

**CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA  
ORDINANCE 2015-40**

**An Ordinance Repealing Ordinance number 2011-25 and  
Providing a new Ordinance 2015-40 Illicit Discharge and Connection Stormwater Ordinance**

That City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

**SECTION 1. REPEAL OF ORDINANCE 2011-25 ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE**

That City Ordinance 2011-25 Illicit Discharge and Connection Stormwater Ordinance is repealed in its entirety.

**SECTION 2. NEW ORDINANCE 2015-XX ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE**

That City Ordinance 2015-40 Illicit Discharge and Connection Stormwater Ordinance replaces City Ordinance 2011-25 and provides the following ADDED section identified with an underline, and deletions with a ~~strike through~~:

The Grant City Council ordains as follows:

**Sec. 35-1. Purpose/Intent.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Grant through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

**Sec. 35-2. Definitions.**

For the purposes of this ordinance, the following shall mean:

**Authorized Enforcement Agency:** the City of Grant.

**Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act:** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity:** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except at exempted in Sec. 35-4 of this ordinance.

**Illicit Connections:** An illicit connection is defined as any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial Activity:** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

**Non-Storm Water Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.

**Person:** means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and action as either the owner or as the owner's agent.

**Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, pesticides, herbicides, and fertilizers; hazardous substances and wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Drain System:** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Storm Water:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Stormwater Pollution Prevention Plan:** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

**Wastewater:** means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Sec. 35-3. Applicability.**

This ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**Sec. 35-4. Discharge Prohibitions.**

(a) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to

pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1)(b) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(eb) Prohibition of Illicit Connections

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**Sec. 35-5. Suspension of MS4 Access.**

**(a) Suspension due to Illicit Discharges in Emergency Situations**

The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

**(b) Suspension due to the Detection of Illicit Discharges**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

**Sec. 35-56. Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Council prior to the allowing of discharges to the MS4.

**Sec. 35-7. Monitoring of Discharges.**

**(a) Applicability**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

**(b) Access to Facilities**

**(1) The City of Grant or its designee shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper**

- identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the City or its designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
  - (3) The City or its designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
  - (4) The City or its designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
  - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
  - (6) Unreasonable delays in allowing the City or its designee access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
  - (7) If the City or its designee have been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Sec. 35-8. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

The City of Grant will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or

contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

**Sec. 35-9. Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**Sec. 35-10. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**Sec. 35-11. Enforcement.**

**(a) Notice of Violation.**

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;  
and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**Sec. 35-12. Appeal of Notice of Violation.**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

**Sec. 35-13. Enforcement Measures After Appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

**Sec. 35-14. Cost of Abatement of the Violation.**

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property



owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

**Sec. 35-15. Injunctive Relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**Sec. 35-16. Compensatory Action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

**Sec. 35-17. Violations Deemed a Public Nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**Sec. 35-18. Criminal Prosecution.**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed days. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**Sec. 35-19. Remedies Not Exclusive.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

This ordinance shall become effective following its passage and publication as required by law.

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Tom Carr, Mayor

ATTEST:

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Kim Points, City Clerk

## MEMORANDUM

<b>To:</b> Mayor and Grant City Council	<b>Date:</b> February 23, 2015
<b>CC:</b> Kim Points, City Clerk Nick Vivian, City Attorney	<b>RE:</b> Staff Report Recreation, commercial indoor
<b>From:</b> Jennifer Haskamp, City Planner	Recreation, commercial outdoor

### Background

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

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

### Proposed Addition/Location within ordinance:

Recently, the city adopted new performance standards for Supper Clubs and Rural Event facilities with the intent on ensuring that such facilities were properly located. Staff would suggest that a "*Recreation, commercial indoor*" and "*Recreation, commercial outdoor*" use would have the potential to impact the City's character and infrastructure similarly, and as such similar performance standards would be relevant. The following items that staff would recommend for inclusion are summarized below:

- Add a new section **32-354 Recreation, commercial (outdoor and indoor)** Staff believes that the same performance standards would likely be applicable to both indoor and outdoor facilities. Therefore, we would only need to add one section to the ordinance.
- The Purpose and Intent would be summarized to include protection of existing rural residential neighborhoods, while providing opportunities, where reasonable, for operation of commercial recreational facilities.
- The required permits would be summarized based upon whether a proposed use was primarily an indoor or outdoor facility. As currently drafted in the land use definitions, commercial indoor recreational uses would only be permitted with a CUP in the General Business (GB) District, and commercial outdoor recreational uses would be permitted with a CUP in the A1, A2 and GB zoning districts.

- A section addressing Performance standards would be drafted. Staff would request the City Council to consider such items as:
  - Should there be a requirement in residential districts (A1 and A2) that the use should be accessory to a principal residential use? Or is that unnecessary?
  - Should there be an occupancy limit on a facility/operation? Should there be a correlation with the site acreage? Location within the community?
  - How would the building sizes be regulated – for example a ticket booth, warming house, or community gathering space? Are these 'accessory' uses acceptable? Should there be a quantity/size limit?
  - Should a facility/operation be required to have primary frontage on a County or State road?
  - Should there be an acreage requirement? Such as, no facility shall be permitted on a site zoned A1 or A2 that is smaller than 20 acres.
  - Should there be increased yard setbacks if adjacent to existing residential areas?
  - Others?
  
- In addition, staff would recommend including some language similar to the following:
  - 1) Any commercial recreation facility, whether indoor or outdoor, shall provide on-site parking sufficient to handle all guests, staff, and any other vehicles necessary to support the operations of the facility. All parking standards shall be, at a minimum, consistent with those stated within the City's Code of Ordinance.
  - 2) Any enclosed structure proposed to support a commercial recreational use, indoor or outdoor, shall be architecturally designed to be consistent with the principal structure if applicable; or shall be designed to blend in with the site and environment.
  - 3) The commercial recreation use, indoor or outdoor, must comply with all rules and regulations of Federal, State, County and Local agencies.
  - 4) The City may impose conditions related to landscaping, access, security, sanitary sewer, liability or other insurance requirements, and other conditions as necessary.

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

**Action Requested:**

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

## Administrator/Clerk

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**From:** Larry Osterman <larryamyosterman@gmail.com>  
**Sent:** Sunday, February 15, 2015 12:11 AM  
**To:** Administrator/Clerk  
**Subject:** Drew Osterman - Proposed Eagle Scout Project - Updated 2  
**Attachments:** Navigating the Eagle Scvout Service Project.pdf

Hi Ms Points,

My name is Drew Osterman and my dad talked with you about me completing my Eagle Scout Project at City Hall. Here is a list of the details for my proposed Eagle Scout Project at Grant City Hall. I would like to make benches for the ball field and repair/replace the City Hall Fence. My project includes the following:

- Install benches for players
- Repair/replace the City Hall fence

I am asking for permission from the City of Grant to complete my Eagle Project as outlined above. Please review the attached "Navigating the Eagle Service Project". I plan to complete my project this summer.

The "Eagle Scout Service Project" contains several steps. This is the first step, once this is approved the second step provides more detailed information.

Thanks,  
Drew Osterman  
Patrol Leader, Boy Scout Troop 169  
10530 114th Street North  
Grant MN 55082

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## Navigating the Eagle Scout Service Project

Information for Project Beneficiaries

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### Thank You and Congratulations

Congratulations on your selection as an Eagle Scout service project beneficiary, and thank you for the opportunity you are making available to an Eagle Scout candidate. Support from community organizations is important to Scouting—just as important as Scouting's contributions are to the community. Scouts provide important services, and benefiting organizations such as yours provides a vehicle for personal growth.

### The Eagle Scout Rank and the Service Project

Service to others is an important part of the Scout Oath: "... to help other people at all times." Each year tens of thousands of young men strive to achieve the coveted Eagle Scout rank by applying character, citizenship, and Scouting values in their daily lives. One of the rank requirements is to *plan, develop, and give leadership to others in a service project helpful to any religious institution, school, or community*. Through this requirement, Scouts practice what they have learned and gain valuable project management and leadership experience.

### Typical Projects

There are thousands of possible Eagle Scout projects. Some involve building things, and others do not. There have been all kinds: making birdhouses for an arboretum, conducting bicycle safety rodeos, constructing park picnic tables or benches, upgrading hiking trails, planting trees, conducting well-planned blood drives, and on and on. Other than the general limitations noted below, there are no specific requirements for project scope or for how many hours are worked, and there is no requirement that a project have lasting value. What is most important is the *impact or benefit* the project will provide to your organization. In choosing a project, remember it must be something a group with perhaps limited skills can accomplish under the leadership of your Eagle Scout candidate. If your Scout is to fulfill the requirement, *he* must be the one to lead the project. It is important you work with him and not with his parents or leaders.

### Project Restrictions and Limitations

- Fundraising is permitted only for facilitating a project. Efforts that primarily collect money, even for worthy charities, are not permitted.
- Routine labor, like a service a Scout may provide as part of his daily life such as mowing or weeding a church lawn, is not normally appropriate. However, if project scale and impact are sufficient to require planning and leadership, then it may be considered.
- Projects are not to be of a commercial nature or for a business, though some aspects of a business operation provided as a service, such as a community park, may qualify.
- The Scout is not responsible for any maintenance of a project once it is completed.

### Approving the Project Proposal and Project Scheduling

Once a potential project is identified, you must approve your Scout's proposal. Regular communications can make this quick and easy, but be sure you have discussed and considered all aspects of the project with him and that he has a clear understanding of your expectations and limitations. Keep in mind his proposal is merely an overview—not a final, comprehensive plan.

Some projects may take only a few weeks or months to plan and carry out, while others may take longer. Scouts working toward the Eagle rank are typically busy, so scheduling flexibility may be important. The proposal must also have several approvals, besides yours, before final planning occurs and work begins. Therefore, if a proposed project must be completed by a certain rapidly approaching date, it may be a good idea to consider something different.

Remember, too, that all work must be completed before the Scout's 18<sup>th</sup> birthday.

### **Approving Final Plans**

After his proposal is approved by the BSA local council, your Scout must develop a plan for implementing the project. Before work begins, you should ask to see the plan. It may come in any format you desire or are willing to accept. It could even be a detailed verbal description. That said, the BSA includes a "Final Plan" form in your Scout's *Eagle Scout Service Project Workbook*, and we recommend that you ask your Scout to use it. If in your plan review you have any concerns the project may run into trouble or not produce the results you want, do not hesitate to require improvements *before* work begins.

### **Permits, Permissions, and Authorizations**

- If the project requires building permits, etc., your Scout needs to know about them for his planning. However, your organization must be responsible for all permitting. This is not a duty for the Scout.
- Your organization must sign any contracts.
- If digging is involved, it is your responsibility to locate, mark, and protect underground utilities as necessary.
- If you need approval from a committee, your organization's management, or a parent organization, etc., be sure to allow additional time and let the Scout know if he is to assist with this.

### **Funding the Project**

Eagle service projects often require fundraising. Donations of any money, materials, or services must be preapproved by the BSA unless provided by your organization; by the Scout, his parents, or relatives; or by his troop or its chartered organization. The Scout must make it clear to donors or fundraising event participants that the money is being raised on the project beneficiary's behalf, and that the beneficiary will retain any leftover funds. If receipts are needed, your organization must provide them. If your organization is not allowed to retain leftover funds, you should designate a charity to receive them or turn them over to your Scout's unit.

### **Supervision**

To meet the requirement to "give leadership to others," your Scout must be given every opportunity to succeed independently without direct supervision. The Scout's troop must provide adults to assist or keep an eye on things, and your organization should also have someone available. The Scout, however, *must* provide the leadership necessary for project completion without adult interference.

### **Safety**

Through the proposal and planning process, the Scout will identify potential hazards and risks and outline strategies to prevent and handle injuries or emergencies. Scouts as minors, however, *cannot be held responsible for safety*. Adults must accept this responsibility. Property owners, for example, are responsible for issues and hazards related to their property or employees and any other individuals or circumstances they would normally be responsible for controlling. If during project execution you have any concerns about health and safety, please share them with the Scout and his leaders so action may be taken. If necessary, you may stop work on the project until concerns are resolved.

### **Project Completion and Approval**

After the project has been completed, your Scout will ask for your approval on his project report. The report will be used in the final review of his qualifications for the Eagle Scout rank. If the Scout has met your reasonable expectations, you should approve the project; if he has not, you should ask for corrections. This is not the time, however, to request changes or additions beyond what was originally agreed.

The Eagle Scout service project is an accomplishment a Scout will always remember. Your reward will be a helpful project and, more important, the knowledge you have contributed to a young man's growth.

*Navigating the Eagle Scout Service Project is also available for download at: <http://www.scouting.org/advancement>.*

## Administrator/Clerk

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**From:** Luke Osterman <lukeosterman@gmail.com>  
**Sent:** Sunday, February 01, 2015 6:43 PM  
**To:** clerk@cityofgrant.us  
**Subject:** Eagle Scout Project - Luke Osterman  
**Attachments:** City Hall\_Front fence-Plants\_Luke Osterman.JPG; Navigating the Eagle Scvout Service Project.pdf

Ms Points,

My name is Luke Osterman and my dad talked with you about me possibly completing my Eagle Scout Project at Grant City Hall.

I would like to do a landscaping/beautification project at the front of Grant City Hall. Here is a list of the details for my proposed Eagle Scout Project.

- Build a new picnic table
- Repair/replace fence as needed
- Remove current plants/bushes to the right of the front door.
- Install landscaping block, dirt, shrubs/plants, weed barrier and much

I am requesting permission to compete my Eagle Scout Project as outlined above. Please see the attached document: (Navigating the Eagle Scout Service Project) regarding important information for the project beneficiary.

Sincerely,  
Luke Osterman  
Assistant Senior Patrol Leader, Boy Scout Troop 169  
10530 114th Street North  
Grant MN 55082

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CITY OF GRANT  
MINUTES

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**DATE** : January 6, 2015  
**TIME STARTED** : 7:02 p.m.  
**TIME ENDED** : 8:17 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 7:02 p.m.

**PUBLIC INPUT**

1. Bob Tufty, Jasmine – Read a letter from applicant regarding the Administrator/Clerk.
2. Jerry Helander, Jasmine – Inquired as to why the Charter Commission Meeting minutes are not available at the City office.
3. Gus Nelson – Commended the Council on the 2015 budget and keeping taxes low.
4. Jason Sutherland – Introduced himself as the new City of Grant Deputy.

**PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE**

The oath of office was administered to Loren Sederstrom and Larry Lanoux.

**SETTING THE AGENDA**

**Council Member Huber moved to approve the agenda, as presented. Council Member Lobin seconded the motion.**

**Council Member Lanoux moved to amend the motion to include the addition of the Planning Commission and Charter Commission to the regular agenda.**

**Council Member Huber and Lobin declined the amendment to the motion. Motion carried with Council Member Sederstrom and Lanoux voting nay.**

**CONSENT AGENDA**

1	Bill List, \$40,553.84	Approved
2		
3	2015 Tort Liability, City DOES NOT	
4	Waive Monetary Limits	Approved
5		
6	Clerk 3% Pay Increase, per 2015 City Budget	Approved
7		
8	Video Technician 2015 Pay Increase	Approved
9		
10	KEJ Enterprises, Snow Removal/Sign	
11	Work, \$13,622.50	Approved
12		
13	2015 Appointment List	Approved
14		
15	2015 Meeting Calendar	Approved

16  
 17 **Council Member Huber moved to approve the consent agenda, as presented. Council Member**  
 18 **Lobin seconded the motion. Motion carried with Council Member Sederstrom and Lanoux**  
 19 **voting nay.**

20  
 21 **2014 YEAR END REVIEW MAYOR TOM CARR**

22  
 23 Mayor Carr stated year 2014 was a pretty good year. The City stayed within its budget and a lot of  
 24 road work was completed. He stated staff has done a great job.

25  
 26 **STAFF AGENDA ITEMS**

27  
 28 **City Engineer, Phil Olson (No action items)**

29  
 30 **City Planner, Jennifer Haskamp**

31  
 32 **Land Use Definition Process** – City Planner Haskamp advised at the regular City Council meeting in  
 33 October the City Council adopted a moratorium on land uses contained within the City’s table of uses  
 34 that currently are not defined. Based upon the review, staff identified 22 land uses without definitions  
 35 that were most critical to review because they either 1) were uses that have been discussed/addressed  
 36 by applicants over the past year; or 2) were permitted with a conditional use permit in at least one  
 37 zoning district; or 3) have caused confusion by residents and/or staff over the past several years due to  
 38 lacking information.

39  
 40 In terms of a process, the Council decided to tackle the list of land uses in smaller groups, addressing  
 41 4 or 5 land uses at a time. As such, the following land uses were identified as a priority to begin  
 42 working on immediately:

- 43  
 44     ▪ *(Business Seasonal) – to be addressed in next round*  
 45     ▪ Golf Courses and country clubs

- 1       ▪ Home Occupations (Meeting Criteria/Not Meeting Criteria)
- 2       ▪ Recreation areas – commercial
- 3       ▪ Recreation areas – private
- 4       ▪ Commercial Recreation

5 The following draft definitions and information is provided for your review and consideration:

6 **Golf Courses and Country Clubs**

7 There are several golf courses in the City that are currently operating with clubhouses and other  
 8 ancillary uses. As such, it is important to retain it as a defined land use. Oftentimes a golf course  
 9 includes a club or membership associated with the operations, and also offers a clubhouse for social  
 10 gathering, events, banquets, etc. Therefore staff would recommend simply defining a Golf Course to  
 11 include the supplemental uses, and to remove the Country Club from the definition. This will  
 12 simplify the definition of a Golf Course, and other recreational uses not associated with a golf course  
 13 would likely be addressed under other similar land uses (yet to be defined) such as “Clubs and  
 14 Lodges” and “Commercial Recreation” that may ultimately be more similar to the intent or vision for  
 15 what activities a Country Club may include. Therefore staff provides the following draft definition  
 16 for your review and consideration:

17 **Golf Course and Country Club**: An area of land laid out for a minimum of 9 holes to play golf each  
 18 including a tee, fairway, and putting green to include natural and artificial hazards. The Golf Course  
 19 operations and grounds may include a clubhouse, driving range, maintenance buildings and other uses  
 20 which support the principal operations of the golf course.

21 Table 32-245 would be revised as follows:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Golf courses and country clubs	N	C	C	C	N

22

23 **Home Occupations (Meeting Criterial/Not Meeting Criteria)**

24 The City’s ordinances currently define a Home Occupation as the following:

25 *Home occupation* means any gainful occupation or profession engaged in by an occupant only of a  
 26 dwelling unit which is a use that is clearly incidental to the use of the dwelling unit for residential  
 27 purposes, when conducted on the premises.

28 The table of uses then identifies the following (Strike outs as proposed by staff, and described below):

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Home occupations (meeting	CC-P	CC P	CC P	CC P	N

criteria)					
Home occupations (not meeting criteria)	N	C	C	C	N

1 The issue is that the definition does not include criteria, and therefore it is not clear how to process an  
 2 application. Therefore staff would recommend revising the definition to include criteria to clarify  
 3 what home occupations are permitted with a certificate of compliance versus which home occupations  
 4 require a conditional use permit. Further, staff would recommend amending the table to Permit Home  
 5 Occupations if the criteria is met, rather than requiring a certificate of compliance. The following  
 6 draft definition, including criteria, is provided for your review and consideration:

7 **Home occupation** means any gainful occupation or profession engaged in by an occupant only of a  
 8 dwelling unit which is a use that is clearly incidental to the use of the dwelling unit for residential  
 9 purposes, when conducted on the premises. The following criteria must be met, or the proposed use  
 10 must be established as a conditional use in the zoning district proposed and proper permit obtained:

- 11 a) No persons other than members of the Family who reside on the premises shall be engaged in  
 12 such occupation;
- 13 b) The use of the Dwelling Unit for the Home Occupation shall be clearly incidental and  
 14 subordinate to its use for residential purposes by its occupants, and not more than twenty  
 15 percent (20%) of floor area of the Dwelling Unit shall be used in the conduct of the Home  
 16 Occupation, and not more than 300 square feet of any garage or Accessory Building shall be  
 17 used in the conduct of the Home Occupation;
- 18 c) There shall be no change in the outside appearance of the Building or Premises, or other  
 19 visible evidence of the conduct of such Home Occupation other than any signage as permitted  
 20 by the City’s ordinances.
- 21 d) No traffic shall be generated by such Home Occupation in greater volume than would  
 22 normally be expected to a residence in a residential neighborhood, and the driveway shall be  
 23 designed accordingly.
- 24 e) Parking areas may not exceed four (4) stalls and shall not be located in any required yard  
 25 setback area and must be screened from any adjacent residential use.
- 26 f) No equipment, activity, or process shall be used in such Home Occupation which creates,  
 27 noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses  
 28 off the Lot.
- 29 g) No outside storage is permitted.

30  
 31 **Recreation areas – commercial, Recreation areas – private, Commercial Recreation**

32 The City’s ordinances currently do not address or define recreational uses and areas in the  
 33 community. However, they are included on the table of uses. Staff has researched other communities  
 34 of similar size and land uses, and researched the American Planning Association’s (APA) definitions

1 to assist in drafting a definition. The following definitions, based on the research and the APA  
 2 dictionary are provided for your consideration:

3  
 4 **Recreation, commercial** means any establishment whose main purpose is to provide the general  
 5 public with an amusing or entertaining activity and where tickets are sold or fees are collected for the  
 6 activity. Such activities may be located primarily outdoors or within a facility. Examples include, but  
 7 are not limited to skating rinks, racquet clubs, miniature golf, driving ranges, skiing, etc., but does not  
 8 include golf courses.

9  
 10 Several communities also provide further distinction between indoor and outdoor recreational  
 11 commercial facilities. However, unless there is some distinction from an intensity or scale  
 12 perspective, staff would suggest limiting it to one definition for *commercial recreation* and one  
 13 definition for *private recreation*. The following draft definition for private recreational uses is  
 14 provided for your consideration:

15 **Recreation, private** means an accessory structure and/or use that are customary and incidental to the  
 16 principal residential use of a site, including swing sets, play structures, sand boxes, tennis courts,  
 17 sport courts, swimming pools and the like, intended for the enjoyment and convenience of the  
 18 residents of the principal use and their occasional guests.

19 Based on the integration of these two uses, the following modifications to the use table would be  
 20 necessary:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
<del>Commercial recreation</del> Recreation, Commercial	EN	C	EN	EN	C
<del>Recreation areas — commercial</del>	N	C	N	N	C
<del>Recreation areas — private</del> Recreation, Private	P	P	P	P	N

21  
 22 City Planner Haskamp advised the staff report and analysis is for discussion purposes and a starting  
 23 point for the City Council. She also noted it was the consensus of the Council at the November  
 24 meeting that the Country Club use would be dropped from the land use chart after determination of  
 25 where that term is used within the City’s Code of Ordinances.

26  
 27 **Council Member Lanoux moved to table the Land Use Definitions until the Planning**  
 28 **Commission can review the information and determine all properties are grandfathered.**  
 29 **Council Member Sederstrom seconded the motion. Motion failed with Mayor Carr, Council**  
 30 **Member Lobin and Huber voting nay.**

31  
 32 City Planner Haskamp provided the background on the Country Club use and why the Council  
 33 previously determined that use should be dropped from the Land Use chart.

1 Council Member Sederstrom advised he would like to promote country club uses and suggested there  
2 be latitude in the golf course use to allow the country club type uses.

3  
4 City Planner Haskamp advised the golf course use does support country club uses and there are  
5 currently CUP's within the City that have more than one use on the property.

6  
7 City Planner Haskamp referred to the home occupation use and advised criteria needs to be added.  
8 Currently home occupations meeting the criteria require a COC. The proposal would eliminate that  
9 requirement and make it less restrictive. Home occupations that do not meet the criteria have always  
10 required a CUP and there is no recommendation to change that. The Council has to determine and  
11 define the criteria.

12  
13 City Attorney Vivian advised the City is making it less restrictive for meeting the criteria. The  
14 problem has been that there are no criteria. A CUP relates to the intensity of use. He explained how  
15 the City's CUP's are reviewed and enforced.

16  
17 City Engineer Olson noted the City has received all testing from the School District per their CUP.

18  
19 City Planner Haskamp referred to recreational uses and provided draft definitions and proposed  
20 modifications to the use table.

21  
22 Mayor Carr stated indoor private recreational uses should be allowed. The outdoor recreational uses  
23 may be allowed to help preserve large lots and the private recreational uses maybe should not need to  
24 be defined as indoor and outdoor.

25  
26 Council Member Sederstrom stated something should be added to make sure the recreational uses  
27 don't get out of control and that they really are for a private use. A safeguard should be included.

28  
29 Council Member Huber suggested performance standards be added that may restrict those types of  
30 uses to a specified amount of acreage and being located on County roads.

31  
32 City Planner Haskamp advised the City can look at adding performance standards to commercial  
33 outdoor recreational uses, which is part two of the process. The first step is defining the uses.

34  
35 It was the consensus of the Council to continue with the recreational use definition process and  
36 schedule a public hearing for the golf course/country club and home occupations definitions at the  
37 February City Council meeting.

38  
39 **City Attorney, Nick Vivian (No action items)**

40  
41 **NEW BUSINESS**

42  
43 **December 2, 2014 City Council Meeting Minutes – Council Member Huber moved to approve**  
44 **the December 2, 2014 City Council Meeting Minutes, as presented. Council Member Lobin**

1 **seconded the motion. Motion carried with Council Member Sederstrom and Lanoux**  
2 **abstaining.**

3  
4 **Ordinance No. 2015-37, 2015 Fee Schedule** – Staff presented the recommended 2015 Fee Schedule  
5 noting one change to the pre-application meeting fee.

6  
7  
8 **Council Member Huber moved to approve Ordinance No. 2015-37, as presented. Council**  
9 **Member Lanoux seconded the motion. Motion carried with Council Member Sederstrom**  
10 **abstaining.**

11  
12 **Resolution No. 2015-01, Summary Publication of Ordinance No. 2015-37** – Resolution No. 2015-  
13 01 provides for a summary publication of Ordinance No. 2015-37.

14  
15 **Council Member Lobin moved to adopt Resolution No. 2015-01, as presented. Council Member**  
16 **Huber seconded the motion. Motion carried unanimously.**

17  
18 **City Council Code of Conduct, City Treasurer Schwarze** – City Treasurer Schwarze advised there  
19 is a new emphasis by the State Auditor requiring compliance on conflict of interest issues that relate  
20 specifically to the proposed Code of Conduct. Compliance will be reviewed every year by the State  
21 Auditor. The proposed Code of Conduct is typical of what other cities have to meet compliance  
22 standards.

23  
24 **Council Member Lobin moved to approve City Council Code of Conduct, as presented.**  
25 **Council Member Huber seconded the motion. Motion carried with Council Member**  
26 **Sederstrom and Lanoux voting nay.**

27  
28 **UNFINISHED BUSINESS**

29  
30 There was no unfinished business.

31  
32 **DISCUSSION ITEMS**

33  
34 **City Council Reports:**

35  
36 Council Member Lanoux advised at the last Charter meeting it was decided there will be a vote on  
37 Charter on April 21, 2015. He requested the rest of the Charter meetings be held at Town Hall and be  
38 videotaped by the City.

39  
40 **Council Member Lanoux moved to put the Charter Commission and Planning Commission on**  
41 **the agenda. Council Member Sederstrom seconded the motion. Motion failed with Mayor**  
42 **Carr, Council Member Lobin and Huber voting nay.**

43  
44 Council Member Huber stated in discussions with Council Member Sederstrom, it was indicated he  
45 was upset over being required to obtain a CUP for his property as he was only boarding two horses.

1 Council Member Sederstrom had stated a former Council Member had told him a CUP was required.  
2 He asked why Council Member Lanoux does not have a CUP when he is running Lanoux Stables.

3  
4 Council Member Lanoux stated a CUP was not required when he purchased his property in 1982.

5  
6 Council Member Huber read a letter from the City to Council Member Lanoux dated 1984 stating a  
7 CUP is required for the property. He stated that to be fair to other CUP holders, Council Member  
8 Lanoux should apply for a CUP.

9  
10 Council Member Lanoux advised Art and Joyce Welander told him he did not need a CUP.

11  
12 Council Member Sederstrom noted he was informed he did need a CUP because he was boarding  
13 horses. That ordinance has since changed.

14  
15 **Staff Updates:**

16  
17 There were no staff updates.

18  
19 **COMMUNITY CALENDAR JANUARY 7 THROUGH JANUARY 31, 2015:**

20  
21 **Mahtomedi Public Schools Board Meeting, Thursday, January 8<sup>th</sup> and 22<sup>nd</sup>, 2015, Mahtomedi  
22 District Education Center, 7:00 p.m.**

23 **Stillwater Public Schools Board Meeting, Thursday, January 8<sup>th</sup>, 2015, Stillwater City Hall,  
24 7:00 p.m.**

25 **Charter Commission Meeting, Thursday, January 15<sup>th</sup>, Mahtomedi City Hall, 7:00 p.m.**

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

27 **City Office Closed, Monday, January 19<sup>th</sup>, 2015, Martin Luther King Day**

28  
29 **ADJOURN**

30  
31 **There being no further business, Council Member Huber moved adjourn at 8:25 p.m. Council  
32 Member Lobin seconded the motion. Motion carried unanimously.**

33  
34 These minutes were considered and approved at the regular Council Meeting February 3, 2015.

35  
36  
37  
38  
39 \_\_\_\_\_  
Kim Points, Administrator/Clerk

\_\_\_\_\_

Tom Carr, Mayor



## City Council Report for February 2015

Date: February 18, 2015

To: Honorable mayor & City Council Members

From: Jack Kramer building & Code Enforcement Official

### Zoning Enforcement:

1. No new violations to report.

### Building Permit Activity:

1. Ten Building Permits were issued for a total valuation of \$1,136,830.29

Respectfully submitted,

A handwritten signature in black ink that reads "Jack Kramer". The signature is written in a cursive style with a large, looping initial "J".

Jack Kramer

Building & Code Enforcement Official

Grant Master Form		Name	Project Address	Date Issued	Valuation:	City Fee:	75%	Plan CK Fe	Surcharge	Paid
Permit	Permit Type									
Grant Master Form		Name	Project Address	Date Issued	Valuation:	City Fee:	75%	Plan CK Fe	Surcharge	Paid
Permit	Permit Type	Name	Project Address	Date Issued	Valuation:	City Fee:	75%	Plan CK Fe	Surcharge	Paid
2015-1	House & Gar.	Meyer	10656-83rd. St. N.	1/14/2015	\$1,050,434.20	\$5,794.90	\$ 4,346.17	\$3,766.68	\$ 520.17	
2015-2	Pole Bldg.	Buller	8035-80th. St. N.	1/20/2015	\$ 48,937.00	\$ 634.15	\$ 475.61	\$ 412.19	\$ 24.46	
2015-3	HVAC	Kittleson	9833 Heron Ave. N	1/23/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-4	HVAC	Jordan	7373-120th. St. N.	1/23/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-5	Windows	Swesey	7373 Jamaca Ave. N.	1/29/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-6	Windows	Renewal	10343 Dellwood Rd. N	2/2/2015	\$ 16,979.00	\$ 279.22	\$ 209.41	\$ -	\$ 8.48	
2015-7	Plumbing	Grubb	6639 jasmine Ave. N.	2/5/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-8	HVAC	Vosooney	9790 Janero Ct. N.	2/7/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-9	Drain Tile	Aspenson	9912 Manning Ave. N.	2/17/2015	\$ 7,980.00	\$ 153.25	\$ 114.93	\$ -	\$ 3.99	
2015-10	Remodel	Swanson	10591-69th. St. N.	2/17/2015	\$ 12,500.00	\$ 223.25	\$ 167.43	\$ 145.11	\$ 6.25	
Monthly total					\$1,136,830.20	\$7,484.77	\$ 5,613.55	\$4,323.98	\$ 588.35	