

**City of Grant  
City Council Agenda  
April 2, 2019**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday April 2, 2019, 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 two (2) minutes with five (5) speakers maximum. 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) \_\_\_\_\_
- (5) \_\_\_\_\_

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF REGULAR AGENDA**

**4. APPROVAL OF CONSENT AGENDA**

- A. March 5, 2019 City Council Meeting Minutes
- B. March 2019 Bill List, \$55,409.35
- C. City of Mahtomedi, 1<sup>st</sup> Quarter Fire Contract, \$35,346.50
- D. Resolution No. 2019-07, Amended Dellwood Wedding Barns CUP

E. Dellwood Wedding Barns, Amended Conditional Use Permit

5. STAFF AGENDA ITEMS

A. City Engineer, Brad Reifsteck

i. Consideration of Resolution No. 2019-06, Revised Assessment Policy

B. City Planner, Jennifer Haskamp

i. PUBLIC HEARING, Consideration of Ordinance No. 2019-59, Amendment to Chapter 28 to Incorporate Aesthetic Standards, Small Cell Wireless

C. City Attorney, Dave Snyder (no action items)

6. NEW BUSINESS

A. Consideration of Resolution No. 2019-08, Resolution Requesting Comprehensive Road and Transit Funding

B. Consideration of Resolution No. 2019-09, Stillwater Oaks 2019 Liquor License

7. UNFINISHED BUSINESS

8. DISCUSSION ITEMS (no action taken)

A. Staff Updates (updates from Staff, no action taken)

B. City Council Reports/Future Agenda Items (no action taken)

9. COMMUNITY CALENDAR APRIL 3 THROUGH APRIL 30 , 2019:

Mahtomedi Public Schools Board Meeting, Thursday, April 11<sup>th</sup> and 25<sup>th</sup>, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, April 11<sup>th</sup>, Stillwater City Hall, 7:00 p.m.

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

10. ADJOURNMENT

CITY OF GRANT  
MINUTES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**DATE** : March 5, 2019  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 8:52 p.m.  
**MEMBERS PRESENT** : Councilmember Carr, Kaup Giefer,  
Rog and Mayor Huber  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Dave Snyder; City Engineer, Brad Reifsteck; City Planner, Jennifer Swanson; and Administrator/Clerk, Kim Points

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**PUBLIC INPUT**

No one was present for public input.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

**Council Member Kaup moved to approve the agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

February 5, 2019 City Council Meeting Minutes	Approved
February 2019 Bill List, \$85,952.52	Approved
Washington County Sheriff, Jan-December 2018 Police Services, \$64,678.44	Approved

**Council Member Rog moved to approve the consent agenda, as presented. Council Member Giefer seconded the motion. Motion carried unanimously.**

**STAFF AGENDA ITEMS**

**City Engineer, Brad Reifsteck**

1 **Consideration of Resolution No. 2019-06 Revised Assessment Policy** – City Engineer Reifsteck  
2 advised the current special assessment policy was adopted as resolution 2010-11.

3  
4 The new special assessment policy will provide more detailed guidelines for addressing special  
5 assessments in the City as follows:

- 6
- 7 • The city may contribute budgeted roadway maintenance dollars to the project.
- 8 • No special assessments will be levied against the City of Grant unless the owned property
- 9 meets the definition of a buildable lot.
- 10 • Defines the term “reconstruct” for all roadways in terms of improving its section or surface.
- 11 • Defines the term “project” to encompass all roadway segments ordered by Council into a
- 12 single project.
- 13 • Assessments are allocated on a per project basis
- 14 • Includes paved roads as part of the procedures
- 15 • The City agrees to initially pay for the cost of the feasibility report.
- 16

17 Through Council discussion, revisions were suggested to the draft resolution relating to adding  
18 definitions, the combination of projects and encouragement of combined projects and language to  
19 Council authority to approve or reject a project.

20  
21 The revised Resolution will be on the regular Council agenda on April 2, 2019.

22  
23 **City Planner, Jennifer Swanson**

24  
25 **Consideration of Application for Amended CUP, Dellwood Wedding Barns, 7373 120<sup>th</sup> Street**  
26 **North** – City Planner Swanson advised the Applicant, Scott Jordan, on behalf of the Dellwood Barn  
27 Weddings is requesting an amendment to their current Conditional Use Permit on the subject  
28 property. In 2014 the Applicant obtained a Conditional Use Permit which permitted the conversion of  
29 an existing barn on the property to operate a rural event facility. The events held at the facility are  
30 primarily weddings and operations are seasonal and limited to May 1<sup>st</sup> through October 31<sup>st</sup> of each  
31 year. The approved CUP includes 34 conditions that addressed conversion of the facility, parking,  
32 traffic control, outdoor activities, and hours and operations (See Attached CUP obtained in 2014).

33 The Applicant’s first events were held in 2014 after being granted the CUP and completing the  
34 construction related to the site conversion activities stated within the permit. The facility’s first full  
35 season of operations was 2015 and the facility has been operational for four (4) full seasons. The  
36 Applicant has requested an amendment to specific conditions of their existing permit, specifically  
37 those conditions related to hours of operation and the Site Plan to permit the construction of an  
38 outdoor deck on the south side of the barn.

39  
40 The following staff report is generally as presented to the Planning Commission with some  
41 exceptions. A summary of the Planning Commission and public testimony is provided for your review  
42 and consideration. Subsequent to the Public Hearing the Applicant has also amended and revised their  
43 application request in an effort to address some of the concerns brought forward during public  
44 testimony. The following sections summarize the testimony provided at the public hearing, the  
45 Planning Commission’s discussion, and the Applicant’s revised request.

1  
2 A duly noticed public hearing was held on January 15, 2019 at the Planning Commission’s regular  
3 meeting for the purpose of considering the subject request. The Applicant’s request to amend their  
4 CUP included the following (see Attachment Applicant’s Narrative dated November 26, 2018):  
5

- 6 • Extended hours of operation
  - 7 ○ Monday through Thursday 11AM to 10PM
  - 8 ○ Friday and Saturday 1PM to 11:30PM
  - 9 ○ Allow for events on Sundays, from 11 AM to 10 PM; up to six (6) events per season
- 10 • Permit up to four (4) events per week
- 11 • Construct a commercial deck on the south side of the building (16’ x 40’ Approximately 640  
12 SF)

13  
14 Staff provided a brief presentation of the request and the Applicant answered a few questions prior to  
15 the Planning Commission opening the public hearing. Most testimony was provided by immediate  
16 neighbors to the subject property in both the City’s of Grant and Hugo. The following summary of  
17 public testimony is provided (full testimony is available on video):  
18

- 19 • Immediate neighbors to the north in Hugo provided testimony against any expansion of the  
20 use. They stated that they believe the noise is too much and is overwhelming at times  
21 (particularly when the doors on the north are open) and that they do not believe the conditions  
22 in the permit are being met consistently.
- 23 • Several neighbors requested that Sundays be protected and that no events be permitted. This  
24 is their one day of respite from the event related activity on the site.
- 25 • Some neighbors voiced concern over how the deck would be monitored/affect the number of  
26 people congregating outdoors. This concern was brought up by both Hugo and Grant  
27 residents.
- 28 • One neighbor expressed that there may be some compromise, including hours on weekdays  
29 that were more reasonable as long as they did not interfere with kid’s school hours, etc., but  
30 that there should be no events on Sundays or more events permitted.
- 31 • Concern over the deck plan – how big, location, etc. – were stated. There was  
32 acknowledgement by all parties that guests do go outside and that there are already outdoor  
33 informal congregating areas on the site such as near the fire pit and on the south side of the  
34 Barn.

35  
36 City Planner Swanson noted after the public hearing was closed, the Planning Commission held  
37 discussion regarding the requested amendments. Generally, Planning Commission members were  
38 struggling with permitting the intensification of the use given the testimony of the residents. A  
39 couple members of the commission expressed willingness to amend the permit, if there were ways  
40 that the operations could be improved to benefit all parties (Applicants and Neighbors). However,  
41 after deliberation, the Planning Commission could not come to a solution that seemed to accomplish

1 that objective and ultimately recommended denial of all of the requested amendments to the CUP to  
2 the City Council.

3  
4 After the Planning Commission meeting the Applicant requested that the Application be tabled until  
5 the March 5, 2019 City Council meeting so that both Scott and Julie Jordan could be in attendance for  
6 the discussion. In addition, the Applicant’s have decided to modify their request to try and address  
7 some of the concerns of the neighbors. Their revised request is contained in the letter dated February  
8 16, 2019 which is provided (and Attached) for consideration by the City Council.

9 A summary of the Applicant’s revised request is summarized in the following:

- 10
- 11 • Extended hours of Operation on **Weekdays** – As stated in the Applicant’s narrative, when  
12 they made their initial request for weekday events, they did not know that a lunch event was  
13 not marketable and that corporate events would only be interested if larger blocks of time were  
14 available. As a result, even though the Applicant’s current CUP permits up to three (3) events  
15 per week, the current weekday hours of operation do not reasonably allow for an event.  
16 Initially the Applicant had requested hours on weekdays be permitted to 10 PM, they have  
17 now **modified their request to 8 PM.**
- 18 • Extended hours of Operation on **Fridays and Saturdays** – The Applicant has REVISED their  
19 request to extend hours until 11 PM. This is an extension of ½-hour from the current permit  
20 conditions.
- 21 • The Applicant has **WITHDRAWN** their request for Sunday Events.
- 22 • The Applicant has **WITHDRAWN** their request for four (4) events per week.
- 23 • The Applicant has **not modified their request to construct a deck** on the south side of the  
24 Barn. They have supplemented their request with a copy of the Sound Study completed as part  
25 of their initial application (Attachment). The Applicant does acknowledge, and did  
26 acknowledge at the Planning Commission meeting, that a full deck plan meeting commercial  
27 building code (at a minimum) would be a required condition of any approval.
- 28 • Finally, in addition to the Applicant’s modified request, a written correspondence from the  
29 Washington County Sheriff’s Office regarding their experience assisting with security during  
30 events has also been submitted for consideration.

31 Since the Applicant has revised their original application, staff has updated the following staff report  
32 to address the proposed changes.

33

34 **Project Summary**

35

Applicant and Owner: Scott Jordan, Dellwood Barn Weddings	Site Size: 37.14 Acres
Zoning & Land Use: A-1	Request: Amended Conditional Use Permit (CUP)

Location Description and PIDs:  
 (PID 0503021210005) The Dellwood Wedding Barn (Rural Event Facility), parking, Informal Gathering space, etc., are located the approximately 23.72-acre parcel. The proposed deck expansion is located on this parcel and located on the south side of the facility. (PID 0503021210004) The Outdoor Ceremony space, and septic drainfield that supports the facility are located on the 13.42-acre parcel and no changes are proposed on this portion of the property.

1  
 2 The Applicant is proposing to amend the existing CUP for the subject operations to allow for the  
 3 construction of an outdoor deck and revise and extend the permitted hours of operations. Consistent  
 4 with condition #34 in their permit, “Any change in use, building, outdoor gathering areas, lighting,  
 5 parking, storage, screening, traffic circulation shall require an amendment to the Conditional Use  
 6 Permit.” A summary of their requested amendments is provided:

- 7
- 8 • Condition #2 States, “The Dellwood Wedding Barn shall be permitted to conduct no more  
 9 than three (3) events per week.”

10  
 11 *The Applicant has **WITHDRAWN** their request to amend this permit condition.*

- 12
- 13 • Condition #4 establishes the hours of operation for the facility. The Applicant is proposing to  
 14 amend the permitted hours of operation as follows (modifications from Planning Commission  
 15 are denoted with ~~strikethrough~~ and underline):

2014 CUP Conditions	Proposed 2019 CUP Conditions ( <u>REVISED</u> )
Monday – Thursday 11:00 AM – <b>2:00 PM</b>	Monday – Thursday 11:00 AM – <del>10:00</del> <u>8:00</u> PM
Friday and Saturday 1:00 PM to <b>11:00 PM (where 11PM is stipulated as vacated and dark)</b>	Friday and Saturday 1:00 PM to <del>11:30</del> <u>11:00PM (where 11:30 PM is stipulated as vacated and dark)</u>
No events permitted on Sunday	No events permitted on Sunday <del>Sunday 11:00 AM – 10:00 PM, Max 6 Events/Season</del>

- 16
- 17 • Condition #34 States, “Any change in use, building, outdoor gather areas...shall require an  
 18 amendment to the Condition Use Permit.” The Applicant is proposing to construct an outdoor  
 19 commercial deck 16-feet x 40-feet on the south side of the existing facility to allow for an  
 20 organized outdoor gathering space.

21  
 22 City Planner Swanson advised according to the existing Conditional Use Permit, the proposed  
 23 changes to the operation and the facility require an Amendment to their CUP. The City Code  
 24 addresses amendments to existing CUPs in Section 32-152 that states, “An amended conditional use  
 25 permit application may be administered in a manner similar to that required for a new conditional use  
 26 permit...” As such, the Application to amend the CUP is processed accordingly, and the requested  
 27 amendment is to consider only those portions of the operations and/or facility that are proposed to

1 change. The City Code states the following for consideration when reviewing a Conditional Use  
2 Permit (32-141):

3  
4 “(d) In determining whether or not a conditional use may be allowed, the City will consider the  
5 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on  
6 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of  
7 consideration in determining the effect of the use on the general welfare, public health and safety.”

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

10 Section 32-352 identifies specific performance standards for Rural Event Facilities which must be  
11 addressed in the application and analysis of the proposed amendments.

12 In order to determine the appropriateness of the proposed amendments to the CUP, the proposal will  
13 be reviewed for compliance and consistency with adjacent uses, the zoning district regulations, the  
14 performance standards, and other supplemental regulations. Additionally, since there is an existing  
15 CUP that addresses the on-site operations, a summary of current compliance should also be  
16 considered when evaluating the proposed amendments.

17  
18 The site is located in the far northwestern corner of the community and the parcel is bordered by the  
19 City of Hugo to the north, and the City of Dellwood to the south. The following existing site  
20 conditions are present on each of the PIDs as referenced above. (See site Plan for Details):

21  
22 0503021210005 – The parcel is described as Lot 5 of the Meadowlark Subdivision and is the  
23 northwestern most parcel of the Subdivision. The parcel is approximately 23.72 acres, is irregular in  
24 shape, and located southeast of 120<sup>th</sup> Street North which forms a curvilinear border on the north and  
25 west property line. The parcel includes an existing house (principal structure); the existing  
26 Dellwood Wedding Barn which is approximately 3,800 square feet; three existing out buildings that  
27 total approximately 7,200 square feet; and an existing corn crib which is approximately 820 square  
28 feet and is located directly south of the Barn. The Applicant indicated during the Planning  
29 Commission meeting that outdoor happy hours associated with the events are held on the graveled  
30 area between the Barn and the Corn Crib, and that additional outdoor gathering occurs near the firepit  
31 near the parking lot. The home and buildings are accessed from an existing gravel driveway that is  
32 connected to 120<sup>th</sup> Street North in two locations and is approximately 12-foot wide. As required by  
33 the conditions of the CUP, the Applicant constructed a graveled parking lot directly west of the  
34 Dellwood Wedding Barn facility which is connected by footpaths to the facility.

35  
36 0503021210004 – The parcel is described as Lot 4 of the Meadowlark Subdivision and is adjacent,  
37 and to the east, of Lot 5 described above. The parcel is approximately 13.42 Acres, is slightly  
38 irregular in shape, but generally runs north-south with its northern property line bordered by 120<sup>th</sup>  
39 Street North. The parcel does not have a principal structure and for purposes of this review is  
40 considered in combination with Lot 5. The parcel has three existing outbuildings that total  
41 approximately 3,425 square feet and are located in the northwest corner of the property. There is an  
42 existing wood fence that extends from the Barn located on Lot 5 and encompasses the outbuildings on  
43 Lot 4. The majority of the site is generally open, with some sparse vegetation and a wetland area near  
44 the southwestern property line. This site includes supporting infrastructure to the Dellwood Wedding  
45 Barn and is used for outdoor ceremonies as permitted within the existing CUP.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

The site is guided A-1 in the City’s adopted Comprehensive Plan. Land within the A-1 land use designation is generally described as supporting rural, agricultural and rural residential uses with limited accessory commercial uses as identified and allowed within the City’s zoning ordinance. The City’s ordinances conditionally permit Rural Event Facilities provided certain performance standards can be met. The existing Dellwood Wedding Barn was permitted with a CUP in 2014 and deemed consistent with the City’s Comprehensive Plan.

Since the Applicant is requesting an Amendment to their current CUP it is reasonable to review current operations for compliance with the approved permit. After the permit was approved the Applicant was required to meet the conditions as stated within the approved CUP, which included conditions for construction and conversion of the site to support the proposed Dellwood Barn Wedding facility. In 2014 the Applicant worked through the conditions as stated performing site work and construction. After meeting the conditions of both the City Engineer and Building Inspector the facility was permitted to open and become operational.

In the first season of operation the facility was working through issues and compliance with CUP conditions. The City received several complaints that were promptly addressed with the Applicants. Since working through initial issues there has been only one (1) formal complaint filed regarding condition #7 that requires the barn doors on the north façade to be secured and closed at all times when amplified music is playing. Again, the City worked with the Applicant who promptly addressed the issue, and no additional complaints or issues have been noted. Staff notes that during the Public Hearing, some neighbors provided testimony that they believe the barn doors on the north have been open far more than what has been reported, and that they have simply stopped making formal complaints. This is difficult for staff to verify since complaints have not been received at the City, and the City does not have code enforcement officers that patrol the City. However, Staff brings it to your attention for consideration when evaluating this request.

The Applicant and Owner/operator have complied with the conditions of their CUP and have been responsive to the City when issues have been brought to their attention. Staff expects the positive relationship to continue and concludes that the site in compliance with the CUP.

**Zoning/Site Review**

Rural Event Facilities were added as a permitted conditional use in 2014 with specific performance standards. The following dimensional review is provided as background, and the subsequent evaluation completed for the proposed outdoor commercial deck expansion.

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

<b>Dimension</b>	<b>Standard</b>
Lot Size	20 acres
Frontage – Per Sections 32-245 & 32-352)	County/State Road and 300’
Front yard - centerline of County Road (Principal Structure)	150’

Front Yard Setback	65'
Side Yard Setback (Per Section 32-352)	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)	75' (50')
Impervious surface coverage	50%
Floor Area Ratio	30%

1

Wedding Barn Facility (Setbacks & Frontage):

The existing barn is located approximately 140-feet from the centerline of 120<sup>th</sup> Street North, and 65-feet from the front yard property line. The Barn is approximately 480-feet from the eastern property line of Lot 4, 425-feet from the west property line, and more than 1000-feet from the rear (south) property line. Per the performance standards for Rural Event Facilities, the facility shall be located at least 100-feet from any side-yard lot line. The proposed deck expansion is located on the south side of the facility and is setback further away from the centerline of 120<sup>th</sup> Street North than the facility. The proposed deck is setback from the eastern edge of the facility by approximately 20-feet and therefore is setback more than 500-feet from the eastern property line. ***The proposed deck addition as shown on the submitted site plan meets and exceeds the setback requirements identified in the City's adopted ordinances.***

Parking:

The Applicant constructed the parking lot consistent with the conditions of the existing CUP. There are no proposed changes to the parking lot, its configuration or number of stalls as part of this application. The deck expansion does not change Condition #3 of the existing permit which sets the maximum occupancy of the facility at 253 persons with subsequent parking calculations derived from the occupancy. ***As proposed, the deck expansion does not alter or affect the number of parking spaces or permitted occupancy of the facility.***

Driveway/Circulation:

The proposed deck addition is on the south side of the facility and there is no impact to drive aisles, parking lots or other circulation of the site. ***As proposed, no changes to driveway, circulation or access is reviewed or approved as part of this application process.***

Lighting

Section 32-321 Lighting, Light Fixtures and Glare addresses lighting standards of off-street parking areas and indicates that no more than 1 footcandle may be emitted on a public street, and no more than 0.4 footcandles on adjacent residential property. The lighting plan of the facility was reviewed and approved as part of the existing CUP process.

~~No information was provided as to whether additional lighting of the outdoor deck area is contemplated. During the Applicant’s presentation to the Planning Commission they indicated that no additional lighting would be installed on the deck, and that the deck would be ‘closed’ at dark and the door to the deck from the barn secured. Even if the deck is ‘closed’, if the Council considers permitting the construction of the deck, staff would still recommend adding a condition to the amended permit to address any proposed lighting as a result of constructing the outdoor deck gathering space. The Applicant should be aware that any proposed lighting of the outdoor deck space must be compliant with the City’ adopted ordinances.~~

Hours of Operation

The Applicant has revised their original request in this Application. The following revised hours of operation are denoted:

- The CUP permits hours of operation as follows:

Monday through Thursday 11 AM to 8 PM.

*The Applicant proposes to extend the permitted hours of event operations to 11 AM to 8 PM.*

Friday and Saturday 1:00 PM to 11:00 PM, site fully dark at 11:30 PM.

*The Applicant proposes to extend the permitted hours of event operations to 1:00 PM to 11:00 PM.*

The Applicant has submitted a revised plan for extended hours of operation to respond to Planning Commission discussion and testimony provided by the public. The request to permit more events per week (up to four) and to have Sunday events as been WITHDRAWN. Staff believes that the Applicant has made a sincere attempt to respond to the neighbor’s concerns and to the concerns expressed by the Planning Commission. Staff understands the Applicant’s request, particularly related to weekday hours since the current permit only allows for events between 11 AM and 2 PM, which is a very limited window. Some public testimony was provided that indicated some willingness to consider hours on weekdays that would not interfere with school and work hours. Staff requests discussion by the City Council regarding this item, and also offers the following discussion items:

- A potential solution could consider extended hours in fewer months than the current permit season? For example, in the months of June – August so as not to conflict with the school year?
- If sound is a primary consideration, could amplification be limited on weekdays? Or weekdays after a certain hour?

Noise/Amplification

There are no changes proposed to the conditions related to amplification

as part of this request. That is, the Applicant is not proposing additional activities on the north lawn, etc.; however, the extended hours of operation during the weekdays until 8 PM could be significantly different than the current condition and the extended weekend hours would permit an additional ½-hour of amplification during events. Regardless of permitted hours of operation, as discussed during the 2014 application review process, all amplification and noise must meet the MPCA’s noise standards, which would apply to weekday hours which have earlier cut-off times than weekends.

In addition to the extended hours of operation the deck on the south façade also has the potential to increase outdoor noise during events. The Applicant’s materials were not clear as to how the deck would be accessed, the height of the deck off the ground, whether there would be a new door, etc. Current drawings suggest that there would be no door to the deck ‘cut’ into the barn, and that access to the deck would be from the outside. However, at the Planning Commission meeting the Applicant referenced a door to the deck. While these details may have no significance from a noise perspective, depending on the size of the door, whether it would be open, etc., then the same issues for neighbors to the south may be introduced as on the north.

Staff understands the Applicant’s hesitancy to prepare full-scale architectural drawings for the deck, but there are some additional details that would be helpful to evaluate the potential impact. Staff suggests that if the City Council is open to consideration of the deck, that additional, accurate details regarding the deck, access, etc., be provided so that staff can prepare a reasonable review.

1  
2 City Planner Swanson noted there are no changes to the site that require engineering review at this  
3 time. If any significant grading or site alterations are needed to construct the deck, the City Engineer  
4 will be involved and review any needing grading permits. *Staff would recommend adding a*  
5 *condition to the amended permit that the Applicant shall be required to obtain any necessary*  
6 *grading permits from the City Engineer at time of building permit application.*  
7

8 The property is located within the Rice Creek Watershed District, and the Applicant is responsible for  
9 contacting them to determine whether any permitting is required to construct the proposed deck.

10  
11 The Planning Commission recommended denial of the request to Amend the existing Conditional Use  
12 Permit for the Dellwood Barn Weddings Rural Event Facility based on the original Application  
13 narrative. However, the Applicant has since revised their request to respond to public testimony and  
14 the Planning Commission discussion. Given the revised request, staff requests discussion, and  
15 direction from the City Council so that a Resolution can be brought forward for consideration at the  
16 regular April meeting. Staff requests the following direction from the City Council to:

- 17  
18 • Prepare a Resolution of Approval and an Amended CUP; or  
19 • Prepare a Resolution of Denial with Findings; or

- 1 • Prepare a Resolution of Approval of certain amended conditions and Denial of certain
- 2 conditions, and prepare a corresponding amended CUP for consideration.

3

4 Mr. Scott Jordan, Applicant, came forward and advised single doors were added to the facility but

5 egress doors were not. The facility only allows noise up to 85 decibels and a decible meter is on site

6 for control. There is no sound insallation in the barn but a sound enclosure is put around the drum set

7 if a live band is performing. The addition of the deck would keep people on the south side of the

8 property as opposed to the north where the nearest neighbors are. Panels can be installed to mitigate

9 the deck noise.

10

11 Ms. Julie Jordan, Applicant, came forward and advised the complaint that came in last year was

12 because the doors were open due to the extreme heat. When the doors are closed neighbors cannot

13 hear the music. She also noted the purpose of the extension of time on Friday and Saturday night is

14 because weddings must start fairly early on a Friday afternoon to be finished by closing time. It is

15 difficult to start early on a Friday afternoon due to typical workday hours.

16

17 Through much discussion, it was the consensus of the Council that a deck would not be allowed

18 without an enclosure and sound mitigation plan. An end time for events during the week would be

19 6:00 p.m. and an additional half hour end time on Friday and Saturday nights would be denied as the

20 current end time seems reasonable.

21

22 Council directed staff to draft a resolution and Conditional Use Permit reflecting the Council

23 discussion and bring back to the April City Council meeting.

24

25 **City Attorney, Dave Snyder (no action items)**

26

27 **NEW BUSINESS**

28

29 **Reappointment of Incumbent Planning Commissioners Jerry Helander and Jeff Schafer**– Staff

30 referred to the City Ordinance regarding the Planning Commission and noted terms are up for

31 Planning Commissioners Helander and Schafer. Council is being asked to consider reappointment of

32 the two Commissioners.

33

34 **Council Member Rog moved to reappoint Planning Commissioners Jerry Helander and Jeff**

35 **Schafer to another term. Council Member Kaup seconded the motion. Motion carried**

36 **unanimously.**

37

38 **UNFINISHED BUSINESS**

39

40 There was no unfinished business.

41 **DISCUSSION ITEMS (no action taken)**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**Staff Updates (updates from Staff, no action taken)**

There were no staff updates.

**City Council Reports/Future Agenda Items**

No items were discussed to be placed on a future agenda.

**COMMUNITY CALENDAR MARCH 6 THROUGH MARCH 30, 2019:**

**Mahtomedi Public Schools Board Meeting, Thursday, March 14<sup>th</sup> and 28<sup>th</sup>, Mahtomedi District Education Center, 7:00 p.m.**

**Stillwater Public Schools Board Meeting, Thursday, March 14<sup>th</sup>, Stillwater City Hall, 7:00 p.m.**

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

**ADJOURNMENT**

**Council Member Kaup moved to adjourn the meeting at 8:52 p.m. Council Member Rog seconded the motion. Motion carried unanimously.**

These minutes were considered and approved at the regular Council Meeting April 2, 2019.

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

\_\_\_\_\_  
Jeff Huber, Mayor

Fund Name: All Funds

Date Range: 03/05/2019 To 03/26/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/25/2019	Payroll Period Ending 03/31/2019	14017	March 2019	N	Clerk Salary	100-41101-100-	\$ 3,845.86
	<b>Total For Check</b>	<b>14017</b>					<b>\$ 3,845.86</b>
03/25/2019	Croix Valley Inspector	14018	Building Inspector	N	Building Inspection	100-42004-300-	\$ 3,036.19
	<b>Total For Check</b>	<b>14018</b>					<b>\$ 3,036.19</b>
03/25/2019	Jeff Giefer	14019	Credit Refund for Training	N	Workshops	100-41305-810-	\$ 87.78
	<b>Total For Check</b>	<b>14019</b>					<b>\$ 87.78</b>
03/25/2019	T. A. Schifsky & Sons, Inc.	14020	Sand Inv#64125	N	Snow & Ice Removal	100-43113-210-	\$ 1,694.84
	<b>Total For Check</b>	<b>14020</b>					<b>\$ 1,694.84</b>
03/25/2019	Metropolitan Are Management Associa	14021	Census Training	N	Workshops	100-41305-310-	\$ 37.50
	<b>Total For Check</b>	<b>14021</b>					<b>\$ 37.50</b>
03/25/2019	Washington County Public Works	14022	CSAH 17/36 Cooperative Agreement	N	County Road Projects	100-43131-330-	\$ 763.69
	<b>Total For Check</b>	<b>14022</b>					<b>\$ 763.69</b>
03/25/2019	Todd Smith	14023	Monthly Assessment Services - March	N	Property Assessor	100-41208-300-	\$ 1,991.92
	<b>Total For Check</b>	<b>14023</b>					<b>\$ 1,991.92</b>
03/25/2019	CenturyLink	14024	City Phone	N	City Office Telephone	100-41309-321-	\$ 141.37
	<b>Total For Check</b>	<b>14024</b>					<b>\$ 141.37</b>
03/25/2019	Waste Management	14025	Recycling	N	Recycling	100-43011-384-	\$ 4,867.52
	<b>Total For Check</b>	<b>14025</b>					<b>\$ 4,867.52</b>
03/25/2019	Lisa Senopole	14026	Video Tech	N	Cable Costs	100-41212-100-	\$ 180.00
	<b>Total For Check</b>	<b>14026</b>					<b>\$ 180.00</b>
03/25/2019	KEJ Enterprises	14027	Feb 2019 Road Contractor	N	Animal Control	100-42006-300-	\$ 83.00
		14027			Town Hall Mowing	100-43006-300-	\$ 125.00
		14027			Ball Field Maintenance	100-43009-300-	\$ 125.00
		14027			Road Engineering Fees	100-43102-300-	\$ 166.14
		14027			Road Garbage Removal	100-43105-300-	\$ 167.00
		14027			Gravel Road Costs	100-43106-300-	\$ 20.84

Fund Name: All Funds

Date Range: 03/05/2019 To 03/26/2019

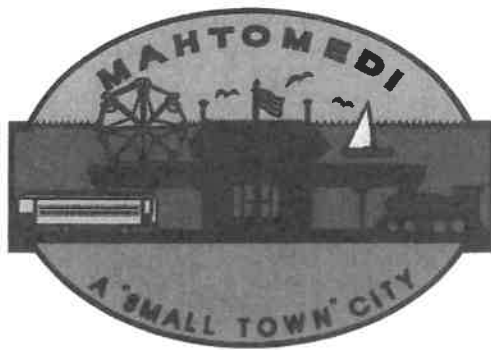
<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		14027			Magnesium Chloride	100-43107-300-	41.67
		14027			Road Sign Replacement	100-43110-300-	83.84
		14027			Culvert Repair	100-43111-300-	20.84
		14027			Snow & Ice Removal	100-43113-300-	5,416.67
		14027			Road Brushing	100-43114-300-	2,250.00
		14027			Road Side Mowing	100-43115-300-	500.00
		<b>14027</b>					<b>9,000.00</b>
03/25/2019	City of Mahtomedi	14028	1st Quarter Fire Contract	N	Fire - Mahtomedi	100-42002-300-	35,346.50
		<b>14028</b>					<b>35,346.50</b>
03/25/2019	Washington County Transportation	14029	Snow and Ice Control Inv #152533	N	Snow & Ice Removal	100-43113-210-	8,210.79
		<b>14029</b>					<b>8,210.79</b>
03/25/2019	WSB & Associates	14030	Engineering - January	N	Engineering Fees - General	100-41203-300-	920.50
		14030			MS4	100-43118-300-	163.50
		14030			Utility/ROW Permits	100-43132-300-	217.00
		<b>14030</b>					<b>1,301.00</b>
03/25/2019	Johnson Turner Legal	14031	February Billing	N	Legal Fees - General	100-41204-301-	1,186.00
		14031			Legal Fees - Complaints	100-41205-301-	25.00
		14031			Legal Fees - Prosecutions	100-41206-301-	1,800.00
		14031			Escrow	955-49320-301-	1,361.25
		14031				956-49320-301-	412.50
		<b>14031</b>					<b>4,784.75</b>
03/25/2019	Press Publications	14032	Publishing	N	Publishing Costs	100-41308-351-	32.85
		<b>14032</b>					<b>32.85</b>
03/25/2019	Xcel Energy	14033	Utilities	N	Town Hall Electricity	100-43004-381-	292.81
		14033			Street Lights	100-43117-381-	1.03
		<b>14033</b>					<b>293.84</b>
03/25/2019	SHC, LLC	14034	Planning	N	City Planner	100-41209-301-	1,226.25
		14034			Comprehensive Plan	100-43173-301-	1,461.00
		14034			Escrow	955-49320-301-	730.25
		14034				958-49320-301-	254.00
		<b>14034</b>					<b>3,671.50</b>
03/25/2019	Kline Bros Excavating	14035	Road Maintenance	N	Grader Contractor	100-43101-301-	3,160.00
		14035			Culvert Repair	100-43111-301-	3,465.00



Fund Name: All Funds

Date Range: 03/05/2019 To 03/26/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		14035			Ditch Repair	100-43133-301-	\$ 735.00
	<b>Total For Check</b>	<b>14035</b>					<b>\$ 7,360.00</b>
03/25/2019	PERA	14036	PERA	N	Clerk PERA	100-41102-120-	\$ 388.07
		14036			Clerk PERA Withholding	100-41108-100-	\$ 336.33
	<b>Total For Check</b>	<b>14036</b>					<b>\$ 724.40</b>
03/25/2019	Sprint	14037	City Cell Phone	N	Road Expenses - Other	100-43116-321-	\$ 32.70
	<b>Total For Check</b>	<b>14037</b>					<b>\$ 32.70</b>
03/25/2019	Sharon Schwarze	14038	Mailbox Reimbursement	N	Miscellaneous Expenses	100-41306-400-	\$ 28.97
	<b>Total For Check</b>	<b>14038</b>					<b>\$ 28.97</b>
03/25/2019	Crown Castle USA	14039	Reimbursement - 2014	N	Miscellaneous Expenses	100-41306-810-	\$ 532.00
	<b>Total For Check</b>	<b>14039</b>					<b>\$ 532.00</b>
03/25/2019	M.J. Raleigh Trucking	14040	Gravel - 2014	N	Gravel Road Costs	100-43106-210-	\$ 110.00
	<b>Total For Check</b>	<b>14040</b>					<b>\$ 110.00</b>
03/25/2019	Christopher Griese	14041	Grading Permit Escrow Refund	N	Escrow	948-49320-810-	\$ 1,500.00
	<b>Total For Check</b>	<b>14041</b>					<b>\$ 1,500.00</b>
03/25/2019	IRS	EFT113	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 395.83
		EFT113			Clerk Medicare	100-41105-100-	\$ 75.03
		EFT113			Federal Withholding	100-41107-100-	\$ 388.22
		EFT113			Social Security Expens	100-41109-100-	\$ 320.80
	<b>Total For Check</b>	<b>EFT113</b>					<b>\$ 1,179.88</b>
	<b>Total For Selected Checks</b>						<b>\$ 90,755.85</b>



December 5, 2018

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

Dear Kim,

Please remit a check in the amount of \$35,346.50 for the 1<sup>st</sup> quarter fire contract. Please pay April 1, 2019.

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

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2019-07**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR  
7373 120<sup>TH</sup> STREET NORTH  
(DELLWOOD BARN WEDDINGS)**

**WHEREAS**, Scott Jordan on behalf of Dellwood Barn Weddings (“Applicant”) has submitted an application to Amend certain conditions of their Conditional Use Permit that allows for operation of a seasonal Rural Event Facility known as the Dellwood Barn Weddings located at 7373 120<sup>th</sup> Street North in the City of Grant, Minnesota; and

**WHEREAS**, the Applicant renovated and performed site improvement to convert the existing historic barn on the subject site into the Dellwood Wedding Barns and the facility has been operational since 2014; and

**WHEREAS**, the Applicant has requested an amendment to their Conditional Use Permit to extend certain hours of operation and to construct a deck on the south side of the barn; and

**WHEREAS**, a duly noticed public hearing was held on January 15, 2019 to consider the proposed Amendments; and

**WHEREAS**, the Planning Commission considered the public testimony and ultimately recommended denial of the requested amendments to the Conditional Use Permit; and

**WHEREAS**, the City Council has considered the Applicant’s request at their regular March 6, 2019 City Council meeting.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, that it does hereby approve the request of Scott Jordan of Dellwood Barn Weddings to Amend their Conditional Use Permit to permit the extension of hours of operation for events occurring Monday through Thursday, based upon the following findings pursuant to Section 32-147 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has

proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- The proposed extension of hours Monday through Thursday will provide the Applicant the opportunity to host up to three (3) events per week as permitted within the current Permit.
- The proposed extension of hours Monday through Thursday will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood if conditions of the permit are met.
- The proposed extension of hours Monday through Thursday meets conditions or standards adopted by the city (through resolutions or other ordinances) including, but not limited to, the City and State noise ordinance provided conditions of the permit are met.
- The use will not create additional requirements for facilities and services at public cost beyond the city’s normal low density residential and agricultural uses.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.

**FURTHER BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, that it does hereby deny the request of Scott Jordan of Dellwood Barn Weddings to Amend their Conditional Use Permit to permit the extension of hours of operation for events occurring on Friday or Saturday and to construct a deck on the south side of the barn, based upon the following findings pursuant to Section 32-147 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- That adjacent neighbors have the right to quiet enjoyment of their properties during the late evening on Friday and Saturday; and
- That the Applicant did not demonstrate that the extension of their hours on Friday and Saturday would significantly improve their business operations; and
- That extension of the hours on Friday and Saturday could further impact adjacent properties.
- That the Applicant failed to provide detailed construction plans for the deck and so a full analysis of the potential impact of the deck could not be determined; and
- Without full detailed plans it was unclear where new doorways or entrances would be located, or if the deck would be elevated, at-grade, or other such details; and

- That without such information it could not be determined if such improvements would further impact adjacent properties without a plan for sound mitigation.

Adopted by the Grant City Council this 2nd day of April, 2019.

---

Jeff Huber, Mayor

State of Minnesota            )  
                                          ) ss.  
County of Washington        )

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on April 2, 2019 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2019.

---

Kim Points  
Clerk  
City of Grant

**DELLWOOD BARN WEDDINGS  
AMENDED CONDITIONAL USE PERMIT  
CITY OF GRANT**

PROPERTY OWNER/APPLICANT: Scott Jordan  
Dellwood Barn Weddings

GENERAL LEGAL DESCRIPTION: See Attached Site Plan  
PID 0503021210005  
PID 0503021210004

ADDRESS: 7373 120<sup>th</sup> Street North  
Grant, MN 55110

This is an Amended Conditional Use Permit for the continued operations of a Rural Event Facility hereafter named "Dellwood Wedding Barn" on the subject property. The CUP replaces and supersedes the previous 2014 CUP. The Dellwood Wedding Barn will operate from an existing barn on the subject site that will be renovated for compliance with commercial building code standards. Any additional product lines or expansions of the business shall require an amendment to this Conditional Use Permit.

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council, City of Grant, Washington County, Minnesota, in addition to all previous permits and applicable ordinances, statutes or other laws in force within the City:

1. The Dellwood Wedding Barn shall be permitted to operate seasonally from May 1<sup>st</sup> through October 31<sup>st</sup> of each year.
2. The Dellwood Wedding Barn shall be permitted to conduct no more than three (3) events per week.
3. The maximum occupancy of the facility shall be limited to 253 persons, to include all event staff, caterers, musicians, etc., or anyone onsite for the duration of an event.
4. The Hours of Operation, defined as actual event time, shall be limited to the following:
  - a. Monday through Thursday: 11 AM to 6 PM
  - b. Friday and Saturday: 1:00 PM to 11:00 PM, where the site shall be fully vacated and dark by 11:00 PM.
  - c. No events shall be permitted on Sundays
  - d. Staff, caterers, deliveries, musician setup and other support activities shall not be subject to the hours of operations, but may not begin prior to 9:00 AM, and must cease by 12:00 AM daily.

5. All events shall be in compliance with the Minnesota Pollution Control Agency's (MPCA) noise standards and regulations at all times. The Applicant shall obtain a Decibel Meter, acceptable to the City, and shall keep the device on the premise during all events.
6. All recorded music (i.e. DJ, iPod mix, etc.) shall only be permitted within the barn and may not exceed 85 decibels.
7. The barn doors on the north façade shall be secured and closed at all times when amplified music is playing.
8. No amplification of live music shall be permitted; unless the Applicant submits a Sound Study and Plan that accounts for the maximum anticipated site conditions that includes crowd noise, and which demonstrates compliance with MPCA standards. The Study shall be provided for review and approval by the City staff, and if necessary, City Council.
9. No amplification of outdoor services shall be allowed after 7:00 PM, and all outdoor activities must be performed in compliance with MPCA noise standards.
10. A landscape plan, which may include a row of evergreen trees, or arborvitae, or some combination, shall be provided for review and approval by the City Engineer and Planner. The vegetation shall be planted on the north side of the barn to offer additional sound and light mitigation for times when the barn doors are open.
11. No outdoor gathering shall occur on the north side of the building.
12. A sign shall be posted at each door of the facility indicating patrons should be considerate of the neighbors and to go to their cars expeditiously and quietly.
13. An updated lighting plan including specification sheet of proposed fixture (which must be downward facing and hooded), locations, and if necessary, a photometric plan shall be submitted for review and approval by the City Engineer and Planner.
14. Revisions to the parking lot design must be completed and submitted to the City Engineer for review and approval prior to any construction occurring.
15. The parking lot shall be surfaced with crushed limestone which shall require dust control in order to be deemed a dustless surface per the City's Ordinance. Dust control shall be applied a minimum of two (2) times per year, or as many times as required to maintain a dustless surface and shall be applied to the parking lot and driveways at the facility. Evidence of such treatment shall be provided annually to the City in a form acceptable to the City Engineer.
16. A Grading Permit shall be obtained from the City Engineer prior to beginning any site work, including but not limited to, installation of the parking lot, widening of the driveways and ponding areas.
17. The City Engineer's recommendations and conditions shall be addressed, and updated plans reflecting necessary changes submitted for review and approval prior to any site grading or improvements.
18. A parking attendant shall be required to be present beginning an hour prior to any events and must remain on the premise throughout the event.

19. All access and driveway permits shall be obtained from Washington County prior to commencing operations.
20. All necessary permits and approvals from RCWD shall be obtained prior to issuance of a grading or building permit for construction of the parking lot.
21. Installation of the septic system shall be completed in compliance Washington County standards and the permit dated 4/14/2014 prior to hosting any events.
22. The Parking lot, including installation of the ADA parking stalls shall be constructed prior to hosting any events.
23. Any future signage onsite may not be illuminated and shall meet the City's ordinances and regulations in place at time of proposal.
24. A building permit shall be obtained prior to commencing any renovations on the proposed facility (Wedding Barn).
25. All proposed renovations, as depicted in the submitted plan set and any revisions stated within these conditions, shall be completed prior to hosting any events at the facility.
26. All vendors, including food and beverage, shall be licensed within Washington County prior to serving at any event.
27. An off-duty officer shall be onsite during all events from 8 PM until 12 AM
28. All work shall be done in compliance with the directions of the RCWD, the MPCA, Department of Health or any governmental or regulatory agency having jurisdiction over the site.
29. No structures or improvements shall be constructed in areas identified with an easement.
30. All escrow amounts shall be brought up to date and kept current. The Applicant shall maintain an escrow balance of \$2,500 at the City through the duration of site work and implementation of the proposed plan. Once the conditions related to construction have been completed and approvals obtained, any remaining escrow will be returned to the Applicant.
31. This permit shall be reviewed after the first year of facility operations (2014) for compliance with the conditions and to implement any necessary modifications. After such time the permit will be reviewed according to the City's adopted CUP review process and may result in annual review.
32. Any violation of the conditions of this permit may result in the revocation of said permit.
33. 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 on the premises including a building permit.
34. Any change in use, building, outdoor gathering areas, lighting, parking, storage, screening, traffic circulation shall require an amendment to the Conditional Use Permit.



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

CITY OF GRANT:

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeff Huber, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Kim Points, City Clerk

State of Minnesota            )  
                                          )ss.  
County of Washington        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, 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:  
DELLWOOD BARN WEDDINGS/  
SCOTT JORDAN

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Kim Points, City Clerk

State of Minnesota        )  
                                          )ss.  
County of Washington     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, a Notary Public, personally appeared \_  
\_\_\_\_\_ the \_\_\_\_\_ of Dellwood Wedding Barn who acknowledged  
that said instrument was authorized and executed on behalf of said Company.

\_\_\_\_\_  
Notary Public

## Memorandum

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

From: Brad Reifsteck, PE, City Engineer  
WSB & Associates, Inc.

Date: March 25, 2019

Re: Amended Policy for Special Assessments

### Actions to be considered:

Council adopting resolution amending Special Assessment Policy.

### Facts:

The new special assessment policy will provide more detailed guidelines for addressing special assessments in the City as follows:

- The city may contribute budgeted roadway maintenance dollars to the project.
- ***The City encourages all neighborhoods within the feasibility study to participate in the project to benefit from the economy of scale of a much larger competitively bid construction project.***
- No special assessments will be levied against the City of Grant unless the owned property meets the definition of a buildable lot.
- Defines the term “reconstruct” for all roadways in terms of improving its section or surface.
- Defines the term “project” to encompass all roadway segments ordered by Council into a single project.
- Assessments are allocated on a per project basis
- Includes paved roads as part of the procedures
- The City agrees to initially pay for the cost of the feasibility report.
- ***Property owners representing 50% of the units proposed to be assessed approve the project, then the project will be ordered.***
- ***The feasibility report is valid for up to 3 years.***
- ***Property owners petitioning the City after 3 years from Council reception and acceptance of the initial feasibility report will be responsible for the cost of a new feasibility Report.***

**Action:** Adopt Resolution 2019-06.

**Attachments:** Resolution 2019-06

**RESOLUTION 2019-06  
CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA**

**AMENDED POLICY FOR SPECIAL ASSESSMENTS  
FOR ROAD IMPROVEMENTS**

**WHEREAS**, the City Council of the City of Grant desires to amend its policy for determining the allocation of special assessments road improvements so all residents are treated, and improvements assessed, in a fair manner consistent with state law.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Grant that the following special assessment policy be adopted.

**I.  
BASIC PHILOSOPHY**

- A. The project costs associated with completion of the improvement shall be assessed against properties benefited by the improvement as defined by this policy.
- B. In carrying out this policy, the City Council shall act in the best interest of the citizens of the City of Grant.
- C. The City may contribute roadway maintenance dollars together with the special assessments to pay for the improvements of the existing roadway.
- D. The City encourages all neighborhoods within the feasibility study to participate in the project to benefit from the economy of scale of a much larger competitively bid construction project.
- E. No special assessments will be levied against City of Grant unless the property owned meets the definition of a buildable lot as described below.

**II.  
DEFINITIONS**

The following definitions shall have the following meanings:

- A. "Buildable lot" means the number of lots that exist, or could be created per city code, on a piece of property. "Buildable lots" shall include consideration of whether a parcel of land is dividable.
- B. "Improvement" means any type of improvement granted by Minnesota Statutes §429.021.
- C. "Project" means any single roadway segment or any combination of several

roadway segments together representing a single project ordered by Council.

- D. "Reconstruct" means removal, reclaiming, replacement, or overlay of the existing roadway surface or section and may include aggregate base, subgrade, and drainage.

### III.

#### ALLOCATION OF SPECIAL ASSESSMENTS

- A. **Assessment Method.** Lots to be assessed are those with either 1.) an address on the road to be improved or 2.) road frontage on the road to be improved. The assessment shall be allocated as follows:

1. On a per project basis.
2. Each buildable lot with road frontage and an address or potential address on the road to be improved shall be assessed as one unit.
3. Each buildable lot with road frontage on the road to be improved, but with an address for that parcel on a different street, shall be assessed as one quarter ( $\frac{1}{4}$ ) unit. A buildable lot shall not be charged more than one unit per project or assessable event.
4. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved shall be assessed as one quarter ( $\frac{1}{4}$ ) unit.
5. A buildable lot that generates additional traffic may be assessed based upon the traffic generated.

- B. **Alternate Assessment Methods.** When the Assessment Method does not fairly apportion the proposed assessments, the City Council may adopt an alternate method of assessment, including but not limited to front foot, buildable lot, a combination of front foot and buildable lot, or any other methodology that fairly and equitably apportioning the assessments.

- C. In no event shall the amount of any special assessment exceed the benefit to the property being assessed.

#### IV. PROCEDURES

Petitions to reconstruct existing paved roads or pave gravel roads.

- A. **Petition by one hundred percent (100%) owners.** Whenever all owners of frontage abutting any street or with access to any street named as the location of an improvement petition the City Council to construct the improvement and to assess the entire cost against their properties, the Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement.
- B. **Petition by at least thirty-five percent (35%) of owners.** When the improvement has been petitioned for by the owners representing at least thirty-five percent (35%) of the units proposed to be assessed, the City Council shall authorize the City Engineer to prepare a Feasibility Report.
  - a. The cost to prepare the report will initially be paid for by the City. If a project is ordered, the cost to prepare the report will be included with the total project costs to be assessed. If the project is not ordered, the cost of the report will remain the responsibility of the City.
- C. **Approval of Projects.** After receiving the Feasibility Report, if property owners representing at least fifty percent (50%) of the units proposed to be assessed approve the project, the project shall be ordered. If less than fifty percent (50%) of the units to be assessed approve the project, the project may be partially or fully rejected by Council.
  - a. The feasibility report is valid for up to 3 years from Council reception and acceptance.
  - b. Street segments partially or fully rejected by Council for not meeting the fifty percent (50%) participation rule will need to begin the petition process over.
  - c. Property owners petitioning the City after 3 years from Council reception and acceptance of the initial feasibility report will be responsible for the cost of a new or amended feasibility report.
- D. The City Council reserves the right to approve or disapprove of any project in accordance with the best interest of the citizens of the City of Grant.

**EFFECTIVE DATE.** This policy is effective on the date of adoption.

Whereupon a vote being taken upon the motion, the following members voted in favor:

Whereupon a vote being taken upon the motion, the following members voted against:

Whereupon said motion was duly passed this \_\_\_ day of \_\_\_\_\_, 2019.

---

Jeff Huber, Mayor

ATTEST:

---

Kim Points, City Clerk



## MEMORANDUM

<b>To:</b> Mayor and City Council	<b>Date:</b> March 27, 2019
<b>CC:</b> Kim Points, City Administrator/Clerk	<b>RE:</b> Amend Chapter 28, add Article V Small
<b>From:</b> Jennifer Haskamp, City Planner	Cell Wireless Facilities

### Background and Introduction

Staff has prepared the attached ordinance regarding Small Cell Wireless Facilities for your review in consideration. In late 2017 the City enacted and adopted Article IV pertaining to management of the City's Rights-of-Way which, in part, was meant to address the permitting process for Small Cell Wireless Facilities. Throughout 2018, the Small Cell Wireless Facility operators were engaged with the FCC and the legislature to further restrict a municipality's ability to permit and regulate Small Cell Wireless Facility installation.

After various rulings, new requirements have been established, several of which are addressed within the attached ordinance. The attached ordinance is consistent with Minnesota Rules, and address the following:

- Permitting processes and timelines;
- Aesthetic standards;
- Collocation of facilities; and
- Fees

The City Attorney is in the process of reviewing the draft ordinance and will provide verbal updates and/or suggested modifications at the City Council meeting. The City must adopt its aesthetic standards by April 15, 2019 in compliance with the FCC ruling.

### Public Hearing

A public hearing is required to amend chapter 28. A duly noticed public hearing has been scheduled for the April 2nd regular City Council meeting.

**Action Requested:** Staff has prepared the attached Draft Ordinance 2019-\_\_ for your review and consideration.



**CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA  
ORDINANCE 2019-59**

**An Ordinance Amending the Grant Code of Ordinances  
Amending Chapter 28 Streets, Sidewalks and Other Public Places**

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

**SECTION 1. AMENDMENT OF CHAPTER 28, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE CITY'S CODE OF ORDINANCES.**

That City Code Chapter 28 is hereby amended to ADD the following:

**Article V. Small Wireless Facilities**

**Section 28-79. Findings, Purpose, and Intent**

The purpose of this Article is to establish specific requirements for obtaining a Small Wireless Facility Permit for the installation, mounting, maintenance, modification, operation, and replacement of Small Wireless Facilities and installation or replacement of Wireless Support Structures by Commercial Wireless Providers on public and private property, including in the Public Right-of-Way. Where this ordinance is inconsistent with Article IV of this Chapter, pertaining only to Small Wireless Facilities as defined herein, the rules and regulations contained in this Article shall be enforced.

This Article does not apply to any Wireline Facilities, including Wireline Backhaul Facilities. A Wireless Provider must obtain a right-of-way permit pursuant to Article IV, Chapter 28 or other applicable authorization.

**Section 28-80. Definitions.**

*Applicant* means any person, group or company that has applied for a permit to excavate or obstruct a right-of-way.

*City* means the City of Grant, Minnesota, its elected officials, officers, employees and agents.

*Collocate or Collocation* means to install, mount, maintain, modify, operate, or replace a Small Wireless Facility on, under, within, or adjacent to an existing Wireless Support Structure that is owned privately or by the City.

*Decorative Pole* means a Utility Pole owned, managed, or operated by or on behalf of the City or any other governmental entity that: (a) is specifically designed and placed for an aesthetic purpose; and (b)(i) on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than: (A) a Small Wireless Facility, (B) a specialty designed informational or directional sign; or (C) a temporary holiday or special event attachment; or (b)(ii) on which no appurtenance or attachment has been placed, other than: (A) a Small Wireless Facility, (B) a specialty designed informational or directional sign; or (C) a temporary holiday or special event attachment.

*Director* means the City Engineer of the City, or his or her designee.

*Excavate* means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

*Micro Wireless Facility* means a Small Wireless Facility that is no larger than twenty-four (24) inches long, fifteen (15) inches wide, and twelve (12) inches high, and whose exterior antenna, if any, is no longer than eleven (11) inches.

*Permitee* means a person, group, company, or similar that has been granted a Small Wireless Facility Permit by the City.

*Small Wireless Facility* means: (a) a Wireless Facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment associated with the Small Wireless Facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, in aggregate no more than twenty eight (28) cubic feet in volume; or (b) a Micro Wireless Facility.

*Small Wireless Facility Permit (Permit)* means a permit issued by the City authorizing the installation, mounting, maintenance, modification, operation, or replacement of a Small Wireless Facility or installation or replacement of a Wireless Support Structure in addition to Collocation of a Small Wireless Facility on the Wireless Support Structure.

*Utility Pole* means a pole that is used in whole or in part to facilitate telecommunications or electric service. It does not include a traffic signal pole.

*Wireless Facility* means equipment at a fixed location that enables the provision of Wireless Service between user equipment and a wireless service network, including a) equipment associated with Wireless Service; b) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and c) a Small Wireless Facility. Wireless Facility does not include: a) Wireless Support Structures; b) Wireline Backhaul Facilities; or c) Coaxial or fiber-optic cables (i) between utility Poles or Wireless Support Structures, or (ii) that are not otherwise immediately adjacent to or directly associated with a specific antenna.

*Wireless Provider* means a provider of Wireless Service, including, but not limited to, radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves and which permits a user generally to receive a call that originates and/or terminates on the public switched network or its functional equivalent, regardless of the radio frequencies used.

*Wireless Service* means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using Wireless Facilities. Wireless Service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).

*Wireless Support Structure* means a new or existing structure in a Public Right-of-Way designed to support or capable of supporting Small Wireless Facilities, including, but not limited to, a Utility Pole or a building, as reasonable determined by the City.

*Wireline Backhaul Facility* means a facility used to transport communications data by wire from wireless facility to a communications network.

### **Section 28-81. Administration**

The City Engineer, Director, is the principal city official responsible for the administration of the Small Wireless Permit and the ordinances related thereto. The City Engineer may delegate any or all of the duties hereunder.

### **Section 28-82. Permit Requirement and Application.**

(a) *Permit Required.* A Small Wireless Facility Permit is required, in addition to any required right-of-way permits, to excavate the right-of-way, to place Small Wireless equipment or facilities in or on the right-of-way, or to obstruct or otherwise hinder free and open passage over the right-of-way. The Small Wireless Facility permit shall specify the extent and the duration of the work permitted, and the conditions which vary from those of a standard right-of-way permit.

(b) *Complete Application.* A form of Application will be provided to the Applicant, and such form must be complete prior to any permit being issued. To the extent possible, Consolidated Applications pursuant to the following section shall be permitted.

(c) *Consolidated Application.* A Wireless Provider may apply for up to 15 Small Wireless Facility Permits in a Consolidated Application, provided all Small Wireless Facilities in the Consolidated Application are located within a two-mile radius, consist of substantially similar equipment, and are to be Collocated on similar types of Wireless Support Structures. The City shall review a Consolidated Application as allowed by this Article. If necessary, the applied for Small Wireless Facility Permits in a Consolidated Application may be approved or denied individually, but the City may not use the denial of one or more permits as a basis to deny all Small Wireless Facility Permits in a Consolidated Application. Any Small Wireless Facility Permits denied in a Consolidated Application shall be subject to a single appeal.

### **Section 28-83. General Standards for Small Wireless Facilities and Wireless Support Structures.**

*General Standards.* The Director shall establish and maintain a set of standards for the installation, mounting, maintenance, modification, operation, or replacement of Small Wireless Facilities and placing new or replacement Wireless Support structures in the Public Right-of-way applicable to all Permittees under this section (the "General Standards"). The General Standards shall include, but not be limited to, information to be required in a Small Wireless Facility Permit Application, design and aesthetic standards, construction standards, a form Application, permitting conditions, insurance and security requirements, and Rates and Fees.

(a) *Design and Aesthetic Standards.* Any design standards established by the Director shall be: (a) reasonable and nondiscriminatory, and (b) include additional installation and construction details that do not conflict with this Article, or Article IV, of this Chapter, including, but not limited to, a

requirement that: (i) an industry standards pole load analysis be completed and submitted to the City indicating that the Wireless Support Structure to which the Small Wireless Facility is to be attached will safely support the load, and (ii) Small Wireless Facility equipment on new and existing Wireless Support Structures be placed higher than fifteen (15) feet above ground level. The Director shall additionally include the following in any design standards established under this Section:

- i. Any Wireless Support Structure installed in the Public Right-of-Way after May 31, 2017 may not exceed fifty (50) feet above ground level, unless the City agrees to a greater height, subject to local zoning regulations, and may be subject to separation requirements in relation to other Wireless Support Structures.
- ii. Any Wireless Support Structure replacing an existing Wireless Support Structure that is more than fifty (50) feet above ground level may be placed at the height of the existing Wireless Support Structure, unless the City agrees to a greater height, subject to zoning regulations.
- iii. Wireless Facilities constructed in the Public Right-of-Way after May 31, 2017 may not extend more than ten (10) feet above an existing Wireless Support Structure in place as of May 31, 2017.
- iv. And reasonable accommodations for a decorative pole.

(b) *Construction Standards.* Any construction standards established by the Director shall include at least the following terms and conditions:

- i. *Compliance with Applicable Law.* To the extent this requirement is not preempted or otherwise legally unenforceable, a Permittee shall comply with all Applicable Law and applicable industry standards.
- ii. *Prevent Interference.* A Permittee shall Collocate, install, and continuously operate any authorized Small Wireless Facilities and Wireless Support Structures in a manner that prevents interference with other Wireless Facilities and other facilities in the Right-of-Way and the operation thereof. With appropriate permissions from the City, a Permittee shall, as is necessary for the safe and reliable operation and maintenance of its facilities, maintain landscaping and trees as prescribed by standards promulgated by the City.
- iii. *Other Rights not Affected.* A Permittee shall not construe a contract, permit, correspondence, or other communication from the City as affecting a right, privilege, or duty previously conferred or imposed by the City to or on another person.
- iv. *Restoration.* Restoration shall be completed in compliance with the standards as specified within Article IV Right-of-Way of this Chapter.
- v. *Permittee's Liability.* A Permittee is solely responsible for the risk and expense of the Collocation of the Permittee's Small Wireless Facility and installing or replacing the Permittee's Wireless Support Structure. The City neither warrants nor represents that any area within the Public Right-of-Way is suitable for such Collocation or installation or replacement. A Permittee shall accept the Public Right-of-Way "as is" and "where is" and assumes all risks related to any use. The City is not liable for damage to Small Wireless Facilities due to an event of damage to a Wireless Support Structure in the Public Right-of-Way.

#### **Section 28-84. Permit Application Review Process.**

An Application shall be eligible for review if the Application conforms to the General Standards adopted by the Director. A Small Wireless Facility Permit issued pursuant to any Application processed hereunder shall authorize: (1) the installation, mounting, modification, operation, and replacement of a

Small Wireless Facility in the Public Right-of-way or City-owned property; or (2) construction of a new, or replacement of an existing, Wireless Support Structure, and Collocation of a Small Wireless Facility on a Wireless Support Structure.

(a) *Review Process.* An Application submitted pursuant to this Section shall be review as follows:

- i. *Submission of Application.* Applicant shall submit a complete Application accompanied by the appropriate application fee as set forth in Section 28-86. Prior to submitting a Small Wireless Facility Permit Application, an Applicant shall inspect any Wireless Support Structure on which it proposed to Collocate a Small Wireless Facility and determine, based on a structural engineering analysis by a Minnesota registered professional engineer, the suitability of the Wireless Support Structure for the proposed Collocation. The structural engineering analysis shall be submitted to the City with the Application, and shall certify that the Wireless Support structure is capable of safely supporting the proposed Small Wireless Facility considering conditions at the proposed location, including the condition of the Public Right-of-Way, hazards from traffic, exposure to wind, snow and/or ice, and other conditions affecting the proposed Small Wireless Facility that may be reasonably be anticipated.
- ii. *Application Review Period.* The City shall, within sixty (60) days after the date of a complete Application issue or deny a Small Wireless Facility Permit pursuant to the Application. The City shall within ninety (90) days after the date a complete Application for a new or replacement Wireless Support Structure in addition to the Collocation of a Small Wireless Facility is submitted to the City, issue or deny a Small Wireless Facility Permit pursuant to the Application. If the City receives applications within a single seven-day period from one or more Applicants seeking approval of a Small Wireless Facility Permit for more than thirty (30) Small Wireless Facilities of ten (10) Wireless Support Structures, the City may extend the ninety (90) day review period of this Article by an additional thirty (30) days. IF the City elects to invoke this extension, it must inform in writing any Applicant to whom the extension will be applied.
- iii. *Completeness Determination.* The City shall review a Small Wireless Facility Permit Application for completeness following submittal. The City shall provide a written notice of incompleteness to the Applicant within ten (10) days of receipt of the Application, clearly and specifically identifying all missing documents or information. If an Applicant fails to respond to the City's notice of incompleteness within ninety (90) days, the Application shall be deemed expired and no Small Wireless Facility Permit shall be issued. Upon an Applicants submittal of additional documents or information in response to a notice of incompleteness, the City shall within ten (10) days of submission notify the Applicant in writing of any information requested in the initial notice of incompleteness that is still missing. Second or subsequent notices of incompleteness may not specify documents or information that were not identified in the original notice of incompleteness.
- iv. *Reset and Tolling of Review Period.* In the event that a Small Wireless Facility Permit Application is incomplete, and the City has provided a timely and complete written notice of incompleteness, then the applicable review period shall be reset, pending the time between when a notice is mailed and the submittal of information in compliance with the notice. Subsequent notices shall toll the applicable review

period. An Applicant and the City can mutually agree in writing to toll applicable review period at any time.

- v. *Permit Not Required.* A Permittee shall provide thirty (30) days advance written notice to the City, but shall not be required to obtain a Small Wireless Permit, or pay an additional Small Wireless Facility Permit fee for:
- a. Routine maintenance;
  - b. The replacement of a Small Wireless Facility with a Small Wireless Facility that is substantially similar to or smaller in size; or
  - c. The installation, placement, maintenance, operation, or replacement of a Micro Wireless Facility that is strung on a cable between existing Utility Poles, in compliance with the National Electrical Safety Code.

### **Section 28-85. Issuance of Permit; Conditions.**

(a) *Permit Issuance.* If the Applicant has satisfied the requirements of this Article V the City shall issue a permit.

(b) *Conditions.* The City may impose reasonable conditions upon the issuance of the Small Wireless Permit and the performance of the Applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use. Additional conditions may address:

- i. Reasonable accommodations for a Decorative Pole;
- ii. Any reasonable restocking, replacement, or relocation requirement when a new Wireless Support Structure is placed in the Public Right-of-Way;
- iii. Construction of the proposed Small Wireless Facility within six (6) months from the date the Small Wireless Facility Permit is issued;
- iv. Obtaining additional authorization for use of the Public Right-of-Way for the construction of Wireless Backhaul Facilities or any other wired facilities;
- v. Compliance with applicable sections of Article IV of this Chapter, and other applicable City Code;
- vi. Compliance with Applicable Law.

(c) *Authorized Use.* An approval of a Small Wireless Facility Permit under this Section authorizes the Collocation of a Small Wireless Facility on an existing Wireless Support Structure to provide Wireless Services, or the installation or replacement of a Wireless Support Structure and Collocation of a Small Wireless Facility, and shall not be construed to confer authorization to:

- i. Provide any service other than Wireless Service;
- ii. Construct, install, maintain, or operate any Small Wireless Facility or Wireless Support Structure in a Right-of-Way other than the approved Small Wireless Facility or Wireless Support Structure; or
- iii. Install, place, maintain or operation a Wireline Backhaul facility in the Right-of-Way

(d) *Other Permits Required.* Any Applicant desiring to obstruct or perform excavation in a Public Right-of-Way within the City for purposes of Collocating a Small Wireless Facility or installing or replacing a Wireless Support Structure shall, consistent with Article IV of this Chapter, obtain the necessary permit from the City prior to conducting such activities.

(e) *Exclusive Arrangement Prohibited.* The City shall not enter into an exclusive arrangement with an Applicant for use of a Public Right-of-Way for the Collocation of a Small Wireless Facility or for the installation or operation of a Wireless Support Structure.

(f) *Unauthorized Small Wireless Facility.* No Applicant shall install, mount, modify, operate, or replace a Small Wireless Facility in the Public Right-of-Way or on City-owned property, or install or replace a Wireless Support Structure without first obtaining a Small Wireless Facility Permit

from the City. If the City determines that any activity has occurred without the required permit the procedures set forth in Article IV pertaining to removal shall be followed.

(g) *Relocation.* The City may require a Permittee to relocate or modify a Small Wireless Facility or Wireless Support Structure in a Public Right-of-Way or on City-owned property in a timely manner and at the Permittee's cost if the City determines that such relocation or modification is required to protect public health, safety and welfare, or to prevent interference with other facilities authorized pursuant to this Article and Article IV of this Chapter, or to prevent interference with public works projects of the City.

(h) *Security Required.* Each Permittee shall submit and maintain with the City a bond, cash deposit, or other security acceptable to the City, in a form and amount determined by the City in accordance with the General Standards, securing the faithful performance of the obligations of the Permittee and its agents under any and all Small Wireless Facility Permits issued to the Permittee under this Article. If, in accordance with this Article, the City deducts an amount from such security, the Permittee must restore the full amount of the security prior to the City's issuance of any subsequent Small Wireless Facility Permit. The City shall return or cancel the security, less any fees necessary to restore the Right-of-Way and the City owned appurtenances to an acceptable condition to the Director, should the Permittee cease to operate any Small Wireless Facility in the Right-of-Way.

(i) *Insurance Required.* Each Permittee shall maintain in full force and effect, throughout the term of a Small Wireless Facility Permit, an insurance policy or policies issued by an insurance company satisfactory to the City. Such insurance shall be required to meet the requirements as stated within Article IV of this Chapter.

(j) *Payment of Fees Required.* A Small Wireless Facility Permit shall not be issued prior to the complete payment of all applicable Fees.

(k) *Notice of Assignment Required.* A Permittee upon or within ten (10) calendar days after transfer, assignment, conveyance, or sublet of an attachment that changes the permit and/or billing entity or ownership responsibilities shall provide written notification to the City.

(l) *Term.* A Small Wireless Facility Permit for a Small Wireless Facility in the Public Right-of-Way shall have a term equal to the length of time that the Small Wireless Facility is in use, unless the Small Wireless Facility Permit is revoked under this Article or is otherwise allowed to be limited by Applicable Law. The term for all other Small Wireless Facility Permits shall be for a period of up to ten (10) years.

(m) *Revocation.* The City may revoke a Small Wireless Facility Permit, with or without refund, in the event of a substantial breach of the terms and conditions of any statute, ordinance, rule, regulation, or any material condition of the Small Wireless Facility Permit. Substantial Breach and the process of Revocation shall follow the applicable sections contained within Article IV of this Chapter.

(n) *Written Notice Required.* Any denial or revocation of a Small Wireless Facility Permit shall be made in writing and shall document the basis for the denial or revocation. If a Small Wireless Facility Permit Application is denied, the Applicant may cure the deficiencies identified by the City and submit its Application. If the Applicant resubmits the Application within thirty (30) days of receiving written notice of the denial, it may not be charged an additional filing or processing fee. The City must approve or deny the revised application within thirty (30) days after the revised application is submitted. If a Small Wireless Facility Permit or a Wireless Support Structure Permit is revoked, the Small Wireless Facility or Wireless Support Structure shall be subject to removal.

#### **Section 28-86. Permit Fee.**

(a) *Fee Schedule and Fee Allocation.* The City's permit fees shall be designed to recover the City's actual costs and shall be based on an allocation among all users of the right-of-way, including the City.

(b) *Permit Fee Amount.* The City shall charge a fee for reviewing and processing a Small Wireless Facility Permit Application. The purpose of this fee is to enable the City to recover its costs directly associated with reviewing a Small Wireless Facility Permit Application

(1) The City shall charge a fee of \$500 for a Small Wireless Facility Permit Application seeking to Collocate up to five (5) Small Wireless Facilities. This fee shall increase by \$100 for each additional Small Wireless Facility that an Applicant seeks to Collocate.

(2) The City shall charge a fee of \$1,000 for a Small Wireless Facility Permit Application seeking to install or replace a Wireless Support Structure in addition to Collocating of a Small Wireless Facility on the Wireless Support Structure.

(3) Commencing on January 1, 2020 the City shall adjust the Application Fees annually by the consumer price index for the Minneapolis-St. Paul area.

(c) *Payment of Permit Fees.* No permit shall be issued without payment of permit fees. The City may allow an applicant to pay such fees within thirty (30) days of billing. Permit fees paid for a permit that the City has revoked for a breach are not refundable.

(d) *Annual Small Wireless Permit Fee.* The City shall charge an Annual Small Wireless Permit Fee for each Small Wireless Facility Permit issued to a Permittee. The Annual Small Wireless Permit Fee shall be determined by the City and listed in the City's Fee Schedule. The Annual Small Wireless Permit Fee shall be based upon the recovery of the City's right-of-way management costs.

(e) *City-owned Wireless Support Structure Fees.* The City shall charge the following fees to the owner of any Small Wireless Facility Collocated on a Wireless Support Structure owned by the City or its assigns located in the Public Right-of-Way:

(1) \$150 per year for rent to occupy space on the Wireless Support Structure;

(2) \$25 per year for maintenance associated with the space occupied on the Wireless Support Structure; and

(3) A monthly fee for electricity used to operate the Small Wireless Facility, if not purchased directly from a utility, at the rate of:

i. \$73 per radio node less than or equal to 100 max watts;

ii. \$182 per radio node over 100 max watts; or

iii. Actual costs of electricity, if the actual costs exceed the above.

(f) *Discretion to Require Additional Fees.* In instances where the review of a Small Wireless Facility Permit Application is or will be unusually costly to the City, the Director, in his or her discretion, may require an Applicant to pay a sum in excess of the other fee amounts charged pursuant to this Article. This additional sum shall be sufficient to recover the actual, reasonable costs incurred by the City and/or other regulatory reviewers, in connection with a Small Wireless Facility Permit Application and shall be charged on a time and materials basis. Whenever additional fees are charged, the Director, upon request, shall provide in writing the basis for the additional fees and an estimate of the additional fees. The City may not require a fee imposed under this Chapter through the provision of in-kind services by an Applicant as a condition of consent to use the City's Public Right-of-Ways or to obtain a Small Wireless Facility Permit.

(g) *Reimbursement of City Costs.* The City may determine that it requires the services of an expert in order to evaluate a Small Wireless Facility Permit Application. In such cases, the City shall not issue a Small Wireless Facility Permit pursuant to the Application unless the Applicant agrees to reimburse the City for the actual, reasonable costs incurred for the services of a technical expert.



**Section 28-87. Denial of Permit.**

The City may deny a permit for failure to meet the requirements and conditions of this Article, to protect the public health, safety, and welfare, or to protect the right-of-way and its current use. Such denial shall be provided in writing and will delineate all reasons for such denial.

**Section 28-89. Inspection.**

(a) *Notice of completion.* When the work under any permit hereunder is completed, the Permittee shall furnish a completion certificate in accordance with Minnesota Rule 7819.1300.

(b) *Site Inspection.* The Permittee shall make the work site available to the City for inspection at all reasonable times during the execution of and upon completion of the work. The City may inspect, at any time, a Permittee's Collocation of Small Wireless Facility or installation or replacement of a Wireless Support Structure. The City shall determine during an inspection whether the Permittee's Small Wireless Facility or Wireless Support Structure is in accordance with the requirements of the Small Wireless Facility Permit and other Applicable Law.

(c) *Authority of Director.* The Director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public, or order the Permittee to correct work that does not conform to the terms of the Permit or other applicable standards, conditions, or code. If the work failure is a "substantial breach" within the meaning of Minnesota Statute 237.163 subd. 4(c), the order shall state the failure to correct the violation will be cause for revocation of the permit after a specified period determined by the Director. The Permittee shall present proof to the Director that the violation has been timely corrected. If the violation is not timely corrected, the Director may revoke the Permit.

**Section 28-90. Mapping Data.**

Each right-of-way user and Permittee shall provide mapping information in a form required by the City in accordance with Minnesota Rules 7819.4000 and 7819.4100.

**Section 28-91. Right-of-Way Vacation.**

If the City vacates a right-of-way that contains the facilities of a right-of-way user, the right-of-way user's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**Section 28-92. Indemnification and Liability.**

By accepting a permit under this Article, a right-of-way user or Permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

**Section 28-93. Abandoned and Unusable Facilities.**

(a) *Discontinued Operations.* A right-of-way user who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City that the right-of-way user's obligations for its facilities in the right-of-way under this Article have been lawfully assumed by another right-of-way user.

(b) *Removal.* Any right-of-way user who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

**Section 28-94. Appeal.**

A right-of-way user that: (1) has been denied a permit; (2) has had a permit revoked; or (3) believes that the fees imposed are not in conformity with Minnesota Statute 237.163, Section 410.06 may have the denial, revocation, or fee imposition reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing.

**Section 28-95. Reservation of Regulatory and Policy Powers.**

A Permittee's or right-of-way user's rights are subject to the regulatory and police power authority of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

**Section 28-96. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Article V is for any reason held invalid or unconstitutional by any court, regulatory body or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 28-97. Penalty.**

Any person, group or company violating any provision of this Article V, or any permit or order issued hereunder, shall, upon conviction thereof, be guilty of a misdemeanor punishable in accordance with Section 2-102 of the City Code.

**SECTION 2. SEVERABILITY.**

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

**SECTION 3. EFFECTIVE DATE.**

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member \_\_\_\_\_ and seconded by Council member \_\_\_\_\_, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jeff Huber, Mayor

\_\_\_\_\_  
Attest: Kim Points, City Clerk

**Resolution No. 2019-08  
City of Grant**

**A RESOLUTION REQUESTING  
COMPREHENSIVE ROAD AND TRANSIT FUNDING**

**WHEREAS**, all Minnesota communities benefit from a sound, efficient, and adequately funded transportation system that offers diverse modes of travel; and

**WHEREAS**, the integrity of Minnesota's transportation infrastructure is dependent upon long-term planning and ongoing maintenance, both of which require dedicated and sustainable revenue sources; and

**WHEREAS**, current funding for roads, bridges, and transit systems across all government levels in Minnesota is inadequate, and this under-investment diminishes quality of life for Minnesota residents and hinders Minnesota's progress as a national business, economic, and civic leader; and

**WHEREAS**, Minnesota's transportation system is failing to meet the capacity needs necessary to sustain population growth and promote economic development; and

**WHEREAS**, many rural roads are not built to modern safety standards and are not meeting the needs of industries that depend on the ability to transport heavy loads; and

**WHEREAS**, insufficient state funding has delayed regionally significant road construction and reconstruction projects across Minnesota; and

**WHEREAS**, transportation infrastructure maintenance and improvement costs significantly contribute to rising property taxes; and

**WHEREAS**, for every one dollar spent on maintenance, a road authority—and therefore taxpayers—save seven dollars in repairs; and

**WHEREAS**, Minnesota contains over 141,000 miles of roadway, and over 22,500 miles—or 16 percent—are owned and maintained by Minnesota's 853 cities; and

**WHEREAS**, almost 85 percent of all municipal streets are not eligible for dedicated Highway User Tax Distribution Fund dollars; and

**WHEREAS**, the more than 700 Minnesota cities with populations below 5,000 are ineligible for dedicated Highway User Tax Distribution Fund dollars, but have benefitted from the creation of the Small Cities Assistance Account; and

**WHEREAS**, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

**WHEREAS**, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes, and special assessments, have limited applications, leaving cities under-equipped to address growing needs; and

**WHEREAS**, city cost participation in state and county highway projects diverts resources from city-owned streets; and

**WHEREAS**, maintenance costs increase as road systems age, and no city—large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

**WHEREAS**, cities need greater resources, including an additional dedicated state funding source for transportation, and flexible policies to meet growing demands for street improvements and maintenance.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GRANT** that this Council requests that the Minnesota Legislature pass and Governor Tim Walz sign a comprehensive and balanced transportation funding package that permanently increases dedicated funding for transportation; and

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF GRANT** that this Council defines a comprehensive and balanced transportation funding package as an initiative that permanently increases dedicated funding for state and local road and transit systems in Greater Minnesota and the Metropolitan Area.

**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF GRANT** that this Council requests an omnibus transportation funding bill that provides additional dedicated state funding for city streets, including funding that can be used for non-MSA city street maintenance, construction, and reconstruction.

**ADOPTED** by the Grant City Council on April 2, 2019.

---

Mayor, Jeff Huber

---

City Clerk

## **Resolution No. 2019-09**

### **Resolution to Approve On-Sale/Sunday Liquor License for Nicholson-Stillwater Oaks, LLC (DBA: Stillwater Oaks)**

WHEREAS, Stillwater Oaks LLC submitted an application for the issuance of an On-Sale/Sunday Intoxicating Liquor License; and

WHEREAS, the Washington County Sheriff's Department completed the required Background check and found nothing to prevent issuance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Grant that the City Council does hereby approve issuance of an On-Sale/Sunday Intoxicating Liquor License to the applicant listed below for the period of April 2, 2019 through December 31, 2019:

Stillwater Oaks Golf Course  
11177 McKusick Road  
Stillwater, MN 55082  
Licensee: Bill Kuhlmann

BE IT FURTHER RESOLVED that licensing is contingent upon said applicant making payment of their taxes and submission of appropriate license fees, necessary liability insurance, to the Administrator/Clerk.

PASSED: April 2, 2019 by the City Council of the City of Grant.

---

Jeff Huber, Mayor

---

Kim Points, Administrator/Clerk

## City Council Report for March 2019

**To: Honorable Mayor & City Council Members**

**From: Jack Kramer Building Official**

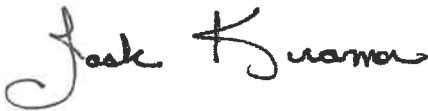
Zoning Enforcement:

**1. No new violations to Report.**

Building Permit Activity:

**1. Twenty-one (21) Building Permits were issued for a valuation of \$943,729.00**

Respectfully submitted,

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

Jack Kramer

Building & Code Enforcement Official

2019-17	Plumbing	Kelly	7955 Kimbro Ave. N.	2/14/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-18	HVAC	Kelly	7955 Kimbro Ave. N.	2/14/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-19	HVAC	Warian	6580 Jocelyn Rd. N.	2/14/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-20	HVAC	Harper	10281 Hadley Ave. N.	2/15/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-21	HVAC	Hedstrand	9871 Joliet Ave. N.	2/15/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-22	Plumbing	Andrews	10495 Hadley Ave. N.	2/23/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-23	Plumbing	Dittberner	7504-115th. St. N.	2/23/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-24	Windows	Kelly	7955 Kimbro Ave. N.	2/23/2019	\$ 11,000.00	\$ 195.25	\$ 146.43	\$ -	\$ 5.50	
2019-25	Swim Pool	Prescott	10481 Joliet Ave. N.	2/25/2019	\$ 15,000.00	\$ 251.25	\$ 188.43	\$ -	\$ 7.50	
2019-26	Plumbing	Johnson	10031-103rd. St. N.	2/26/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-27	HVAC	Nelson	9010-68th. St. N.	3/3/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-28	HVAC	Andrews	10495 Hadley Ave. N.	3/4/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-29	HVAC	Jordahl	9860 Indigo Trail N.	3/4/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-30	Plumbing	Loudas	10163 -67th. St. N.	3/6/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-31	House & Gar.	Rogness	8375 Jamaca Ave. N.	3/10/2019	\$ 841,910.00	\$ 4,858.25	\$ 3,643.68	\$ 3,157.86	\$ 420.95	
2019-32	HVAC	Ritt	11965 Ironwood Ave. N.	3/12/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-33	Garage Add.	Barthel	7160 Jocelyn Lane N.	3/12/2019	\$ 7,680.00	\$ 153.25	\$ 114.93	\$ 99.61	\$ 3.84	
2019-34	HVAC	Zurn	10410 Hadley Ave. N.	3/13/2019	N/A	\$ 80.00	\$ 60.00	\$ 9.00	\$ 1.00	
2019-35	HVAC	Burk	8720 Kimbro Avvve. N.	3/18/2019	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00	
2019-36	Windows	Klinkhammer	11625-115th. St. N.	3/19/2019	\$ 7,139.00	\$ 153.25	\$ 114.93	\$ -	\$ 3.56	
2019-37	Garage	Senn	10871-69th. St. N.	3/19/2019	\$ 61,000.00	\$ 720.75	\$ 540.56	\$ 468.48	\$ 30.50	
Monthly total						\$ 943,729.00	\$ 7,532.00	\$ 5,648.96	\$ 3,734.95	\$ 486.85