

**City of Grant  
City Council Agenda  
August 4, 2015**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, August 4, 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. July 7, 2015 City Council Meeting Minutes
- B. Bill List, \$55,321.94
- C. Brochman Blacktopping, Pothole Repair, 13,516.00
- D. Washington County Sheriff, Jan-Jun 2015 Police Service, \$54,114.95
- E. NSI, Dust Control, \$36,280.50

**5. STAFF AGENDA ITEMS**

- A. City Engineer, Phil Olson

i. Discussion of McKusick Avenue Maintenance Options

ii. Consideration of Road Ranking System

**B. City Planner, Jennifer Haskamp**

i. Discussion of Business - Seasonal Land Use Definitions

ii. Discussion of Zoning Ordinance – Accessory Buildings

**C. City Attorney, Nick Vivian**

i. PUBLIC HEARING, Vacate CUP's, 11591 McKusick Road and 6450 117<sup>th</sup> Street

ii. Consideration of Zoning Enforcement, 10851 69<sup>th</sup> Street

iii. Charter Commission Special Election Notice

6. NEW BUSINESS

7. UNFINISHED BUSINESS

A. Discussion of Draft City of Grant Planning Commission Manual

8. DISCUSSION ITEMS

A. City Council Reports (any updates from Council)

B. Staff Updates

9. COMMUNITY CALENDAR AUGUST 5 THROUGH AUGUST 31, 2015:

MS4 Annual Public Hearing, Wednesday, August 12, 2015 Town Hall, 5:00 p.m.

Mahtomedi Public Schools Board Meeting, Thursday, August 13th and 27th, 2015, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, August 13th, 2015, Stillwater City Hall, 7:00 p.m.

Charter Commission Meeting, Thursday, August 20th, 2015, Mahtomedi City Hall, 7:00 p.m.

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

10. ADJOURNMENT

CITY OF GRANT  
MINUTES

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**DATE** : July 7, 2015  
**TIME STARTED** : 7:01 p.m.  
**TIME ENDED** : 9:27 p.m.  
**MEMBERS PRESENT** : Councilmember Sederstrom, Lobin, Huber,  
Lanoux and Mayor Carr  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Nick Vivian; City Engineer, 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 7:01 p.m.

**PUBLIC INPUT**

- (1) Jerry Helander, 6261 Jasmine – commented on the validity of Charter signatures.
- (2) Bob Tufty, 6365 Jasmine – expressed concern regarding submittal of the draft Charter and thanked City for taking care of overgrown trees.
- (3) Jean Poddartz, 8450 Jewel – commented on the Jamaca/Jeffrey Gateway Trail parking area.
- (4) Wally Anderson – 8830 80<sup>th</sup> Street – commented on School District escrow refund.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

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

Council Member Lanoux requested City Newspaper and Special Election be added to the regular agenda.

City Attorney Vivian advised submittal of the Charter will be on the August City Council meeting agenda.

**Motion carried with Council Member Lanoux and Sederstrom voting nay.**

**CONSENT AGENDA**

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June 17, 2015 Special Council Meeting Minutes	Approved
Bill List, \$578,865.37	Approved
Brochman Blacktopping, Pothole Repair, \$20,011.00	Approved
Kline Bros. Excavating, Road Work, \$20,207.50	Approved
City of Mahtomedi, 2 <sup>nd</sup> Quarter Fire Contract, \$31,404.75	Approved
City of Stillwater, 1 <sup>st</sup> Half Fire Contract, \$54,266.50	Approved
Mahtomedi Public Schools, Landscape Escrow Refund, \$81,000	Approved
Revision to Landscape Plan, Manning Cell Tower	Approved

**Council Member Lanoux moved to approve the consent agenda with the removal of Item 4A, June 2, 2015 City Council Meeting Minutes, 4B, June 17 Special Council Meeting Minutes and 4H, Mahtomedi Public Schools, Landscape Escrow Refund. Council Member Sederstrom seconded the motion. Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.**

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

**DAN VOGT, CITY OVERVIEW**

Mr. Dan Vogt, DJV Consulting, came forward and provided his background and presented the Council with basic information relating to Council/Staff relations, policy making, Council responsibilities and staff responsibilities in terms of the City process.

**STAFF AGENDA ITEMS**

**City Engineer, Phil Olson**

**Discussion regarding McKusick Options** – City Engineer Olson advised at the last City Council meeting, Council discussed the pavement condition on McKusick Road. Below is background

1 information about the road along with options for repairing the roadway, improving driving  
2 conditions, and reducing maintenance costs.

3  
4 Current Road Statistics:

- 5 • City completed seal coat in 2008
- 6 • Patching is approximately \$20,000/year
- 7 • Traffic counts
  - 8 ○ 1163 – west side
  - 9 ○ 1496 – east side

10  
11 Washington County Considerations:

- 12 • Washington County turned the ownership of the road over to the City in 1988
- 13 • Washington County completed an overlay prior to the City taking ownership
- 14 • McKusick Road is not included as a detour route for the roundabout project at Hwy 96 and  
15 Manning Avenue. The official detour will direct traffic to CSAH 12 and CSAH 9 however  
16 some traffic may still use McKusick Road as a short cut.
- 17 • Staff contacted Washington County to discuss maintenance costs, responsibility, and having  
18 the County take back ownership. Washington County is not interested as it does not provide  
19 any benefit to their regional roadway network.
- 20 • A future signal is planned at the intersection of McKusick Road and Manning Avenue.  
21 Roadway widening and signal sensors will be required on the Grant side of the intersection.  
22

23 Improvement Options:

- 24 • Patching:
  - 25 ○ Currently \$20,000/year and expected to increase in the future
  - 26 ○ Does not provide long term solution to the pavement issues
- 27
- 28 • Pulverizing – Grinding the existing pavement
  - 29 ○ High traffic volumes may create increased grading or patching maintenance in some  
30 areas.
  - 31 ○ Prepares road for future paving projects
  - 32 ○ Construction estimate: \$30,000
- 33
- 34 • Heavy Patching – Patching entire length of roadway with 1½ to 2 inches of pavement
  - 35 ○ Significantly reduces the amount of patching required for the next 5 to 10 years
  - 36 ○ Construction estimate: \$120,000
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- 38 • Reclamation – Grinding existing pavement and paving 3½ inches of new pavement
  - 39 ○ Addresses all immediate maintenance issues and provides 20 year design life.
  - 40 ○ Construction estimate: \$300,000
  - 41 ○ Engineering, legal, administrative, and finance costs ranging from 15% to 25% are also  
42 required to bid and administer the contract.
- 43

44 There are also several options for combining different types of improvements. For example,  
45 pulverizing could be completed in the area between the golf course and the restaurant and heavy

1 patching could be completed at the east end near Hwy 96 and on the west end near Manning Avenue.  
2 This would reduce the amount of patching required and encourage traffic to use the state and county  
3 roads. He noted there is nothing to prevent the City from closing a portin of the road granted no  
4 accesses are blocked.

5  
6 Mayor Carr inquired about the sealcoat/patching schedule on McKusick. He also suggested the  
7 business owners be contacted about potential improvements to the road and if the road can be  
8 vacated.

9  
10 Council Member Lanoux stated he talked to the County and they may have potential cost participation  
11 opportunities regarding improvements. The funding needs to be used on high traffic roads and  
12 arterials to continue getting the funds. The City does need a new road policy.

13  
14 Council directed staff to obtain information regarding the sealcoat/patching schedule, discussion with  
15 business owners, ramifications of vacating the road and the amount of patching dollars spent on the  
16 road.

17  
18 This item will be on the August City Council meeting agenda.

19  
20 **Consideration of Grading System for Roads** – City Engineer Olson advised at the last City Council  
21 meeting, Council directed engineering staff to provide a proposal for rating the City’s paved roads.  
22 He reviewed the following proposal from WSB & Associates which includes tasks, costs, and a  
23 schedule for rating the City’s paved roads.

24  
25 **Cost Summary**

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

29  
30 The following tasks will be completed as part of this work plan:

31  
32 **1. Data Collection**

33  
34 WSB staff will develop a pavement management database using Cartegraph.

35  
36 As part of this process, *the City* will:

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38
  - Review and provide comments on proposed street segments
  - Provide the Original Construction Dates for each segment

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41 *WSB & Associates* will:

- 42  
43
  - 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
  - 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

5. **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

Mayor Carr stated he thinks it may be better to put the dollars spent on this project into the roads.

Council Member Lanoux stated the benefit of this system is to determine the value of the roads and what is necessary to repair them. An inventory of the roads is needed as well as the set up of a three year repair program.

1 Council Member Huber stated the City does need to start working on this and he is willing to discuss  
2 it further during the budget work session.

3  
4 **Council Member Lanoux moved to accetp the WSB proposal to rate the roads, as presented.**  
5 **Council Member Sederstrom seconded the motion. Motion failed with Council Member Lobin,**  
6 **Huber and Mayor Carr voting nay.**

7  
8 This item will be on the August City Council meeting agenda.

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10 **City Planner, Jennifer Haskamp**

11  
12 **Discussion of Land Use Definitions** – City Planner Haskamp advised at the regular City Council  
13 meeting in June staff requested authorization to begin the process of drafting land use definitions for  
14 the second group of land uses included within the Moratorium. As background to the overall  
15 moratorium process, staff initially identified 22 land uses without/or with limited definitions that were  
16 most critical to review because they either 1) were uses that have been discussed/addressed by  
17 applicants over the past year; or 2) were permitted with a conditional use permit in at least one zoning  
18 district; or 3) have caused confusion by residents and/or staff over the past several years due to  
19 lacking information. These land uses, per the direction of the Council, became the subject of the  
20 Moratorium. The first group of 5 land use definitions has been drafted and considered at a public  
21 hearing, and will be processed for final vote once the second group of definitions has undergone the  
22 same process.

23  
24 At the regular June City Council meeting staff proposed the second group of land use definitions  
25 identified below:

- 26  
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- 28     ▪ Business Seasonal
  - 29     ▪ Café and Restaurant
  - 30     ▪ Clubs or Lodges
  - 31     ▪ Greenhouses (commercial production only)

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

34 **Business – Seasonal**

35 The City's ordinances currently do not provide a definition for Seasonal Businesses; however, there  
36 have been several inquiries from residents and landowners with respect to the seasonal operation of  
37 businesses. There are several businesses in the city that are seasonally operated that were either  
38 processed under the guise of a home occupation or under Ordinance 50 when Seasonal Businesses  
39 were a permitted conditional use in most zoning districts (See table below depicting current Table of  
40 Uses related to Seasonal Business). The City's previous Ordinance 50 which was replaced when the  
41 ordinances were codified, permitted Seasonal Businesses with a Conditional Use Permit in every  
42 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



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

4 *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>

5  
 6 Secondly, the City’s ordinance includes a general definition for **Business**, which is provided for your  
 7 reference:

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

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

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

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

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

18  
 19 However, staff would request Council to consider what types of seasonal uses and businesses would  
 20 fit the character of the community. Through researching various codes, most communities address  
 21 seasonal businesses that are primarily agricultural types of product/merchandise. For example, even  
 22 the City of Bloomington addresses ‘seasonal’ in this context. A couple definitions related to seasonal  
 23 sales are provided for your reference:

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

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

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

32  
 33 **Café and Restaurant**

1 Section 32-1 Definitions, does not include a definition for Cafés and Restaurants. While it is  
 2 somewhat intuitive what these uses are, it is also a bit confusing because the City’s code does include  
 3 a definition for Supper Clubs which is similar to what someone might expect as a definition for a  
 4 Restaurant. It is not entirely clear what the distinction between a Supper Club and a Restaurant would  
 5 be, and given how the code addresses these uses within the Table of Uses, a definition that clearly  
 6 distinguishes between the two uses is necessary. The following excerpt from the table is provided for  
 7 reference:

USE	ZONING DISTRICT				
	Conservanc y	Agricultu ral A1	Agricultu ral A2	Residenti al R1	General Business (GB)
Café and Restaurant	N	N	N	N	C
Supper Clubs	N	C	C	N	C

8  
 9 For background the City’s Code defines a Supper Club as the following:

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

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

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

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

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

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

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

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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?

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

9       Mayor Carr asked if this item could be tabled to a future meeting.

10      Council Member Huber proposed the land use definitions be broken down into smaller pieces.

11      City Planner Haskamp stated the definitions could be discussed at the next meeting and broken down  
12      into business seasonal/green houses and then café/lodges/clubs.

13      Land Use Definitions for Business Seasona/Green Houses will be on the August City Council  
14      meeting agenda.

15      **City Attorney, Nick Vivian**

16      **2015 CUP Review** – City Attorney Vivian advised as contemplated by Section 32-156 of the Grant  
17      City Code, City Staff has reviewed twenty-two conditional use permits (CUPs) and Jack Kramer has  
18      conducted five site inspections in connection with such review. The CUP's that were included in the  
19      regular 2015 review were found to be in compliance.

20

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

26

27      **Mayor Carr moved to schedule the public hearings to vacate two CUP's, as presented. Council**  
28      **Member Lobin seconded the motion. Motion carried with Council Member Lanoux and**  
29      **Sederstrom voting nay.**

30

31      **Review of Council Member Censure** – City Attorney Vivian advised on February 3, 2015, the City  
32      Council voted to approve Resolution 2015-07 (“Resolution”) censuring Councilmember Larry  
33      Lanoux. The Resolution directed the City Council to review compliance with the Resolution after  
34      sixty days.

35

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

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1 The status of the Resolution is again before the Council for review and consideration. The Council  
2 should determine whether the sanctions contained within the Resolution have sufficiently deterred  
3 Mr. Lanoux's conduct or whether the Resolution should be extended for an additional period of time.  
4 The Resolution principally concerns Mr. Lanoux's conduct with staff arising from the unauthorized  
5 removal of governmental property from the City's office, outbursts of anger privately and in public  
6 toward City staff and members of the City Council, the creation of an unsafe, unfriendly, unsecure  
7 and intolerable environment in the City's workplace and a disregard for City procedures and protocol.  
8 A copy of Resolution No. 2015-07 was distributed for review. The conduct was also the subject of a  
9 complaint filed by the Administrator / Clerk which was filed on February 3, 2015 which was also  
10 distributed attached for review.

11  
12 The Council may take the following actions:

- 13
- 14 1. Consider the Censure of Councilmember Lanoux to be complete.
- 15 2. Approve an extension of the Resolution for engaging in conduct which creates a difficult,  
16 unsafe, unfriendly, unsecure and intolerable work environment for staff.
- 17 3. Approve a new Censure Resolution with updated remedial measures aimed at maintaining a  
18 safe work environment for staff.
- 19

20 **Council Member Huber moved to extend the censure 60 days and include the authority of legal**  
21 **staff to fine an injunction to enforce the censure if any violations occur. Council Member**  
22 **Lobin seconded the motion.**

23  
24 Council Member Sederstrom stated this is a witch hunt and the City should not spend any more  
25 money on this.

26  
27 **Motion carried with Council Member Lanoux and Sederstrom voting nay.**

28  
29 **Zoning Enforcement, 9711 Keswick** – City Attorney Vivian advised on June 16, 2015, in  
30 accordance with the City of Grant Complaint Policy, a Notice of Zoning Violation was forwarded to  
31 Lawrence and Maureen Lanoux, owners of the property located at 9711 Keswick Avenue. Maureen  
32 Lanoux signed for the certified letter on June 19, 2015.

33  
34 As stated in the Notice of Zoning Violation, Mr. and Mrs. Lanoux are required to apply for a  
35 Conditional Use Permit for the keeping of more than ten horses on their property. To date, the City  
36 has not received the required application. Accordingly, this matter is before the City Council for  
37 enforcement consideration.

38  
39 The Council may take the following actions:

- 40
- 41 1. Direct Staff to initiate legal action against Lawrence and Maureen Lanoux for failure to obtain  
42 a Conditional Use Permit.
- 43 2. Direct law enforcement to issue a citation for violation of the City's Code of Ordinances.
- 44

1 Council Member Huber stated Council Member Lanoux stated himself that he would like a jury trial  
2 relating to this issue. He stated he would support a CUP and asked him to uphold his oath, City  
3 ordinances and apply for a CUP.

4  
5 Council Member Lanoux advised this will be a long drawn out battle that will cost the City a lot of  
6 money. He has provided information to the City Attorney as to why he does not need a CUP. He  
7 noted a CUP was not on the agenda and the supporting documents related to that were not received.

8  
9 City Attorney Vivian stated a revised agenda was prepared. All Council Members had the requested  
10 compliance letter except for Council Member Lanoux, due to a conflict. Everyone received the  
11 information three weeks ago. The question on the table is how the Council wants to move forward  
12 with the main goal being compliance. He noted he has not received any factual response from  
13 Council Member Lanoux and this is not a grandfathered use.

14  
15 **Council Member Huber moved to direct staff to initiate legal action for zoning enforcement at**  
16 **9711 Keswick, as presented. Mayor Carr seconded the motion. Motion carried with Council**  
17 **Member Lanoux and Sederstrom voting nay.**

18  
19 **NEW BUSINESS**

20  
21 **Consideration of Policies and Procedures for Implementing a Franchising Process,**  
22 **Ramsey/Washington County Cable Commission, Jeff Huber** – Council Member Huber advised  
23 the cable commission is requesting approval of the policies and procedure for implementing a  
24 franchise process.

25  
26 **Council Member Huber moved to approve the Policies and Procedures for Implementing a**  
27 **Franchise Process, as presented. Mayor Carr seconded the motion. Motion carried**  
28 **unanimously.**

29  
30 **Consideration of Process for Establishing Quiet Zone, Administrator/Clerk** – Mayor Carr stated  
31 he has been receiving calls from residents about the train noise problem.

32  
33 Information relating to the process to establish a quiet zone was included in the packets. Many  
34 complaints have been received by the City regarding trains blowing their horns in the Ironwood/Irish  
35 Avenue area. Staff wanted the Council to be aware of the complaints as well as the process involved  
36 with establishing a quiet zone.

37  
38 City Engineer Olson briefly explained the quiet zone process noting it is a very long drawn out  
39 process, many years and the cost is in the \$100,000's of thousands of dollars.

40  
41 **UNFINISHED BUSINESS**

42  
43 **Discussion of Draft City of Grant Planning Commission Manual** – Council Member Sederstrom  
44 **moved to table this item to the August City Council meeting. Council Member Huber seconded**  
45 **the motion. Motion carried unanimously.**

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**DISCUSSION ITEMS**

**City Council Reports:**

Mayor Carr stated there are new laws going into effect relating to water issues, buffer zones, etc. The City needs to be aware of the changes.

**Staff Updates:**

**State Liquor Law Change –**

**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.**

**ADJOURN**

**Council Member Lobin moved to adjourn at 9:27 p.m. Council Member Huber seconded the motion. Motion carried unanimously.**

These minutes were considered and approved at the regular Council Meeting August 4, 2015.

\_\_\_\_\_  
Kim Points, Administrator/Clerk

\_\_\_\_\_  
Tom Carr, Mayor



City of Grant

Disbursements List

07/28/2015

Date range: 07/01/2015 to 07/28/2015

<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 07/31/2015	07/27/2015	12826	\$3,341.41		No	100-41101-100	\$3,341.41
IRS	07/27/2015	EFT65	\$1,113.77	Payroll Taxes	No	100-41103-100	\$351.69
						100-41107-100	\$410.39
						100-41110-100	\$285.03
						100-41112-100	\$66.66
Todd Smith	07/28/2015	12827	\$1,991.92	Monthly Assessment Services	No	100-41208-300	\$1,991.92
Xcel Energy	07/28/2015	12828	\$189.40	Utilities	No	100-43004-381	\$30.67
						100-43010-381	\$114.89
						100-43117-381	\$43.84
Croix Valley Inspector	07/28/2015	12829	\$5,552.14	Building Inspector	No	100-42004-300	\$5,552.14
NTI	07/28/2015	12830	\$505.50	Jasmine Subdivision	No	867-49310-300	\$505.50
DJV Consulting	07/28/2015	12831	\$250.00	Training	No	100-41305-310	\$250.00
AirFresh Industries	07/28/2015	12832	\$125.00	PortaPot #20229	No	100-43007-210	\$125.00
CenturyLink	07/28/2015	12833	\$167.28	City Phone	No	100-41309-321	\$167.28
Brochman Blacktopping Co.	07/28/2015	12834	\$13,516.00	Roads/Pothole Repair	No	100-43109-300	\$13,516.00
Sherrill Reid Animal Control	07/28/2015	12835	\$90.00	Animal Control/Inv2015-34	No	100-42006-300	\$90.00
KEJ Enterprises	07/28/2015	12836	\$9,000.00	July 2015 Road Contractor	No	100-41306-300	\$166.14
						100-43006-300	\$125.00
						100-43009-300	\$125.00
						100-43105-300	\$250.00
						100-43106-300	\$20.84
						100-43107-300	\$41.67
						100-43110-300	\$83.84
						100-43111-300	\$20.84
						100-43113-300	\$5,416.67
						100-43114-300	\$2,250.00
						100-43115-300	\$500.00
Ken Ronna	07/28/2015	12837	\$68.25	Video Tech Services	No	100-41318-100	\$68.25
MN Department of Labor & Industry	07/28/2015	12838	\$723.90	Conf#22681163060	No	100-42005-520	\$723.90
Waste Management	07/28/2015	12839	\$4,140.36	Recycling	No	100-43011-384	\$4,140.36
NSI	07/28/2015	12840	\$36,280.50	Dust Control	No	100-43107-224	\$36,280.50
CliftonLarsonAllen	07/28/2015	12841	\$6,050.00	Inv#1071906	No		

**City of Grant**

**Disbursements List**

**07/28/2015**

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
WSB & Associates	07/28/2015	12842	\$2,992.50	Engineering	No	100-41201-301	\$6,050.00
Sprint	07/28/2015	12843	\$35.00	City Cell Phone	No	100-41203-300	\$1,009.50
Eckberg Lammers	07/28/2015	12844	\$8,484.90	Legal Services	No	100-43128-300	\$133.00
						100-43130-300	\$1,733.00
						867-49310-300	\$117.00
Kline Bros Excavating	07/28/2015	12845	\$7,585.00	Road Maintenance	No	100-43116-321	\$35.00
						100-41204-300	\$4,243.75
						100-41205-300	\$2,620.03
						100-41206-300	\$1,589.87
						894-49310-300	\$31.25
SHC, LLC	07/28/2015	12846	\$2,272.00	Planning	No	100-43101-300	\$3,120.00
						100-43108-300	\$2,395.00
						100-43111-300	\$2,070.00
PERA	07/28/2015	12847	\$643.61	PERA	No	100-41209-300	\$1,180.00
						100-41210-300	\$300.00
						900-49310-300	\$336.00
						901-49310-300	\$192.00
						902-49310-300	\$264.00
Washington County Sheriff	07/28/2015	12848	\$54,114.95	Jan-Jun 2015 Police Contract	No	100-41102-120	\$344.79
						100-41113-100	\$298.82
						100-42001-300	\$54,114.95

**Total For Selected Checks**

**\$159,233.39**

**\$159,233.39**

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

# Invoice

Date 7/14/2015  
 Invoice # 3616

**Bill To**

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

Terms Due on receipt Due Date 7/14/2015

Item	Description	Qty	Price	Amount
Overlay	Labor & Materials for asphalt overlay installed at 88th St. and Jeffrey Ave. City of Grant. 07/13/2015	1	10,871.00	10,871.00
	Subtotal			10,871.00
asphalt mix	Tons	10	61.50	615.00
Truck	With driver (Hours)	10	88.00	880.00
Roller	With operator (Hours)	5	73.00	365.00
Skid loader	With operator (Hours)	5	78.00	390.00
Man hours	Labor (Hours)	5	55.00	275.00
tack machine	With sprayer (Hours)	1	30.00	30.00
Tack	Gallons	30	3.00	90.00
	Subtotal			2,645.00
	Labor & materials for asphalt patching repair of potholes at Joliet Ave. City of Grant. 07/13/2015			
Thank you! for your business.				
	Subtotal			\$13,516.00
	Sales Tax (0.0%)			\$0.00
	Total			\$13,516.00

brochmanpaving@msn.com

651-439-5379  
 651-439-5379

Payments/Credits \$0.00  
 Balance Due \$13,516.00



WASHINGTON CTY SHERIFF  
 15015 62ND ST N  
 PO BOX 3801  
 STILLWATER MN 55082

# Invoice

Invoice Number:	81630
Account Number:	27164
Due Date:	8/12/15
Amount Enclosed:	\$ _____
Federal Tax Id:41-6005919 <b>JF</b>	

To: GRANT CITY  
 PO BOX 577  
 WILLERNIE MN 55090

*Please return top portion with payment. Thank You.*

Invoice					
Date	Number	Type	Due Date	Remark	Amount
7/20/15	81630	Invoice	8/12/15	Jan-Jun 2015 Police Contract	\$54,114.95
I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.  Please make check payable to <b>Washington County</b> and mail to the address above.					<b>Invoice Total</b> \$54,114.95  <b>Sales Tax</b>  <b>Balance Due</b> \$54,114.95

**Questions?**  
 Jenny Flores 651-430-7844  
 Jennifer.Flores@co.washington.mn.us



# Invoice

Phone: 651-209-3148  
 Fax: 651-407-0609

P.O. Box 1028  
 Forest Lake, MN 55025-5028

Invoice # 5551  
 Date: 6/22/2015  
 Terms:

City of Grant

Shipped To

City of Grant  
 PO Box 577  
 Willernie MN 55090

Sales Rep:	TR	P.O. No.	Due Date	7/22/2015
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Description	Quantity	U/M	Rate	Amount
Calcium Chloride 38% - Applied Application June 17 & 18, 2015	32,625	gal	0.95	30,993.75
Calcium Chloride 38% - Applied Application June 20, 2015	4,400	gal	0.95	4,180.00
Calcium Chloride 38% - Applied Application June 25, 2015	1		0.00	0.00
	1,165	gal	0.95	1,106.75

Prompt payment would be appreciated. Late payments could result in a 1.5% monthly finance charge. Customer agrees to pay all costs of collection, including attorney's fees.

<b>Subtotal</b>	\$36,280.50
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<b>Sales Tax</b>	\$0.00
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*We appreciate your business. For your convenience, NSI accepts Visa, Mastercard and American Express.*

<b>Total</b>	\$36,280.50
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## *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:** *July 27, 2015*

**Re:** *McKusick Road: Improvement Options*

At the last several City Council meetings, Council has discussed the pavement condition on McKusick Road. Since the last meeting, contact has been made with the Gasthaus and Stillwater Oaks golf course. Staff has discussed the options available and the associated costs but at this point no decisions have been made about the preferred option. Additional time is recommended to continue discussions with the business owners before this item is discussed by council again.

Below is background information about the road along with options for repairing the roadway, improving driving conditions, and reducing maintenance costs. This information was included with the previous staff report. At the request of council, an option for closing the middle section of McKusick Road has now been provided.

### Current Road Statistics:

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

### Planned Improvements:

- McKusick Road is currently planned for \$23,684 of additional patching in 2018.
- The current Seal Coat & Roadway Maintenance Plan is attached.

### 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
  
- Road Closure – Permanently close the road from 88<sup>th</sup> Street to 300 feet west of Lansing Avenue.
  - Reduces long term road maintenance responsibility by approximately 900 feet.
  - Requires the installation of a new cul-de-sac at an existing driveway 300 feet west of Lansing Avenue to maintain access to two properties
  - Right-of-way is likely needed for the installation of a cul-de-sac
  - Permanent loss of prescriptive roadway rights for roadway that is removed
  - Reduces connectivity of the road network
  - Construction estimate: \$40,000 plus easement acquisition costs
  
- 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.





**GRANT SEAL COAT/MAINTENANCE PLAN**

Street Name	Address Range	Length (FT)	Paved	Last SC	Seal Coat/Maintenance Length (feet) by Year											Area						
					2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025							
65th Street	East of Jasmine	860	1987	2008							\$3,339											
97th Street	West of Manning	300	1985	2010								\$1,165										
105th Street	West from Inwood	500	1990	2008							\$1,941											
Imperial Ave	South of 120th St	1800	1985	2010								\$6,989										
Inglers Circle	West of Inberg Ct	900	1998	2008							\$3,494											
Jamaica Ave	North of 64th St	150	2005	2010			5582														Islands	
Jamaica Ave	South of CR 12	700	1978	2008							\$2,718											
Jarvis Ave	North of 60th St	200	1991	2008							\$777											
Jewel Ave	North of 85th St	150	1984	2008							\$582											
Kimbro Ave Ct	10700 to 10990	1500	1987	2008							\$5,874											
Maple St (85th St)	East of Mahmoudi	700	1986	2008							\$2,718											
Jasmine Avenue	60th St to 65th St	2450	2009	2014																	Jasmine Avenue	
110th Street	West of Julianne Ave	1140	2011			\$4,426															110th Street	
2014 Cost / Mile	\$	20,500	Estimated Cost By Year		\$59,403	\$60,918	\$70,275	\$81,146	\$80,175	\$83,902	\$56,880	\$60,995	\$52,027	\$57,656	\$59,403							
Total 6 Year Cost	\$	409,573																				
Average Cost / Year	\$	68,261.15																				

Denotes segments scheduled for patching



*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:** *July 27, 2015*

**Re:** *Pavement Rating Discussion*

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At the last City Council meeting, Council directed engineering staff to again 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 in 2015. The cost will be slightly greater due to an annual increase in hourly rates if the road rating is completed in 2016.

**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

- 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

<b>To:</b> Mayor and Grant City Council <hr/> <b>CC:</b> Kim Points, City Clerk Nick Vivian, City Attorney <hr/> <b>From:</b> Jennifer Haskamp, City Planner	<b>Date:</b> July 28, 2015 <hr/> <b>RE:</b> Land Use definitions Business – Seasonal <hr/> Greenhouses (commercial production only)
---	--

The staff report for the regular July council meeting provided draft definitions related to four land uses included within the moratorium. At the meeting, the Council delayed the discussion until the regular August meeting to allow for additional time to review and consider the definitions, and also requested staff to narrow the four land use definitions to two for discussion purposes in August. As such, staff has prepared the following staff report addressing Business Seasonal and 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 and also how the use was categorized under Ordinance 50). 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 how the use was permitted under 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 and Stillwater Township)

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.

**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				
	Conserva ncy	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 August. 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 September.

## MEMORANDUM

<b>To:</b> Mayor and Grant City Council	<b>Date:</b> July 28, 2015
<b>CC:</b> Kim Points, City Clerk Nick Vivian, City Attorney	<b>RE:</b> Staff Report Zoning Ordinance – Accessory buildings
<b>From:</b> Jennifer Haskamp, City Planner	Section 32-313 (e)

### Background

As requested by Council, in June staff presented preliminary information regarding Section 32-313(f) *Accessory building as part of principal building*, of the City's Code. At that meeting, Council expressed concern over the current ordinance language, and requested additional information and suggestions from staff on how to move forward to clarify this ordinance language to avoid future issues with this section.

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

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

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

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

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

- All accessory structures must meet setbacks and distance requirements per state building code – essentially an accessory structure must be detached. The city does not permit an accessory building to be closer than 6-feet from a principal building. No additional standards (i.e. architectural) are provided for attached garages. (Scandia)
- "In residential districts, accessory buildings shall not be attached to, or erected, altered, or moved within 10 feet of the principal building." (Medina)
- All accessory structures must meet setbacks; however no specificity with respect to 6-feet of separation. However, Stillwater Township does incorporate the state building code by reference, as do many other city and township codes. Additional provision within the code regarding attached garage size stating, "For attached garages, the maximum footprint of the attached garage shall not be more than 100% of the footprint of the primary structure." (Stillwater Township)



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

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

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

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

- **Option 1:** Delete Section 32-313(f) from the city ordinance. This essentially would disallow accessory structures to be located within 6-feet of a principal structure. The garage section (e) would remain, addressing the concern of the Council with respect to allowing a garage and principal structure to be located on a property without counting towards the allowable accessory structure square footage and quantity provided it meets the requirements of Section (f). Based on this language, a garage would be permitted to be constructed anywhere on a property provided it met the setbacks, including within 6-feet of the principal structure. If this option is selected, it may be prudent to add in some language into (e) with respect to the state fire code to ensure that if a detached garage is constructed within 6-feet of the principal structure that it is constructed in compliance with the fire code.
- **Option 2:** Modify the language in Section 32-313(f) to include language regarding the state fire code, and limit the size of the structure. Staff has drafted the following language for discussion purposes:
  - *Accessory building as part of principal building.* An accessory building shall be considered as an integral part of the principal building if it is located six feet or less from the principal building, and shall be subject to the state fire code. Such accessory buildings shall not be more than 100% of the footprint of the principal structure and the use shall be restricted to *Detached residential accessory building, as defined in Section 32-313(a)(2).* The exterior design and color shall be the same as that of the principal building ~~or be of an earthen tone;~~ and the height shall not exceed the height of the principal structure unless more restrictive portions of this chapter prevail.
  - Also, the council should consider whether we would need to add additional language to Section (e) Garages IF a property owner were to utilize (f) above. (i.e. a principal structure with a detached residential accessory building with a detached garage – all of which would be excepted from the accessory building standards.)
- **Option 3:** Any other Council suggestions.

**Action Requested:**

Staff is looking for your comments on the above items and direction regarding next steps.

**ECKBERG LAMMERS**  
**MEMORANDUM**

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**TO:** Honorable Mayor and City Council

**FROM:** Nicholas J. Vivian, City Attorney

**DATE:** July 28, 2015

**RE:** Grant, City of - General  
01200-14456

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As contemplated by Section 32-156 of the Grant City Code, City Staff reviewed twenty-two conditional use permits (CUPs) and Jack Kramer conducted five site inspections in connection the City's annual review of its CUPs.

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

The Council's review of each CUP is scheduled for the August City Council meeting. As a component of this process, a public hearing will take place at which the property owners will have an opportunity to address the Council.

If neither of the property owners appear or otherwise contest the City's intended action, I recommend the Council adopt a motion to vacate the Conditional Use Permits for 11591 McKusick Road and 6450 117<sup>th</sup> Street.

Please contact me if you have any questions.

NJV

**ECKBERG LAMMERS**  
**MEMORANDUM**

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**TO:** Mayor and City Council

**FROM:** Nicholas J. Vivian, City Attorney

**DATE:** July 28, 2015

**RE:** Mahowald Zoning Violation – 10851 69<sup>th</sup> St.  
File No. 01200-25711

In April of 2014, Jack Kramer (“Kramer”) received a formal complaint regarding certain zoning violations involving the property owned by Marc Mahowald (“Mahowald”) located at 10851 – 69<sup>th</sup> Street North, Grant, MN 55082 (“Property”). After an inspection, Kramer confirmed Mahowald was using the Property for outside storage of commercial equipment in violation of Grant Code of Ordinances Section 32-316(c). Kramer also suspected the Property was being used for the operation of a commercial business in violation of Grant Code Section 32-245.

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

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

In May 2015, we discussed with Kramer the status of the Property. Kramer conducted an informal inspection of the Property. Upon his inspection, he discovered an increased number of pieces of construction equipment stored on the Property indicative of the operation of a commercial landscaping business. Additionally, Kramer discovered that the pole barn still remained on the Property in violation of the City’s Code. On June 5, 2015, we sent another Notice of Ordinance Violation and Demand for Compliance to Mahowald via certified mail. Mahowald received the

letter on June 8, 2015. The letter warned Mahowald that if the Ordinance violations were not remedied within twenty-five (25) days of the letter, the City would seek legal action. Mahowald failed to respond to the letter.

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

**Recommendation**

Despite repeated opportunities to remedy the ordinance violations, the Property remains in violation of City's Code of Ordinances.

I recommend that the City initiate legal action against Mahowald 1.) seeking an order from the Court for declaratory and injunctive relief, 2.) affirming that the Property is in violation of the City's Code of Ordinances and 3.) mandating Mahowald to immediately comply with the City's zoning, building, and property maintenance codes and ordinances.

**ECKBERG LAMMERS**  
**MEMORANDUM**

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**TO:** Mayor and City Council

**FROM:** Nicholas J. Vivian, City Attorney

**DATE:** July 28, 2015

**RE:** Grant, City of - Charter Commission  
01200-23638

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On July 20, 2015, the City received the attached submission from the Charter Commission. The submission indicates that on July 16, 2015, the Charter Commission unanimously moved to recall the Charter document previously submitted to the City. It then reconsidered the submission of the Charter and voted by a 6 – 3 margin to send the Charter to the City Council for the scheduling of a Special Election. The submission was executed by each of the nine Charter Commission members.

Our office has reviewed the Charter and has compared the language and powers proposed in the Charter to all relevant Minnesota Statutes. At this time, it appears the Charter is in proper form for submission to the City of Grant electorate.

Minn. Stat. §410.01 directs that upon the delivery of a draft of the charter by the Charter Commission to the City, the Council shall cause the proposed charter to be submitted at the next general election occurring within six months, or if there is no general city election occurring during that time, the Council shall cause the proposed charter to be submitted at a special election to be held within 90 days after the delivery of such draft.

The Notice of Election shall contain the complete charter and shall be published once a week for two successive weeks in the official newspaper of the city.

The ballot presented to the electors shall bear the printed words, “Shall the proposed new charter be adopted? Yes \_\_\_ No \_\_\_”

## **TIMING OF ELECTION AND NOTICE TO WASHINGTON COUNTY**

Minn. Stat. §205.16 provides that at least 74 days before every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election and the matter to be voted on. The county auditor shall then in turn notify the secretary of state of the notice of election.

Based upon the requirements of Minnesota law and the Charter Commission's delivery of the proposed Charter on July 20, the Council must establish an election date of not later than October 18 for the Special Election. However, October 18 falls a Sunday.

Assuming the Special Election will take place on Friday, October 16, the last business day prior to October 18, the City must provide at least 74 days written notice to the Washington County. Based upon a Special Election date of Friday, October 16, the City's notice to the Washington County Auditor must be received on or prior to Sunday, August 2.

If the City Council decides to schedule the election on Tuesday, October 13, opting to hold the vote on a traditional day for voting, notice to the county auditor must be received on or prior to Thursday, July 30.

## City Council Report for July 2015

July 17, 2015

To: Honorable Mayor & City Council Members

From: Jack Kramer Building & Code Enforcement Official.

### Zoning Enforcement:

No New Violations to report

### Abated Zoning Violation:

1. Mr. David Johnson 9945 Justin Trail N. Violation of Grant Zoning Ordinance Section 32-316 Exterior Storage (b).

a. Mr. Johnson had a court appearance June 25, 2014 and plead guilty to the violation and agreed to comply with the conditions set forth by the city for compliance by July 27, 2015.

Mr. Johnson has come into compliance per an inspection completed July 13, 2015. The judge stayed all of the fine for one year period, unless there is a probation violation within that one year.

### Building Permit Activity:

Twenty –Five (25) Building Permits were issued for this time period with a total valuation of \$ 541,431.14.

Respectfully submitted,



Jack Kramer

Building & Code Enforcement Official

Grant Master Form Permit	Permit Type	Name	Project Address	Date Issued	Valuation:	City Fee:	75%	Plan CK Fee:	Surcharge	Paid
2015-95	HVAC	Olson	8015-80th, St. N.	6/10/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-96	Cell tower	Verizon	10629 Jamaca Ave	6/10/2015	\$ 75,000.00	\$ 818.75	\$ 614.06	\$ 532.18	\$ 37.50	
2015-97	Re-Roof	Krey	11360-79th, St. N.	6/11/2015	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ -	\$ 10.00	
2015-98	Re-Roof	Willhel	11660-110th, St. N	6/12/2015	\$ 22,366.54	\$ 363.25	\$ 272.43	\$ -	\$ 11.18	
2015-99	Garage	Lovas	8485 Jamaca ave	6/15/2015	\$ 10,600.00	\$ 322.16	\$ 241.62	\$ 126.91	\$ 5.30	
2015-100	Re-Roof	Erick	11610 Grenelefe A	6/15/2015	\$ 12,000.00	\$ 209.25	\$ 156.93	\$ -	\$ 6.00	
2015-101	Re-Roof	LaBarre	1811-97th, St. N.	6/17/2015	\$ 9,500.00	\$ 163.12	\$ 122.34	\$ -	\$ 4.75	
2015-102	Plumbing	Jones	10270 Kismet Ave	6/19/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-103	HVAC	Jones	10270 Kismet Ave	6/20/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-104	HVAC	Home	8481 Lake Elmo A	6/22/2015	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 5.00	
2015-105	Re-Roof	O'Farre	11780 Great Oak	6/25/2015	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ -	\$ 10.00	
2015-106	Remodel	Benner	11490 Julianne Av	6/25/2015	\$ 80,000.00	\$ 853.75	\$ 640.31	\$ -	\$ 40.00	
2015-107	Re-Roof	Brown	6910 Jocelyn Ln. N	6/26/2015	\$ 5,355.00	\$ 125.25	\$ 93.93	\$ -	\$ 2.67	
2015-108	Solar Units	Marotz	8888 Jamaca Ave.	6/26/2015	\$ 37,076.00	\$ 512.92	\$ 384.69	\$ -	\$ 18.53	
2015-109	Windows	Pella N	7590 leeward Ave.	6/27/2015	\$ 36,828.00	\$ 512.96	\$ 384.72	\$ -	\$ 18.41	
2015-110	Re-Roof	Voegli	10065 Dellwood R	6/29/2015	\$ 23,336.00	\$ 377.24	\$ 282.93	\$ -	\$ 11.67	
2015-111	Windows	Renew	9350 Ivy Ave. N.	6/29/2015	\$ 9,758.00	\$ 181.25	\$ 135.93	\$ -	\$ 4.87	
2015-112	Re-Roof	Bissoni	10311 kismet ave.	6/30/2015	\$ 6,000.00	\$ 125.25	\$ 93.93	\$ -	\$ 3.00	
2015-113	Solar Units	Meyers	9798-75th, St. N.	7/1/2015	\$ 35,411.60	\$ 502.85	\$ 377.13	\$ -	\$ 17.70	
2015-114	Re-Siding	Person	6185 Keswick Ave	7/2/2015	\$ 12,000.00	\$ 209.25	\$ 156.93	\$ -	\$ 6.00	
2015-115	Re-Roof	Sass	6463-117th, St. N.	7/7/2015	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ -	\$ 10.00	
2015-116	Solar Units	Brandt	10905 Lansing Ave	7/7/2015	\$ 27,000.00	\$ 411.95	\$ 308.96	\$ -	\$ 13.50	
2015-117	Gar. Slab	Klock	11108 Manning Tr	7/8/2015	\$ 10,000.00	\$ 181.55	\$ 136.16	\$ -	\$ 5.00	
2015-118	Swim Pool	Martind	9380 Keswick Ave	7/10/2015	\$ 15,000.00	\$ 251.25	\$ 188.43	\$ -	\$ 7.50	
2015-119	Swim Pool	Schulte	9645 Keswick Ave	7/10/2015	\$ 54,200.00	\$ 678.75	\$ -	\$ -	\$ 27.10	
Monthly total					\$ 541,431.14	\$ 8,084.50	\$ 5,554.22	\$ 659.09	\$ 290.68	