

**City of Grant
City Council Agenda
July 7, 2015**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, July 7, 2015, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. CALL TO ORDER

PUBLIC INPUT

Citizen Comments – Individuals may address the City Council about any item not included on the regular agenda. The Mayor will recognize speakers to come to the podium. Speakers will state their name and address and limit their remarks to three (3) minutes. Generally, the City Council will not take any official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF REGULAR AGENDA

4. APPROVAL OF CONSENT AGENDA

- A. June 2, 2015 City Council Meeting Minutes
- B. June 17, 2015 Special Council Meeting Minutes
- C. Bill List, \$57,865.37
- D. Brochman Blacktopping, Pothole Repair, \$20,011.00
- E. Kline Bros., Road Work, \$20,207.50
- F. City of Mahtomedi, 2nd Quarter Fire Contract, \$31,404.75
- G. City of Stillwater, 1st Half Fire Contract, \$54,266.50

- H. Mahtomedi Public Schools, Landscape Escrow Refund, \$81,000
- I. Revision to Landscape Plan, Manning Cell Tower
- 5. **DAN VOGT, CITY OVERVIEW**
- 6. **STAFF AGENDA ITEMS**
 - A. City Engineer, Phil Olson
 - i. Discussion regarding McKusick Options
 - ii. Consideration of Grading System for Roads
 - B. City Planner, Jennifer Haskamp
 - i. Discussion of Land Use Definitions
 - C. City Attorney, Nick Vivian
 - i. 2015 CUP Review
- 7. **NEW BUSINESS**
 - A. Consideration of Policies and Procedures for Implementing a Franchising Process, Ramsey/Washington County Cable Commission, Jeff Huber
 - B. Consideration of Process for Establishing Quiet Zone, Administrator/Clerk
- 8. **UNFINISHED BUSINESS**
 - A. Discussion of Draft City of Grant Planning Commission Manual
- 9. **DISCUSSION ITEMS**
 - A. City Council Reports (any updates from Council)
 - B. Staff Updates
 - i. State Liquor Law Change
- 10. **COMMUNITY CALENDAR JULY 8 THROUGH JULY 31, 2015:**
 - Mahtomedi Public Schools Board Meeting, Thursday, July 9th and 30th, 2015, Mahtomedi District Education Center, 7:00 p.m.
 - Stillwater Public Schools Board Meeting, Thursday, July 9, 2015, Stillwater City Hall, 7:00 p.m.
 - 2016 Budget Work Session, Monday, July 13, 2015, Town Hall, 6:00 p.m.
 - Charter Commission Meeting, Thursday, July 16th, 2015, Mahtomedi City Hall, 7:00 p.m.
 - Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.
- 11. **ADJOURNMENT**

CITY OF GRANT
MINUTES

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DATE : June 2, 2015
TIME STARTED : 7:08 p.m.
TIME ENDED : 9:45 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 7:08 p.m.

PUBLIC INPUT

- (1) Bob Tufty, Jasmine Ave. – Commented on trees that need trimming along Jasmine..
- (2) Jim Dross, 8682 Jamaca Avenue – Commented on Council staying on topic during discussions and disrespect to City staff.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

May 5, 2015 City Council Meeting Minutes	Approved
Bill List, \$41,938.76	Approved
Brochman Blacktopping, Pothole Repair, \$12,038.50	Approved
Kline Bros. Excavating, Road Work, \$24,540.00	Approved
Authorization of MS4 Permit Application	Approved

1 Council Member Lanoux moved to approve the consent agenda with the removal of Item 4A,
2 May 5, 2015 City Council Meeting Minutes and Item 4E, Authorization of MS4 Permit
3 Application. Council Member Sederstrom seconded the motion. Motion failed with Council
4 Members Lobin, Huber and Mayor Carr voting nay.

5
6 Council Member Huber moved to approve the consent agenda, as presented. Council Member
7 Lobin seconded the motion. Motion carried with Council Member Lanoux and Sederstrom
8 voting nay.

9

10 **STAFF AGENDA ITEMS**

11

12 **City Engineer, Phil Olson**

13

14 **Consideration of Resolution No. 2015-12 TH 96 & CSAH 15 Roundabout Project** – City
15 Engineer Olson advised Washington County is requesting municipal consent to install a roundabout at
16 the intersection of Trunk Highway 96 (TH 96) and County State Aid Highway 15 (CSAH 15). The
17 project includes replacing the existing 4-way stop intersection and with a new a single lane
18 roundabout with trails. A figure of the roundabout improvements was included in the packet for
19 review.

20

21 City Engineer Olson advised there is no City money involved with the project and the single lane
22 proposal is based on traffic volumes.

23

24 **Council Member Lanoux moved to table the request and ask the County to take back**
25 **McKusick as part of the approval for municipal consent. Council Member Sederstrom**
26 **seconded the motion. Motion failed with Council Members Lobin, Huber and Mayor Carr**
27 **voting nay.**

28

29 Council Member Huber stated he understands the theory of leverage but not at this point. McKusick
30 is and issue and a solution to that problem should be discussed at a future meeting. He stated he will
31 not hold up a County project and there are no City dollars involved.

32

33 It was the consensus of the Council to approach the County regarding McKusick and discuss options
34 for that road at the next regular Council meeting.

35

36 **Council Member Huber moved to adopt Resolution No. 2015-12, as presented. Council**
37 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux and**
38 **Sederstrom voting nay.**

39

40 **Road Presentation** – City Engineer Olson advised at the last City Council meeting, Council directed
41 engineering staff to provide a roadway presentation to initiate discussion about the City’s current road
42 policy. He provided a power point presentation relating to the City’s current road policy and current
43 road conditions within the City.

44

1 Council Member Sederstrom stated the City is in emergency planning mode and something has to be
2 done with the roads.

3

4 Council Member Huber requested a grading system for the roads be put in place.

5

6 **Council Member Lanoux moved to put together a volunteer road committee made up of**
7 **residents of Grant to develop a new road policy for the City. Council Member Sederstrom**
8 **seconded the motion.**

9

10 Council Member Huber stated the City is everyone here at those watching. Three-hundred feet of
11 frontage for everyone makes it unaffordable for residents to pay for roads or tax them additional
12 dollars for taxes.

13

14 Council Member Sederstrom stated the City roads are public roads and they need to be upgraded.
15 Increasing taxes a bit and the City can get that done.

16

17 Council Member Lanoux stated most cities have a comprehensive road plan. Previously in the City,
18 there was a road committee and they had funding in place for roads. Those dollars were put back into
19 the General fund.

20

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

22

23 Mayor Carr noted the City/residents should look at doing more overlay/patching on the roads as
24 opposed to road reconstruction.

25

26 **City Planner, Jennifer Haskamp**

27

28 **Consideration of Ordinance No. 2015-41, Land Use Definitions** – City Planner Haskamp advised a
29 public hearing was held on February 3, 2015 to consider amendments and additions to the Land Use
30 Definitions including: Golf Courses, Home Occupations, and Recreation Areas. In conjunction with
31 that ordinance, the City Council determined that performance standards related to Recreation Areas
32 should be considered to ensure that the appropriate standards were in place to review any future
33 applications. During the course of the discussion related to the performance standards the City
34 Council determined that Indoor Commercial Recreation Areas were not consistent with the character,
35 goals and land uses of the city and should be changed from permitted or conditionally permitted to not
36 permitted. As such, am updated the draft ordinance to reflect the change was included in the packet
37 for your review.

38

39 **Consideration of Ordinance No. 2015-42, Performance Standards for Commercial Recreation** –
40 City Planner Haskamp advised at the May City Council meeting staff presented a draft ordinance
41 regarding performance standards for commercial outdoor recreational uses. Based upon the comments
42 received, the following modifications were made:

43

- 44 ▪ Number of Buildings and Square footage allowed: The draft language has been modified
45 indicating clearly that the City Council will have discretion when considering the number and

1 square footage of accessory buildings associated with a proposed application. See ordinance
2 language attached.

3
4 The following changes that were presented to the Council at the May City Council meeting were not
5 revised from the draft provided. If no changes are suggested this evening the following standards will
6 be included in the draft ordinance at the public hearing:

- 7
- 8 ▪ The *Commercial, recreation (indoor)* use has been eliminated from the performance
9 standards. This is shown as a strikethrough in the attached draft ordinance.
- 10 ▪ The draft ordinance requires *Commercial, Recreation (outdoor)* uses in the A1 and A2 zoning
11 districts be accessory to a principal residential use. The same requirement does not apply in
12 the GB zoning district.
- 13 ▪ Occupancy - The maximum occupancy is identified as 500 people.
- 14 ▪ Setbacks – The draft ordinance identifies a side yard setback of 100-feet.
- 15 ▪ Storm shelter – language related to storm shelters is included in the draft ordinance.

16
17 Staff is recommending that the City Council consider the following land use definitions in the next
18 round:

- 19
- 20 Business – Seasonal
- 21 Café and Restaurant
- 22 Clubs or Lodges
- 23 Greenhouses (commercial production only)
- 24

25 City Planner Haskamp stated staff is not looking for action on the land use definitions considered in
26 Group 1 at the February public hearing. Instead, staff would recommend waiting and processing
27 Groups 1 and 2 of the definitions together in an effort to be more efficient and save on some of the
28 associated expenses. Additionally, since the performance standards related to the commercial
29 recreation use were established after the public hearing in February, a public hearing will need to be
30 held to consider the proposed performance standard additions. As such, staff would recommend
31 holding the public hearing for the performance standards at the same time as Group 2 of the land use
32 definitions in an effort to reduce expenses.

33 Staff is looking for direction and authorization related to Group 2 of the land use definitions. If the
34 City Council agrees to the proposed land use definitions contained in Group 2, staff will begin
35 drafting proposed definitions for consideration at a future Council meeting.

36 It was the consensus of the Council to move forward with the recommended next four definitions.

37 Council Member lanoux stated grandfathered properties have not yet been addressed and the Planning
38 Commission should be reviewing this.

39 City Attorney Vivian advsied there is an entire division in the City’s Zoning Code that relates to non
40 conforming lots, uses and structures.

41 City Planner Haskamp added the February Planning report addressed non conforming lots and uses.

1 **Garage Sizes Per City Ordinance** – City Planner Haskamp advised at the regular May City Council
2 meeting council members Sederstrom and Huber expressed concern over a provision within the City’s
3 Zoning Ordinance related to accessory buildings. Upon their direction staff has prepared the
4 following information for your review and consideration.

5
6 The ordinance section of concern is contained within *Section 32-313 Accessory buildings and other*
7 *non-dwelling structures* and is identified below:

8
9 (f) *Accessory building as part of principal building.* An accessory building shall be considered as
10 an integral part of the principal building if it is located six feet or less from the principal building. The
11 exterior design and color shall be the same as that of the principal building or be of an earthen tone;
12 the height shall not exceed the height of the principal structure unless more restrictive portions of this
13 chapter prevail.

14
15 Some of the potential issues that staff is concerned with related to this section are as follows:

- 16
17 ▪ *Accessory building as part of principal building:* Staff is concerned with the section title
18 because it basically allows for an applicant to bypass all the standards contained within
19 Section 32-313 as long as the structure is within 6-feet of the principal building.
- 20 ▪ *Accessory building is the broadest term:* The ordinance defines Accessory Building types as,
21 “storage or tool sheds; detached residential garages; detached rural storage buildings; detached
22 domesticated farm animal buildings; agricultural farm buildings; non-accessory, non-dwelling
23 structures.” This provision would mean that any of these types of buildings could potentially
24 be excluded from the standards of Section 32-313 provided the building was within 6-feet of
25 the principal structure.
- 26 ▪ *No square footage limitations:* This provision allows a property owner to construct an
27 accessory building with no size limitations regardless of the parcel/lot size as long as the
28 structure is within 6-feet of the principal structure.
- 29 ▪ *No location specified:* Other provisions within Section 32-313 require a Certificate of
30 Compliance (COC) if an accessory building is to be located in front of a principal structure.
31 However, this provision essentially says that the accessory building is the principal building,
32 and therefore the standards would not apply and no permitting beyond a building permit
33 would be required.
- 34 • *Design standards:* The language, “exterior design and color shall be the same as that of the
35 principal building or be of an earthen tone” is vague, particularly when an applicant is given
36 an option to simply paint the structure an earthen tone. Staff would be concerned that a pole
37 barn could be painted brown and meet this standard, while having no relationship in design
38 and character to the principal building.
- 39 ▪ *...unless more restrictive portions of this chapter prevail:* This language is confusing and
40 unclear what it relates to. There are very few standards for architecture and size related to
41 principal buildings contained within the code.

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Staff would recommend that as a starting point for the discussion, the City Council consider the following questions:

- Are there any circumstances where an accessory building should be considered part of the principal structure?
 - If yes, when? What accessory building types? Should some types be excluded?
 - Is 6-foot the right distance? Should it be more or less, or stay the same? Are there any building code concerns? (i.e. firewalls, etc.)
 - Should the accessory structure have size restrictions? If yes, how?
 - Based on lot size?
 - Based upon the size of the principal structure (i.e. no more than 50% of the FAR of the principal)?
 - Not-to-exceed size?
 - Based on accessory building type?
 - Should there be architectural standards? (i.e. must match materials, colors, etc.)
 - Should there be a permitting process? COC? CUP?

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

Mayor Carr stated this has been abused in the City. He suggested a detached garage limit of 720 square feet but did express concern regarding people that already have this and would be non conforming. The City needs to be cogniscent of this and maybe just have a garage size maximum of 1,000 square feet.

Council Member Sederstrom stated he wants something included in the revised ordinance that addresses similar architecture.

Council Member Huber stated design standards need to be better defined. Non conforming uses would not be allowed to rebuild but there is a big problem with the current ordinance.

It was the consensus of the Council to have staff come back with a recommendation relating to the ordinance as well as design standards.

City Attorney, Nick Vivian

Road Contractor – City Attorney Vivian advised at the Council’s April meeting, a proposed Independent Contractor Agreement between the City of Grant and KEJ Enterprises, Inc. (“KEJ”) was presented for the Council’s consideration. In an effort to manage the City’s contract roadway expenditures and respond more efficiently to roadway complaints, City staff discussed combining several of the City’s roadway maintenance tasks under one single contract. The single contract would require one contractor to actively manage work on the City’s roads and would task the contractor with making recommendations to the City Council for roadway expenditures. Engaging a single contractor

1 to manage the City's roadway work allows the City to have a single resource for contact regarding
2 resident questions and complaints.

3
4 In April, the Council approved the Independent Contractor Agreement with KEJ Enterprises, Inc.
5 subject to review and approval of the City Attorney. I have reviewed the Agreement and have
6 incorporated a number of redline changes to fully effectuate the Council's intentions of engaging KEJ
7 to manage the City's roadway work. A copy of the redline draft is attached for the Council's review
8 and consideration.

9
10 City Attorney Vivian indicated it is his understanding that the City currently has contracts in place
11 with a number of contractors which have performed roadway work for the City in prior years. Per the
12 understanding of the City's intentions, KEJ will manage the work required on the City's roadways,
13 serve as the City's primary contact for roadway related matters and utilize the services of these
14 contractors to complete various projects and respond to resident complaints. In this regard, the
15 Independent Contractor Agreement required strengthening to make clear that management of the
16 work and the associated contractors is a significant component of the undertaking of KEJ.

17
18 Questions have been raised as to whether the Independent Contractor Agreement is subject to
19 Minnesota's competitive bidding law. The competitive bidding law applies to 1.) contracts for the
20 sale, purchase, or rental of supplies, materials, or equipment and 2.) contracts for the construction,
21 alternation, repair or maintenance of real or personal property. Minn. Stat. 471.345 subd. 2.

22
23 Cities are not required to follow the competitive bidding process when contracting for professional
24 services requiring technical, scientific or professional training. Additionally, services like refuse
25 hauling and cleaning have been deemed not to require adherence to Minnesota's competitive bidding
26 requirements.

27
28 Here, it is anticipated all roadway maintenance tasks will be the responsibility of a single contractor,
29 KEJ. Of the tasks listed on Page 1 of the City Engineer's April 27, 2015 Memorandum, Garbage &
30 Animal Pickup, Sign Replacement, Responding to Roadway Questions and Complaints, Coordination
31 of Dust Control and Coordination of Culvert & Grading Work clearly do not require competitive
32 bidding. Subtracting the allocations for these tasks leaves a projected contract cost of \$101,000.00.
33 Accordingly, further examination of the remaining contract tasks is required.

34
35 The Minnesota Supreme Court has expressly determined that management agreements are not a
36 contract for maintenance of real property within the meaning of the competitive bidding statute. *R.E.*
37 *Short Co. v. City of Minneapolis*, 269 N.W.2d 331 (Minn. 1978). In reaching this conclusion, the
38 Court stated, "[i]n light of the restrictive interpretation given by courts to competitive bidding statutes
39 and the ease with which the legislature could have included such management agreement [within the
40 competitive bidding statute], we do not believe that the legislature intended the statute to cover this
41 type of public contract." *Id.* at 343.

42
43 City Attorney Vivian stated that as he understands from the discussion at the Council's April meeting,
44 KEJ will coordinate all of the road work and may use any number of different contractors to complete
45 the Scope of Work contained within the Independent Contractor Agreement. The contractors remain

1 under agreement with the City and are readily available for use by KEJ in performing contract work
2 for the City.

3
4 Additionally, given the management component of the relationship with KEJ, at least some payment
5 must be allocated to the overall time spent managing the contractors actually completing the work.
6 With more than \$1,000 allocated toward management, the contract falls below the \$100,000
7 competitive bid threshold.

8
9 Finally, the Minnesota Attorney General has opined that a contract between town and county for
10 removal of snow from town roads is not subject to requirements of Uniform Municipal Contracting
11 Law, Minn. Stat. § 471.345. Op. Atty. Gen. 707a (March 5, 1986).

12
13 City Attorney Vivian stated it is his conclusion that the Independent Contractor Agreement with KEJ
14 Enterprises, Inc. does not require competitive bidding for five reasons. First, many of the services
15 provided by KEJ Enterprises, Inc. are considered professional in nature and are not subject to
16 competitive bidding requirements. Second, with the professional services removed from the
17 estimated contract amount and even a modest amount of payment allocated toward the management
18 of roadway services, the contract is not estimated to exceed \$100,000. Third, KEJ Enterprises, Inc.
19 will be managing the completion of the projects and will likely not be completing all of the work
20 itself. Accordingly, the contract, in its entirety, should be viewed as a management agreement which
21 the Minnesota Supreme Court has determined management agreements are not required to be
22 publically bid. Fourth, it is estimated that KEJ Enterprises, Inc. will not be completing \$100,000 in
23 work because tasks will be subcontracted to other companies already under contract with the City of
24 Grant. Fifth, the Minnesota Attorney General has concluded that agreements of this type are not
25 subject Minnesota's competitive bidding requirements.

26
27 Council Member Lanoux stated the State Auditor has the opinion that the contract is subject to
28 obtaining bids.

29
30 **Council Member Huber moved to approve the Road Contractor Contract as redlined. Council**
31 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux and**
32 **Sederstrom voting nay.**

33
34 **NEW BUSINESS**

35
36 **Acceptance of 2014 Audit, Sharon Schwarze** – City Treasurer Schwarze advised the 2014 Audit
37 was not in the Council packets. It was finalized two weeks ago and then finalized again in the same
38 form. All issues have been discussed with the State Auditor and private auditor. Because the Council
39 had no review time, the City should schedule a special meeting to accept the audit.

40
41 Council Member Lanoux stated his concern with the audit is the Treasurer had indicated a Code of
42 Conduct had to be signed by the Council.

43
44 City Treasurer Schwarze stated the 2014 Audit has been issued and everything is in order.
45

1 Council Member Lanoux stated he wanted resignations from the City Treasurer and Clerk because the
2 Code of Conduct issue was a lie.

3
4 City Treasurer Schwarze stated the Council can discuss that issue at the special meeting. A Code of
5 Conduct for any City is a policy for the City and is being proactive. The policy itself was voted on
6 and approved by the Council.

7
8 Council Member Huber stated he had to sign the same thing at the Cable Commission. Twenty-five
9 people signed it with no problem. Council Member Lanoux also had a problem with the gravel credit
10 in 2014 under the previous Road Commissioner. All of those issues can be discussed at the special
11 meeting.

12
13 A special City Council meeting was scheduled on Wednesday, June 17, 6:30 p.m. at Town Hall.

14
15 **Schedule 2016 Budget Work Session, Sharon Schwarze** – A 2016 Budget Work Session was
16 scheduled for Monday, July 13, 6:00 p.m. at Town Hall.

17
18 **Pressurized Water within the City of Grant, Jeff Huber** – Council Member Huber provided
19 background on this issue and then requested Council Member Lanoux explains his proposal on this.

20
21 **Council Member Lanoux moved to draft a resolution that opposes legislation of developing a**
22 **waste water treatment plant. Council Member Sederstrom seconded the motion. Motion failed**
23 **with Council Members Lobin, Huber and Mayor Carr voting nay.**

24
25 Council Member Huber explained Council Member Lanoux’s proposed plan to bring water into the
26 City along the DNR trail and golf courses that would replenish the aquifer and level and White Bear
27 Lake. The plan brings water into the city and puts the golf courses out of business. He read from the
28 City’s Comprehensive Plan relating to land use and city water, sewer and other utilities. He read the
29 draft Charter regarding pressurized water. He stated Council Member Lanoux’s proposal completely
30 goes against and is in conflict with the City’s Comprehensive Plan.

31
32 Council Member Lanoux stated he is talking about a pressurized water line and he is opposed to a
33 waste water treatment plant. He advised he has spoken at the legislature as well as the Metropolitan
34 Council proposing this idea.

35
36 Council Member Huber reviewed an application to the Metropolitan Council submitted by Council
37 Member Lanoux.

38
39 **Waste Water Treatment Plant, Jeff Huber** – This item was discussed during the previous agenda
40 item.

41
42 **Final “Draft” of City Charter, Mayor Carr** – Mayor Carr stated he wanted to bring the final draft
43 Charter forward and noted at some point the Council may take some comments on the document. He
44 asked the Council about the education piece put together by a Charter Commissioner and posting it on
45 the City website.

1 The majority of the Council agreed the education piece should be posted on the City website.

2
3 City Attorney Vivian advised there is a statutory process for submitting the Charter and the
4 Commission should speak to an attorney regarding that process. Coordination with the City is
5 appropriate and it is the intent of the Charter Commission to have the Charter on the ballot at the next
6 general election.

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8 **UNFINISHED BUSINESS**

9
10 **Roles and Responsibilities of City of Grant Planning Commission** – Mayor Carr stated the
11 Council needs to go through this. The Planning Commission is an advisory committee and the need
12 to get back to being a Planning Commission and be structured properly and be clear about their
13 responsibilities.

14
15 Council member Huber requested clarification regarding amendments to the Comprehensive Plan and
16 updates to the Comprehensive Plan in terms of the Planning Commission itself.

17
18 Council Member Lanoux stated Planning Commission duties are already spelled out in the City
19 ordinance.

20
21 **Council Member Sederstrom moved to keep the City ordinance relating to the Planning**
22 **Commission as is. Council Member Lanoux seconded the motion. Motion failed with Council**
23 **Members Lobin, Huber and Mayor Carr voting nay.**

24
25 It was noted the roles and responsibilities provided to the Council are not in conflict with the City
26 ordinance relating to the Planning Commission.

27
28 It was the consensus of the Council that next month terms of the Planning Commission would be
29 discussed.

30
31 **DISCUSSION ITEMS**

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33 **City Council Reports:**

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35 There were no Council reports.

36
37 **Staff Updates:**

38
39 **Sunnybrook Lake** – City Engineer Olson updated the Council on the Sunnybrook flood issue and
40 advised he will be coming back with more information.

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42 **COMMUNITY CALENDAR JUNE 3 THROUGH JUNE 30, 2015:**

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44 **Mahtomedi Public Schools Board Meeting, Thursday, June 11th and 28th, 2015, Mahtomedi**
45 **District Education Center, 7:00 p.m.**

1 **Stillwater Public Schools Board Meeting, Thursday, June 11th, 2015, Stillwater City Hall, 7:00**
2 **p.m.**

3 **Charter Commission Meeting, Thursday, June 18th, 2015, Mahtomedi City Hall, 7:00 p.m.**

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

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8 These minutes were considered and approved at the regular Council Meeting July 7, 2015.

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Kim Points, Administrator/Clerk

Tom Carr, Mayor

**City of Grant
Special City Council Meeting
June 17, 2015**

A special meeting of the Grant City Council will be called to order at 6:30 o'clock p.m. on Wednesday, June 17, 2015 in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. Call to Order

Mayor Carr called the meeting to order at 6:32 p.m.

2. Pledge of Allegiance

3. Delay of 2014 Audit Report

i. Background

A memo was provided from Dennis Hooegeveen, CPA, CliftonLarsonAllen, outlining the reason for the 2014 Audit report not being submitted in the proper timeline. The issues raised by a Council Member included the 2015 Road Contract, gravel credit and Code of Conduct approved by the City.

Mr. Hooegeveen also reported in the memo that he had done sufficient inquiry and documentation to proceed with the original audit report as issued on May 15, 2015.

ii. Associated Costs

Per the memo, Mr. Hooegeveen advised the firm incurred an additional four to five hours of additional time related to the inquiries of Council Member Lanoux. The additional inquiries equates to at least \$1,200 in additional fees.

Council Member Huber moved to send Council Member Lanoux the billing for the additional time per CliftonLarsonAllen. Mayor Carr seconded the motion. Motion carried with Council Member Lanoux and Council Member Sederstrom voting nay.

iii. Potential City Liability Issues

City Attorney Vivian advised Council Members acting on their own are subject to their own liability. The Audit firm audits the City's financials for 2014. If the Council has not authorized a Council Member to contact vendors then they are doing so outside of their scope. Council Members need to give great consideration to what their role is as a Council Member before allegations are made. Damage can result from unwarranted allegations. Calls to outside parties and entities are not productive. Previous Councils have always had the policy that Council Members do not contact staff. This Council has taken a step back from that and really should get back to that.

4. Acceptance of 2014 Audit Report

City Treasurer Schwarze provided a summary of the 2014 audit as well as reviewed the over budget line items and reasons for that. She advised the City has a 1% variance within the 2014 budget which is very, very good budgeting. She recommended acceptance of the 2014 Audit.

Council Member Huber moved to accept the 2014 Audit, as presented. Council Member Lobin seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

5. Adjourn

Council Member Huber moved to adjourn at 7:08 p.m. Council Member Lobin seconded the motion. Motion carried unanimously.

A

Date range: 06/03/2015 to 06/30/2015

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Payroll Period Ending 06/30/2015	06/29/2015	12802	\$3,341.41		No	100-41101-100	\$3,341.41
AirFresh Industries	06/29/2015	12803	\$250.00	PortaPot #19641/19924	No	100-43007-210	\$125.00
Brochman Blacktopping Co.	06/29/2015	12804	\$20,011.00	Roads/Pothole Repair	No	100-43007-210	\$125.00
Xcel Energy	06/29/2015	12805	\$233.64	Utilities	No	100-43109-300	\$20,011.00
Ken Ronnan	06/29/2015	12806	\$118.50	Video Tech Services	No	100-43004-381	\$38.46
CenturyLink	06/29/2015	12807	\$164.47	City Phone	No	100-43010-381	\$151.90
Hillcrest Animal Hospital	06/29/2015	12808	\$144.00	Animal Control	No	100-43117-381	\$43.28
Waste Management	06/29/2015	12809	\$4,140.36	Recycling	No	100-41318-300	\$118.50
Todd Smith	06/29/2015	12810	\$1,901.37	Monthly Assessment Services	No	100-41309-321	\$164.47
City of Stillwater	06/29/2015	12811	\$54,266.50	1st Half Fire Contract	No	100-42006-300	\$144.00
M.J. Raleigh Trucking	06/29/2015	12812	\$1,667.46	Gravel	No	100-43011-384	\$4,140.36
Washington County Property Records	06/29/2015	12813	\$95.00	Assessment Billing/Audit Report	No	100-41208-300	\$1,901.37
City of Mahtomedi	06/29/2015	12814	\$31,404.75	2nd Quarter Fire Contract	No	100-42003-300	\$54,266.50
Sprint	06/29/2015	12815	\$35.00	City Cell Phone	No	100-43106-210	\$1,667.46
WSB & Associates	06/29/2015	12816	\$6,395.25	Engineering	No	100-41201-300	\$35.00
Eckberg Lammers	06/29/2015	12817	\$7,410.05	Legal Services	No	100-41208-300	\$60.00
Croix Valley Inspector	06/29/2015	12818	\$8,813.42	Building Inspector	No	100-42002-300	\$31,404.75
KEJ Enterprises	06/29/2015	12819	\$9,000.00	May 2015 Road Contractor	No	100-43116-321	\$35.00
						100-41203-300	\$3,371.75
						100-43125-300	\$264.00
						100-43128-300	\$1,396.50
						100-43130-300	\$269.50
						867-49310-300	\$1,093.50
						100-41204-300	\$4,614.63
						100-41205-300	\$1,207.50
						100-41206-300	\$1,587.92
						100-42004-300	\$8,813.42
						100-41306-300	\$166.14
						100-43006-300	\$125.00

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
KEJ Enterprises	06/29/2015	12820	\$9,000.00	June 2015 Road Contractor	No	100-43009-300 100-43105-300 100-43106-300 100-43107-300 100-43110-300 100-43111-300 100-43113-300 100-43114-300 100-43115-300	\$125.00 \$250.00 \$20.84 \$41.67 \$83.84 \$20.84 \$5,416.67 \$2,250.00 \$500.00
SHC, LLC	06/29/2015	12821	\$2,620.00	Planning	No	100-41306-300 100-43006-300	\$166.14 \$125.00
Lyle Signs, Inc.	06/29/2015	12822	\$778.06	Sign Replacement	No	100-43009-300 100-43105-300	\$125.00 \$250.00
Kline Bros Excavating	06/29/2015	12823	\$20,207.50	Road Maintenance	No	100-43106-300 100-43107-300 100-43110-300 100-43111-300 100-43113-300 100-43114-300 100-43115-300	\$20.84 \$41.67 \$83.84 \$20.84 \$5,416.67 \$2,250.00 \$500.00
PERA	06/29/2015	12824	\$643.61	PERA	No	100-41209-300 900-49310-300	\$2,332.00 \$288.00
IRS	06/29/2015	EFT64	\$1,113.77	Payroll Taxes	No	100-43110-330	\$778.06
Mahtomedi Public Schools	06/30/2015	12825	\$81,000.00	Landscape Escrow Refund	No	100-43101-300 100-43111-300 100-43126-300	\$8,320.00 \$6,050.00 \$5,837.50
Total For Selected Checks			\$264,755.12			100-41102-120 100-41113-100 100-41103-100 100-41107-100 100-41110-100 100-41112-100 841-49310-430 842-49310-430	\$344.79 \$298.82 \$351.69 \$410.39 \$285.03 \$66.66 \$21,000.00 \$60,000.00
			\$264,755.12				\$264,755.12

Brochman Blacktopping Co.
 12770 Mckusick Rd.
 Stillwater, Mn. 55082

Invoice

Date 5/27/2015
 Invoice # 3520

Bill To

City Of Grant
 111 Wildwood Rd.
 Po. Box. 577
 Willernie, MN 55090

Terms Due on receipt Due Date 5/27/2015

Item	Description	Qty	Price	Amount
asphalt mix	Tons	3	61.50	184.50
Truck	With driver (Hours)	3	88.00	264.00
Roller	With operator (Hours)	2	73.00	146.00
Skid loader	With operator (Hours)	3	78.00	234.00
Man hours	Labor	3	55.00	165.00
	Labor & materials for asphalt patch repair of potholes at 65th St. (Grant Township) 05/14/2015 Cost: \$993.50			
asphalt mix	Tons	9	61.50	553.50
Truck	With driver (Hours)	24	88.00	2,112.00
Roller	With operator (Hours)	6	73.00	438.00
Skid loader	With operator (Hours)	3	78.00	234.00
Man hours	Labor	9	55.00	495.00
Tack	Machine (Hours)	1	30.00	30.00
Tack	Gallons	20	3.00	60.00
	Labor & materials for asphalt patch repair of potholes at Mckusick Rd. (Grant Township) 05/15/2015 Cost: \$3,922.50			
asphalt mix	Tons	10	61.50	615.00
Truck	With driver (Hours)	25	88.00	2,200.00
Roller	With operator (Hours)	6	73.00	438.00

Thank you! for your business.

Subtotal
 Sales Tax (0.0%)
 Total
 Payments/Credits
 Balance Due

brochmanpaving@msn.com

651-439-5379
 651-439-5379

12770 Mckusick Rd.
 Stillwater, Mn. 55082

INVOICE

Date 5/27/2015
 Invoice # 3520

Bill To

City Of Grant
 111 Wildwood Rd.
 Po. Box. 577
 Willernie, MN 55090

Terms Due on receipt

Due Date 5/27/2015

Item	Description	Qty	Price	Amount
Skid loader	With operator (Hours)	4	78.00	312.00
Man hours	Labor	10	55.00	550.00
Tack	Machine (Hours)	1	30.00	30.00
Tack	Gallons	24	3.00	72.00
	Labor & materials for asphalt patch repair of potholes at Mckusick Rd. (Grant Township) 05/22/2015 Cost:\$ 4,217.00			
asphalt mix	Tons	3	61.50	184.50
Truck	With driver (Hours)	6	88.00	528.00
Roller	With operator (Hours)	3	73.00	219.00
Skid loader	With operator (Hours)	2	78.00	156.00
Man hours	Labor	7	55.00	385.00
Tack	Machine (Hours)	1	30.00	30.00
Tack	Gallons	5	3.00	15.00
	Labor & materials for asphalt patch repair of potholes at Mckusick Rd. (Grant Township) 05/26/2015 Cost: \$1,517.50			

Thank you! for your business.

Subtotal	\$10,650.50
Sales Tax (0.0%)	\$0.00
Total	\$10,650.50
Payments/Credits	\$0.00
Balance Due	\$10,650.50

brochmanpaving@msn.com

651-439-5379
 651-439-5379

Brochman Blacktopping Co.
 12770 Mckusick Rd.
 Stillwater, Mn. 55082

Invoice

Date 6/5/2015
 Invoice # 3540

Bill To

City Of Grant
 111 Wildwood Rd.
 Po. Box. 577
 Willemie, MN 55090

Terms Due on receipt Due Date 6/5/2015

Item	Description	Qty	Price	Amount
Patch repair	Tons	5	61.50	307.50
Truck	With driver (Hours)	10	88.00	880.00
Roller	With operator (Hours)	5	73.00	365.00
Skid loader	With operator (Hours)	4	78.00	312.00
Man hours	Labor	14	55.00	770.00
Tack	Machine (Hours)	1	30.00	30.00
Tack	Gallons	15	3.00	45.00
Labor & materials for asphalt patching repairs installed at Keats Ave. No. Grant Township, MN 55082. 05/28/2015				
Thank you! for your business.		Subtotal		\$2,709.50
		Sales Tax (0.0%)		\$0.00
		Total		\$2,709.50
brochmanpaving@msn.com		Payments/Credits		\$0.00
651-439-5379		Balance Due		\$2,709.50
651-439-5379				

Brochman Blacktopping Co.
 12770 Mckusick Rd.
 Stillwater, Mn. 55082

Invoice

Date 6/15/2015
 Invoice # 3562

Bill To

City Of Grant
 111 Wildwood Rd.
 Po. Box. 577
 Willernie, MN 55090

Terms Due on receipt

Due Date 6/15/2015

Item	Description	Qty	Price	Amount	
asphalt mix	Tons	5	61.50	307.50	
Truck	With driver (Hours)	10	88.00	880.00	
Roller	With Operator (Hours)	4	73.00	292.00	
Skid loader	With Operator (Hours)	4	78.00	312.00	
Man hours	Labor	8	55.00	440.00	
Tack	Machine (Hours)	1	30.00	30.00	
Tack	Gallons	15	3.00	45.00	
Labor & materials for asphalt patching repair of potholes at Leward Ave. & 115th St. (Grant) MN. 55082. 06/12/2015					
Thank you! for your business.				Subtotal	\$2,306.50
				Sales Tax (0.0%)	\$0.00
				Total	\$2,306.50
brochmanpaving@msn.com				Payments/Credits	\$0.00
651-439-5379				Balance Due	\$2,306.50
651-439-5379					

Brochman Blacktopping Co.
 12770 Mckusick Rd.
 Stillwater, Mn. 55082

Invoice

Date 6/22/2015
 Invoice # 3575

Bill To

City Of Grant
 111 Wildwood Rd.
 Po. Box. 577
 Willernie, MN 55090

Terms Due on receipt Due Date 6/22/2015

Item	Description	Qty	Price	Amount
asphalt mix	Tons	6	61.50	369.00
Truck	With driver	6.5	88.00	572.00
Roller	With operator	3	73.00	219.00
Skid loader	With operator	3	78.00	234.00
Man hours	Labor	7.5	55.00	412.50
Tack	Machine (Hours)	1	30.00	30.00
Tack	Gallons	20	3.00	60.00
	Labor & materials for asphalt pot hole patching at Irish Ave. (Grant) 06-19-2015			

Thank you! for your business.	Subtotal	\$1,896.50
	Sales Tax (0.0%)	\$0.00
	Total	\$1,896.50
brochmanpaving@msn.com	Payments/Credits	\$0.00
651-439-5379	Balance Due	\$1,896.50
651-439-5379		

Brochman Blacktopping Co.
 12770 Mckusick Rd.
 Stillwater, Mn. 55082

Invoice

Date 6/26/2015
 Invoice # 3584

Bill To
City Of Grant 111 Wildwood Rd. Po. Box. 577 Willernie, MN 55090

Terms Due on receipt Due Date 6/26/2015

Item	Description	Qty	Price	Amount
asphalt mix	Tons	4	61.50	246.00
Truck	With driver (Hours)	6	88.00	528.00
Roller	With operator (Hours)	3	73.00	219.00
Skid loader	With operator (Hours)	3	78.00	234.00
Man hours	Labor	5.5	55.00	302.50
Tack	Sprayer machine (Hours)	1	30.00	30.00
Tack	Gallons	15	3.00	45.00
Labor & materials for asphalt pot hole patching repair at Irish Ave. No. (Grant) 06/25/2015. Total: \$1,604.50				
asphalt mix	Tons	1	61.50	61.50
Truck	With driver (Hours)	4	88.00	352.00
Man hours	Labor	7	55.00	385.00
Tack	Sprayer Machine (Hours)	1	30.00	30.00
Tack	Gallons	5	3.00	15.00
Labor & materials for asphalt pot hole patching repair at 62nd. St. (Grant) 06/25/2015. Total: 843.50				
Thank you! for your business.		Subtotal		\$2,448.00
		Sales Tax (0.0%)		\$0.00
		Total		\$2,448.00

brochmanpaving@msn.com

651-439-5379
 651-439-5379

Payments/Credits \$0.00
Balance Due \$2,448.00

KLINE BROS EXCAVATING
 8996 110th St N
 STILLWATER, MN 55082



Invoice

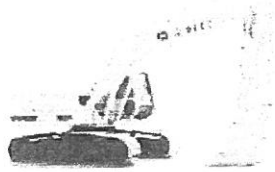
DATE	INVOICE #
6/26/15	2367

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	DITCHWORK 100-43126

DUE DATE
7/6/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
IRONWOOD DITCHWORK			0.00
6-01-15 E70	7.5	90.00	675.00
6-01-15 1845C	7.5	85.00	637.50
6-01-15 T600	5	75.00	375.00
6-02-15 E70	8.5	90.00	765.00
6-02-15 1845C	8.5	85.00	722.50
6-02-15 T600	6	75.00	450.00
6-05-15 E70	7	90.00	630.00
6-05-15 1845C	7	85.00	595.00
6-05-15 T600	5	75.00	375.00
6-06-15 E70	3.5	90.00	315.00
6-06-15 1845C	3.5	85.00	297.50
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONHTLY SERV CHARGE	Total		5,837.50

KLINE BROS EXCAVATING
 8996 110th St N
 STILLWATER, MN 55082



Invoice

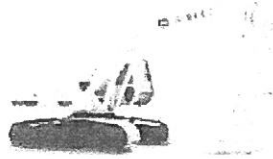
DATE	INVOICE #
6/26/15	2366

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	ROAD GRADING 100-43101

DUE DATE
7/6/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
5-22-15 770B	5	80.00	400.00
5-27-15 770B	6.25	80.00	500.00
5-27-15 740A	7.5	80.00	600.00
5-28-15 770B	2.75	80.00	220.00
6-04-15 770B	9.5	80.00	760.00
6-04-15 740A	8.5	80.00	680.00
6-12-15 770B	7.25	80.00	580.00
6-12-15 740A	8.5	80.00	680.00
6-15-15 770B	2.5	80.00	200.00
6-15-15 740A	4	80.00	320.00
6-16-15 770B	7.25	80.00	580.00
6-16-15 740A	8.5	80.00	680.00
6-17-15 770B	8.75	80.00	700.00
6-17-15 740A	7.75	80.00	620.00
6-18-15 770B	4	80.00	320.00
6-18-15 740A	6	80.00	480.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	Total		8,320.00

KLINE BROS EXCAVATING
 8996 110th St N
 STILLWATER, MN 55082



Invoice

DATE	INVOICE #
6/26/15	2368

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	CULVERT-DITCHWORK 100-43111

DUE DATE
7/6/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
IRONWOOD DITCHWORK			0.00
6-06-15 T600	1	75.00	75.00
6-08-15 E70	7.5	90.00	675.00
6-08-15 1845C	7.5	85.00	637.50
6-08-15 T600	6	75.00	450.00
6-09-15 E70	6	90.00	540.00
6-09-15 1845C	6	85.00	510.00
6-09-15 T600	6	75.00	450.00
6-10-15 E70	6	90.00	540.00
6-10-15 1845C	6	85.00	510.00
6-10-15 T600	2	75.00	150.00
6-14-15 E70	6.5	90.00	585.00
6-14-15 1845C	6.5	85.00	552.50
6-14-15 T600	5	75.00	375.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	Total		6,050.00



December 16, 2014

City of Grant
c/o Kim Points
P.O. Box 577
Willernie, MN 55090

Dear Kim,

Please remit a check in the amount of \$31,404.75 for the 2nd quarter fire contract. Please pay July 1, 2015.

If you have any questions, please feel free to give me a call at 651-426-3344.

Thank you,

Jerene Rogers
Account Clerk



DATE	INVOICE NO
6/1/2015	0052873

BILL TO
City of Grant P O Box 577 111 Wildwood Rd Willermie, MN 55090

DUE DATE
7/1/2015

DESCRIPTION	QUANTITY	EFFECTIVE RATE	AMOUNT	DISCOUNT	CREDIT	BALANCE
PREVIOUS ACCOUNT BALANCE						0.00
Fire Contract 1/1/15 - 12/31/15:						
1st Half of Contract \$108,533	1.00	54,266.50	54,266.50	0.00	0.00	54,266.50
INVOICE TOTAL:			54,266.50	0.00	0.00	54,266.50

PLEASE DETACH BOTTOM PORTION & REMIT WITH YOUR PAYMENT

For questions please contact us at (651) 430-8800

Customer Name: City of Grant
 Customer No: 100353
 Account No: 0000006 - AR account for 100353

DUE DATE	INVOICE NO
7/1/2015	0052873



Please remit payment by the due date to:

City of Stillwater
 216 North 4th Street
 Stillwater, MN 55082

Invoice Total: 54,266.50
 Discounts: 0.00
 Credit Applied: 0.00
 Ending Balance: 54,266.50

INVOICE BALANCE: \$54,266.50
AMOUNT PAID: _____

Administrator/Clerk

From: Olson, Phil <phil.olson@ci.rosemount.mn.us>
Sent: Monday, June 29, 2015 5:45 PM
To: clerk@cityofgrant.us
Cc: 'Jennifer Haskamp'
Subject: School Landscape Escrow

Kim,

The school district has requested that the City return the landscaping escrow of \$81,000 for the Wildwood Elementary CUP (\$60,000) and stadium CUP (\$21,000). The modified landscaping plan has been fully executed and the vegetation is believed to be in general conformance with the two CUPs. At this point, the escrow should be returned to the school district.

For background, the two sites were inspected in November 2013 and found to be in compliance with the modified landscape plan. The site was also reviewed by aerial photography in October 2014 and again found to be in compliance with the modified landscape plan. The two year warranty expired in the fall of 2014 however landscaping and screening are still required to meet the City's requirements outlined in the two CUPs.

Please let me know if you have any questions. Thank you.

Phil Olson

Project Manager/WSB & Associates, Inc.
701 Xenia Ave. S., Suite 300, Minneapolis, MN 55416
Direct: 651.322.2015/Fax: 763.541.1700/Cell: 612.202.9116
polson@wsbeng.com
www.wsbeng.com www.twitter.com/WSBEngineering

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6037 / Virus Database: 4365/10122 - Release Date: 06/29/15

MEMORANDUM

To: Mayor and Grant City Council
CC: Kim Points, City Clerk
Nick Vivian, City Attorney
From: Jennifer Haskamp, City Planner

Date: June 30, 2015
RE: Request to Change Tree Species
CUP – Cell Tower, 9254 Manning

Background

On July 3, 2014 representatives of Verizon Wireless supplied an updated landscape plan reflecting Council discussion related to the planting plan approved as part of the Conditional Use Permit application to construct a new cell tower at 9254 Manning Avenue. On the landscape plan, Verizon identified the tree species as Arborvitae to provide screening of the ground equipment and land area of the new cell tower. The CUP condition related to screening states that landscaping must be planted according to the landscape plan provided.

Request:

The property Owner, the Grogans, is requesting permission to plant an alternate tree species to include Eastern White Pine, Birch White Pine, and Austrian Pine. They have submitted an updated plan that is acceptable to them and Verizon Wireless.

Review:

Staff has reviewed the requested change and believes that the alternate tree species is acceptable. Pine and Arborvitae are often used interchangeably as screening vegetation, and staff believes the request will still achieve the desired result. Provided Verizon finds the vegetation acceptable, staff would recommend approval of the request to change the vegetative screening according to the plan submitted on June 19, 2015.

Attention: Kim Points

Email:

Fax:

We, the Grogans, would like to submit a proposed amendment to the site/landscape plan regarding the type of vegetation used to provide screening. Verizon has allowed us to select the type and placement of trees to accommodate the look and feel to enhance our property vs. the 'generic' original plan submitted. The cluster planting of Abbreviate in close proximity to the cell structure would be replaced with the species and location marked on the site drawing provided.

Cc: Steve Collin, Verizon Wireless

South Property line



X X X X X

8 new

Eastern white pine
moist soil

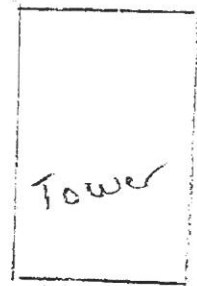
15-20' space

Fence line



15' Birch white pine

X Austrian
pine
6 spacing



4 new Dawn Redwood

Drain
Field

septic



House

Driveway

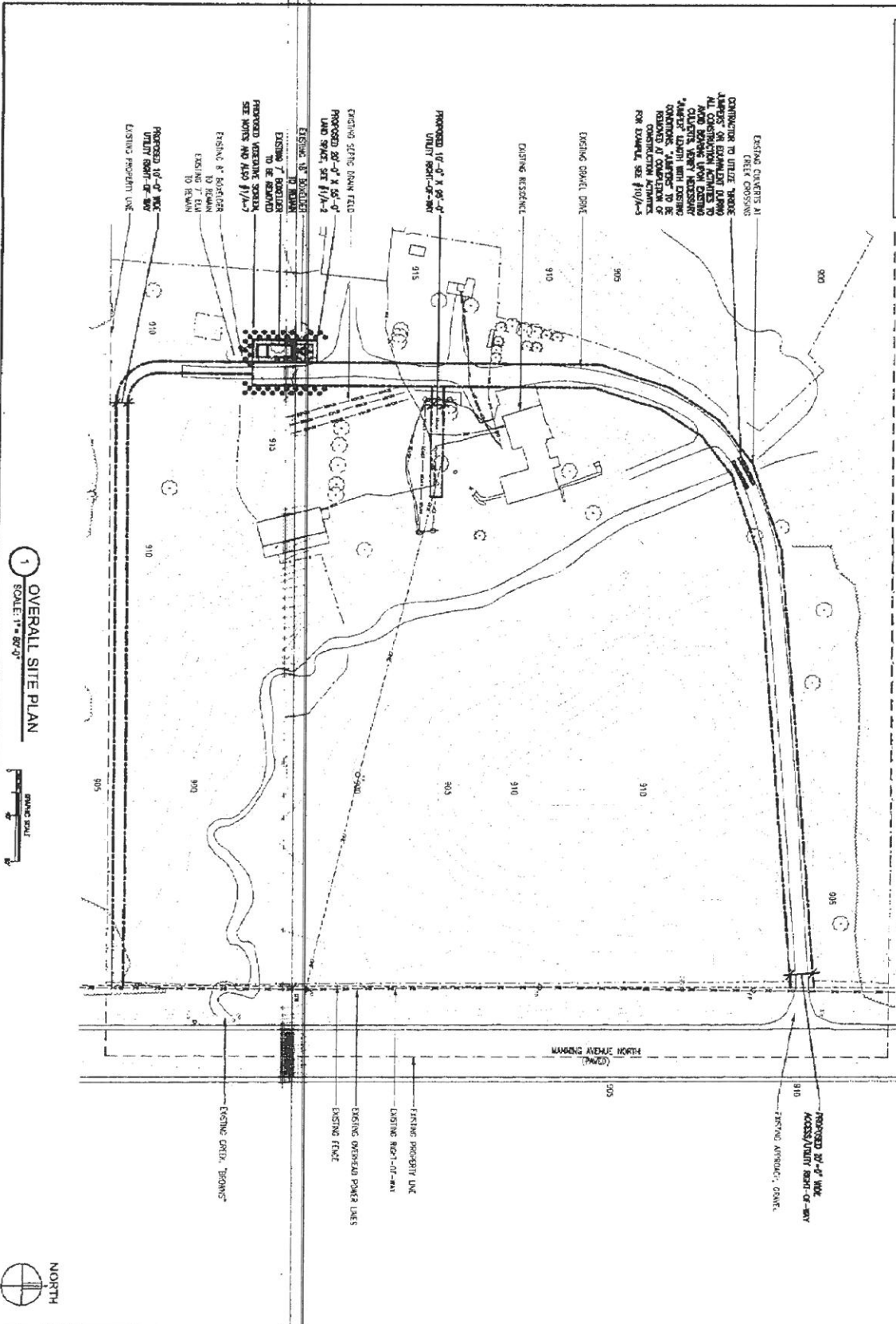
⊖ = Existing
Trees

M.A.S.

Seno to Steve, Colin & Verizon Wireless, Conn

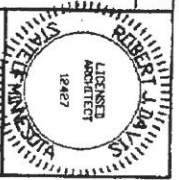
NOTE: VERTICAL SCHEDULE SHALL CONSIST OF 42 PLANNING TO BE APPROVED AS SHOWN. TYPICAL SPACING SHALL BE MAXIMUM BETWEEN TIES 8'-0" WITH MINIMUM BETWEEN TIES 4'-0" AND 6'-0". APPROVED SCHEDULE SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO CONSTRUCTION.

CONTRACTOR TO UTILIZE TYPICAL DETAILS ON EXHIBIT A. ALL CONSTRUCTION ACTIVITIES TO BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF COMMENCEMENT OF WORK. ALL CONSTRUCTION ACTIVITIES TO BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF COMMENCEMENT OF WORK. ALL CONSTRUCTION ACTIVITIES TO BE COMPLETED WITHIN THE PERIOD OF 180 DAYS FROM THE DATE OF COMMENCEMENT OF WORK.



1 OVERALL SITE PLAN
SCALE: 1" = 60'-0"

GENERATOR TYPE:
DISEL



DESIGN
PROJECT: 2010087400
KIT KAT
MINC

VERIZON WIRELESS
PROJECT: 2010087400
KIT KAT
MINC

9254 MANNING AVENUE N.
GRANT, MN 55082
SHEET CONTENTS:
SITE PLAN

DESIGNED BY:	DATE:
CHECKED BY:	DATE:
REV. A:	DATE:
REV. B:	DATE:
REV. C:	DATE:
REV. D:	DATE:
REV. E:	DATE:

A-1

Memorandum

To: *Honorable Mayor and City Council, City of Grant
Kim Points, Administrator, City of Grant*

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

Date: *June 26, 2015*

Re: *McKusick Road: Improvement Options*

At the last City Council meeting, Council discussed the pavement condition on McKusick Road. Below is background information about the road along with options for repairing the roadway, improving driving conditions, and reducing maintenance costs.

Current Road Statistics:

- City completed seal coat in 2008
- Patching is approximately \$20,000/year
- Traffic counts
 - 1163 – west side
 - 1496 – east side

Washington County Considerations:

- Washington County turned the ownership of the road over to the City in 1988
- Washington County completed an overlay prior to the City taking ownership
- McKusick Road is not included as a detour route for the roundabout project at Hwy 96 and Manning Avenue. The official detour will direct traffic to CSAH 12 and CSAH 9 however some traffic may still use McKusick Road as a short cut.
- Staff contacted Washington County to discuss maintenance costs, responsibility, and having the County take back ownership. Washington County is not interested as it does not provide any benefit to their regional roadway network.
- A future signal is planned at the intersection of McKusick Road and Manning Avenue. Roadway widening and signal sensors will be required on the Grant side of the intersection.

Improvement Options:

- Patching:
 - Currently \$20,000/year and expected to increase in the future
 - Does not provide long term solution to the pavement issues
- Pulverizing – Grinding the existing pavement
 - High traffic volumes may create increased grading or patching maintenance in some areas.
 - Prepares road for future paving projects
 - Construction estimate: \$30,000

- Heavy Patching – Patching entire length of roadway with 1½ to 2 inches of pavement
 - Significantly reduces the amount of patching required for the next 5 to 10 years
 - Construction estimate: \$120,000

- Reclamation – Grinding existing pavement and paving 3½ inches of new pavement
 - Addresses all immediate maintenance issues and provides 20 year design life.
 - Construction estimate: \$300,000
 - Engineering, legal, administrative, and finance costs ranging from 15% to 25% are also required to bid and administer the contract.

There are also several options for combining different types of improvements. For example, pulverizing could be completed in the area between the golf course and the restaurant and heavy patching could be completed at the east end near Hwy 96 and on the west end near Manning Avenue. This would reduce the amount of patching required and encourage traffic to use the state and county roads.

Action: Discussion. Provide direction to staff.



Memorandum

To: *Honorable Mayor and City Council, City of Grant
Kim Points, Administrator, City of Grant*

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

Date: *June 29, 2015*

Re: *Pavement Rating Discussion*

At the last City Council meeting, Council directed engineering staff to provide a proposal for rating the City's paved roads. Attached is a proposal from WSB & Associates which includes tasks, costs, and a schedule for rating the City's paved roads.

Action: Discussion. If desired, authorize WSB to complete tasks within the Pavement Rating Work Plan.

June 23, 2015

Re: Pavement Rating Work Plan
City of Grant, MN

I am pleased to submit this work plan on behalf of WSB & Associates, Inc. to develop the City of Grant's Cartegraph Pavement Management System (CPMS). We plan on working closely with City staff in completing the PAVEMENTview implementations.

Cost Summary

It is proposed that this project be billed hourly, with total cost estimated at **\$11,920**. If you are in agreement with the terms as outlined above, please sign where indicated below and return one copy to our office.

The following tasks will be completed as part of this work plan:

1 Data Collection

WSB staff will develop a pavement management database using Cartegraph.

As part of this process, *the City* will:

- Review and provide comments on proposed street segments
- Provide the Original Construction Dates for each segment

WSB & Associates will:

- Clean and validate the data
- Deployed data to field laptops for use in detailed field inspections
- Create roadway segments
- Maintain data during the duration of the project

Cost: \$4,700

2 Detailed Inspection of City Pavement

WSB & Associates will complete pavement inspections in the City. The rating process consists of viewing the segment condition on the ground, recording information on the particular distresses, and inputting that data into the Cartegraph database.

- Rate approximately 30 miles of paved roads in the City of Grant.
 - View the segment condition on the ground
 - Record information on the particular distresses
 - Input that data into the Cartegraph database

- o Determine an Overall Condition Index (OCI) based on Army Corps of Engineers methodology

Cost: \$5,920

3 Meetings/Presentations/Reports

WSB & Associates will:

- Generate a report highlighting the current practices, findings from the analysis and recommendations for maintenance for the City

Cost: \$1,300

4 Deliverables

- Report and Figures showing the Overall Condition Index of all streets segments

Schedule

An estimated timeline for this project is as follows:

City Council authorizes Pavement Management project	July 2015
Data Collection	August 2015
Create Street Segments	August 2015
Deploy Database for Field Inspections	August 2015
Detailed Inspection of City Pavement	October 2015
Final Report	November 2015

Thank you for this opportunity to continue to develop the City of Grant's Pavement Management System. I am confident that the level of service on this project will meet or exceed your expectations. If you should have any questions regarding this proposal, please contact me at 763-287-1313.

Sincerely,

WSB & Associates, Inc.



Andrea Azary
Pavement/Materials Specialist

ACCEPTED BY:

City of Grant

By: _____

Title: _____

Date: _____

MEMORANDUM

To: Mayor and Grant City Council
Date: June 29, 2015
CC: Kim Points, City Clerk
RE: Land Use definitions
Nick Vivian, City Attorney
From: Jennifer Haskamp, City Planner

At the regular City Council meeting in June staff requested authorization to begin the process of drafting land use definitions for the second group of land uses included within the Moratorium. As background to the overall moratorium process, staff initially identified 22 land uses without/or with limited definitions that were most critical to review because they either 1) were uses that have been discussed/addressed by applicants over the past year; or 2) were permitted with a conditional use permit in at least one zoning district; or 3) have caused confusion by residents and/or staff over the past several years due to lacking information. These land uses, per the direction of the Council, became the subject of the Moratorium. The first group of 5 land use definitions has been drafted and considered at a public hearing, and will be processed for final vote once the second group of definitions has undergone the same process.

At the regular June City Council meeting staff proposed the second group of land use definitions identified below:

- Business Seasonal
- Café and Restaurant
- Clubs or Lodges
- Greenhouses (commercial production only)

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

Business – Seasonal

The City's ordinances currently do not provide a definition for Seasonal Businesses; however, there have been several inquiries from residents and landowners with respect to the seasonal operation of businesses. There are several businesses in the city that are seasonally operated that were either processed under the guise of a home occupation or under Ordinance 50 when Seasonal Businesses were a permitted conditional use in most zoning districts (See table below depicting current Table of Uses related to Seasonal Business). The City's previous Ordinance 50 which was replaced when the ordinances were codified, permitted Seasonal Businesses with a Conditional Use Permit in every zoning district except the Conservancy district where they were not permitted. Various council people and other members of the public have brought up to Staff that perhaps the codified version is

an error that should be corrected to reflect Ordinance 50. As a starting point, the City Council should discuss whether Seasonal Businesses should be permitted, and if so should they be permitted with a Conditional Use Permit in the same zoning districts as previously permitted in Ordinance 50?

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>

Secondly, the City's ordinance includes a general definition for **Business**, which is provided for your reference:

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

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

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

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

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

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

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

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

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

Café and Restaurant

Section 32-1 Definitions, does not include a definition for Cafés and Restaurants. While it is somewhat intuitive what these uses are, it is also a bit confusing because the City's code does include a definition for Supper Clubs which is

similar to what someone might expect as a definition for a Restaurant. It is not entirely clear what the distinction between a Supper Club and a Restaurant would be, and given how the code addresses these uses within the Table of Uses, a definition that clearly distinguishes between the two uses is necessary. The following excerpt from the table is provided for reference:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Café and Restaurant	N	N	N	N	C
Supper Clubs	N	C	C	N	C

For background the City's Code defines a Supper Club as the following:

Supper Club means a building with facilities for the preparation and serving of meals and where meals are regularly served at tables to the general public. The building must be of sufficient size and design to permit the serving of meals to not less than 50 guests at one time. Intoxicating liquors may be sold on-sale and live entertainment and/or dancing shall be permitted. (Grant, definition)

Some sample definitions of various restaurants, cafes, clubs are provided below for your reference:

Restaurant and Club – an establishment engaged in the preparation and on site retail sale of readily consumable food and beverages, and characterized by sit down table, counter or drive-through service to customers. Establishments may include but are not limited to a coffee shop, cafeteria, fine dining, bar, fast food, take out, drive-in or sandwich stand serving food, licensed brewpub, and all other eating or drinking establishments. (Bloomington)

/Coffee House: A shop where ready to serve food, such as cooked meats, salads, sandwiches, etc. which are prepared in advance, and coffee, tea or other non-alcoholic beverages are sold. (Scandia)

Restaurant: A business establishment whose principal business is the preparing and selling of unpackaged to the customer in a ready-to-consume state. (Scandia)

Restaurants (class I) means a restaurant in which food is served to the customer and consumed by him while seated at a counter or table, and the restaurant does not serve intoxicating liquor or provide live entertainment. Food is selected by a customer while going through a serving line and taken to a table for consumption. (Orono)

Restaurants (class II) means fast food convenience, drive-in and liquor service restaurants; a restaurant where a majority of customers order and are served their food at a counter in packages prepared to leave the premises, or to be taken to a table, counter, automobile or off-premises to be consumed; or a drive-in where most customers consume their food in an automobile regardless of how it is served; or restaurants which serve intoxicating liquor or have live entertainment. (Orono)

Staff would request the Council consider the following questions and provide a little feedback to assist with drafting a definition for Restaurants and Cafes:

- In the opinion of the Council, is a café similar to a coffeehouse? Is food prepared on site? Is alcohol permitted?
- Is a restaurant different than a café? Substantially different? Should they be different uses on the Table of Uses?
- Would a restaurant or café be required to have seating for patrons? What about a drive through? Should they be allowed?
- Should there be a minimum number of seats for dine-in?

Clubs or Lodges

During various applications over the past year, the Council has discussed what constitutes a Club or a Lodge, and how are such uses different than a country club, supper club etc. Section 32-1 of the City Code does include a definition for a Club or Lodge, and the applicable excerpt from table 32-245 is provided:

Club or Lodge means a nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. (Grant, current definition)

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Club or Lodge.	N	C	C	C	C

In the first group of the land use definitions the term Country Club was removed from the table of uses and definitions, and will now be addressed under Golf Courses. With the removal of the term Country Club, staff believes that the current definition for Club or Lodge is likely adequate and does not need to be modified. However, if the Council is interested in further clarifying the term, staff would suggest discussion related to the following questions:

- Should a club or lodge be required to be private? Or is public acceptable?
- Is regular assembly required? Is a specific stated social purpose, or similar, required to qualify as a club or lodge?
- Is food service permitted? Alcohol?

Depending on the Council discussion, staff could address some of these questions and revise the definition for your consideration, or the definition can remain unchanged per your direction.

Greenhouses (commercial production only)

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

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential 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

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

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

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

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

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

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

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

Action Requested

Staff is not looking for specific action related to these definitions in July. Instead, staff is seeking input and discussion related to these uses so that a draft ordinance addressing these uses can be brought forward for consideration in August.

ECKBERG LAMMERS
MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Nicholas J. Vivian, City Attorney

DATE: June 30, 2015

RE: Grant, City of - General
01200-14456

As contemplated by Section 32-156 of the Grant City Code, City Staff has reviewed twenty-two conditional use permits (CUPs) and Jack Kramer has conducted five site inspections in connection with such review. The CUP's that were included in the regular 2015 review were found to be in compliance.

Mr. Kramer has recommended that the CUPs for 11591 McKusick Road and 6450 117th Street be vacated. Accordingly, I recommend the Council conduct a formal review of each of the two CUPs recommended for vacation. Prior to such formal review, the City Clerk / Administrator must schedule a public hearing and notify the owner of the hearing, which notice must also be published in the official newspaper at least ten days prior to the hearing.

Please contact me with any questions you may have.

NJV

Administrator/Clerk

From: Administrator/Clerk <clerk@cityofgrant.us>
Sent: Monday, June 29, 2015 2:33 PM
To: Kim Points-Grant
Subject: FW: Franchising policies & procedures
Attachments: Franchising Policy-May 2015 update.pdf; Untitled attachment 00329.htm

From: Timothy Finnerty [<mailto:timfinnerty@rwcable.com>]
Sent: Wednesday, May 27, 2015 1:25 PM
To: Jeff Huber; Kim Points
Subject: Franchising policies & procedures

Hi Jeff & Kim:

As you know, CenturyLink has expressed interest in the possibility of seeking cable franchise from the member municipalities of the Cable Commission. Such a franchise would enable CenturyLink to compete directly with Comcast for subscribers in our communities. CenturyLink cannot provide cable service and compete with Comcast unless it obtains franchise from member municipalities.

Given this possible interest on the part of CenturyLink, the Cable Commission at its May, 2015, meeting approved the attached policies and procedures for implementing a franchising process. **The Cable Commission now seeks the City's approval of the attached policies and procedures so that the Cable Commission can proceed accordingly.**

Please review these and let me know if you should have any questions. It is our understanding that CenturyLink is eager to move forward in its consideration of franchising cable service in our communities. CenturyLink is pursuing franchises throughout the Twin Cities, and Minneapolis' city council just granted a franchise last week. So, ideally, these policies and procedures can be authorized as soon as possible so we can get a process started for our communities as well.

Thank you!

- Tim Finnerty
Executive Director
Ramsey/Washington Cable Commission
651-775-0042
timfinnerty@rwcable.com

No virus found in this message.

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May 11, 2000
Updated May, 2015

**THE RAMSEY/WASHINGTON COUNTIES SUBURBAN
CABLE COMMUNICATIONS COMMISSION II**

**POLICIES AND PROCEDURES
GOVERNING APPLICATION, REVIEW AND RECOMMENDATIONS
REGARDING GRANT OF COMPETITIVE CABLE FRANCHISES**

Preamble

The Ramsey/Washington Counties Suburban Cable Communications Commission II (the "Commission"), on behalf of White Bear Township and the Cities of Birchwood Village, Dellwood, Grant, Lake Elmo, Mahtomedi, Maplewood, North St. Paul, Oakdale, Vadnais Heights, White Bear Lake, and Willernie (collectively, the Member Cities"), administers the cable television Franchises between the Member Cities and the current cable franchisee. The Commission, acting pursuant to a Joint and Cooperative Agreement and authority delegated by the Member Cities thereunder, is responsible for receiving and reviewing cable Franchise applications and for making recommendations to its Member Cities. Only the Member Cities may grant a Franchise.

Modern telecommunications policy, law and regulations encourage the emergence of competition in all telecommunications markets, including competition in the provision of cable services. The emergence of such competition could increase the quality and availability of enhanced telecommunications and video services via Cable Systems, encourage lower rates, encourage better customer service, and generally benefit consumers. Policies and procedures regarding application for and review of applications for competitive cable Franchises will streamline the processing of requests to construct broadband Cable Systems.

In view of the foregoing, the Commission has formulated policies and procedures that govern the submission and review of cable Franchise applications submitted by Applicants seeking to provide Cable Service in all the Member Cities. Pursuant to these Policies and Procedures the Commission has delineated the information which must be provided in an application for a competitive Franchise, detailed a process for review of such application and negotiation of the terms of a Franchise agreement, and provided for the presentation of a formal recommendation regarding the grant of such Franchises to the Member Cities.

Section 1. Definitions

"Applicant" shall mean a Cable Company that files an Application with the Commission.

"Application" shall mean the information, documentation, and data, of the form and substance required herein, filed by a Cable Company with the Commission requesting the Commission's consideration regarding any recommendation to grant competitive Franchises in the Member Cities.

"Application Fee" shall mean a fee which is intended to cover all costs incurred by the Commission and the Member Cities related to processing Applications up to and including the grant of a Franchise (if any) including, but not limited to, staff and attorney's time in reviewing and considering an Application and related information, negotiating the terms and conditions of Franchises, and preparing recommendations, Franchises and other documentation related to such Applications.

"Cable Company" shall mean any person or entity owning a significant interest in, controlling, operating, managing or leasing a Cable System or any components thereof in the Public Rights-of-Way within the state or any person seeking a Franchise to do so.

"Cable Service" shall mean (1) the one-way transmission to Subscribers of video programming or other programming services; and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming services; and shall also include any video programming service for which a franchise from a local government is required under state law.

"Cable System" shall refer to a facility that is a "cable system" under federal law or a cable communications system under state law. The foregoing definition shall not be deemed to circumscribe or limit the valid authority of the Member Cities to regulate or franchise the activities of any other communications system or provider of communications service to the full extent permitted by law.

"Franchise" shall mean any nonexclusive authorization granted by each of the Member Cities in the form of a Franchise, privilege, permit, license or other municipal authorization to construct, own, control, operate, maintain, or manage a Cable System within the Public Rights-of-Way to provide Cable Service within a Member City.

"Institutional Network" shall mean a communications network constructed or operated by the cable operator and which is generally available only to subscribers who are not residential subscribers.

"Policies and Procedures" shall mean these policies and procedures governing the Commission's processing of Applications for Franchises. "Public Rights-of-Way" shall mean the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, avenue, boulevard, drive, concourse, bridge, tunnel, park, parkway, waterway, dock, bulkhead, wharf, pier, easement or similar property or waters within a Member City in which the Member City now or hereafter holds any property interest, including, but not limited to, any riparian right, which, consistent with the purposes for which it was created, obtained or dedicated, may be used for the purpose of installing, operating and maintaining a Cable System. No reference in these Policies and Procedures to a "Public Right-of-Way" shall be deemed to be a representation or guarantee by a Member City that its interest in or other right to control the use of such property is sufficient to permit use of the property for the purpose of installing, operating and maintaining a Cable System.

"Subscriber" shall mean any person or entity who receives cable service via a Cable System.

Section 2. Applicability of Policies and Procedures

These Policies and Procedures apply to every Cable System and every Cable Company, including a Cable Company which constructs, operates and/or maintains a Cable System or

provides Cable Service in whole or in part through facilities owned, controlled, managed or operated by another provider, that seeks to operate within the territorial limits of one or more Member Cities.

Authority: Minn. Stat. § 238.03

Section 3. Franchise Requirement

Subd. 1. In accordance with state and federal law, each of the Member Cities requires a Franchise of any Cable Company or Cable System providing Cable Service within its territorial limits.

Subd. 2. Nothing in these Policies and Procedures shall be construed to limit the Member Cities' or the Commission's authority to construct, purchase, and operate a Cable System or otherwise provide any telecommunications or Cable Services either for internal purposes or for sale to the public. Rather, these policies are meant to govern the process for issuing a franchise for Member Cities so long as they are part of the Commission.

Authority: Minn. Stat. § 238.08

Section 4. Application for Franchise

Subd. 1. On its own initiative, should the Commission determine it is in the interests of Member Cities to seek Franchise Applications, or in the event a Member City or the Commission receives notice that a Cable Company is interested in applying for a Franchise in a Member City, the Commission shall publish a notice of intent to Franchise within a reasonable time and in accordance with Minn. Stat. § 238.081, Subd. 1, which requires publishing notice of intent to Franchise each week for two successive weeks, allowance of 20 days from initial publication for submission of Applications and a public hearing at least seven days before introduction of the Franchise into proceedings of a Member City.

Subd. 2. Review of Applications. Applications for a competitive Franchise shall contain such information as is required below in these Policies and Procedures and shall be submitted to the Commission. Review by the Commission of any Applications pursuant to these Policies and Procedures and final determination by the Member Cities regarding whether to Franchise such Applicant(s) may be based on any relevant factors. Such relevant factors include any factor that the Commission is required to consider under state or federal law, and may include any other factor the Commission is permitted to consider, including the quality and capabilities of the Cable System that will be constructed; whether the application satisfies cable-related needs and interests of the community, as identified by the Member Cities and the Commission, whether the application adequately provides for capacity, facilities, equipment or financial support for public, educational and government (PEG) use of the system (including institutional network use); whether the applicant is financially, technically and legally able to perform; whether the application evinces an intent to improperly discriminate or deny service to any person, group or persons; and whether the grant is otherwise in the interest of the public.

Subd. 3. Public Hearing on Applications. A public hearing before the Commission affording reasonable notice and a reasonable opportunity to be heard with respect to an Application shall be scheduled in accordance with Minn. Stat. § 238.081, Subd. 6. The Commission may schedule additional hearings as may be appropriate prior to action on an application.

Subd. 4. Negotiation of Franchise Terms. During the period prior to the public hearing on the Application(s), the responsible Commission employee(s) and Applicant(s) may negotiate specific Franchise terms and conditions for recommendation and presentation to the Commission and ultimately the Member Cities. In addition, during this period the responsible Commission employee(s) shall review the Application(s) and may request such additional information necessary to make final recommendations to the Commission and ultimately the Member Cities.

Subd. 5. Determinations. Determinations by the responsible Commission employee(s) regarding the qualifications of Applicant(s) and recommendations to the Member Cities regarding grant of a Franchise shall be made based on information provided by the Applicant(s) as required herein and such other information relevant to consideration of the Application. The responsible Commission employee(s) may, in their sole discretion, consider information developed during any negotiations with the Applicant(s) and any information or evidence adduced by the incumbent Cable Company. After the public hearing referenced in Subd. 3, the responsible Commission employee(s) shall issue written recommendations to the Commission for review and possible transmittal to the Member Cities. These recommendations may include Franchise documents to be potentially recommended to the Member Cities for adoption. If Franchise documents have not been negotiated, or the Commission determines that additional or different terms and conditions are appropriate, Commission may direct responsible employees to engage in further negotiations, and to require preparation of revised recommendations and reports. The Commission will adopt final recommendations for transmittal to Member Cities.

Subd. 6. Award of Franchise. A Franchise may be awarded only by an ordinance adopted by each Member City.

Subd. 7. Costs of Reviewing Application and Issuing Franchise. The Applicant shall pay the Application Fee required below. The Application Fee is required for the purpose of reimbursing the Member Cities and the Commission for all costs associated with processing Applications pursuant to these Policies and Procedures through and including any granting of a Franchise. Any portion of the Application Fee which remains after payment of all the Member Cities' and the Commission's costs will be reimbursed to the Applicant. Should the Application Fee not cover the expenses of the Member Cities and the Commission, those unreimbursed expenses shall be reimbursed prior to any consideration of the Franchises by the Member Cities. A successful Applicant shall be fully responsible to reimburse the Member Cities and the Commission for all costs of awarding the competitive Franchises(s).

Subd. 8. Franchising Nonprofit or Municipally-owned System. Nothing contained in this Section prohibits the Member Cities from franchising a nonprofit or municipally-owned system. The municipality or nonprofit entity shall be considered an Applicant subject to these Policies and Procedures.

Subd. 9. Time for Action. The Commission shall conduct proceedings in a manner that comports with state and federal law, as may be applicable.

Authority: Minn. Stat. § 238.081

Section 5. Information Required in Application

An Application for a competitive Franchise must be signed by an authorized officer or principle of the Cable Company and be notarized and must include at least the following. To

the extent that an Application includes a proposed Franchise and other proposed agreements that provide the information requested, the Application may reference the relevant portion of those documents:

- (1) A statement that the Applicant seeks to construct a Cable System and to provide Cable Services within specifically identified Member Cities;
- (2) The name, street address, e-mail address and telephone number of the individuals who are authorized to provide and certify information on behalf of the Applicant;
- (3) a description of the technology that will be utilized by the Cable System to deliver Cable Services; the total bandwidth that initially will be used for delivery of Cable Services from the curb to the home; the total activated channel numbers that will be available to subscribers initially; the number of unique linear programming services that will be available in each format offered (e.g., SD, UHD, HD, 3D) (and whether there are limits as to the number of channels that may be viewed simultaneously); and to the extent relevant, plans for analog and digital channel capacity, including both the total number of analog and digital channels capable of being energized in the system and the number of analog and digital channels to be energized immediately;
- (4) a statement of the television and radio signals for which permission to carry will be requested from the Federal Communications Commission, or any other required regulatory agency;
- (5) to the extent not included in response to Subdivision 5(3), a description of the proposed system design and planned operation, including at least the following items:
 - (i) the general area for location of antennae and the head end, or description of programming delivery plan if otherwise;
 - (ii) the schedule for activating two-way capacity and any other system capacity to be activated in conjunction with the Cable System; the type of automated services to be provided;
 - (iv) the minimum number of video channels, other Cable Services, and other kinds of services to be made available to residents;
 - (v) the number and type of channels and services to be made available for community/access programming including a description of differences in the quality, accessibility, recordability or functionality of PEG channels as compared to linear broadcast channels; whether the channels would be available to every subscriber, or only subscribers to certain packages; whether any special equipment is required to view the PEG channels; and whether there are any charges to PEG programmers or Member Cities proposed with respect to PEG; whether signals would be carried in HD or SD or simulcast; and any video on demand provided; and
 - (vi) a plan for provision of facilities and equipment for PEG (including transport paths from points of signal origination to the subscriber), and funding of PEG and/or a plan for interconnection and provision of such programming in cooperation with the incumbent Cable Company;

- (6) plans for the provision of an Institutional Network and capacity for public, educational and government use of an Institutional Network, or an alternative proposed method for providing for the same;
- (7) any other facilities, services, equipment or financial support that applicant proposes to provide (such as courtesy service drops to schools or public buildings) in addition to the support described above and the franchise fee described below;
- (8) a comparison of the Applicant's proposal for PEG use (including institutional network use) as compared to requirements in existing franchises regarding PEG use; and whether (and why) Applicant contends that its proposal, if accepted would be no more favorable, or less burdensome than the requirements in the existing franchise.
- (9) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;
- (10) a time schedule for construction of the system with the time sequence for wiring the various parts of the areas to be served. This information should be shown on a map, and the map should clearly show any area identified in the request for proposals for which the applicant does not seek a franchise. Conditions or limitations on the construction of the system to serve the entire proposed franchise area should be noted;
- (11) information supporting and indicating the Applicant's financial, technical and legal qualifications and experience in the cable communications field, if any;
- (12) an identification of the municipalities in which the Applicant either owns or operates a Cable System, directly or indirectly, or has outstanding Franchises for which no system has been built;
- (13) detailed plans for financing of the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;
- (14) a statement of ownership detailing the corporate organization of the Applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary or affiliated company;
- (15) a statement of a form and substance acceptable to the Member Cities and the Commission indemnifying the Member Cities and the Commission fully against any claims or liabilities alleged as the result of the Member Cities' and the Commission's exercise of these Policies and Procedures, including any such claims or liabilities alleged or asserted by the incumbent Cable Company;
- (16) an agreement to pay the Member Cities and/or the Commission a Franchise fee in the same percentage of gross revenues as the incumbent providers, and on the same base;
- (17) the proposed Franchise term;

- (18) whether Applicant is willing to agree to terms required under state law, and if not, the terms to which it objects, the basis for the objection, and how it proposes to address the state law requirement, if at all;
- (19) a notation and explanation of omissions or other variations with respect to the requirements of the Application; and
- (20) submission of an Application Fee in the amount of \$40,000.
- (21) Such other information as may be required under state law.
- (22) If the Applicant claims that the Application is submitted pursuant to, and is subject to the deadlines for action under FCC regulations governing issuance of competitive franchises, the Application must so state clearly, and shall also include all information required by federal law.

Authority: Minn. Stat. § 238.081, Subd. 2 and 4.

Section I. Pre-Rule Quiet Zones: Qualifying for Automatic Approval (Chart 1A)

1. Identify all the crossings you wish to include as part of the proposed Quiet Zone (QZ).
2. Check whether each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads). If all crossings do not qualify as pre-rule crossings, then the proposed quiet zone does not qualify as a Pre-Rule QZ, and you should refer to *Section III, New Quiet Zones*.
3. Determine whether you wish to eliminate any crossings from the proposed QZ. The length of a Pre-Rule QZ may continue unchanged from that which existed on October 9, 1996. If, however, you choose to eliminate a crossing, the QZ must be at least ½ mile in length along the railroad tracks.
4. A QZ may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (State or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
5. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and be dated within 6 months prior to the QZ implementation. For instructions on how to complete the update, see the FRA website at <http://www.fra.dot.gov/eLib/details/L02730>.
6. If each public crossing in the proposed QZ is equipped with one or more Supplementary Safety Measures (SSMs) as defined in Appendix A of the Rule, the QZ qualifies for Automatic Approval. To complete the process of creating the QZ, notify the parties listed in rule section 222.43 by December 18, 2004.

Note: Once the QZ has been created, install the required signage by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 4.5-5 years. (Refer to rule section 222.47 for details.)

7. If every public crossing is not equipped with at least one SSM, then the QZ can automatically qualify by comparing its Quiet Zone Risk Index (QZRI) with the Nationwide Significant Risk Threshold (NSRT). However, these QZs are subject to annual review by the FRA.

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8. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the QZRI of the proposed QZ is less than or equal to the NSRT. If the QZRI is less than or equal to the NSRT, the QZ qualifies for Automatic Approval. Notify the parties listed in rule section 222.43 by December 18, 2004.

Note: Once the quiet zone has been created, install the required signage by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

9. If the QZRI is greater than the NSRT, use the FRA's Quiet Zone Calculator to check whether it is less than twice the NSRT. If the QZRI is more than twice the NSRT, the QZ cannot qualify for Automatic Approval. For information on how to proceed, see *Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval*.
10. If the QZRI is greater than the NSRT, but less than twice the NSRT, determine whether any of the public crossings have experienced a "relevant collision" on or after December 18, 1998. (See rule section 222.9 for the definition of a "relevant collision.") If there have not been any "relevant collisions" at any public crossing since December 18, 1998, the QZ qualifies for Automatic Approval. Notify the parties listed in rule section 222.43.

Note: Once the quiet zone has been created, install the required signage by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

11. If the QZRI is greater than the NSRT, but less than twice the NSRT, and there has been a "relevant collision" at a public crossing within the proposed QZ, the QZ cannot qualify for Automatic Approval. For information on how to proceed, see *Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval*.

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Section II. Pre-Rule Quiet Zones Not Qualified for Automatic Approval (Chart 1B)

1. Review *Section I, Pre-Rule Quiet Zones: Qualifying for Automatic Approval*, to confirm that the proposed Pre-Rule Quiet Zone does not qualify for Automatic Approval.
2. If each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads), send notice of continuation of the quiet zone to all parties by December 18, 2004. (Refer to rule section 222.43 for details.)

Note: If you eliminated any pre-rule crossings to create the proposed Quiet Zone, the Quiet Zone must be at least ½ mile in length along the railroad tracks.

3. Submit to FRA a detailed plan for establishing a quiet zone before December 18, 2006. This plan should include a timetable for the implementation of safety improvements. If you intend to implement ASMs, the plan should include a completed application for FRA approval of their use. If a detailed plan is not been submitted by December 18, 2006, the quiet zone will terminate. (Refer to rule section 222.41 for details.)

Note: Since the proposed quiet zone does not qualify for Automatic Approval, any SSMs and ASMs used must be implemented in accordance with rule section 222.39.¹

Note: For guidance on ASM use, see *Section IV, Creating Quiet Zones using Engineering Alternative Safety Measures (modified SSMs)* and *Section V, Creating Quiet Zones using Non-engineering Alternative Safety Measures*.

Note: Required signage must also be installed by December 18, 2006. (Refer to rule sections 222.25 and 222.35 for details.)

4. Install SSMs and/or traffic control device upgrades as necessary to reduce risk within the proposed quiet zone.
5. If every public crossing in the proposed Quiet Zone is equipped with one or more SSMs as defined in Appendix A of the Rule, you can establish the proposed Quiet Zone through public authority designation by completing the following steps:

¹ Although the requirements for implementation of SSMs and ASMs must be in accord with rule section 222.39, the Pre-Rule Quiet Zone requirements covering minimum length and traffic control devices remain in effect for these crossings.

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- a. Complete the planned improvements by December 18, 2008,²
- b. Update the USDOT Grade Crossing Inventory Form.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 4.5-5 years. (Refer to rule section 222.47 for details.)

6. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the implementation of SSMs, ASMs, and/or traffic control devices will reduce the QZRI of the proposed Pre-Rule Quiet Zone to the level of risk that would exist if the train horns were still sounded (RIWH). If the QZRI will be less than or equal to the RIWH, you can establish the Quiet Zone through public authority designation by completing the following steps:

- a. Complete the planned improvements by December 18, 2008,²
- b. Update the USDOT Grade Crossing Inventory Form.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

7. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the implementation of SSMs, ASMs, and/or traffic control devices will reduce the QZRI of the proposed Pre-Rule Quiet Zone to the Nationwide Significant Risk Threshold (NSRT). If the QZRI will be less than or equal to the current NSRT, you can establish the Quiet Zone through public authority designation by completing the following steps:

- a. Complete the planned improvements by December 18, 2008.²
- b. Update the USDOT Grade Crossing Inventory Form.

² If the State is involved in the development of Quiet Zones, then the date for completion is extended an additional 3 years.

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- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Quiet Zones established by comparison to the NSRT are subject to annual FRA review. (Refer to rule section 222.51 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

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Section III. Creating a New Quiet Zone Using SSMs (Chart 2)

1. Select the crossings to be included in the New Quiet Zone.
2. A Quiet Zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (State or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
3. A New Quiet Zone must be at least ½ mile in length along the railroad tracks.
4. A New Quiet Zone must have, at a minimum, flashing lights and gates in place at each public crossing. These must be equipped with constant warning time devices where reasonably practical, and power out indicators. Any necessary upgrades must be completed before calculating risk for the quiet zone.
5. Are there any private crossings within the proposed Quiet Zone? If any private crossings allow access to the public or provide access to active industrial or commercial sites, you must conduct a diagnostic team review of those crossings. Following the diagnostic review, you must comply with the diagnostic team's recommendations concerning those crossings.
6. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and dated within 6 months prior to the Quiet Zone implementation³. For instructions on how to complete the update, see the FRA website at <http://www.fra.dot.gov/Content3.asp?P=801>.
7. Using the FRA's Quiet Zone Calculator, a web-based tool that can be found at <http://safetydata.fra.dot.gov/quiet/>, determine whether the Quiet Zone Risk Index (QZRI) of the proposed Quiet Zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT). If the QZRI is less than or equal to the NSRT, you can establish the Quiet Zone through public authority designation by completing the following steps:
 - a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
 - b. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

³ For New Quiet Zones, the baseline conditions for calculating risk require that the minimum required traffic control devices are in place. This first Inventory update, therefore, must be completed after the gates, lights, and signs are in place, but before the SSMs and other measures are implemented.

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Note: Quiet Zones established by comparison to the NSRT are subject to annual FRA review. (Refer to rule section 222.51 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

8. The step described above involves qualifying a quiet zone without implementing any Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs). If FRA's Quiet Zone Calculator indicates that the proposed quiet zone will not qualify on that basis, install any measures that are needed. To qualify for Public Authority Designation, you must implement SSMs, build grade separations, close crossings, or install wayside horns.

Note: If you would like to implement any ASMs, their use must be approved in advance by FRA, in accordance with Appendix B of the rule. For guidance on ASM use, see *Section IV, Creating Quiet Zones using Engineering Alternative Safety Measures (modified SSMs)* or *Section V, Creating Quiet Zones using Non-engineering Alternative Safety Measures*.

9. If every public crossing in the proposed Quiet Zone is equipped with one or more SSMs, you can establish the Quiet Zone through public authority designation by completing the following steps:
 - a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
 - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
 - c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 4.5-5 years. (Refer to rule section 222.47 for details.)

10. If every public crossing is not equipped with an SSM, use FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the level of risk that would exist if the train horns were still sounded (RIWH). The Quiet Zone Calculator can be found at <http://safetydata.fra.dot.gov/quiet/>. If the QZRI is less than or equal to the RIWH, you can establish the Quiet Zone through public authority designation by completing the following steps:

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- a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

11. Use FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the Nationwide Significant Risk Threshold (NSRT). The Quiet Zone Calculator can be found at <http://safetydata.fra.dot.gov/quiet/>. If the QZRI is less than or equal to the current NSRT, you can establish the Quiet Zone through public authority designation by completing the following steps:

- a. Install required signage at each crossing. (Refer to rule sections 222.25 and 222.35 for details.)
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
- c. Notify the parties listed in the rule. (Refer to rule section 222.43 for details.)

Note: Quiet Zones established by comparison to the NSRT are subject to annual FRA review. (Refer to rule section 222.51 for details.)

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2.5-3 years. (Refer to rule section 222.47 for details.)

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Chart 1B - Pre-Rule Quiet Zones: Not Qualified for Automatic Approval

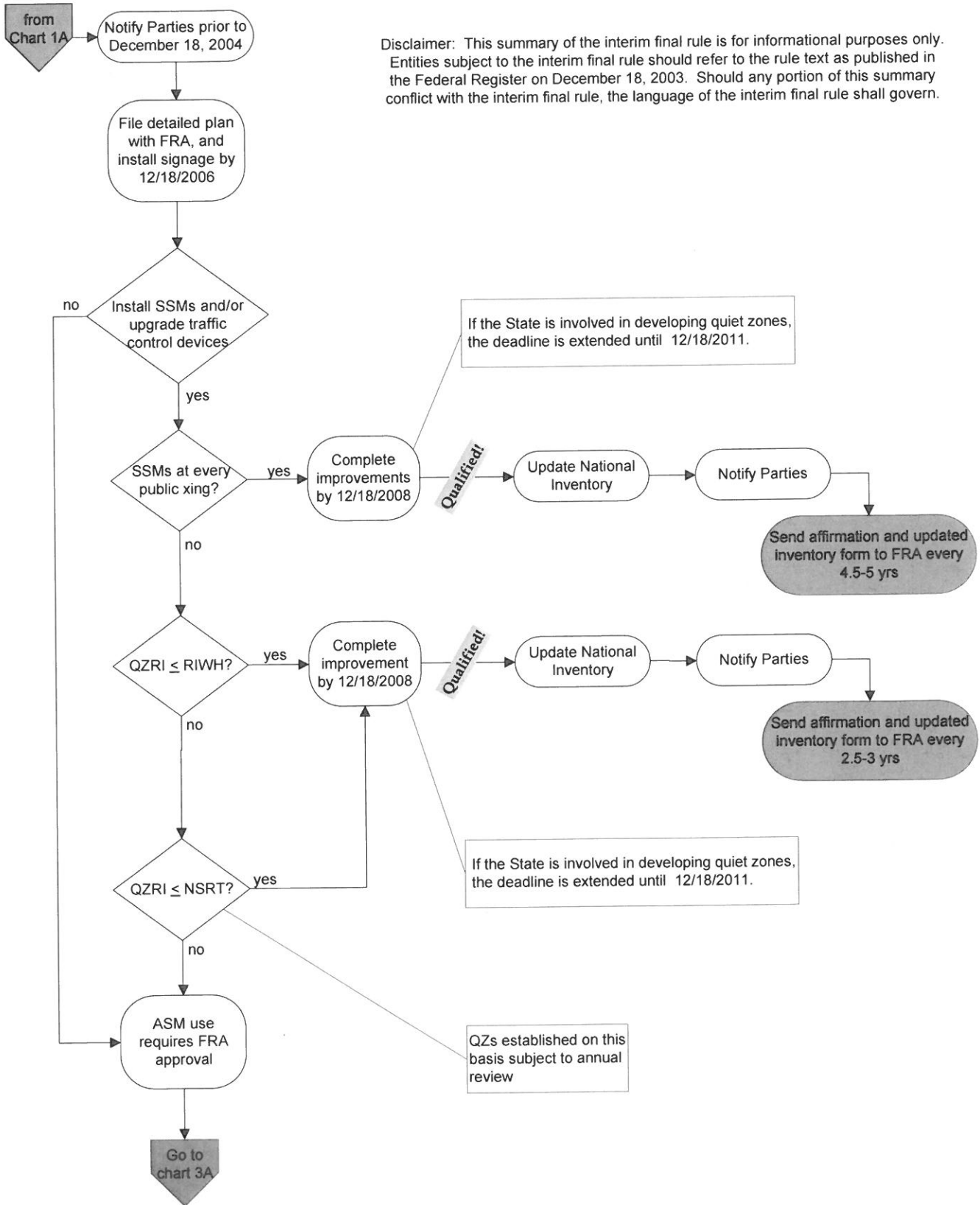
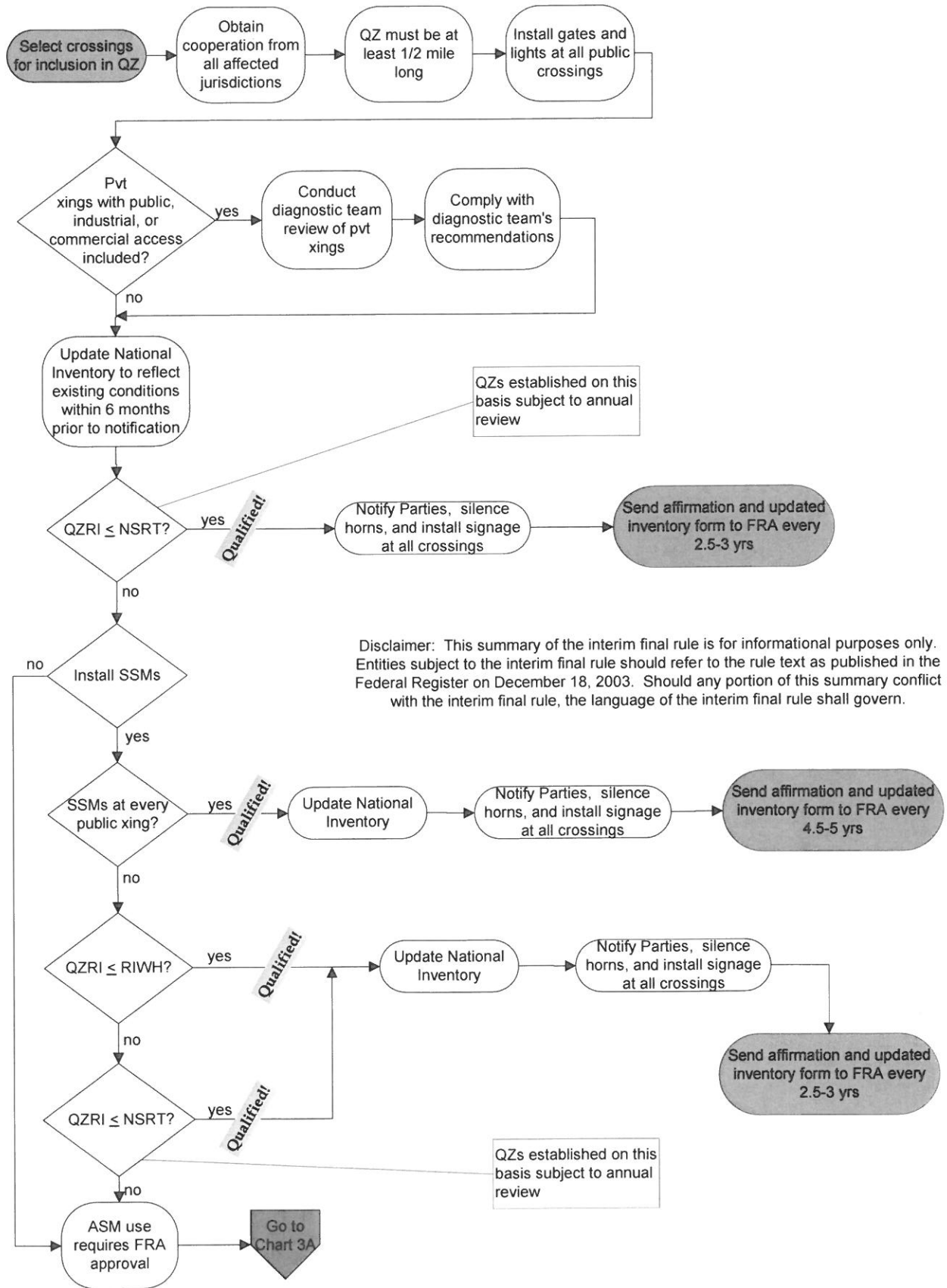


Chart 2 - Creating a New Quiet Zone using SSMs



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Chart 3A - Creating a Quiet Zone using Engineering ASMs (Modified SSMs)

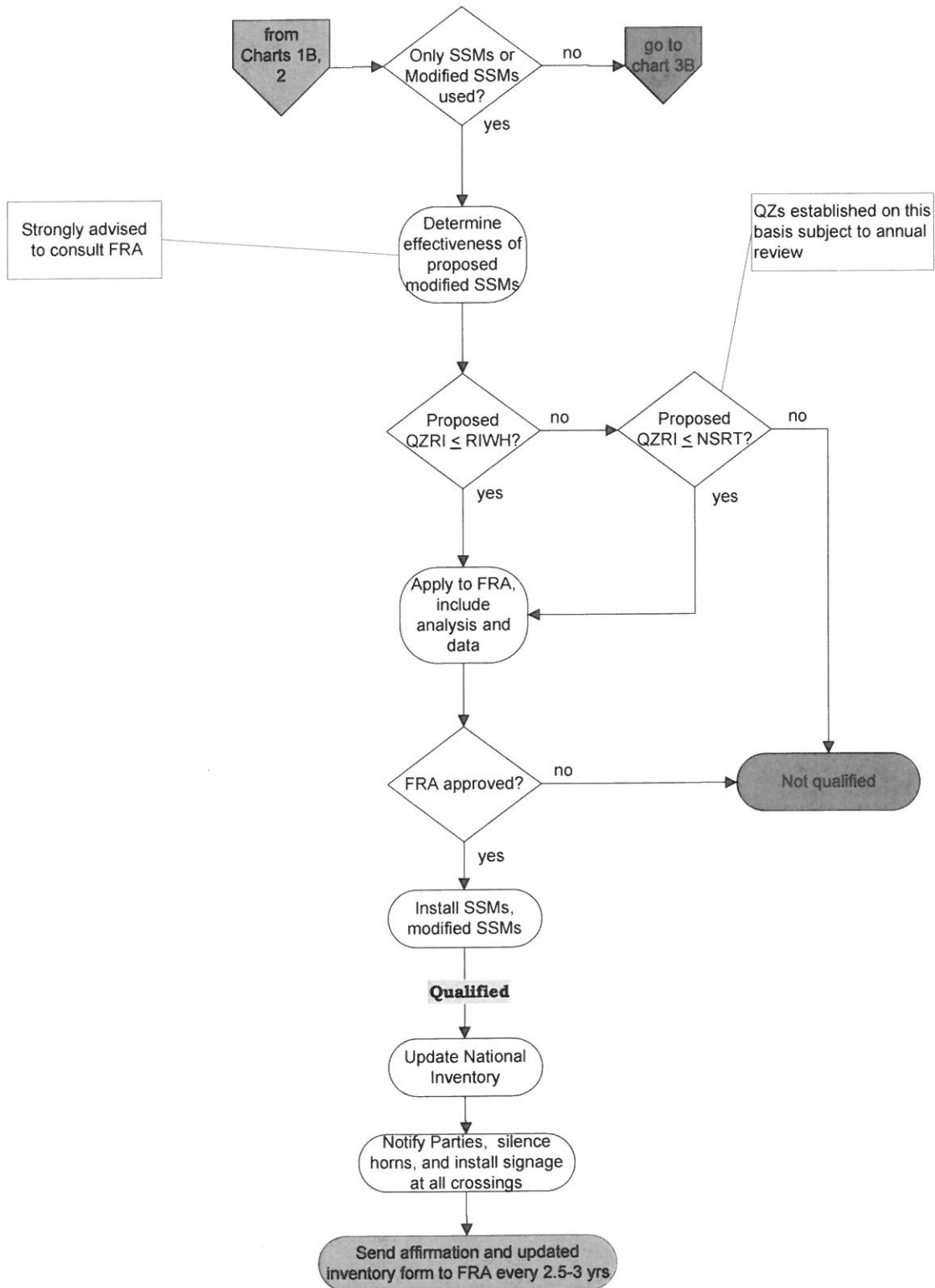
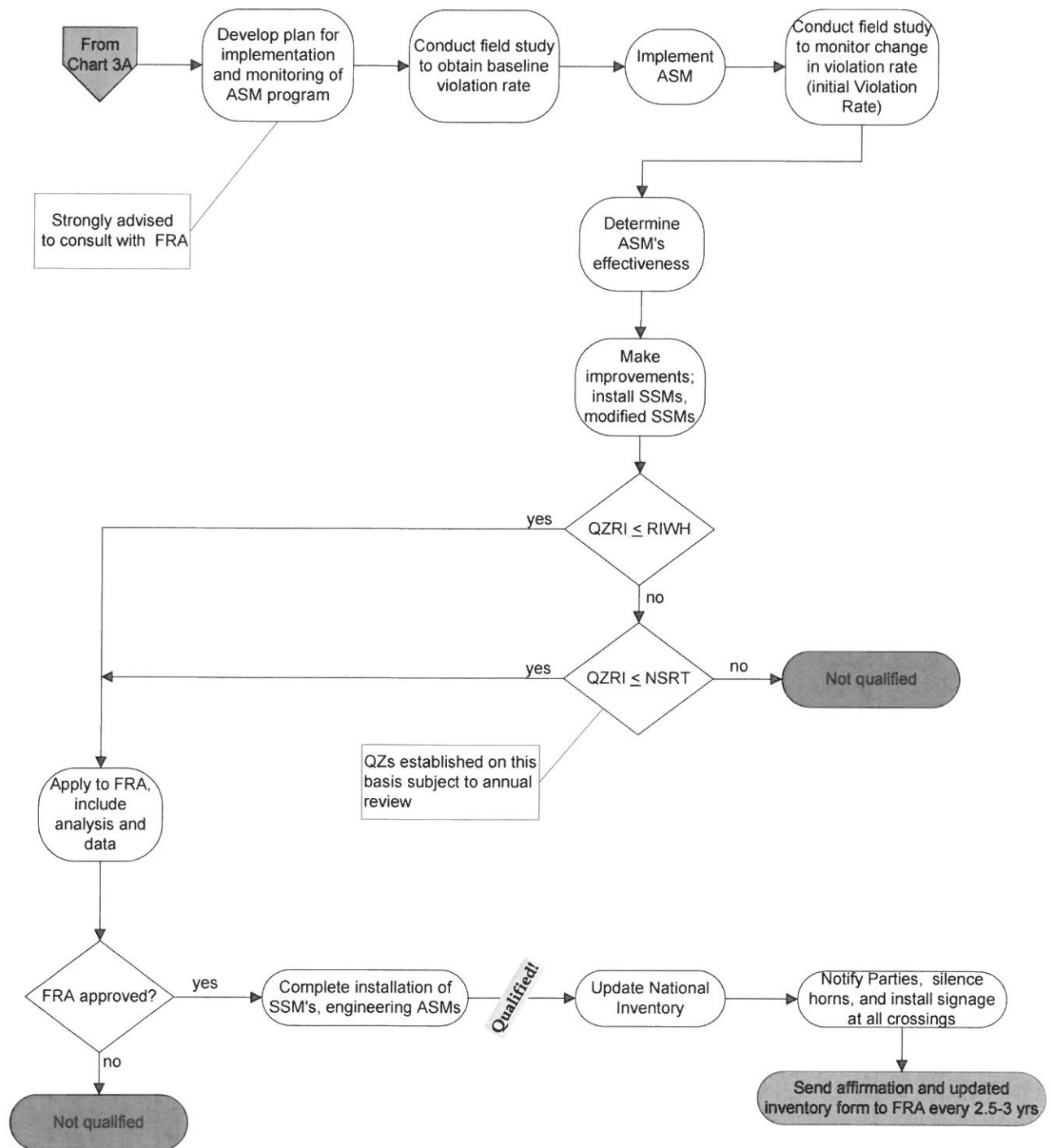


Chart 3B: Creating a Quiet Zone using Non-engineering ASMs



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List of Crossings within Quiet Zone

Submit to all Parties

Quiet Zone Name: _____

The following crossings are included in the above named Quiet Zone:

USDOT Crossing ID Number	Street or Highway Name

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Basis for Continuation of a Pre-Rule Quiet Zone:

Submit to all Parties

Quiet Zone Name: _____

This quiet zone is being continued in compliance with the following (check all that apply):

- §222.41(a) Pre-Rule Quiet Zones that qualify for automatic approval because
 - every crossing is equipped with an SSM,
 - $QZRI \leq NSRT$, or
 - $NSRT < QZRI < 2 * NSRT$, and there have been no relevant collisions within the 5 years preceding December 18, 2003
- §222.41(b) Pre-Rule Quiet Zones that do not qualify for automatic approval

Note: Quiet Zones established in accordance with §222.41(b) can be maintained under that provision for an interim period only. Continuation of the quiet zone beyond the interim period will require implementation of SSMs or ASMs in accordance with the section of the rule governing establishment of a New Quiet Zone (§222.49).

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FRA Quiet Zone Calculator Pages

Submit to all Parties

If the Quiet Zone is being continued under §222.41(a), Pre-Rule Quiet Zones which qualify for automatic approval, the notification to the parties must also include a copy of the FRA web page containing the quiet zone data upon which the public authority relies.

The Quiet Zone Calculator can be found at: <http://safetydata.fra.dot.gov/quiet/>

Sample

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Certificate of Service (submit one for each party notified)

Submit to all Parties including FRA

Quiet Zone Name: _____

Notice of the establishment or continuation of this Quiet Zone was provided to the following:

Name:	
Title:	
Organization:	
Address:	
Notification Method:	
Notification Date:	

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Grade Crossing Inventory Form (Initial)

Submit to FRA Associate Administrator, Office of Safety

Submit an accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, dated within six months prior to notification of the quiet zone. This form should reflect conditions prior to implementation of SSMs and ASMs.

Copies of the Grade Crossing Inventory Form FRA 6180.71 can be downloaded from the FRA web site at <http://safetydata.fra.dot.gov/officeofsafety/Forms/Default.asp>.

Sample

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Grade Crossing Inventory Form Reflecting Improvements

Submit to FRA Associate Administrator, Office of Safety

Submit an additional accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, reflecting the improvements implemented within the Quiet Zone.

Copies of the Grade Crossing Inventory Form FRA 6180.71 can be downloaded from the FRA web site at <http://safetydata.fra.dot.gov/officeofsafety/Forms/Default.asp>.

Sample

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Point of Contact Information

Submit to FRA Associate Administrator, Office of Safety

Quiet Zone Name: _____

Date: _____

The following individual is responsible for monitoring compliance with §222:

Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

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Chief Executive Officer Statement

Submit to FRA Associate Administrator, Office of Safety

Quiet Zone

Designation: _____

I hereby certify that responsible officers of the public authority of which I am the Chief Executive Officer have reviewed documentation prepared by or for the FRA, filed in Docket No. FRA-1999-6439, sufficient to make an informed decision regarding the advisability of establishing the quiet zone.

Signature

Date

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Pre-Rule Quiet Zone Notification Checklist

Be sure to include the following information when providing notification of the continuation of a pre-rule quiet zone. Notifications must be sent by certified mail, return receipt requested.

All parties, including FRA, must receive:

- List of Crossings within Quiet Zone
- Basis for Continuation of a Pre-Rule Quiet Zone
- FRA Quiet Zone Calculator Page if quiet zone qualifies for automatic approval under §222.41(a)
- Certificate of Service (submit one for each party notified)

FRA must also receive the following:

- Grade Crossing Inventory Form (Initial)
- Grade Crossing Inventory Form Reflecting Improvements (when applicable)
- Point of Contact Information
- Chief Executive Officer Statement

Notification should be mailed to FRA at the following address:

Associate Administrator for Safety

Federal Railroad Administration

1120 Vermont Avenue, NW

Washington, DC 20590

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- FRA Quiet Zone Calculator Page if quiet zone qualifies for automatic approval under §222.41(a)
- Certificate of Service (submit one for each party notified)

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New Quiet Zone Notification¹

Parties to be notified

Once a public authority has successfully established a quiet zone either through public authority designation or through FRA approval, it must provide written notice to several parties. These parties include the following:

- All railroads operating over the public highway-rail grade crossings within the quiet zone,
- The highway or traffic control authority, or the law enforcement authority with jurisdiction over motor vehicle traffic at the quiet zone crossings,
- Landowners with control over any private crossings within the quiet zone,
- The State agency responsible for highway and road safety, and
- The FRA Associate Administrator.

All notices must be provided by certified mail, return receipt requested.

Deadlines

The notice sent to the above parties must designate a specific date on which the routine sounding of horns at crossings within the quiet zone shall cease. On no account shall this date be earlier than 21 days after the mailing of this written notification.

¹ This collection of information will be used by FRA to increase safety at highway-rail grade crossings. Public reporting burden is estimated to average five (5) hours per response for notifications, and thirty-five (35) hours per response for the certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 2130-0560.

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Notification contents

- ❑ The notice must unambiguously state which crossings will be contained within the quiet zone. Each public and private crossing must be identified by both the U.S. DOT National Highway-Rail Grade Crossing Inventory number and the street or highway name.
- ❑ The notification must also clearly cite the regulatory provision that provides the basis for establishing the quiet zone. For a new quiet zone, one of the following provisions should apply:
 - §222.39(a)(1), implementation of SSMs at every public crossing in the quiet zone;
 - §222.39(a)(2)(i), the QZRI is at or below the NSRT without installation of any SSMs;
 - §222.39(a)(2)(ii), SSMs were implemented at some crossings to bring the QZRI to a level at or below the NSRT;
 - §222.39(a)(3), SSMs were implemented at some crossings to bring the QZRI to a level at or below the RIWH; or
 - §222.39(b), public authority application to the FRA.
- ❑ If the quiet zone is established on the basis of §222.39(a)(1), (2), or (3), the notification must include a copy of the FRA web page containing the quiet zone data upon which the public authority is relying.
- ❑ If the quiet zone is being established on the basis of § 222.39(b) (public authority application to the FRA), the notification must include a copy of the FRA's notification of approval.
- ❑ All notifications must contain a certificate of service. This certificate of service shall show to whom the notice was provided, and by what means the notice was provided.

Additional information that must be submitted to FRA

The items listed above must be submitted to each of the parties listed in the section labeled "Parties to be notified". Public authorities are also required to submit the following information in their submission to FRA:

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- ❑ An accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, dated within six months prior to designation or FRA approval of the quiet zone;
- ❑ An accurate, complete, and current Grade Crossing Inventory Form reflecting the SSMs and ASMs implemented within the quiet zone. (SSMs and ASMs that cannot be fully described on the Inventory Form must be described separately);
- ❑ The name and title of the person responsible for monitoring compliance with the requirements of the rule and his/her contact information. In addition to the person's name, title, and organization, contact information should include his/her business address, telephone number, fax number, and email address;
- ❑ A list of all parties notified in accordance with the rule; and
- ❑ A statement signed by the Chief Executive Officer (CEO) of each public authority establishing the quiet zone. In the CEO's statement, he or she must certify that responsible officials of the public authority have reviewed the documentation prepared by or for the FRA, and filed in Docket No. FRA-1999-6439, sufficient to make an informed decision regarding the advisability of establishing the quiet zone.

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Pre-Rule Quiet Zone Notification¹

Parties to be notified

A public authority that wants to continue silencing the locomotive horn at grade crossings within a Pre-Rule Quiet Zone must provide written notice to several parties. These parties include the following:

- All railroads operating over the public highway-rail grade crossing within the quiet zone,
- The highway or traffic control authority, or the law enforcement authority with jurisdiction over motor vehicle traffic at the quiet zone crossings,
- Landowners with control over any private crossings within the quiet zone,
- The State agency responsible for highway and road safety, and
- The FRA Associate Administrator.

All notices must be provided by certified mail, return receipt requested.

Deadlines

Notice of the continuation of a Pre-Rule Quiet Zone must be served no later than December 18, 2004.

¹ This collection of information will be used by FRA to increase safety at highway-rail grade crossings. Public reporting burden is estimated to average five (5) hours per response for notifications, and thirty-five (35) hours per response for the certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 2130-0560.

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Notification contents

- ❑ The notice must unambiguously state which crossings are contained within the quiet zone. All public and private crossings must be identified by both the U.S. DOT National Highway-Rail Grade Crossing Inventory Number, and by street or highway name.
- ❑ The notification must clearly cite the regulatory provision that provides the basis for continuing the Quiet Zone.

Note: The continuation of Pre-Rule Quiet Zones that qualify for automatic approval is governed by § 222.41(a). All other Pre-Rule Quiet Zones are governed by § 222.41(b).

- ❑ The notification must also include an explanation as to how the quiet zone is in compliance with § 222.41.
- ❑ If the quiet zone is being continued on the basis of §222.41(a) (automatic approval), the notification must include a copy of the FRA web page containing the quiet zone data upon which the public authority is relying.
- ❑ All notifications must contain a certificate of service. This certificate of service shall show to whom the notice was provided, and by what means the notice was provided.

Additional information that must be submitted to FRA

The items listed above must be submitted to each of the parties listed in the section labeled “Parties to be notified”. Public authorities are also required to submit the following information in their submission to FRA:

- ❑ An accurate and complete Grade Crossing Inventory Form for each public and private crossing within the quiet zone, dated within six months prior to designation of the quiet zone;
- ❑ An accurate, complete, and current Grade Crossing Inventory Form reflecting the SSMS and ASMS implemented within the quiet zone;
- ❑ The name and title of the person responsible for monitoring compliance with the requirements of the rule and his/her contact information. In addition to the person’s name, title, and organization, contact

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information should include his/her business address, telephone number, fax number, and email address;

- ❑ A list of all parties notified in accordance with the rule; and
- ❑ A statement signed by the Chief Executive Officer (CEO) of each public authority continuing the quiet zone. In the CEO's statement, he or she must certify that responsible officials of the public authority have reviewed the documentation prepared by or for the FRA, and filed in Docket No. FREA-1999-6439, sufficient to make an informed decision regarding the advisability of establishing the quiet zone.

Note: Pre-Rule Quiet Zones that do not qualify for automatic approval can only be maintained for an interim period. Continuation of the quiet zone beyond the interim period will require submission of a detailed plan, as well as implementation of SSMs or ASMs in accordance with section 222.39. Please refer to sections 222.39 and 222.41 for more information.

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CITY OF GRANT



Rules of Procedure

City of Grant

Planning Commission

CITY OF GRANT
RULES OF PROCEDURE
FOR CITY PLANNING COMMISSION

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Section 1

ROLES AND RESPONSIBILITIES

State statutes prescribe several mandatory duties for the City Planning Commission. A City Ordinance should be drafted to include these duties. In addition, state statute permits some optional duties to be assigned to the planning commission in the Council's discretion. In most instances, unless noted in statute or ordinance, the planning commission serves in an advisory capacity.

State statute vests planning commissions with mandatory duties related to:

Reviewing amendments to the comprehensive plan

Reviewing purchase and sale of public property and capital improvement projects

Reviewing zoning ordinance amendments

Additionally duties are to include:

Review of all Land Use applications

Conduct Public Hearings in relation to Land Use applications

Provide recommendations to the City Council relating to Land Use applications

Role in Review of Conditional Use Permits:

The City's zoning ordinances provide that some uses within a zoning district will only be allowed upon the granting of a conditional use permit. State statute allows a City Council to delegate their authority to review conditional use permits. However, final approval or disapproval of a conditional use permit application must be the decision of the City Council.

While reviewing conditional use permits, the Planning Commission must follow fairly strict legal standards for their review. Specifically, the City must follow the requirements of the zoning ordinance it has adopted. If a conditional use permit application meets the requirements of the ordinance, generally it must be granted. If an application is denied, the stated reasons for denial should all relate to the applicant's failure to meet standards established in the ordinance.

Role in Review of Subdivision Applications:

Absent a charter provision to the contrary, in cities that have adopted a subdivision ordinance, the City Council may delegate the authority to review subdivision proposals to the Planning Commission. However, final approval or disapproval of a subdivision application must be the decision of the City Council.

Planning Commissions charged with reviewing subdivision applications must follow fairly strict legal standards for their review. Specifically, the City must follow the requirements of the subdivision ordinance it has adopted. If a subdivision application meets the requirements of the ordinance, generally it must be granted. If an application is denied, the stated reasons for denial must all relate to the applicant's failure to meet standards established in the ordinance.

The 60-Day Rule:

Cities generally have only 60 days to approve or deny a written request (application) if a complete application has been submitted relating to zoning, including rezoning requests, conditional use permits and variances. This requirement is known as the "60-Day Rule."

The 60-Day Rule is a state law that requires cities to approve or deny a written request relating to zoning within 60 days or it is deemed approved. The underlying purpose of the rule is to keep governmental agencies from taking too long in deciding land use issues. Minnesota courts have generally demanded strict compliance with the rule.

All Planning Commission review of zoning related applications must be completed in a manner that allows the city to complete its entire approve process within the timeframe dictated by the 60-Day Rule. Local ordinance should not establish timeframes for Planning Commission review of applications or appeal of Commission decisions that do not allow the City to comply with the 60-Day Rule.

Extensions:

- The law allows a City the opportunity to give itself an additional 60 days (up to a total of 120 days) to consider an application, if the City follows specific statutory requirements. In order to avail itself of an additional 60 days, the City must give the applicant:
 - Written notification of the extension before the end of the initial 60-day period.
 - The reasons for the extension.
 - The anticipated length of the extension.

An oral notice or an oral agreement to extend is insufficient. The reasons stated in the written notification should be specific in order to inform the individual applicant exactly why the process is being delayed. An applicant may also request an extension of the time limit by written notice.

Once the City has granted itself one 60 day extension any additional extensions must be negotiated with and agreed upon by the applicant. The City must initiate the request for additional time in writing and the applicant must agree to an extension in writing, but the applicant is under no obligation to agree to the extension.

Section 2

TERMS

Per City Ordinance, the Planning Commission shall consist of five to seven members. The members shall be appointed by the City Council by a majority vote of the City Council. Each Planning Commissioner shall be appointed to a three year term. If a commissioner is appointed to fulfill the term of an unexpired term, then the newly appointed commissioner shall serve for the remainder of that term. The term of office, unless appointed to fill an unexpired term, shall begin at the first regular City Council meeting in March of each year.

Qualifications; Constraints Pertaining to Membership; Committee Expenditures:

Sec. 24-23 of the City Code, the following applies:

Every member of the planning commission shall be a registered voter in the City.

Every member shall, before entering upon the disposition of duties, take an oath to faithfully perform the duties of such office.

All members shall serve without compensation, and may be removed by a majority vote of the city council. In the event a planning commission member is removed, the member will be notified by the city.

Any member who fails to attend five regular meetings of the planning commission during any consecutive 12-month period shall have the appointment reviewed by the city council.

No member of the planning commission may participate on any issue or proceeding in which the member has a conflict of interest. While not an exhaustive list, a member has a conflict of interest if the member has a financial interest, is married to the applicant, is related to the applicant within the first degree of kinship, is employed by the applicant, or if the applicant is employed by the member. Any members having a conflict of interest on a specific zoning review or application is required to recuse themselves and step down during planning commission discussion and action. If there is any question regarding a conflict, the planning commission member may consult with the city attorney. The planning commissioner may participate in discussion as a resident and member of the audience.

Expenditures of the planning commission shall be within amounts appropriated for that purpose by the city council.

Vacancies:

Vacancies due to resignation, the expiration of a term, or when the City Council determines not to reappoint a Planning Commission Member whose term is expiring may be filled by an applicant that s has submitted an application requesting to be appointed or reappointed. The City Council shall review the applications upon completion of the process set forth below and shall appoint a planning commission member by a majority vote of the city council.

The City Clerk shall publish in the official newspaper of the City, on an annual basis (when applicable) notice that a vacancy on the planning commission exists and that any interested person may make an application for appointment by the City Council.

Applicants for appointment/reappointment shall apply in writing using the appropriate forms as required, and the City Council shall interview those candidates that it deems appropriate before an appointment to the Planning Commission is made by the City Council.

The appointment process for a vacancy due to an expired term shall be handled by the City Council at a regular or special meeting in March of each year to allow an opportunity for candidates to file applications and interview applicants. For all unexpired terms, the City Council shall follow the same process as laid out in the City Ordinance, but may consider appointments at any regularly scheduled City Council meeting.

Section 3 MEETINGS

Regular:

Planning Commission meetings are governed by the same statutes as regular City Council meetings. For example, Planning Commission meetings are subject to the Open Meeting Law and subject to the records retention laws.

Regular Planning Commission meeting will be held on the third Tuesday of the month, if a Land Use application has been submitted. If there are no active Land Use applications or City Council directives to the Planning Commission requiring action, no meeting will be called.

Place:

All Planning Commission meetings will be held at Town Hall, 8380 Kimbro Avenue North in Grant, at 7:00 p.m. unless otherwise noted.

Special:

Special meetings of the Planning Commission will only be held if there is a direct conflict with the 60-Day Rule, per a written request to the City office from the City Planner. The request will provide a written explanation of the conflict with the 60-Day rule.

Presiding Officers:

The officers of the Planning Commission shall consist of a Chairperson and a Vice-Chairperson elected by the Planning Commission at the first meeting of the year (March; or when a Land Use application has been submitted) for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

Duties of Officers:

The Chair is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

Chairperson:

- To preside at all meetings of the Commission.
- To see that all actions of the Commission are properly taken.
- To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
- To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.
- To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings or hearings.
- To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.

The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:

- Interpret and apply rules of procedure.
- Decide whether motions are properly made.
- Decide whether motions are in order.
- Decide whether questions of special privilege ought to be granted.
- Decide when to recognize speakers.
- Call for motions or recommend motions.
- Expel disorderly persons from the meeting.
- Enforce speaking procedures.

Vice-Chairperson:

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

Secretarial duties to be delegated to City Staff:

- To give or serve all notices required by law or by these Bylaws.
- To prepare the agenda for all meetings of the Commission.
- To be custodian of Commission records.
- To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
- To handle funds allocated to the Commission in accordance with its directives, the law and city regulations.
- To take the minutes of all meetings of the Commission for typing and filing into the appropriate minute book by City Staff

Quorum:

A quorum shall be achieved when a simple majority of the appointed members is present, prior to any business being conducted at the meetings. For example, if the Planning Commission consists of seven appointed members, than a minimum of four members must be present to achieve quorum.

Order of Business – Regular Proceedings:

At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approve Minutes
5. New Business (New Application Public Hearings)
6. Old Business (Continued Hearings)
7. Adjourn

The following procedures will normally be observed for matters before the Planning Commission, except for public hearings which follow the detailed procedures:

- Staff presents report and makes recommendation (if any).
- The Planning Commission may ask questions regarding the staff presentation and report (if any).
- Applicant of the agenda item may make a presentation (if any).
- Planning Commission asks any questions it may have of the Applicant.

Each formal action of the Planning Commission required by law, rules, regulations policy shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote and may be accompanied by written findings of fact.

Curfew:

Unless agreed to by a majority vote of the Planning Commission, no new agenda items shall be taken up after 10:00 p.m.

Section 4

AGENDA FOR REGULAR MEETINGS

Agenda:

Purpose. The agenda of a Planning Commission meeting serves two important functions: 1) it focuses Planning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, 2) it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions. Staff sets the regular agenda per active and complete Land Use applications that have been submitted, and any items as directed by a majority of the City Council.

Deadlines. The agenda shall be prepared by City Staff and shall be closed at noon ten days prior to the meeting for preparation purposes.

Delivery of Agenda to Members. At least seven calendar days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda (e.g., petition, application, plans, staff report, written comments received).

Order and Form of the Agenda. The agenda organization shall conform to order of business section above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting. The agenda should identify (by name and/or role) the leading participants at each step of the Commission's review and indicate the step at which interested persons will have the

Addition of Agenda Items:

Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be

discussed, but no action may be taken if any member objects.

If a new item of business proposed to be added to the agenda requires staff review (such as rezonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the majority of the Commission may not add the item to the agenda. The Commission may not discuss the substance of the matter or take any final action on the item except at a future meeting where the item is included on the distributed agenda.

Section 5

MEETING MINUTES

Required Contents:

Purpose. The minutes of the Planning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning Commission's vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.

Duties of Staff Preparing Minutes. City Staff shall prepare minutes of all Planning Commission meetings. The minutes shall be action only to include the following:

- Which members were present and absent, and whether absent members were excused or not excused.
- A summary of staff and any committee reports and recommendations (if applicable), applicants' presentations, public comments, and the Planning Commission's discussion on each item.
- The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting against the motion).
- Summary of comments made during the public hearing, to include name and address

of speaker.

- The recommended conditions of approval for an application or findings of fact for recommended denial of an application.

Section 6

PUBLIC HEARINGS

A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.

For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute, the City's Municipal Code of Ordinances or by City Policy.

The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers. However, generally it is the role of the Planning Commission to refrain from discussion with the speakers and to listen to public testimony.

The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed during the public hearing.

Conduct of Persons Before the Planning Commission:

During all public hearings required by State law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission.

During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.

During all proceedings, members of the public have the obligation to remain in civil order and address their comments to the specific application and agenda item. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as "out-of-order" and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave,

the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

The Chairperson of the Planning Commission may impose additional limits or rules upon members of the public as needed.

Additional Rules of Procedure for Public Hearings:

Public Hearing Format. Public hearings shall be conducted in the following manner:

- The presiding officer calls the public hearing to order and declares the time of opening.

It is the intent of the Planning Commission to open all public hearings at the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission.

The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the city on the subject.

- Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
- The applicant (if any) may make a presentation or report on the subject matter for the hearing.
- The presiding officer asks Planning Commission members if they have questions of the staff or applicant, if any.
- The presiding officer requests a motion and second to open the public hearing.
- The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.

After members of the public have spoken, the presiding officer requests a motion to:

- Close the public hearing, and the Planning Commission votes on the motion. Once the vote is taken, the hearing is closed for the record.
- Continue a public hearing. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and

date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.

- The Planning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
- If the public hearing is closed, the Planning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

Section 7

CITY CONSULTANTS

Consultants:

The City utilizes consultants for carrying out the business of the City. General services are provided to the City based on an hourly wage and provided for within the City budget.

City Applications/Escrows:

Applicants also utilize the service of the consultants at the same fee billed out of the submitted escrow for the subject application. Typical applications include Conditional Use Permits, Certificate of Compliance, Subdivisions and Variances. Most City applications for various land use submittals require the services of all City consultants. Any escrow dollars remaining after an application is completed, are returned to the application.

Use of City Consultants:

It is the practice of the City that all inquiries, requiring work related to planning, engineering and legal services associated with general City business and applications are coordinated through the City office. Since the consultants bill the City based on an hourly fee, coordination through the City office keeps costs down and eliminates the duplication of work. Planning Commissioners should refrain from contacting City consultants directly to minimize City costs and submit all inquiries to the City office, and likewise the consultants shall provide information to the City office which can then be shared with all Planning Commissioners. Legal and planning information in respect to all inquiries will then be provided to all Planning Commissioners.

Special City Projects:

Any special projects requiring the use of City consultants that are outside of typical City business shall be initiated and directed specifically by the majority of the City Council to the Planning Commission.

Focus on New Laws: Omnibus Liquor Act

The law includes Sunday growler sales, microdistillery off-sale licensing, and 8 a.m. time change for serving alcohol on Sundays.

(Published May 11, 2015)

The 2015 omnibus liquor bill was signed into law as Chapter 9 ([Link to: https://www.revisor.mn.gov/laws/?year=2015&type=0&doctype=Chapter&id=9](https://www.revisor.mn.gov/laws/?year=2015&type=0&doctype=Chapter&id=9)) on May 1, 2015. Below is a summary of the provisions that may be of interest to cities.

Microdistillery off-sale license

The law adds new language to Minnesota Statutes, section 340A.22 ([Link to: https://www.revisor.mn.gov/statutes/?id=340A.22](https://www.revisor.mn.gov/statutes/?id=340A.22)) to allow microdistilleries to be issued an off-sale license by a local licensing authority. A microdistillery licensed by the state may approach the city for an off-sale license for sale of distilled spirits produced on-site.

The city does not have to issue a license, of course. But if the city wants to allow off-sale by the microdistilleries, it should make sure its liquor ordinance accommodates this. The hours for off-sale at the microdistillery must be the same as the hours for the rest of the off-sale liquor establishments in the city.

According to the state, state approval of this license is not necessary, but the state should be notified as with most on-sale licenses. Once the city's licensing ordinance allowing for this is published, the license is effective.

The microdistillery must only sell one 375 milliliter bottle to one person per day, and no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

Off-sale growlers on Sunday

The law amends Minnesota Statutes, section 340A.301, subdivisions 6d and 7 ([Link to: https://www.revisor.mn.gov/statutes/?id=340A.301#stat.340A.301.6d](https://www.revisor.mn.gov/statutes/?id=340A.301#stat.340A.301.6d)) to allow a brewer to sell growlers on Sundays. The city may be approached by a state-licensed brewer that is interested in Sunday off-sale of growlers of malt liquor produced and packaged by the brewer. To do so, the brewer will need an off-sale license and general approval of Sunday growler sales from the city council.

If a brewer already has an off-sale license (to sell growlers), the city must simply approve Sunday growler sales in general, as well as the hours off-sale can occur. Upon publication of an ordinance doing this, the licensed brewer may sell growlers on Sunday.

If the brewer doesn't have an off-sale license, and the city wishes to grant such a license, first the city needs to make sure the city ordinance allows for such a license. The city must still approve Sunday sales and the hours for which Sunday sales of growlers are permitted. Once such an ordinance is published, and the new license is approved by the state, Sunday growler sales are legal.

If the city doesn't wish to allow Sunday sales of growlers, it need not issue this license.

'Bloody Mary' law

In cities where Sunday on-sale has been authorized by voters, a restaurant, club, bowling center or hotel (with a seating capacity of at least 30 persons) that holds an on-sale intoxicating liquor license and a Sunday license may now serve intoxicating liquor with food on Sundays as early as 8 a.m., due to the law's changes to Minnesota Statutes, section 340A.504, subdivision 3 ([Link to: https://www.revisor.mn.gov/statutes/?id=340A.504#stat.340A.504.3](https://www.revisor.mn.gov/statutes/?id=340A.504#stat.340A.504.3)).

Previously, no alcohol could be served by an establishment prior to 10 a.m. on Sunday. How a city must proceed depends on whether it wishes to allow the earlier start time and whether it has set specific hours of Sunday on-sale service by ordinance.

If a city has explicitly stated hours of Sunday on-sale liquor service in ordinance and wishes to allow Sunday sales as early as 8 a.m., it will have to change the ordinance. If the city doesn't wish to change the specific hours set in ordinance, the city need not change them, and businesses must continue to follow the ordinance.

If the city has not set hours of Sunday on-sale in ordinance or simply defers to state law on the matter, it need not change its ordinance now unless it wants to set a start time other than 8 a.m.

Powdered alcohol policy study

Chapter 9 prohibits the manufacture, import, distribution, or sale of powdered alcohol until June 1, 2016. It also requires that the director of the Division of Alcohol and Gambling Enforcement must prepare testimony for the Commerce and Regulatory Reform Committee, and any other relevant committee, about whether current laws could be adequately enforced with regard to the manufacture, import, distribution, and sale of powdered alcohol. The director may make recommendations for legislation addressing any stated concerns. The testimony required under this paragraph is due by Dec. 7, 2015.

The section also requires the commissioner of Health to prepare testimony for the Health and Human Services Reform Committee about the public health impact of powdered alcohol. The commissioner must address whether there is a potential for greater abuse of and addiction to powdered alcohol relative to malt liquor, wine, and distilled spirits. The commissioner may take recommendations for legislation addressing any stated concerns. The testimony required under this paragraph is due by Dec. 7, 2015.

The above provisions are effective May 2, 2015.

Instructional permit used as proof of age

The law amends Minnesota Statutes, section 340A.503, subdivision 6 (*Link to: <https://www.revisor.mn.gov/statutes/?id=340A.503#stat.340A.503.6>*) to allow an instructional permit to be used as proof of age for purchasing alcohol. *Effective July 1, 2015.*

Microdistillery temporary license

Minnesota Statutes, section 340A.404, subdivision 10 (*Link to: <https://www.revisor.mn.gov/statutes/?id=340A.404#stat.340A.404.10>*) is amended to allow a microdistillery to be issued a temporary license for on-sale of intoxicating liquor in connection with a social event sponsored by the microdistillery. Previously, a small brewer could obtain a temporary license for the on-sale of intoxicating liquor in connection with a social event within the city and sponsored by the brewer. Now microdistilleries can also get a temporary license for such an event.

This license is subject to the same requirements (e.g., state approval, insurance) as other temporary on-sale intoxicating liquor licenses, but a city's ordinance may need to be changed to allow it to be issued to a microdistillery.

Brewpub sales at the state fair

Brewpubs are authorized to sell malt liquor exclusively to a single licensee for sales at a single location at the State Fair. Sales may be made directly by the brewpub to the retail licensee or through licensed wholesalers.

The above two provisions are effective Aug. 1, 2015.

Special licenses

The cities of Becker (golf course), Duluth (Lester Park Golf Course), Inver Grove Heights (Inver Wood Golf Course), St. Cloud (Municipal Athletic Complex), Minneapolis (Norway House), and Brooklyn Park (wedding event center) are granted the authority to issue on-sale intoxicating licenses to specific facilities with the cities. *Effective upon approval by each individual city council and in compliance with Minnesota Statutes, section 645.021 (Link to: <https://www.revisor.mn.gov/statutes/?id=645.021>) .*

Read the current issue of the Cities Bulletin (*Link to: <http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp>*)

* By posting you are agreeing to the LMC Comment Policy (*Link to: <http://www.lmc.org/page/1/comment-policy.jsp>*) .

City Council Report for June 2015

June 22, 2015

To: Honorable Mayor & City Council members

From: Jack Kramer Building & Code Enforcement Official

Zoning Enforcement:

1. Mr. Richard Farrell 6685 Ideal Ave. N. Violation of the City of Grant Ordinance Section 22-1 Discharge of Firearms, Air Guns, or Bows or Arrows (b) Illegal Use of Firearms.

A. The city received a formal complaint that Mr. Farrell was target practicing with the use of a shotgun on the property noted above. The complaint indicated the safety of the residents was a concern.

Mr. Farrell responded to my letter dated May 22, 2015 and indicated that he was unaware of the ordinance requirements and will comply.

2. William & Tina Lobin 11034 Irish Ave. Complaint was noted on May 5, 2015 regarding a possible violation of a CUP. The complaint indicated that a CUP was required to operate a dog grooming business.

The city records indicated that the City Planner issued a COC on April 17, 2013 for the purpose of a home occupation with conditions set forth with regard to the operation of a dog grooming business.

Based on the information and research into this complaint I believe the complaint is unfounded at this time.

Building Permit Activity:

Twenty-Four (24) Building Permits were issued for this time period for a total valuation of \$ 5,303,908.25.

Respectfully submitted,



Jack Kramer

Building & Code Enforcement Official

015-71	bath remodel	Jon Rog	9765-110th	5/19/2014	8,000.00	\$ 153.25	\$ 114.93	\$ -	\$ 4.00	
015-72	Plumbing	Jon Rog	9765-110th	5/19/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
015-73	Base. Finis	Sheehan	9120-64th.	5/22/2015	\$ 7,900.00	\$ 153.25	\$ 114.93	\$ -	\$ 3.95	
015-74	Re-Roof	Bystrom	8845 lansir	5/23/2015	\$ 8,080.00	\$ 167.25	\$ 125.43	\$ -	\$ 4.04	
015-75	Garage Re	Johnson	9945 Juste	5/26/2015	\$ 3,500.00	\$ 97.25	\$ 72.93	\$ -	\$ 1.75	
015-76	Re-Siding	Bunton	11200 Iron	5/26/2015	\$ 30,000.00	\$ 461.75	\$ 346.31	\$ -	\$ 16.45	
015-77	Solar Ener.	Jacobs	11975 Hon	5/29/2015	\$ 35,501.25	\$ 502.85	\$ 377.13	\$ 326.85	\$ 17.75	
015-78	HVAC	Young & S	7420 Lake	5/29/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
015-79	Patio door	Renewal	7420 Keats	5/29/2015	\$ 6,984.00	\$ 139.25	\$ 104.43	\$ -	\$ 3.49	
015-80	Base Finis	Olson	8015-80th.	5/29/2015	\$ 35,000.00	\$ 492.75	\$ 369.56	\$ -	\$ 17.50	
015-81	HVAC	Anderson	9120 Ivy A	5/30/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
015-82	HVAC	Nuss	9100 Joliet	6/1/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
015-83	Plumbing	Nuss	9100 Joliet	6/1/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
015-84	Re-Roof	Bauman	9943 Jama	6/1/2015	\$ 14,000.00	\$ 287.35	\$ 215.51	\$ -	\$ 7.00	
015-85	Re-Roof	Wydant	9160 Joliet	6/4/2015	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ -	\$ 5.00	
015-86	Re-Roof	Zwetter	9844 Kesw	6/4/2015	\$ 6,800.00	\$ 139.25	\$ 104.43	\$ -	\$ 3.40	
015-87	Re-Roof	Christenso	9655-103rd	6/4/2015	\$ 8,000.00	\$ 153.25	\$ 114.93	\$ -	\$ 4.00	
015-88	Re-Siding	Mason	11120 Loc	6/5/2015	\$ 45,000.00	\$ 593.75	\$ 445.31	\$ -	\$ 22.50	
015-89	Plumbing	Hansen	6691 Jama	6/6/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
015-90	House & G	Lucius	6990 -117r	6/6/2015	\$4,664,180.00	\$ 18,986.00	\$ 14,239.50	\$ 12,340.90	\$ 1,466.50	
015-91	Pole Bldg.	Lucius	6990-117th	6/6/2015	\$374,400.00	\$ 2,533.75	\$ 1,900.32	\$ 1,646.93	\$ 187.20	
015-92	Solar Ener	Vanderwer	9200 Jeffre	6/8/2015	\$ 29,100.00	\$ 442.25	\$ 331.68	\$ -	\$ 14.55	
015-93	HVAC	Binder Hgt	9765-110th	6/8/2015	N/A	\$80.00	\$60.00	\$ -	\$ 5.00	
015-94	Re-Roof	O'Neil	6941 Jocel	6/10/2015	\$ 7,463.00	\$ 153.25	\$ 114.93	\$ -	\$ 3.73	
onthly total						\$ 5,303,908.25	\$ 26,337.70	\$ 19,753.19	\$ 14,314.68	\$ 1,817.81