers and contractors to contact the watershed district. It is beneficial if they go to the watershed district before coming to the City for permitting. He indicated that a resident could go to their specific watershed district to take care of those requirements and then he could review the plan and could determine if additional escrow is necessary.

MOTION by Commissioner Siekmeier to compare the City's ordinance to the Watershed Districts rules to get an understanding and see if the process can be simplified. Commissioner Tufty seconded the motion.

Commissioner Lanoux stated he believes the issue should be tabled until both the City Engineer and City Planner are present.

Commissioner Siekmeier and Commissioner Tufty withdrew the motion and the second.

MOTION by Commissioner Lanoux to table the grading permit discussion until the City Planner and City Engineer are present at the June meeting. Commission Wojcik seconded the motion. Motion carried unanimously.

Ai. Complaint Protocol and Communication Process – Chair Derosier advised the packet that went out was fairly large and asked that the Planning Commission focus on recent complaints. He inquired about the current complaint process.

Commissioner Lanoux advised the State Electrical Inspector emailed the City regarding his electrical license. He stated he did not receive a phone call from the City Clerk. He provided the background of this incident noting a phone call would have been sufficient. Because he did not receive a phone call he filed a Freedom of Information Act that has cost the City a lot of money.

Chair Derosier stated he would like to discuss the incident and then put it to rest.

Commissioner David stated the City received a phone call from the League of Minnesota Cities. The complaint was not documented so he inquired as to how it got to the City Attorney.

Commissioner Wojcik stated there are issues within the City that need certain protocol. The scope of those issues needs to be broadened and a specific protocol needs to be followed at all times.

Commissioner David stated he had the understanding that all complaints need to be documented. Acting on a complaint based on only a phone call is wrong. Tax dollars are being spent on this. What the City Clerk did regarding the League of Minnesota Cities incident is very wrong and he does not want to see it happen again.

Commissioner Sederstrom stated there is no direction at all from the Mayor. An outline of how to deal with these things is needed.

Commissioner Tufty stated there is a huge difference between citizen complaints and the two issues with Mr. Lanoux.

Commissioner Lanoux stated that at the January Council meeting he could have picked up his toys and gone home. But he did not do that, he is still volunteering within the City and citizen participation is very important.

Chair Derosier went through the complaint model that was included in the packets. Suggested revisions to the documents were made.

Mr. Jack Kramer, Building Inspector and Zoning Enforcement, came forward and explained the current complaint process advising it works very well.

Commissioner Wojcik whether it is a simple dog barking issue or an issue with a resident's electrical license there needs to be a policy broad enough to give direction to the City Clerk and the City Inspector so as to avoid unnecessary actions and letters taken by the City's legal counsel that could be handled with a phone call to the resident involved to alert them to the issue and help out more regarding the issue.

MOTION by Commissioner Lanoux that the City of Grant will have a written complaint policy in place to follow of who, what, where and when and applied equally to all citizens and it will start with a phone call. Commissioner Sederstrom seconded the motion and added a friendly amendment that the complaint policy will apply to all complaints and situations. Commissioner Lanoux agreed to the amendment.

Commissioner Siekmeier stated written policy is a great idea but complaints need to be separated from situations as they are very different.

MOTION carried with Commissioners Siekmeier, Tufty and Derosier voting nay.

Chair Derosier directed staff to draft a written complaint/situation policy for the Planning Commission to review at the June meeting.

B. City Job Descriptions – MOTION by Chair Derosier to table the City Job Descriptions item to the June meeting. Commissioner Sederstrom seconded the motion.

Commissioner Lanoux added a friendly amendment to include that the Planning Commission look at the advantages and disadvantages of having a City Administrator who has more authority to take care of things in between Council meetings.

Chair Derosier did not accept the friendly amendment to the motion stating the Planning Commission is just starting the process of looking at job descriptions.

MOTION carried unanimously.

7. COMMISSIONER REPORTS

Commissioner Lanoux stated he spoke to the City Engineer after the road tour was completed. Many roads are beyond repair within the City and sealcoating will not help. He stated he would have liked to attend the road tour but did not get enough notice.

Chair Derosier thanked Mr. Glenn Larson for his many years of service on the Planning Commission.

8. SET AGENDA, JUNE 18, 2012 PLANNING COMMISSION MEETING

The next Planning Commission Meeting is scheduled for Monday, June 18, 2012, 7:00 p.m.

Agenda items will include Grading Permits, Complaint Process and Job Descriptions.

9. **ADJOURNMENT**

MOTION by Commissioner Sederstrom to adjourn the meeting at 9:43 p.m. Commissioner Siekmeier seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

DRAFT