

**City of Grant
City Council Agenda
October 6, 2015**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, October 6, 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. September 1, 2015 City Council Meeting Minutes
- B. Bill List, \$60,924.37
- C. Kline Bros. Excavating, Road Work, \$11,070.00
- D. City of Mahtomedi, 3rd Quarter Fire Contract, \$31,404.75
- E. Authorization for Check Deposit, History Books

5. STAFF AGENDA ITEMS

A. City Engineer, Brad Reifsteck (no action items)

B. City Planner, Jennifer Haskamp

i. PUBLIC HEARING, Meridian Amended CUP Application, 11400 Julianne Avenue North

ii. Discussion of Business - Seasonal Land Use Definitions

C. City Attorney, Nick Vivian

i. Council Member Censure Review

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 OCTOBER 7 THROUGH OCTOBER 31 , 2015:

Mahtomedi Public Schools Board Meeting, Thursday, October 8th and 22nd, 2015, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, October 8th, 2015, Stillwater City Hall, 7:00 p.m.

Special Election, Tuesday, October 13, 2015, Oakhill Lutheran Church, 7:00 am to 8:00 p.m.

Charter Commission Meeting, Thursday, October 15th, 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 : September 1, 2015
TIME STARTED : 7:04 p.m.
TIME ENDED : 9:18 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lobin, Huber, Lanoux and Mayor Carr
MEMBERS ABSENT : None

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

CALL TO ORDER

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

PUBLIC INPUT

There was not public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lanoux moved to approve the agenda with the addition of Item 6F, Change City Newspaper and Item 6G, Performance Reviews. Council Member Sederstrom seconded the motion. Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.

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

CONSENT AGENDA

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

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

2
3 Resolution No. 2015-16, Appointment of
4 Special Election Judges Approved
5
6

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

10
11 **STAFF AGENDA ITEMS**

12
13 **City Engineer, Phil Olson**

14
15 **Discussion of McKusick Avenue Maintenance Options** – City Engineer Olson advised there is no
16 update on this item at this time. He indicated he is still in discussions with the property owners. An
17 update will be provided when those discussions are complete.

18
19 **Mayor Carr moved to table Discussion of McKusick Avenue Maintenance Options to a future**
20 **Council meeting. Council Member Lanoux seconded the motion. Motion carried unanimously.**

21
22 **Consideration of Road Ranking System** – City Engineer Olson advised at the July City Council
23 meeting, Council directed engineering staff to again provide a proposal for rating the City’s paved
24 roads. A proposal from WSB & Associates which includes tasks, costs, and a schedule for rating the
25 City’s paved roads in 2015, was included in the July Council packet. The cost will be slightly greater
26 due to an annual increase in hourly rates if the road rating is completed in 2016.

27
28 **Council Member Huber moved to authorize WSB to complete tasks within the Pavement**
29 **Rating Work Plan, as presented. Council Member Lanoux seconded the motion. Motion**
30 **carried unanimously.**

31
32 **City Planner, Jennifer Haskamp**

33
34 **Discussion of Business-Seasonal Land Use Definitions** – City Planner Haskamp advised the staff
35 report for the regular July council meeting provided draft definitions related to four land uses included
36 within the moratorium. At the meeting, the Council delayed the discussion until the regular August
37 meeting to allow for additional time to review and consider the definitions, and also requested staff to
38 narrow the four land use definitions to two for discussion purposes in August. As such, staff has
39 prepared the following staff report addressing Business Seasonal and Greenhouses (commercial
40 production only).

41
42 The following background information related to these uses is provided for your review and
43 consideration:

44

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:

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

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

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

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

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

USE	ZONING DISTRICT				
	Conserv ancy	Agricultu ral A1	Agricultu ral A2	Residenti al R1	General Business (GB)
Greenhouses (commercial production only)	N	C	C	C	C
Nursery – Commercial (production of trees and shrubs)	CC	P	C	C	N
Nursery and garden supplies (exterior or enclosed sales)	N	N	N	N	C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7

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

14

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

17

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

23

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

26

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

31

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

35

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

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

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

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

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

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

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

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

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

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

10
11 City Planner Haskamp noted staff is looking for your comments on the above items and direction
12 regarding next steps.

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

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

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

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

21
22 **City Attorney, Nick Vivian**

23
24 **PUBLIC HEARING, Vacate CUP's, 11591 McKusick Road and 6450 117th Street** – City
25 Attorney Vivian advised as contemplated by Section 32-156 of the Grant City Code, City Staff
26 reviewed twenty-two conditional use permits (CUPs) and Jack Kramer conducted five site inspections
27 in connection the City's annual review of its CUPs.

28
29 Mr. Kramer has recommended that the CUPs for 11591 McKusick Road and 6450 117th Street be
30 vacated for non-use. Accordingly, the Council should conduct a formal review of each of the two
31 CUPs recommended for vacation. Each of the property owners has been notified of the City's
32 intention to vacate the CUPs.

33
34 As a component of this process, a public hearing will take place at which the property owners will
35 have an opportunity to address the Council.

36
37 If neither of the property owners appear or otherwise contest the City's intended action, he
38 recommended the Council adopt a motion to vacate the Conditional Use Permits for 11591 McKusick
39 Road and 6450 117th Street.

40
41 Mayor Carr opened the public hearing at 8:16 p.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35
36 **NEW BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10
11 **UNFINISHED BUSINESS**

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

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

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

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

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

31
32
33 **DISCUSSION ITEMS**

34
35 **City Council Reports:**

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

38
39 **Staff Updates:**

40
41 There were no staff updates.

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

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

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

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

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

9 **ADJOURN**

10
11 **Council Member Huber moved to adjourn at 9:18 p.m. Council Member Lobin seconded the**
12 **motion. Motion carried unanimously.**
13

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

19
20 _____
21 Kim Points, Administrator/Clerk
22

20 _____
21 Tom Carr, Mayor
22

Date range: 09/04/2015 to 09/30/2015

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Professional Wildlife Control	09/04/2015	12876	\$6,500.00	Bar Mitigation/Town Hall	No	100-43002-300	\$6,500.00
Payroll Period Ending 09/30/2015	09/28/2015	12877	\$3,341.41		No	100-41101-100	\$3,341.41
Xcel Energy	09/28/2015	12878	\$99.54	Utilities	No	100-43004-381 100-43010-381 100-43117-381	\$44.04 \$11.59 \$43.91
NTI	09/28/2015	12879	\$1,872.00	Jasmine Court	No	867-49310-300	\$1,872.00
CenturyLink	09/28/2015	12880	\$169.83	City Phone	No	100-41309-321	\$169.83
WSB & Associates	09/28/2015	12881	\$4,611.25	Engineering	No	100-41203-300 100-43128-300 100-43130-300 867-49310-300	\$1,740.50 \$455.00 \$350.25 \$2,065.50
KEJ Enterprises	09/28/2015	12882	\$9,000.00	September 2015 Road Contractor	No	100-41306-300 100-43006-300 100-43009-300 100-43105-300 100-43106-300 100-43107-300 100-43110-300 100-43111-300 100-43113-300 100-43114-300 100-43115-300	\$166.14 \$125.00 \$125.00 \$250.00 \$20.84 \$41.67 \$83.84 \$20.84 \$5,416.67 \$2,250.00 \$500.00
AirFresh Industries	09/28/2015	12883	\$125.00	PortaPot #20815	No	100-43007-210	\$125.00
Pioneer Press	09/28/2015	12884	\$113.80	MS4 Hearing	No	100-41308-351	\$113.80
Todd Smith	09/28/2015	12885	\$1,991.92	Monthly Assessment Services	No	100-41208-300	\$1,991.92
Ken Ronnan	09/28/2015	12886	\$52.50	Video Tech Services	No	100-41318-100	\$52.50
League of Minnesota Cities	09/28/2015	12887	\$4,382.00	Membership Dues	No	100-41304-300	\$4,382.00
City of Willernie	09/28/2015	12888	\$2,879.16	Office Rent/Jan-June2015	No	100-41316-210	\$2,879.16
City of Mahtomedi	09/28/2015	12889	\$31,404.75	3rd Quarter Fire Contract	No	100-42002-300	\$31,404.75
Eckberg Lammers	09/28/2015	12890	\$11,858.47	Legal Services	No	100-41204-300 100-41205-300 100-41206-300	\$3,147.50 \$6,721.60 \$1,589.37

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Croix Valley Inspector	09/28/2015	12891	\$4,559.74	Building Inspector	No	902-49310-300	\$400.00
Brochman Blacktopping Co.	09/28/2015	12892	\$2,863.75	Patching	No	100-42004-300	\$4,559.74
Sprint	09/28/2015	12893	\$28.00	City Cell Phone	No	100-43109-300	\$2,863.75
Kline Bros Excavating	09/28/2015	12894	\$11,070.00	Road Maintenance	No	100-43116-321	\$28.00
SHC, LLC	09/28/2015	12895	\$3,286.62	Planning	No	100-43101-300	\$3,960.00
PERA	09/28/2015	12896	\$643.61	PERA	No	100-43106-300	\$1,050.00
Robey Construction	09/28/2015	12897	\$278.00	COC Escrow Refund	No	100-43108-300	\$1,495.00
Curran Saenger	09/28/2015	12898	\$566.00	COC Escrow Refund	No	100-43111-300	\$2,165.00
JJ Northwoods Construction	09/28/2015	12899	\$588.00	COC Escrow Refund	No	100-43127-300	\$2,400.00
IRS	09/28/2015	EFT67	\$1,113.77	Payroll Taxes	No	100-41209-300	\$1,252.00
						100-41102-120	\$344.79
						100-41113-100	\$298.82
						902-49310-300	\$1,338.62
						903-49310-300	\$384.00
						904-49310-300	\$312.00
						882-49310-430	\$278.00
						903-49310-430	\$566.00
						904-49310-430	\$588.00
						100-41103-100	\$351.69
						100-41107-100	\$410.39
						100-41110-100	\$285.03
						100-41112-100	\$66.66
Total For Selected Checks			\$103,399.12				\$103,399.12

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



Invoice

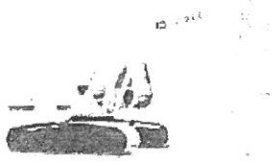
DATE	INVOICE #
9/23/15	2377

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

DUE DATE
10/3/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
GET WATER TO FLOW TO CULVERT ON MAPLE ST - DITCH FULL OF CONCTERE TILES, DIG OUT, LOAD AND HAUL AWAY			0.00
9-04-15 E70	5	90.00	450.00
9-04-15 1845C	5	85.00	425.00
9-04-15 T600	5	75.00	375.00
9-11-15 E70 (DIG OUT MUD AND DEBRIS)	4	90.00	360.00
9-11-15 1845C (LOAD MUD AND DEBRIS)	3	85.00	255.00
9-11-15 T600 (HAUL AWAY MUD AND DEBRIS)	4	75.00	300.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONHTLY SERV CHARGE	Total		2,165.00

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



Invoice

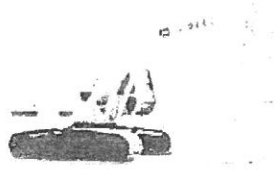
DATE	INVOICE #
9/23/15	2378

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	ROAD SHOULDERING 100-43108

DUE DATE
10/3/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
CUT OFF SHOULDER ON JOLIET FROM JODY NORTH - WATER SAT IN ROAD AT BOTTOM OF HILL			0.00
8-27-15 E70	5.5	90.00	495.00
8-27-15 1845C	6.25	85.00	531.25
8-27-15 T600	6.25	75.00	468.75
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	Total		1,495.00

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



Invoice

DATE	INVOICE #
9/23/15	2379

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	GRAVEL RECLAIMING 100-43127

DUE DATE
10/3/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
DIG ROCKS OUT OF THE ROAD ON LAKE ELMO AVE AND PULL SHOULDERS IN AT BOTTOM OF HILL WHERE WASHOUT IS			0.00
9-10-15 E70	90	4.00	360.00
9-10-15 1845C	85	4.00	340.00
9-10-15 T600	2	75.00	150.00
			0.00
LAKE ELMO AVE SHOULDER WORK AND RECLAIMING			0.00
9-25-15 E70	5	90.00	450.00
9-25-15 1845C	5	85.00	425.00
9-25-15 LNT9000	5	75.00	375.00
9-25-15 T600	4	75.00	300.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	Total		2,400.00

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



Invoice

DATE	INVOICE #
9/23/15	2380

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	ROAD GRAVEL 100-43106

DUE DATE
10/3/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
DIG ROCKS OUT OF ROAD ON DELLWOOD RD (WAS UNGRADABLE) - SHAPE TO GRAVEL			0.00
9-22-15 E70	4.5	90.00	405.00
9-22-15 1845C	4.5	85.00	382.50
9-22-15 T600	3.5	75.00	262.50
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	Total		1,050.00

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



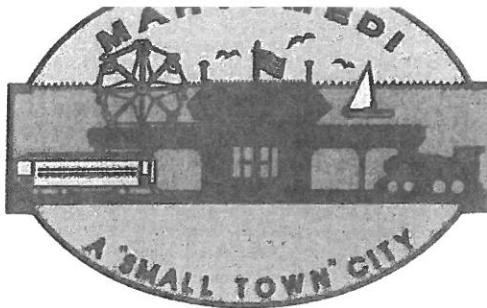
Invoice

DATE	INVOICE #
9/23/15	2376

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

DUE DATE
10/3/15

DESCRIPTION	QTY	UNIT COST	AMOUNT
8-25-15 770B	6	80.00	480.00
8-25-15 740A	8	80.00	640.00
9-02-15 770B	7.5	80.00	600.00
9-02-15 740A	7	80.00	560.00
9-08-15 770B	3.75	80.00	300.00
9-08-15 740A	4	80.00	320.00
9-18-15 770B	4.75	80.00	380.00
9-18-15 740A	7.5	80.00	600.00
9-26-15 740A	1	80.00	80.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE			Total 3,960.00



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 3rd quarter fire contract. Please pay October 1, 2015.

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

Thank you,

A handwritten signature in cursive script that reads "Jerene Rogers".

Jerene Rogers
Account Clerk

AGENDA ITEM 4E

STAFF ORIGINATOR	City Clerk
MEETING DATE	October 6, 2015
TOPIC	Authorization for Check Deposit

BACKGROUND

Attached is a copy of a check submitted to the City of Grant for the reimbursement of Grant History Books.

The submitted check is written out to a private citizen. The citizen did sign the check over to the City of Grant.

Council approval is requested for a deposit of a check into the City's account that is not made out to the City of Grant.

RECOMMENDATION

Council prerogative

WASHINGTON COUNTY HISTORICAL SOCIETY
P.O. BOX 167
STILLWATER, MN 55082

75-1155/919

7792

DATE 8-04-15

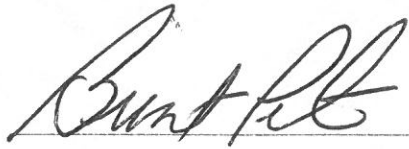
PAY TO Joyce Welander \$ 120.00
THE ORDER OF One hundred twenty and 00/100 DOLLARS

© DELUXE DELUXE COMPRINTS

Security Features
Included
Details on Back.

FIRST STATE
BANK AND TRUST
Bayport, MN 55003 (651) 439-5195
Hudson, WI 54016 (715) 808-8183
Oak Park Heights, MN 55082 (651) 439-2655
Stillwater, MN 55082 (651) 439-7072

MEMO Grant Books



MP

⑆091911551⑆ 48⑈17480⑈ 07792

SPECIALTY GRAY

Security Features:
Resists all counterfeit attempts
• all serials have the same
as others but when reproduced
• Serials of other banks, colors, with
• identical design
• absence of color shift
• absence of color shift

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
(RESERVED FOR FINANCIAL INSTITUTION USE)

USE HERE
Pay to City of Grant
Joyce Welander

STAFF REPORT

TO: Mayor & City Council Members
Kim Points, City Clerk
Nick Vivian, City Attorney

Date: September 25, 2015

From: Jennifer Haskamp

RE: Application to Amend the Conditional Use Permit (CUP) for the Cedar Ridge Treatment Facility (Meridian Behavioral Health, LLC)

Summary of Request & Background

The Applicant, Meridian Behavioral Health, LLC (“Meridian”) is requesting an amendment to the existing CUP (Exhibit 3) which allows for the operation of a residential treatment facility on the property located at 11400 Julianne Avenue North to:

- Remove all existing buildings and site improvements on the subject property and construct one new building to improve facility operations and allow for an expansion of the number of client beds permitted.
- Allow for interim operations in the existing buildings until such time site work and construction commences for the new facility.
- Allow for the closure of the operations for 6-months during the demolition and construction process since the location of the new building is generally in the same location as the existing buildings.
- Allow for the new building to be constructed to accommodate an increase in the maximum number of beds from 36 to 50.
- Allow for interim operations (from time of amended permit to closure for construction of new building) to accommodate a maximum of 34 client-beds, and remove the conditions in the existing permit related to quarterly client-bed averaging.

Background

In 1971 a Special Use Permit was issued on the subject parcel by Grant Township for the purposes of operating a Residential Drug Treatment Facility. Between 1971 and 1991 the Jamestown Foundation operated a youth residential chemical treatment facility on the subject parcel(s) until such time that Pine Shores acquired the property. In 1991 Pine Shores applied to amend the existing permit to allow the facility to transition from a youth residential treatment facility to an adult residential treatment facility. In 1991 Pine Shores and Town of Grant (at the time) were involved in litigation with respect to the change of the proposed demographic served. The litigation resulted in the Town of Grant issuing a Conditional Use Permit



in 1992 to permit the operations of the adult residential treatment facility as requested by Pine Shores. A summary of the litigation can be found in the attached Attorney’s memo (Exhibit 4). The most recent CUP Amendment was issued April 1, 1997 and is the permit which Meridian now wishes to amend (Exhibit 3).

A duly noticed public hearing was posted for October 6, 2015 and notices were sent directly to all properties located within ¼-mile of the subject parcel.

Project Summary

Applicant: Meridian Behavior Health, LLC	Site Size: 50.96 Acres
Zoning & Land Use: A-1	Request: Amend Conditional Use Permit (CUP)
Address: 11400 Julianne Avenue North	PIDs: 0303021130001 (10.43 Acres – <i>location of facility</i>) 0303021420001 (30.53 Acres) 0303021430001 (10.00 Acres)

The Applicant has applied to amend the existing CUP which allows for the operation of the adult residential treatment facility on the subject parcel(s). Since the permit was issued in 1997, Meridian has acquired additional land increasing the total acreage associated with the operations from approximately 30 acres to just over 50 acres. The existing Cedar Ridge facility is an MI/CD licensed residential chemical center program which serves adult men aged 18 and older. As stated in the Applicant’s narrative, “Cedar Ridge is a state-licensed facility with strict documented protocols, policies and procedures for providing high-quality, safe care. All clients have 24-hour, 7-days week supervision by licensed professionals who are focused on providing evidence-based support to treat substance abuse and addiction. Residents are part of a highly-structured program throughout the entire day, seven days a week.” Further description can be found in the Applicant’s narrative (Exhibit 1).

The Applicant is proposing to amend the permit to allow for the removal of the existing buildings and facilities on the subject parcel and to construct a new building to accommodate 50 client beds following the same program operations as identified in the preceding paragraph. The location of the new building would be generally in the same location as the existing facilities. The following summary of the proposed site improvements and modifications are provided:

Site & Facility Demolition: The applicant is proposing to demo all existing improvements on the site. Further detail is found in the Existing Conditions of this report. However, the Applicant is requesting to continue use of the existing facilities in the interim until such time site work and construction of the new building commences.

Main Access and Parking: The Applicant is proposing to use the existing driveway which provides access to the facility from Julianne Avenue North (CR-9). No new curb cuts are proposed as a result of this application. The existing parking areas will be demolished after site work and construction of the new building begins, but would continue to be used during interim operations. The new building is planned to include construction of a new 28-stall bituminous parking lot containing 2 ADA compliant stalls.

New Residential Treatment Facility building: The Applicant is proposing to replace the seven (7) existing buildings associated with the treatment facility operations with one new building to accommodate fifty (50) residents/beds. The new facility is a single story building with a footprint of approximately 21,900 square feet.

Outdoor Activities/Recreational Uses: The Applicant is proposing to demo the some of the existing outdoor recreational areas adjacent to the existing buildings. These areas will be redeveloped once the new building is constructed and new sidewalks and trail connections will be made at that time.

Utilities: The Applicant is proposing to construct a new wastewater mound treatment system to accommodate the new facility. The septic system shall be subject to review and approval of Washington County and any other agency having jurisdiction over the operations. The existing well which serves the current facilities will be used for the new building.

Stormwater Control/Ponding: The proposed project is located in the Brown's Creek Watershed District and is subject to their rules and regulations, as well as the City's. The proposed stormwater management plan includes the installation of ponds and infiltration basins throughout the site to control for additional surface water generated as a result of the increase in impervious cover on the site.

Operations: The Applicant is proposing to continue operations of the Cedar Ridge Men's Residential Treatment facility use, and is not proposing significant changes to current operations other than increasing the number of client beds available. Interim operations (34 beds) and future operations (50 beds) are subject to the state's licensing requirements, which are further mandated to be complied with in the CUP. The primary difference between current operations with the existing buildings and the proposed operations in the new building is that all of the activities associated with the operations would be housed in one modern facility as opposed to having operations spread across several buildings on the property. The following is a summary of the operational changes:

- Expand the number of beds permitted from 36 to 50.
- Removal of all existing buildings and facilities dating back to 1971
- Construct one new building that will provide centralized operations/activities
- A new building will allow for the integration of new modern technologies (security, fire suppression, monitoring, building standards, etc.)

Review Criteria

According to the City Code, Amended Conditional Use Permits are subject to the same process and review criteria stated for a new permit (City Code section 32-152). The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

“(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all

other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.”

(e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required.”

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit. The Applicant has prepared a detailed respond to the nine standards which can be found on Page 3 of their narrative which is attached as Exhibit 1.

In order to determine the appropriateness of the proposed amendments to the CUP based upon the code criteria, the following analysis regarding the proposed use is provided for your background and discussion.

Existing Site Conditions

The Applicant owns three separate parcels (PIDs 0303021130001, 0303021420001, 0303021430001) totaling approximately 50.96 Acres. The current operations are contained on PID 0303021130001 which is approximately 10.43 Acres, and is the principal focus of the following analysis. Since the 1997 permit was acquired, the Applicant (Meridian) has acquired an additional 20 acres (approximately) which is primarily agricultural and open space uses but would be included in the amended permit.

Meridian currently operates the Cedar Ridge Men’s Residential Treatment Facility from the existing buildings on site which were all constructed prior to 1980. Access to the facility is via a private gravel access driveway which is approximately 20-feet in width and 1,700 feet in length connecting to Julianne Avenue North. The existing CUP required this access to be constructed and maintained as the primary (only) access to the facility. The driveway crosses PID 0303021430001 which is primarily used for agricultural purposes, and is also owned by the Applicant. The following summary of the existing buildings on the site associated with the Cedar Ridge operations are as follows:

Building Use	Square Footage*	General Location
Administration/Offices/Gathering	4,308 SF	South Center Building
North Dormitory	3,305 SF	North of Administration Building
South Dormitory	3,983 SF	Southeast of Administration Building
Recreation Building	1,536 SF	West of Administration Building
Dormitory (in disrepair)	1,500 SF	Northeast of Administration Building
Pumphouse, shed	500 SF	Various locations (approximate SF)
TOTAL (Approx.)	15,132 SF	

**County records show slightly more square footage onsite, totaling approximately 16,100 SF, total above as submitted by Applicant and obtained from GIS aerials.*

All of the facilities are clustered in the central area of the 10.43-acre parcel and are all accessed from a central parking lot located in between the Administration Building and the Recreation Building. The parking lot is a bituminous surface and appears to be able to serve more than 28 vehicles required in the existing CUP,

particularly when the overflow area is considered which runs south of the Recreation Building. The ancillary buildings including the dormitories are connected to the Administration building by concrete sidewalks. There are several outdoor recreational facilities on the site including a volleyball court, basketball court and various garden areas. The Dormitories and Administration Building have decks which are available to the residents of the facility. As conditioned in the CUP, there are walking paths throughout the property which are required to be maintained and available to residents of the facility.

A wetland delineation was completed on the site and has been submitting to the Brown's Creek Watershed District in conjunction with the stormwater review process. As indicated on the delineation there are several wetlands on the site surrounding the existing buildings. The site is heavily vegetated with a mix of conifers and deciduous trees which provide screening of the facilities from adjacent properties. Existing fencing was installed in compliance with the conditions of the CUP, and must be maintained on site.

Comprehensive Plan Review

The site is guided A-1 Large Scale Agricultural which calls for large lot single-family residential and low density uses. In order to remain consistent with the land use plan, appropriate protection of existing neighborhoods should be considered with respect to the use and appropriate conditions placed on the proposed expansion of the use. Since the 1997 permit was issued, the total land area owned by the Applicant has increased from approximately 30 acres to more than 50 acres as indicated on the Application. The proposed Amended CUP would be recorded against all parcels, and the increased facility size could be offset by the increase in open space associated with the use.

Zoning/Site Review

The City of Grant zoning ordinance permits Medical Use with a Conditional Use Permit in the A-1 zoning district, where "*Medical uses*, means those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent home, orphan's home, rest home and sanitarium." The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

Dimensional Standards

The following site and zoning requirements in the A-1 district regulate the site and proposed project:

Dimension	Standard
Lot Size	5 acres
Frontage – Per Sections 32-245 & 32-353	County/State Road and 300'
Front yard - centerline of County Road (Principal Structure)	150'
Front Yard Setback	65'
Side Yard Setback (Per Section 32-353)	100'
Rear Yard Setback	25'
Height of Structure	35'
Fence	May be on property line, but not

	within any ROW
Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	50'
Impervious surface coverage	50%
Floor Area Ratio	30%

New Cedar Ridge Facility (Setbacks & Frontage):

The new Cedar Ridge building would be located in approximately the same location as the existing buildings. The new building would be located approximately 1,100 feet from Julianne Avenue N.; 200-feet from the west property line; 700-feet from the rear property line and 1,275-feet from the south property line. *As proposed, the location of the new facility meets and exceeds all setback requirements of the A-1 zoning district.*

Parking Lot (Location):

The proposed parking lot will be located directly west of the new facility and is oriented north-south. Directly west of the proposed building and parking lot the Justen Trail N., ROW abuts the property line, which contains a cul-de-sac. The parking lot is setback approximately 130-feet from the Justen Trail ROW. The parking lot is setback more than 1,200-feet from the Julianne Avenue N., ROW. *As proposed, the location of the parking lot meets all setback requirements of the City's Zoning Ordinance.*

Parking: (Existing CUP Conditions C, D, H)

Sections 32-372 through 32-377 provide standards for design and development of off-street parking areas. In calculating the number of stalls, Section 32-374 identifies the number of required parking stalls based upon the proposed facility use. The Ordinance does not identify a specific conversion for Residential Treatment Facilities, but does identify a standard for sanitarium, convalescent homes, rest home, nursing home or institution. The ordinance requires one space for each six beds, plus a space for every two employees. Based on that standard the following table identifies the number of stalls required:

<u>Proposed Facility</u>	<u>Ordinance Requirements</u>	<u>Required Stalls</u>
50 Beds	1 stall per 6 beds	8.3
24 Employees	1 stall per 2 employees	12
<i>Total</i>		<i>20</i>

Proposed parking as shown on Sheet C-104:

<u>Parking Area</u>	<u># of Stalls on Site Plan</u>
Parking Stalls (10'x20')	26
Total Handicap	2
<i>Total</i>	<i>28</i>

As proposed, the 28-stall parking lot is adequate and complies with the City's ordinance requirements for this use. This is also consistent with the conditions stated within the existing permit. As depicted on sheet C-104 the stall dimensions appear to meet the city's standards which require each stall to be 10' x 20'. *Staff would recommend adding a condition to the permit that the parking stall dimensions must comply with this standard and that the parking lot shall be striped and ADA accessible stalls marked.*

Driveway/Circulation: The Applicant is proposing to access the new facility using the existing gravel driveway and is not proposing to make any changes to the access location or surface type. This is consistent with the conditions stated within the existing permit.
(Existing CUP
Conditions B, M, Z)

Architecture & Building Height: The Applicant is proposing to replace the seven existing buildings on the subject parcel with one single story modern building. The proposed structure would consolidate all of the operations and activities in a single building eliminating the need for separate dormitories, recreational and administration areas.
(Existing CUP
Conditions O, W, Y)

An architectural plan including elevations and floor plan can be found on sheets A0 through A2 of the Applicant's submittal. In summary, the new facility is a one story 21,900 square foot building which is programmed with 25 double occupancy rooms, a fitness center, dining room, kitchen and administrative offices.

The floor plan is designed with a central vestibule area where the residential community spaces are located and then two wings (north and south) house the bedrooms. A large patio area is also planned on the east side of the facility and adjoins the kitchen and dining area.

The architectural design of the exterior is residential in nature with a hipped roof, asphalt shingles, double hung windows and lap siding. The facility's maximum height is approximately 28' with several peaks falling below the maximum height.

The proposed structure complies with the City's ordinances for maximum height and the residential architectural style is consistent with the neighboring rural residential structures found throughout the area.

FAR and Coverage: When considering all impervious surface area, including the proposed parking lot, there is a total of approximately 101,059 square feet of coverage which is equivalent to approximately 2.52 Acres of impervious surface. When considering the total parcel area of 10.43 acres (exclusive of ROW), the impervious surface coverage is equivalent to approximately 22% of the site. When considering the floor area ratio, the parking lot and drive aisles are excluded which results in approximately 21,900 square feet of building area, which is equivalent to approximately 5% FAR. *The proposed site plan meets the City's ordinance standards for Coverage and FAR.*

Septic System: (Existing CUP Conditions J, L)	The Applicant is proposing to install a new mound septic system to support the new building. The septic system is proposed to be located south of the new building and parking lot and south of the access driveway, which is shown on sheet C-104. Preliminary design and exploration of the proposed septic site has been completed and a summary of the findings was submitted in a Technical Memo prepared by Wenck Associates and is included in the Applicant's submittal. The Applicant must work with Washington County Environmental Services to ensure that the proposed design complies with the County's standards and requirements for the type of system proposed. <i>The Applicant shall be required to obtain all appropriate permits from Washington County Environmental Service prior to commencing any site grading activity or obtaining a building permit for construction of the new building.</i>
Lighting (Existing CUP Condition G)	Condition G of the existing CUP states, "The owners shall direct all lights onto the property and shall not allow spillage or shining of lights onto adjoining property." The Applicant did not provide an updated lighting plan for the new facility, but the new facility would be subject to the existing condition as well as current ordinance standards. Section 32-321 of the City's code identifies specific standards regarding lighting, lighting fixtures and glare. Staff will request additional information from the Applicant with respect to planned lighting of the new facility and the parking lot and will hopefully be able to provide a verbal update, along with any additional recommendations at the city council meeting. <i>Staff would recommend maintaining the existing CUP condition, and may recommend additional requirements depending on the Applicant's plan to light the facility.</i>
Landscaping/Plantings (Existing CUP Conditions E and F)	With respect to the new facility, the Applicant is not proposing to remove any of the landscaping or trails required as part of the existing CUP. There is no additional landscaping proposed as part of this Application or in conjunction with the new building. The site of the new building is in the same general location of the existing buildings which has been heavily screened and vegetated over the years. Therefore the Applicant is not proposing any additional landscaping. <i>Staff would recommend slight revisions to existing Condition E and F to simply state that the existing walking trails, evergreen trees and the fencing on the site shall be maintained prior to, during and after construction of the new facility.</i>
Signage	No signage is proposed as part of this application. If in the future any signage is proposed, the Applicant shall be required to follow the City's Ordinance Standards.
Hours of Operation	Since the facility is a residential chemical treatment facility and clients live on the premise the operations are 24-hours 7-days a week. The new building will allow for

and Security
(Existing CUP
Conditions S, V, X,
AA, BB, CC)

the modernization of the operations and improve security and monitoring of the activities on the site. Some of the conditions contained in the existing CUP are somewhat outdated given the site conditions and proposed new facility. Based upon information communicated by the Applicant's representatives the new building will be equipped with a full security system which will allow for monitoring of the residents, staff and facility. The new building is also designed according to the International Building Code standards for this type of facility and will be fully sprinkled improving the safety of the facility operations. *Staff would recommend updating the conditions related to these items to be consistent with the new modernized building, but to ensure that interim operations are subject to the existing conditions.*

Engineering Standards

The City Engineer's staff report is provided in Exhibit 5. As noted in the engineer's review there are no significant concerns related to the proposed site improvements and construction of the new building.

Other Agency Review

The property is located within the Brown's Creek Watershed District (BCWD), and the plans have been submitted for their review and consideration. Additional information regarding the watershed district is provided in the Engineer's memo. No changes to traffic flow or access are proposed, and therefore no additional review by Washington County or MNDOT is provided.

Additional Information Needed

As stated within the review, staff would recommend that some additional information be provided by the Applicant for consideration. Preliminarily those items are:

- Further detail regarding security and monitoring of the new building would be helpful in assessing the improvements associated with the new building, and would also assist with the appropriate drafting of the conditions.
- Exterior Lighting plan including parking lot and any fixtures proposed on the north side of the facility.
- The Applicant's timeline for interim operations and construction of the new building is not clear. It would be helpful to know when the Applicant anticipates pulling the building and demolition permits and when the new building would be operational.

Draft Findings and Recommendations

Staff has provided a marked up copy of the existing conditional use permit based upon the proposed amendments for your review and consideration. This document can be found in Exhibit 6.

Action requested:

Staff is requesting direction from the Council to prepare a Resolution reflecting one of the following options:

- Resolution of Approval and Amended Conditional Use Permit
- Resolution of Denial with Findings

Attachments

Exhibit 1: Applicant's CUP Narrative

Exhibit 2: Cedar Ridge 50 Bed Facility Plan Set

Exhibit 3: 1997 Conditional Use Permit

Exhibit 4: Attorney's Memo, Eckberg Lammers, September 25, 2015

Exhibit 5: City Engineer's Memo, WSB, April 24, 2014

Exhibit 6: Draft Amended CUP

PROJECT NARRATIVE

Meridian Behavioral Health, LLC ("MBH") requests approval to replace the existing buildings at its Cedar Ridge Men's Residential program, which is located at 11400 Julianne Avenue N., City of Grant, with a new building which will serve 50 residents. This request, for an amendment to a conditional use permit issued by the then Town of Grant in 1992, as amended in 1997, is authorized by Sections 32-143, 32-146, 32-152, and 32-245 of the Zoning Ordinance. MBH further requests amendment of the conditional use permit allowing thirty-four (34) beds in the interim period between the date of the amendment and commencement of construction.

The Applicant

MBH was founded in 1989 and is the leading provider of substance abuse treatment services in Minnesota, with eight (8) residential facilities, one (1) medically-assisted treatment program and nine (9) out-patient clinics throughout the state. On any given day, MBH serves approximately 1,500 clients throughout its programs.

In 2007, MBH began managing the Cedar Ridge facility. Since that time, management has been by professional healthcare administrators. MBH is dedicated to healing and recovery, and over the years has helped many thousands of men and women rebuild their lives. MBH has earned a strong clinical reputation for providing high-quality, safe care.

The Property

The property, located at 11400 Julianne Avenue N., consists of three parcels totaling 50.96 acres, (the "Property"). 10.43 acres of the Property support the treatment center use. The Property contains a 4-building residential treatment center, including a four thousand three hundred and eight (4,308) square foot administration building, two dorm buildings (3,305 square foot North Dorm and 3,983 South Dorm) and a one thousand five hundred and thirty six (1,536) square foot recreation building. There are three additional structures at the Property including a pump house, sprinkler house, and a residence which is in poor condition and of little use. Site improvements include a gravel access road, parking lot for twenty eight (28) vehicles, walking trails, a sand volleyball court, basketball court, picnic areas, fencing, and a private well & septic system.

According to the City of Grant 2008 Zoning Map, the property is zoned A1 - Agricultural Large Scale. The Property has been used as a residential treatment center since 1992, when a conditional use permit that was subsequently amended in 1997 was originally approved by the then Town of Grant. The Property is owned by Cedar Ridge, Inc., and leased to MBH. A letter of support from the owners accompanies this application.

The Program

Cedar Ridge is an MI/CD licensed residential chemical dependency treatment center program serving adult men age 18 and older. There is a significant unmet need for additional men's addiction treatment programs. This request is intended to help address the shortage of space for men's treatment programs.

Cedar Ridge is a state-licensed facility with strict documented protocols, policies and procedures for providing high-quality, safe care. All clients have 24-hour, 7-days a week supervision by licensed professionals who are focused on providing evidence-based support to treat substance abuse and addiction. Residents are part of a highly-structured program throughout the entire day, seven days a week.

Cedar Ridge's clients participate in the program voluntarily and are typically referred to MBH by state agencies, social workers, health care providers, friends or family. They all struggle with addiction and are dependent on alcohol or drugs. They know they need help and have sought it out. Each client receives a thorough, comprehensive mental and physical health assessment before entering Cedar Ridge. Clients who indicate they are resistant to voluntary participation, or who are a danger to themselves or others, are not admitted.

The Proposal

The proposal is to replace the existing dorms, administration building and recreational facility with one new building to accommodate fifty (50) residents. Cedar Ridge currently is operating under a conditional use permit that allows up to thirty-six (36) residents, although it is approved and licensed by the Minnesota Department of Health and Human Services for only thirty-four (34) residents and thus currently only operates thirty-four (34) beds. The building plan for the proposed fifty (50) bed facility is shown in the attached documents. MBH proposes an amendment to the existing conditional use permit to allow for up to 50 beds.

MBH will work with the Minnesota Department of Health and Human Services to obtain all necessary licenses for the new facility and additional beds.

The new construction will give MBH the opportunity to remove the older and/or unused buildings on the Property, leaving one newly constructed building which will meet all of the program needs including dormitories, administration, programming, and recreation. This will not only be more convenient for MBH and its residents, but also more appealing to members of the community who view the property.

Because the new building will be constructed in the same location as the current buildings, it will be necessary to close the facility for approximately 6 months during the demolition and construction process. During that time, the Cedar Ridge program will be temporarily shut down, to reopen at the completion of construction. Once the new facility is opened, a total of 50 beds would be available for Cedar Ridge residents.

Application for approval of building and construction plans has been made to the Browns Creek Watershed District. Wetland delineations have also been sent to WSB, the engineers for the City of Grant, and the Army Corp of Engineers. Copies of the Conceptual Wastewater System Technical Memo for sewer and water flow and user rates used in the design of the proposed treatment system are being provided with this application for City staff. Site soils consist of primarily of clay (CL) and sandy clay (SC) which have lower infiltration capacity. As such, the proposed wastewater system incorporates a mound system. Conservation /BMP's include stormwater infiltration basins and a dry stormwater pond and meet all applicable stormwater management and design criteria. Site soils are adequate for geotechnical support of the proposed building and site.

Standards for Approval

Section 32-152 of the City of Grant Zoning Ordinance states that “[a]n amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit.” Section 32-146 of the City of Grant Zoning Ordinance lists the following nine (9) standards that all conditional uses must satisfy:

- a) When certain circumstances exist, the city council may grant a conditional use permit in any zoning district if the applicant has proven to a reasonable degree of certainty that:

- (1) The proposed use is designated in section 32-245 as a conditional use for the appropriate zoning district;

This condition is met. The Cedar Ridge program currently operates pursuant to a CUP approved by the City in 1992 and amended in 1997. The Property is zoned appropriately for the Cedar Ridge program. The A1 Zoning District allows medical uses, including Cedar Ridge, as conditional uses.

- (2) The proposed use conforms to the city's comprehensive plan;

This condition is met. The Comprehensive Plan's Housing Chapter, Goal 1, calls for the City to ensure that future residential development maintains a rural community and rural quality of life. The use of the Property maximizes open space. The seven buildings on the Property will be reduced to one building, located on a 10 acre parcel. The remaining ~40 acres of Property consist entirely of open space, including the use of a portion of the property for farming, part of the appeal of Cedar Ridge.

- (3) The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood;

This condition is met. The Cedar Ridge program has operated on the Property since 1992, without any reported or apparent negative effects on public health, safety or general welfare within the City. The Property's history since 1992 indicates that this type of use operates

at this location without detriment to the neighborhood. The City has previously conditioned the use of the Property upon fencing and screening, among other things. MBH has diligently complied with those conditions.

- (4) The proposed use is compatible with the existing neighborhood.

This condition is met. The Cedar Ridge program has operated on the Property since 1992, without any reported or apparent negative effects on the neighborhood. The Property's history since 1992 indicates that this type of use operates at this location without detriment to the neighborhood. The City has previously conditioned the use of the Property upon fencing and screening, among other things. MBH has diligently complied with those conditions.

- (5) The proposed use meets conditions or standards adopted by the city through resolutions or other ordinances.

This condition is met. The use is allowed in the A-1 Zoning District, and meets all of the standards and conditions of the approval of a conditional use, and all other City resolutions or ordinances.

- (6) The proposed use will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

This condition is met. The use does not require any additional facilities or services from the City, nor will it contribute to public costs.

- (7) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke fumes, glare, odors or any other nuisances.

This condition is met. The new building will not significantly alter the pattern of use, or cause any nuisance to the City. The increase in staff will be minimal (5-7 employees), and residents are not allowed vehicular use while patients at the Property. Site design will be adequate to contain and screen all uses, and any lighting used in the new construction will be situated in a manner that minimizes its impact on surrounding property owners. The approximately fifty (50) acres of the Property create a buffer zone for the use.

- (8) The proposed use will not result in the destruction, loss or damage of natural, scenic or historic features of importance.

This condition is met. The Property will increase, rather than decrease the natural and scenic features of the property. Multiple aging structures are being replaced with a single structure. There is no impact on the historic features.

(9) The proposed use will not increase flood potential or create additional water runoff onto surrounding properties.

This condition is met. Construction will be completed in accordance with all stormwater management requirements and the finished grade of the property will be in accordance with the grading plan to be submitted and approved by City staff.

Based on the above findings, MBH respectfully requests approval of a conditional use permit for its Cedar Ridge program to allow the replacement of the existing structures on the property with a new facility which will serve fifty (50) residents. MBH further requests amendment of the conditional use permit allowing thirty-four (34) beds in the interim period between the date of the amendment and commencement of construction.

Sincerely,

Meridian Behavioral Health, LLC



Fran Sauvageau

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

CONDITIONAL USE PERMIT
FOR
PINE SHORES, INC./CEDAR RIDGE

Date: April 1, 1997

Washington County Plat/Parcel No.: 83003-2502 0303021420001

Street Address of Subject Property: 11400 Julianne Avenue North
Stillwater, Minnesota 55082

Legal Description: Part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 3, Township 30 North, Range 21 West, City of Grant, Washington County, Minnesota.

Owner: Pine Shores, Inc./Cedar Ridge

Present Zoning District: A-1

Permitted Uses Set Forth in Ordinance 50, Section 604.

I. CONDITIONAL USE PERMIT FOR: Pines Shores, Inc./Cedar Ridge

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council of the City of Grant.

A. General Description. A Conditional Use Permit for a chemical dependency treatment facility.

II. ADDITIONAL RESTRICTIONS AND PROVISIONS:

In addition to all of the requirements of City of Grant Ordinances and any applicable County, regional or State requirements, the property is also subject to the additional restrictions and provisions specified herein:

A. Pine Shores, Inc./Cedar Ridge shall secure all State and County licenses required to operate an adult chemical dependency facility on the property.

B. Owners shall maintain closure of the driveway from the property onto Jasmine Trail North and construction/maintenance of a new driveway from the property onto County Road 9. (This has been completed.)

- C. No client shall be permitted to park or operate vehicles on the property. Transportation of clients shall be provided by Pine Shores, Inc./Cedar Ridge. This prohibition does not include visitors and does not include transportation of clients on the first or last day of treatment.
- D. A total of twenty-eight (28) paved and marked parking spaces shall be maintained on the property.
- E. Owner shall provide for the construction and maintenance of walking trails on the property for client use. (This has been completed.)
- F. Owner shall provide for the installation and maintenance of an evergreen screen between the facility and the current residential neighbors adjoining the property, and the repair or replacement of the fence on the boundary between the property and Johann Senn's adjoining property. (This has been completed.)
- G. The owners shall direct all lights onto the property and shall not allow spillage or shining of lights onto adjoining property.
- H. The owners shall be permitted to maintain an annualized client-bed count of thirty-one (31) (the target count); the per-night client-bed count may exceed the target count, but may not exceed thirty-six (36) client-beds total occupancy (the maximum count).
- I. The owners shall make daily client-bed counts and shall keep and maintain records of such counts. These records shall be compiled quarterly and report, under oath, to the City of Grant, not later than five (5) days after the beginning of each calendar quarter. Owners shall be required to achieve the target count calculated on a rolling-quarterly average annual basis.

Commencing with the quarterly report submitted in September, 1993, in the event that the annualized client-bed count exceeds the target count, the succeeding quarter's maximum count shall be reduced by a number equal to the next highest whole number by which the annualized client-bed count exceeds the target count.

Example A:

- °The calculated annualized client-bed count is 31.3;
- °Subtract 31 from 31.3 to obtain 0.3;
- °The next highest whole number is 1;
- °Subtract 1 from 36 to obtain 35;

°This is the new maximum count for the following quarter.

Example B:

°The calculated annualized client-bed count is 33.0;
°Subtract 31 from 33.0 to obtain 2;
°The next highest whole number is 3;
°Subtract 3 from 36 to obtain 33;
°This is the new maximum count for the following quarter.

After the report for the first quarter of 1994, reporting shall be made on a six (6) month basis, commencing with the report of July 1, 1994. The target count and any adjustment in the maximum count shall be calculated on a rolling semi-annual basis, and each adjustment shall be in effect for a six (6) month period.

- J. The existing septic system shall be reviewed and assessed by the Washington County Department of Health in relation to actual use. (This has been completed.)
- K. Water meters must be installed immediately and actual water use must be determined monthly. If the water use exceeds the current design capacity in any thirty (30) day period, the system must be increased in size to deal with the actual use. (This has been completed.)
- L. Soil testing must be submitted to verify the capability to expand or replace the existing system, prior to this permit being valid. (This has been completed.)
- M. The Washington County Department of Public Works must approve the driveway access onto County Road 9, which approval shall not be unreasonably withheld. (This has been completed.)
- N. The Staff at the Washington County Department of Health, or other similar City agent or employee, shall have the right to inspect the property during normal business hours after providing reasonable notice to the owner.
- O. If, after the facilities are in operation, it appears that additional conditions should be added to this Conditional Use Permit to protect the health, safety and general welfare of the City, County and/or patients being treated, this Conditional Use Permit can be reviewed at a public hearing preceded by published notice in the official newspaper at least ten (10) days prior to said public hearing, and notice shall also be sent to the holder of this Conditional Use Permit ten (10) days prior to said hearing.

- P. The conditions of this Permit shall apply to the land described and shall not in any way be affected by any subsequent sale, lease or other change in ownership. The City of Grant must be notified of any change in ownership.
- Q. The existing buildings on the property shall be used for the purposes outlined in the application package. No additional buildings are allowed to be constructed.
- R. An additional twenty (20) acres (legal description to be provided by owner) shall be included with this use, thereby having this facility on a thirty (30) acre parcel.
- S. Since the facility does not currently have security controls and procedures for the containment of violent individuals, it may not accept court ordered referrals for treatment in lieu of incarceration for violent crimes that have resulted in the injury of another person.
- T. The owner shall mail to the City of Grant on an annual basis (and within thirty (30) days of obtaining them) copies of all annual inspections generated by the Minnesota Department of Health, Minnesota Department of Human Services, and State Fire Marshall.
- U. The home telephone numbers of the corporate officers or the owner of Pine Shores, Inc./Cedar Ridge shall be on file with the City of Grant, thereby allowing the public access to the numbers if they choose to call them.
- V. The proposed security system must be fully operational before the admission of any clients.
- W. There shall be no expansion or enlargement of any existing buildings.
- X. The fire sprinkler system, prior to operation, shall be inspected and approved by the State Fire Marshal. The fire protection system shall be upgraded, which shall include smoke detectors.
- Y. The buildings shall conform with the State Building, Electrical and Plumbing Codes.
- Z. A chain link fence six (6) feet in height and at least Two Hundred Seventy-five (275) feet in length shall be installed and maintained to block the Jasmine Trail entrance to the facility. The fence may have a gate, six (6) feet in height, for access to the mail box and to

permit entry by emergency vehicles; however, it must be locked when not in use.

- AA. Since the Federal Fair Housing Act does not require that accommodations be made available to individuals whose tenancy would constitute a direct threat to the health or safety of other individuals, all clients shall be evaluated by a psychiatrist as soon as practical after admission and the individual would be allowed to continue as a client only if it is the psychiatrist's expert opinion that the individual does not present a significant threat to himself or others.
- BB. Client rules will be amended to state that clients may not leave the grounds unless accompanied by a staff member, and as a part of the admission procedure, all clients will be given written notification of Cedar Ridge's transportation policy - which is to provide prompt, no-charge transportation to their home or other reasonable locations in the metro area. If a client is being discharged, transportation arrangements must be completed before the client is notified of the discharge. Once the client is notified of his/her discharge, he/she shall not be left unsupervised.
- CC. In the event that a client leaves the facility without being accompanied by a staff member, the staff shall check all buildings and trails on the property to confirm that the client has, indeed, entirely left the premises. The facility agrees to notify both the Washington County Sheriff's Department and the neighborhood within fifteen (15) minutes of staff's discovery that a client has left the facility.
1. 7:00 a.m. to 5:00 p.m. - Jean Garrison - 426-4515
- Barbara Charles - 426-1608
(An alternate in the event that Ms. Garrison cannot be reached.)
 2. 5:00 p.m. to 7:00 a.m. - Phyllis Johnson - 426-7413
(In the event Ms. Johnson cannot be reached, the above-mentioned names shall serve as alternates.)

The facility will have met its obligation to notify the neighborhood if it attempts to reach the persons identified above.

DD. There shall be review of the Conditional Use Permit by the City of Grant Planning Commission on an annual basis.

III. REVIEW.

Pursuant to Section 505.08 of the Zoning Ordinance of the City of Grant, periodic review of this Conditional Use Permit is imposed as a condition of its grant. This Conditional Use Permit shall be reviewed annually at the direction of the Planning Commission, which shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

IN WITNESS WHEREOF, the parties have set forth their hands and seals.

City of Grant

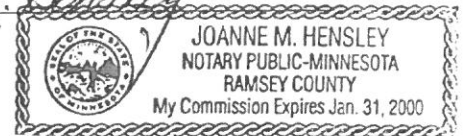
By Gary L. Erichson
Gary Erichson, Mayor
a/k/a Gary L. Erichson, Mayor

By Sheila Davis
Sheila Davis
Acting City Clerk

STATE OF MINNESOTA)
 RAMSEY) ss.
COUNTY OF ~~WASHINGTON~~

On this 14 day of April, 1997, before me, a Notary Public, personally appeared GARY ERICHSON and SHEILA DAVIS, the Mayor and Acting City Clerk of the City of Grant, a Minnesota municipality within the State of Minnesota, and that said instrument was signed on behalf of the City of Grant by the authority of the City Council of the City of Grant, and GARY ERICHSON and SHEILA DAVIS acknowledge said instrument to be the free act and deed of said City of Grant.

Joanne M. Hensley
Notary Public



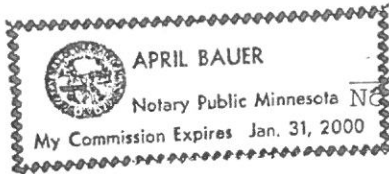
Applicant
Pine Shores, Inc./Cedar Ridge

By Paul A. Cowdery Pres.
Paul A. Cowdery
a/k/a Paul Cowdery

By Michael Bundy, CFO

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this 22 day of April, 1997, before me, a Notary Public, within and for said County and State, personally appeared Paul Cowdery and Michael Bundy, to me personally known, who, being each by me duly sworn did say that they are respectively the President and the Chief Financial Officer of Adair Ridge, Inc., a Minnesota corporation, named in the foregoing instrument, and that said instrument was signed on behalf of Adair Ridge, Inc., by authority of its Board of Directors and said President and Chief Financial Officer acknowledged said instrument to be the free act and deed of said corporation.



[Signature] [Signature] Comm Exp 1/31/00
Notary Public

Ret.

DRAFTED BY:
Gregory G. Galler
ECKBERG, LAMMERS, BRIGGS, WOLFF
& VIERLING, P.L.L.P.
1835 Northwestern Avenue
Stillwater, MN 55082
(612) 439-2878

ECKBERG LAMMERS
MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Nicholas J. Vivian, City Attorney

DATE: September 25, 2015

RE: Grant, City of - Meridian CUP Application
01200-26919

BACKGROUND

This Memorandum summarizes the claims and disposition of the 1991 litigation between Pine Shores, Inc. ("Pine Shores") and the Town of Grant.

Beginning in 1971, the property was owned by Jamestown, Inc. as used as a residential treatment facility for chemically dependent youth subject to a conditional use permit. The CUP initially permitted a 24 bed operation and in 1985 the Town amended the permit to allow for 28 beds.

In 1991, Jamestown, Inc. was foreclosed upon and Pine Shores entered into a purchase agreement to acquire the property. On March 29, 1991 Pine Shores applied for a CUP due to the change in ownership.

On April 24, 1991 the Town Planning Commission reviewed the application and deferred the matter for 60 days. The following issues were identified with the property: dust and noise on Jasmine from vehicles accessing the property, neighbor complaints about clients walking along Jasmine without supervision, lack of sufficient on-site parking which resulted in parking on Jasmine, lack of visual screening, concerns about the maintenance of the structures, the need for ongoing liaison with the neighbors, the need for a septic system.

On June 22, 1991, Pine Shores entered into a purchase agreement for land south of and adjacent to the property with the intention of constructing a new driveway and entrance that would avoid the problems from Jasmine.

TOWN PLANNING COMMISSION

On June 24, 1991 Pine Shores presented its permit application at a meeting of the Commission. Pine Shores requested a CUP for a residential treatment facility housing up to 40 chemically dependent adults. Pine Shores did not propose to enlarge buildings or make structural changes other than maintenance.

Pine Shores indicated that the new driveway would quell concerns about traffic and dust from Jasmine. It also indicated it would add walking trails to the property to prevent neighbor conflicts, add parking to eliminate spillover parking on Jasmine, add landscape buffering, employ full time maintenance/contracts to maintain and improve buildings, residents would be voluntary, residents would not leave property unsupervised, and they would receive septic system approval from the County as a condition of operating.

Pine shores also had a traffic & land use study which concluded that the number of vehicle trips in and out of the facility would be appropriate for local traffic flow, parking requirements would be satisfied, there would be no impact on public sewer, no impact on the school district, the facility would not depreciate home values or adversely impact the neighborhood, it would not impair public health, safety, or welfare, and that the facility would improve the community in many ways.

The objections from the town residents were as follows: property values would be reduced, residents would create disturbances or bother neighbors, residents would have criminal records, there will be an increase in disorderly conduct calls, residents will be victims of sexual abuse and they would pose a danger to the community, high staff turnover, problems with fences and added traffic, there will need to be additional visual screening, there will be an insufficient number of staff on duty, the facility will have a negative effect on neighbors' family lives, and the residents may damage adjacent property.

The Commission recommended approval of the permit but recommended a limit of 28 beds.

TOWN BOARD

On July 2, 1991, Pine Shores presented its permit application to the Town Board. The minutes from the Commission meeting were read into the record. There was additional supplementary information stating that property values would not be reduced.

Members of the public testified with the following concerns: the proposed facility is incompatible with neighborhood because it is a business, there will be conflicts between residents and neighbors, because the walking trails will not be built for a year the residents "will be encountering neighbors," the residents will be there to avoid legal problems and be reluctant to participate in treatment, people with drug backgrounds concern concerns neighbors, there will be possible break-ins from residents, residents will leave unsupervised, residents will have to lock doors and not let their children ride bikes to get to the school bus, there will be a turnover in home ownership, concerns about inability to maintain facility, and there will be an "injustice" to the quality of life in the neighborhood.

At the meeting the Town Board members admitted they hadn't received or read written material Pine Shores submitted to the Town. The Town attorney recommended the Board table the matter to review the material. However, the Board chair had "heard enough" and the CUP was denied.

After the meeting, Pine Shores contacted the Town to see if there was room for compromise, but Town Board members refused meetings.

Pine Shores again attended the August 6, 1991 meeting to try to compromise with the Board. The Board again rejected the CUP, making the following findings:

- 1) The proposal is a significant change in use.
- 2) The proposed increase in the number of beds is not compatible with the present residential character of the neighborhood.
- 3) The proposed increase is not allowed under the comprehensive plan which provides that commercial uses are to be "immediately adjacent to existing commercial uses" and the increase is not envisioned by the zoning ordinance.
- 4) An "adult for profit" facility is not within the contemplated use granted in 1971.
- 5) The proposal does not meet the County's septic system requirements.
- 6) The facility would adversely affect the neighborhood with increased traffic, water quality, and operation of a business in a residential area.
- 7) The facility would be detrimental to the health, safety, and welfare of the town.

THE LITIGATION

Pine Shores filed a Complaint in Federal District Court alleging with the following claims:

- 1) A mandatory injunction and an Order to issue the CUP. Pine Shores alleged that the reasons for denial were pretextual - there was no credible evidence to refute Pine Shore's experts which indicated the opposite of the Board's findings.
- 2) Violation of Fair Housing Act - The Town zoning ordinance prohibited "institutional housing" which was for, among other things, mentally and physically handicapped. Pine Shores was labeled as "institutional housing." The Federal Fair Housing Act prohibits discrimination based on handicap, which includes drug and alcohol addiction. Pine Shores alleges the Town's complete failure to compromise shows a clear intent to discriminate against handicapped persons.
- 3) Violation of Minnesota Human Rights Act - this Act prohibits discrimination against the disabled. Again, alcohol and drug dependency qualifies as a disability. The Town's zoning ordinance, in its face, illegally discriminates. Pine Shores' facility was labeled "institutional housing." This discrimination is illegal.
- 4) Governmental Taking without Compensation- The facility has always been used for residential treatment. The Board's characterized the property as "for profit" and thus commercial. The reasonable use for the property is residential treatment facility, the

illegal denial was based on the status of a “for profit” which has nothing to do with determining residential or commercial. The denial of the permit is a taking.

- 5) Violation of Equal Protection- The property was already a treatment facility, the only change is from 28 to 40 beds and from children to adults. All allegations from the Board were directly refuted by Pine Shore’s experts. The bulk of objections were based on the character of the residents. The Town refused to compromise as to the facts that mattered which leads to the conclusion the decision was based solely on the handicap of the residents. Thus the equal protection clause is violated.

As damages, Pine Shores sought the following:

- 1) A mandatory injunction requiring the Town to issue a CUP
- 2) Actual damages not less than \$500,000 and punitive damages
- 3) Reasonable attorney’s fees

The Town of Grant moved for summary judgment. Its motion was denied.

On September 8, 1992 the parties entered in to a voluntary settlement agreement whereby the City of Grant paid \$46,000 for costs and attorney’s fees to Pine Shores. In addition, the Town was to issue Pine Shores a CUP within 30 days from the date of the order. As conditions, Pine Shores was to:

- 1) Secure all appropriate licenses to operate an adult chemical dependency facility,
- 2) Close the Jasmine driveway and open the new driveway,
- 3) No residents were to have vehicles on the property,
- 4) Add 10 new parking spaces on the property,
- 5) Construct walking trails for residents,
- 6) Install an evergreen screen,
- 7) Direct all lights onto the property, and
- 8) Maintain an annual client bed count of 31, the total occupancy per night could not exceed 36 beds.

CONCLUSION

Resolution may have been reached much sooner with less money spent by the Town of Grant. The final settlement agreement mirrored Pine Shores pre-suit proposal **plus** \$46,000 in costs and attorney’s fees. Every legitimate concern on behalf of the Board and Residents was addressed by Pine Shores in its attempt to compromise prior to initiating the lawsuit. Pine Shores agreed to secure appropriate permits, to open a new driveway, to add new parking spaces, to construct walking trails, and install additional screening. With these concerns addressed, and in light of the requirements of federal and state law, the Town was left with no legitimate rationale for denying the application.



Memorandum

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

CC: Jennifer Haskamp, City Planner

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

Date: September 25, 2015

Re: Cedar Ridge: Engineering Plan Review

SUBMITTAL:

Plans were prepared by Wenck Associates are dated July 2015 and last revised August 24, 2015. Engineering review comments were generated from the following documents included in the submittal:

- Certificate of Survey
- Site plans including:
 - Existing conditions & Demolition Plan
 - Site plan & Grading Plan
 - SWPPP & Erosion Control Plan
 - Storm Sewer Plan & Sanitary Sewer Plan
 - Details & Landscape Plan

STORMWATER MANAGEMENT COMMENTS:

1. The applicant is required to submit an approved stormwater permit from Brown's Creek Watershed District (BCWD). The applicant has submitted the plan for review.
2. The applicant is required to submit an approved NPDES permit to the City prior to construction.
3. The applicant is required to supply the City with an approved permit from Washington County for the septic system.
4. Following construction, as-built plans are required to be submitted to the city for the official file.

Should you have any questions or comments regarding the items listed above, please contact me at 763-512-5245.

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**AMENDED CONDITIONAL USE PERMIT FOR
Pine Shores, Inc./Cedar Ridge**

Date: April 1, 1997 amended November X, 2015

Washington County Plat/Parcel No.: 83003-25020303021130001, 0303021420001, 0303021430001

Street Address of Subject Property: 11400 Julianne Avenue North
Grant, Minnesota 55082

Legal Description: Part of the Southwest Quarter of the Northwest Quarter and part
of the Northwest Quarter of the Southeast Quarter of Section 3,
Township 30 North, Range 21 West, City of Grant, Washington
County, Minnesota.
Attached A

Owner: Pine Shores, Inc./Meridian Behavioral Health, LLC/Cedar Ridge

Present Zoning District: A-1

Permitted Uses Set Forth in Grant City Code, Chapter 32, Section 32-245. Ordinance 50, Section 604

I. CONDITIONAL USE PERMIT FOR: Pine Shores, Inc./Meridian Behavioral Health,
LLC./Cedar Ridge

All uses shall be subject to the following amended conditions and/or restrictions imposed by the City Council of the City of Grant.

A. General Description: A Conditional Use Permit for a chemical dependency treatment facility.

II. ADDITIONAL RESTRICTIONS AND PROVISIONS:

A. Pine Shores, Inc./Meridian Behavioral Health, LLC/Cedar Ridge shall secure all State and County licenses required to operate an adult chemical dependency facility on the property. The owner shall be responsible for obtaining proper licensing for interim

B. Owners shall maintain closure of the driveway from the property onto Jasmine Trail North and construction/maintenance of a new driveway from the property onto County Road 9. (This has been completed)

- C. No client shall be permitted to park or operate vehicles on the property. Transportation of clients shall be provided by ~~Pine Shores, Inc.~~ Meridian Behavioral Health, LLC/Cedar Ridge. This prohibition does not include visitors and does not include transportation of clients on the first or last day of treatment.
- D. A total of twenty-eight (28) paved and marked parking spaces shall be maintained on the property.
- E. Owner shall ~~provide for the construction and~~ maintainance of the walking trails on the property for client use and shall ensure the new facility sidewalks connect to the trail system on site. (~~This has been completed.~~)
- F. Owner shall provide for the installation and maintenance of an evergreen screen between the facility and the current residential neighbors adjoining the property, and shall keep the fence the repair or replacement of the fence on the boundary between the property and Johann Senn's the adjoining property in good repair. (This has been completed.)
- G. The owners shall direct all lights onto the property and shall not allow spillage or shining of lights onto adjoining property. Any proposed lighting associated with the new facility or its parking lot or any other site improvements shall comply with Section 32-321 which regulates lighting, lighting fixtures and glare.
- H. The owners shall be permitted to maintain ~~an annualized client-bed count of thirty-four beds in the interim period between the date of this Amended Conditional Use Permit and commencement of construction of the new facility.~~ one (31) (the target count); the per-night client bed count may exceed the target count, but may not exceed thirty six (36) client beds total occupancy (the maximum count).
- I. ~~The owners shall make daily client bed counts and shall keep and maintain records of such counts. These records shall be compiled quarterly and report, under oath, to the City of Grant, not later than five (5) days after the beginning of each calendar quarter. Owners shall be required to achieve the target count calculated on a rolling quarterly average annual basis.~~

~~Commencing with the quarterly report submitted in September, 1993, in the event that the annualized client bed count exceeds the target count, the succeeding quarter's maximum count shall be reduced by a number equal to the next highest whole number by which the annualized client bed count exceeds the target count.~~

Example A:

- ~~• The calculated annualized client bed count is 31.3;~~
- ~~• Subtract 31 from 31.3 to obtain 0.3;~~

- The next highest whole number is 1;
- Subtract 1 from 36 to obtain 35;
- This is the new maximum count for the following quarter.

Example B:

- The calculated annualized client bed count is 33.0;
- Subtract 31 from 33.0 to obtain 2;
- The next highest whole number is 3;
- Subtract 3 from 36 to obtain 33;
- This is the new maximum count for the following quarter.

After the report for the first quarter of 1994, reporting shall be made on a six (6) month basis, commencing with the report of July 1, 1994. The target count and any adjustment in the maximum count shall be calculated on a rolling semi-annual basis, and each adjustment shall be in effect for a six (6) month period.

- I. Upon Completion of the new building, and after the Owner has been issued a Certificate of Occupancy, the owners shall be permitted a maximum client-bed count of fifty (50) beds.
- J. The existing facilities shall be demolished according to the plan identified on Sheet C-103 of the Application package. The owner shall cease interim operations at the time when site work and/or demolition begins. All operations shall remain closed for the duration of the construction of the new building. A building permit shall be pulled for the new facility within 360-days of this amended permit being granted or its approval shall be null and void.
- J.K. The existing septic system shall be reviewed and assessed by the Washington County Department of Health in relation to actual use to ensure the system can serve the interim operating period which permits a maximum of 34 beds. (This has been completed).
- K.L. Water meters must be installed at the new facility immediately and actual water use must be determined monthly once the new building is operational. If the water use exceeds the current design capacity in any thirty (30) day period, the system must be increased in size to deal with the actual use. (This has been completed.)
- M. Soil testing and septic design must be submitted to Washington County Environmental Services (WCES) verify the capability to expand or replace the existing system, prior to this permit being valid. (This has been completed); for review and approval. The appropriate permits must be obtained from WCES for the new facility prior to a building permit being issued for the new facility.

- N. The owner shall submit an approved stormwater permit from the Brown's Creek Watershed District (BCWD) demonstrating the plans compliance with the BCWD's standards. If any site plan modifications are required as a result of that process the owner shall submit an updated plan set for review and approval by the City Engineer prior to any building permit being issued for construction of the new building.
- O. The owners shall submit a NPDES permit to the City Prior to any construction or site activity occurring on site.
- P. The owner shall obtain a demolition from the City's Building Official prior to removal of any of the existing structures on site.
- L.Q. The owner shall obtain a building permit for construction of the new building. Once the building is complete the owner shall submit a set of as-built plans to remain on file at the City offices.
- M.R. The Washington County Department of Public Works must approve the driveway access onto County Road 9, which approval shall not be unreasonably withheld. (This has been completed.)
- N.S. The Staff at the Washington County Department of Health, or other similar City agent or employee, shall have the right to inspect the property during normal business hours after providing reasonable notice to the owner.
- T. If, after the facilities are in operation, it appears that additional conditions should be added to this Conditional Use Permit to protect the health, safety and general welfare of the City, County and/or patients being treated, this Conditional Use Permit can be reviewed at a public hearing preceded by published notice in the official newspaper at least ten (10) days prior to said public hearing, and notice shall also be sent to the holder of this Conditional Use Permit ten (10) days prior to said hearing.
- Θ.U. The conditions of this Permit shall apply to the land described and shall not in any way be affected by any subsequent sale, lease or other change in ownership. The City of Grant must be notified of any change in ownership.
- P.V. The existing buildings on the property shall be used for the purposes outlined in the application package. No additional buildings are allowed to be constructed. Any modifications to the architectural plans dated July 25, 2015 which were reviewed as part of this permit process may require an amended to this Conditional Use Permit.
- Q. An additional twenty (20) acres (legal description to be provided by owner) shall be included with this use, thereby having this facility on a thirty (30) acre parcel.

~~R.W.~~ Since the existing and new facilityies does not ~~currently~~ have security controls and procedures for the containment of violent individuals, it may not accept court ordered referrals for treatment in lieu of incarceration for violent crimes that have resulted in the injury of another person.

~~S.X.~~ The owners shall mail to the City of Grant on an annual basis (and within thirty (3) days of obtaining them) copies of all annual inspections generated by the Minnesota Department of Health, Minnesota Department of Human Services, and State Fire Marshall.

~~T.Y.~~ The home telephone numbers of the corporate officers or the owner of ~~Pine Shores,~~ ~~the~~ Meridian Behavioral Health, LLC/Cedar Ridge shall be on file with the City of Grant, thereby allowing the public access to the numbers if they choose to call them.

~~U.Z.~~ The proposed ~~A~~ security system must be fully operational before the admission of any clients to the new facility, and the security system at the existing facilities shall remain operational until such time as operations cease for purposes of constructing the new building. Details regarding the planned security system and monitoring shall be submitted to the city for record keeping.

~~V.AA.~~ There shall be no expansion of enlargement of any existing buildings. Once the new building is constructed, any modifications, change in use or expansion shall require an amendment to this permit.

~~W.BB.~~ The fire sprinkler system, prior to operation, shall be inspected and approved by the State Fire Marshal. The fire protection system shall be upgraded, which shall include smoke detectors.

~~X.CC.~~ The buildings shall conform with the State Building, Electrical and Plumbing Codes.

~~Y.DD.~~ A chain link fence six (6) feet in height and at least Two Hundred Seventy-five (275) feet in length shall be installed and maintained to block the Jasmine Trail entrance to the facility. The fence may have a gate, six (6) feet in height, for access to the mail box and to permit entry by emergency vehicles; however, it must be locked when not in use.

~~Z.EE.~~ Since the Federal Fair Housing Act does not require that accommodations be made available to individuals whose tenancy would constitute a direct threat to the health or safety of other individuals, all clients shall be evaluated by a psychiatrist as soon as practical after admission and the individual would be allowed to continue as a client only if it is the psychiatrist's expert opinion that the individual does not present a significant threat to himself or others.

~~AA.FF.~~ Client rules will be amended to state that clients may not leave the grounds unless accompanied by a staff member, and as a part of the admission procedure, all clients

will be given written notification of Cedar Ridge's transportation policy – which is to provide prompt, no-charge transportation to their home or other reasonable locations in the metro area. If a client is being discharged, transportation arrangements must be completed before the client is notified of the discharge. Once the client is notified of his/her discharge, he/she shall not be left unsupervised.

BB.GG. In the event that a client leaves the facility without being accompanied by a staff member, the staff shall check all buildings and trails on the property to confirm that the client has, indeed, entirely left the premises. The facility agrees to notify both the Washington County Sheriff's Department and the neighborhood within fifteen (15) minutes of staff's discovery that a client has left the facility.

1. 7:00 a.m. to 5:00 p.m. – Jean Garrison – 426-4515

Barbara Charles – 426-1608 (alternate?)

(An alternate in the event that Ms. Garrison cannot be reached)

2. 5:00 p.m. to 7:00 a.m. – Phyllis Johnson – 426-7413

(In the event Ms. Johnson cannot be reached, the above mentioned names shall serve as alternates.)

The facility will have met its obligation to notify the neighborhood if it attempts to reach the persons identified above.

HH. The owner must obtain all necessary, applicable federal, state, and local agency permits prior to construction of the new building.

II. The owner shall obtain all necessary permits from Washington County, Minnesota Department of Health, MPCA, and the United States Government which are necessary in carrying out its operations the subject property.

JJ. All escrow amounts shall be brought up to date and kept current.

KK. Any violation of the conditions of this permit may result in revocation of said permit.

CC.LL. There shall be review of the Conditional Use Permit by the City of Grant Planning Commission on an annual basis.

III. REVIEW

Pursuant to Section ~~505.08~~ of the Zoning Ordinance of the City of Grant, periodic review of this Conditional Use Permit is imposed as a condition of its grant. This permit shall be reviewed in compliance with the City's CUP review process, which may occur on an annual basis. This Conditional Use Permit shall be reviewed annually at the direction of ~~the~~ the Planning Commission or City Council wishes to review this permit, ~~which~~ they shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

IN WITNESS WHEREOF, the parties have executed this agreement and acknowledge their acceptance of the above conditions.

CITY OF GRANT:

Date: _____

Tom Carr, Mayor

Date: _____

Kim Points, City Clerk

State of Minnesota)
)ss.
County of Washington)

On this _____ day of _____, 2015, before me, a Notary Public, personally appeared Tom Carr and Kim Points, of the City of Grant, a Minnesota municipal corporation within the State of Minnesota, and that said instrument was signed on behalf of the City of Grant by the authority of the city council and Tom Carr and Kim Points acknowledge said instrument to be the free act and deed of said City of Grant.

Notary Public

APPLICANT/OWNER:
MERIDIAN BEHAVIORAL HEALTH, LLC

Date: _____

By: _____

Its: _____

Date: _____

Kim Points, City Clerk

State of Minnesota)
)ss.
County of Washington)

On this _____ day of _____, 2015, before me, a Notary Public, personally appeared _____ the _____ of Meridian Behavioral Health who acknowledged that said instrument was authorized and executed on behalf of said Company.

Notary Public

DRAFT