

CITY OF GRANT
MINUTES

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DATE : March 6, 2012
TIME STARTED : 7:05 p.m.
TIME ENDED : 10:53 p.m.
MEMBERS PRESENT : Councilmember Bohnen, Fogelson, Huber, Potter and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson, and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Fogelson moved to approve the agenda as presented. Council Member Huber seconded the motion. Motion carried unanimously.

CONSENT AGENDA

February 6, 2012 City Council Meeting Minutes	Approved
Bill List, \$34,694.58	Approved
Washington County Sheriff's Department, 2 nd Half Police Services, \$50,346.19	Approved

Council Member Huber moved to approve the Consent Agenda, as presented. Council Member Fogelson seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

Mr. Larry Lanoux, Keswick Avenue, came forwards and volunteered to get installation done relating to the dry hydrant this spring. He stated the City Planner is writing her own job description and he does have job descriptions for a Planner, Administrator and Clerk from the League of Minnesota Cities. He again suggested the City pass a resolution to ensure a simple phone call is made when complaints are submitted as opposed to getting letters from the City Attorney.

1 Mr. Loren Sederstrom, 107th, came forward and stated the annual clean up day is April 14 with a rain
2 date of April 21. The Tractor Parade is on September 8 and he suggested residents watch his All
3 About Grant show to see what it is all about.

4
5 **STAFF REPORTS**

6
7 **City Engineer, Phil Olson**

8
9 **Petition for Removal of Stop Sign at Justen and Joliet, Public Hearing** – City Engineer Olson
10 advised a sign petition was received last month. A public hearing was scheduled to take comments.
11 He stated he viewed the site to look at traffic counts, grade, contours and stopping site distances. It
12 appears there are a number of trees in the northwest corner that would prevent removal of the stop
13 sign unless the trees are cleared. He stated an engineering study can be done but trees would in fact
14 have to be removed. Site distances are based on national standards. To possibly lower the speed
15 limit, a speed study would have to be conducted per MnDOT. Eighty-five percent (85%) of the traffic
16 would dictate what speed limit is set. It is conceivable the speed limit would go up. Approximately
17 10-15 trees would have to be removed to provide for a 360 foot sit line. The traffic volume set for a
18 stop sign is an average of 300 vehicles per hour, allowing for a combination of vehicles, pedestrians
19 and bikers. Place a “stop sign ahead” may be an options but he a closer look at the intersection would
20 be necessary. If an engineering study is done, a recommendation could then be made regarding
21 removal of the stop sign.

22
23 The public hearing was opened at 7:29 p.m.

24
25 Mr. Lee Becker, 8990 107th Street, came forward and stated there is no way there are 2400 cars on
26 that street per day. He suggested that a yield sign is adequate.

27
28 Ms. Shannon Brogren, 9970 Joliet, came forward and stated safety is important and there is a lot of
29 brush there. She submitted a petition with 55 signatures of residents within ¼ of a mile of that
30 intersection who do not want the sign removed. It also seems that a critical concern is that Joliet may
31 become a thoroughfare. Stop signs take 8-10 seconds to stop at and the safety issue needs to come
32 first. She encouraged the Council to keep the stop sign in place.

33
34 Ms. Valerie Slaymaker, 9865 Justen Trail, came forward and stated she believes there is already a
35 warning sign in place. She indicated that if it were not for that stop sign, cars would drive right into
36 her car at the intersection. She implored the City to ensure public safety and keep the sign in place.

37
38 Mr. John Evans, 103rd Street North, advised he coordinated the petition to have the sign removed
39 knowing an engineering study would have to be done. He stated he cares about safety but there is
40 minimal traffic on that road and stop signs should not be used for speed control.

41
42 Mr. Gary Bauman, 10600 Joliet, came forward and stated he wants the stop sign to remain there but
43 his wife wants it removed. He noted there have been four accidents in the past year in that location.

1 Mr. Matt Schuler, 9819 Joliet, came forward and stated he lives at the junction of that intersection and
2 would like the stop sign to stay there for safety reasons.

3
4 Mr. Dan Semlack, 9997 Justen, came forward and stated he has lived at the corner of Justen for a long
5 time. It is a safety issue and he does not understand why people are so upset about it.

6
7 Mr. Todd Benjamin, 9940 Justen Trail, came forward and stated that he hopes if a study is done it is
8 done in the summer. There should be criteria for a nuisance and not based on a convenience for
9 people to get home earlier and that should be considered.

10
11 Ms. Lisa Roesler, 9760 Justen Trail, came forward and stated there is heavy traffic there coming
12 home from work. She added she would have been hit there before but most people do stop at the
13 sign. From a safety perspective it is important to retain the sign.

14
15 Ms. Brogren, 9970 Joliet, came forward and stated you cannot see her driveway from the intersection.
16 She stated they are a neighborhood and all of you should visit in the summer. She asked if the City
17 needs these commercialized studies and we should be keeping Grant rural.

18
19 Ms. Sharon Schuler, 9819 Joliet, came forward and stated her driveway is right at the stop sign. The
20 cost for the study and removal of brush and trees is an issue. She stated this is kind of ridiculous and
21 she agrees with the safety issue.

22
23 Deputy Fry came forward and advised the Department does not get a lot of complaints from residents
24 relating to that intersection.

25
26 Mr. Dennis Schwietz, 9750 Joliet, came forwards and stated that during the summer on Saturdays
27 Joliet is a main thoroughfare to Withrow. It would be good to keep the sign there and trailers backing
28 out of driveways are an issue also.

29
30 Mr. Bob Englehart, 9280 Joliet, came forward and suggested another stop sign be placed halfway
31 between on Hwy 96 and Justen to slow the speed down.

32
33 A resident that has lived in Woodland Acres for 37 years came forward and stated the signs went up
34 when the paving of Joliet was done. If signs are going to go up they should be put up on side roads
35 also and the City would have a lot to put up. An engineering study on this matter is in order.

36
37 Ms. Lisa Brandt, 9800 Janero, came forward and stated she walks that area all the time. The site line
38 is interesting because the road also goes downhill, in poor condition and has no shoulder. This is
39 clearly a safety issue.

40
41 Mr. John Evans came forward and stated it does take longer than 8-9 seconds to stop at that
42 intersection and the fact is so often no one else is at the intersection. Motorists do get tickets for a
43 rolling stop. It is an unnecessary stop sign.

44

1 Mr. Lee Becker came forward and stated speed bumps are very effective and the City should take that
2 into consideration.

3
4 Mr. Todd Benjamin came forward and stated that on behalf of the neighbors who live there, he has no
5 issues with stopping at the intersection to get home.

6
7 Ms. Karen Hilton, 9606 Joliet, came forward and stated there may not be many calls to the Sheriff's
8 Department because there is a stop sign there. There are no sidewalks or shoulder and safety and for
9 the greater good the sign should stay there. It is minor inconvenience to stop there.

10
11 Another resident came forward and stated there are two driveways down from the intersection and she
12 is partially responsible for getting the sign there in the first place. She stated she put herself out there
13 to get people to stop. She stated she lives in the country and doesn't want people to go by fast. This
14 is a neighborhood and property values will go down if the speed goes up.

15
16 Council Member Bohnen stated Mr. Dan Mielke contacted him and is not in support of removing the
17 stop sign.

18
19 Ms. Joyce Welander, 83rd Street, came forward and stated she still has a lot of history books. The
20 previous Road supervisor, Art Welander, will be happy to know that most people care about the
21 safety. The stop sign was a big issue previously and it is a safety issue.

22
23 The public hearing was closed at 8:05 p.m.

24
25 Council Member Bohnen advised there are no road counts for that road yet and suggested the
26 possibility of "stop ahead" sign when going south. He encouraged everyone to respect the sign while
27 it is there. He indicated he would hate to see the trees there removed and putting a sign on the other
28 side of the road also is not a bad idea to improve visibility. He stated he would not like speed bumps
29 or rumble strips put in as they make too much noise.

30
31 Council Member Huber stated that from comments made, an engineering study won't change the fact
32 that there is a blind intersection. He stated he does not see stopping as a great inconvenience and
33 would like to see increased enforcement there.

34
35 Council Member Potter inquired about a yield sign. City Engineer Olson stated if an engineering
36 study is done, he will either recommend removing the stop sign or keeping it in place. A
37 recommendation relating to a yield sign will not be included.

38
39 Mayor Carr stated he understands traffic and trailer issues with the removal of the sign. He added he
40 would like to the City do more brushing there and noted a stop sign study and speed study are not the
41 same thing. He believes the city put there sign up for safety and if the speed limit could be lowered,
42 the sign may not be necessary.

43

1 Council Member Fogelson stated he can see both sides of the issue and does believe that the sign
2 creates a safety issue because people go through it. The City does need more enforcement and the site
3 line should be improved.

4
5 Council Member Huber clarified he is not looking for enforcement as a revenue make. He is looking
6 for warnings so people pay more attention to the stop sign.

7
8 Council Member Potter stated he is not willing to compromise safety. The City could go through the
9 study but may still end of with a stop sign and funding of the study is an issue.

10
11 It was the consensus of the Council to increase brushing in that area, the City Engineer would
12 determine if a study is needed to put up another stop sign, and enforcement would be increased at that
13 intersection.

14
15 City Engineer Olson recommended the stop sign and warning sign be replaced with the reflectivity
16 signs.

17
18 Mayor Carr called for a short recess at 8:33 p.m.

19
20 Mayor Carr reconvened the meeting at 8:40 p.m.

21
22
23 **MS, Public Hearing** – City Engineer Olson advised that as part of the Municipal Separate Storm
24 Sewer System (MS4) permit, the City is required to hold an annual public hearing and receive
25 comments from the public.

26
27 City Engineer Olson presented the annual MS4 information noting the 2011 MS4 achievements, 2011
28 goals and the current status of the City's MS4 permit.

29
30 Mayor Carr opened the public hearing at 8:50 p.m.

31
32 There being no public comment, Mayor Carr closed the public hearing at 8:51 p.m.

33
34 **Staff Report** – A report was provided for February 2012 City Engineering activities, to be placed on
35 file for review.

36
37 Council Member Bohnen referred to the grading permit section of the staff report and stated the
38 Engineer used to have the discretion with the required escrow. He stated he would like the City to
39 continue with that as it is cost prohibitive to get a permit with a \$3,000 escrow. He would like it to be
40 easier for people to do the right thing.

41
42 City Attorney Vivian stated his strong preference would be that the City has a set escrow amount.

1 It was determined further discussion would be held regarding this issue and the option of having a
2 minor and major grading permit/escrow would be considered at the April Council meeting.
3

4 **City Planner, Jennifer Haskamp**

5
6 **Staff Report** – A report was provided for February 2012 City Planning activities, to be placed on file
7 for review.
8

9 **City Attorney, Nick Vivian**

10
11 **Mr. Larry Lanoux Data Practices Request** – City Attorney Vivian advised he has not yet received
12 documents from the Council relating to the data practices request from Mr. Larry Lanoux. The
13 council needs to provide the documents no later than March 12 to allow for review time before being
14 turned over to Mr. Lanoux's Attorney. He noted anything that references Mr. Larry Lanoux must be
15 turned over and personal information may or may not be public.
16

17 **Staff Report** – A report was provided for February 2012 City Legal activities, to be placed on file for
18 review.
19

20 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
21 February 2012 to be placed on file for review.
22

23 **OLD BUSINESS**

24
25 **Website Items, Mayor Carr** – Mayor Carr advised this item will be on every agenda for comments
26 and suggestions on the City's website. He stated a meeting regarding the Brown's Creek Trail will be
27 held at the Stillwater Library from 4:30 to 6:00 p.m., on March 14. You can RSVP on their
28 website. The City's clean up day is April 14 with a rain date of April 21.
29

30 Council Member Potter stated the work session with Brown's Creek is posted on the website along
31 with the agenda.
32

33 Council Member Bohnen stated the ballfield schedule for 2010 was posted on the website but was not
34 for 2011. He indicated the Clerk is working on the 2012 schedule and it should be posted.
35

36 **NEW BUSINESS**

37
38 **Public Comment Inquiries, Mayor Carr** – Council Member Bohnen stated he supports the City's
39 cleanup day and the City should pay for the dumpster.
40

41 **Planning Commission Appointments** – Mayor Carr stated four interviews were held earlier for the
42 two seats on the Planning Commission. He advised the two members whose seats are up would like
43 to be reappointed and continue on the Planning Commission.
44

1 **Mayor Carr moved to reappoint Glenn Larson and Tom Stangl to the Planning Commission.**
2 **Council Member Huber seconded the motion.**

3
4 Council Member Bohnen stated he did not have the previous applications from Mr. Larson and Mr.
5 Stangl in his packet.

6
7 Council Member Huber stated that whether a staff member or someone the Council appoints to a
8 commission or board with no performance issues or problems should be reappointed. Eight months
9 ago the Planning Commission elected Mr. Larson as Chair of the PC. He stated he has not heard of
10 any performance issues and he doesn't see how they cannot be reappointed.

11
12 **Motion failed with Council Member Potter, Bohnen and Fogelson voting nay.**

13
14 **Council Member Fogelson moved to appoint Mr. Tom Mathieson and Mr. Bill David. Council**
15 **Member Huber seconded the motion.**

16
17 Council Member Huber made a friendly amendment to separate the votes on Mr. Mathieson and Mr.
18 David. Council Member Fogelson agreed.

19
20 **Motion for Mr. David passed with Council Member Huber voting nay and Mayor Carr**
21 **abstaining.**

22
23 **Motion for Mr. Mathieson failed with Council Member Bohnen, Huber, Potter and Mayor Carr**
24 **voting nay.**

25
26 **Mayor Carr moved to appoint Mr. Legred to the Planning Commission. Council Member**
27 **Huber seconded the motion. Motion failed with Council Member Bohnen and Council Member**
28 **Potter voting nay and Council Member Fogelson abstaining.**

29
30 **Council Member Potter moved to appoint Mr. Lanoux to the Planning Commission. Council**
31 **Member Bohnen seconded the motion. Motion carried with Council Member Huber and**
32 **Mayor Carr voting nay.**

33
34 Mr. Bill David and Mr. Larry Lanoux were appointed to the Planning Commission.

35
36 **Discussion/Recap of Goodview Avenue Meeting, Steve Bohnen** – Council Member Bohnen
37 provided the background on this issue nothing there was a meeting with the City of Hugo, White Bear
38 Township and the County. Discussion during that meeting included potential costs of the project as
39 well as current maintenance costs. He indicated he does need to get the traffic counts on the roadway
40 but would like to continue discussions with the other entities. He requested Council direction
41 regarding the continuation of the Goodview Avenue discussions.

42
43 Council Member Huber stated he would like to keep discussions going but residents need to be kept
44 in the loop and be allowed input.

45

1 Mayor Carr stated the City has to follow the current road policy and residents have not come forward
2 with a petition for improvements.

3
4 City Attorney Vivian advised the Council does have the authority to undertake a road project on its
5 own.

6
7 Council Member Fogelson stated he does support having discussions with the neighbors and all
8 involved parties but would like an idea of the costs. He added he believes the road ultimately should
9 be paved.

10
11 Council Member Potter advised he does endorse moving forward with discussions.

12
13 **City Engineering Services, Step One, Review of Council Expectations, Steve Bohnen** – Council
14 Member Bohnen read the staff report included and discussed the top ten engineering expenses for
15 2011.

16
17 Council Member Potter referred to the costs associated with staff meeting and stated staff meetings
18 should be eliminated or documentation of those meetings should be provided.

19
20 No other issues were noted with the engineering fees.

21
22 **Alerus Financial GOI Bond 2003 Payoff, Sharon Schwarze** – City Treasurer Schwarze provided
23 the payoff amount for paying the bond off one year early noting the City does have the available funds
24 in the fund balance.

25
26 **Council Member Huber moved to approve the payoff of GOI Bond 2003, as presented. Council**
27 **Member Fogelson seconded the motion. Motion carried unanimously.**

28
29 **DISCUSSION ITEMS**

30
31 **City Council Reports:**

32
33 Council Member Fogelson provided an update on the emergency siren recommending it be
34 programmed to go off the at the same time as Lake Elmo, Hugo and Forest Lake. The best location
35 for the siren is Hwy 96 and Joliet Avenue.

36
37 Council Member Bohnen stated a discussion should be held regarding how strong the signal will be.

38
39 Council Member Bohnen stated he would like to purchase some mailbox equipment that would be
40 available to residents. He provided information regarding type and price. The equipment could be
41 offered in lieu of the mailbox replacement reimbursement of \$50.

42
43 Council Member Bohnen advised the annual road tour will be soon. He suggested the City rent a bus
44 to allow for the Council and residents to participate in the tour and view the roads.

45

1 Council Member Potter noted next month the City has a work session with Brown's Creek. He
2 reviewed the draft agenda for that meeting.

3
4 Council Member Potter added that he is working on the sign inventory project and will get the signs
5 prioritized and then develop a replacement plan.

6
7 **Staff Discussion Items:** Mayor Carr inquired reviewed the staff report and asked if the Council
8 would like to increase the number of playback times there are for City meetings.

9
10 The Council determined the number of playback times is sufficient. It was suggested the bulletin
11 board on cable be utilized for City announcements.

12
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14
15 **COMMUNITY CALENDAR MARCH 7 THROUGH MARCH 31, 2012:**

16
17 **Planning Commission Meeting, Tuesday, March 6, 2012, Town Hall, 7:00 p.m.**

18
19 **ADJOURN**

20
21 **There being no further business, Council Member Huber moved to adjourn at 10:53 p.m.**
22 **Council Member Potter seconded the motion. Motion carried unanimously.**

23
24 These minutes were considered and approved at the regular Council Meeting April 3, 2012.

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29

Kim Points, City Clerk

Tom Carr, Mayor

March 27, 2012

Dear Grant Mayor and City Council Members,

I have asked to appear before you at the April 3rd City Council meeting in response to a letter from our City Attorney that has asked me to obtain a CUP for a temporary High Tunnel or Hoop House that I have constructed on our 118 acre farm located at 11601-75th St. No., Grant. High Tunnels are temporary agricultural structures that help extend the growing season for warm season crops like tomatoes. We used a grant from the Minnesota Natural Resource Conservation Service (USDA) to partially pay for the materials to set up the high tunnel in return for providing research information that the NCRS and the U of M are doing. I have included several pieces of information from the NCRS and the U of M Extension Service which further describes High Tunnels.

The request to apply for a CUP in order to make use of a temporary agricultural structure is a hardship and because of the cost (\$900 plus \$3000 escrow) renders useless the purpose of a high tunnel in the first place which is to help assist a vegetable farmer to achieve an earlier and higher price for his crop. I believe that the City Council should be very careful about creating or applying policies that prohibit or make it a hardship to use of modern agricultural practices which allow farmers to be competitive on expensive urban farm land within Grant.

My hope is that we can start an open, thoughtful discussion about whether or not Grant's current ordinances permit modern farming on agricultural parcels. My request is that the City Council takes the time to learn about High Tunnels and to deliberately proceed in how to address the use of High Tunnels on AG 1 zoned lands within Grant. I certainly am no land use legal expert but I am aware of how important farming has been to both the history of Grant and how it is the cornerstone of rural character. Grant's Comprehensive Plan speaks to the support of agriculture and in fact Grant has a Right to Farm ordinance that further supports the freedom to farm. As a farmer and an owner of two agricultural parcels within Grant, I am very desirous of seeing Grant get their agricultural policies right.

At best farming is a very important but tenuous activity now days and it is chillingly when governmental regulations make it additionally tenuous to use modern, best agricultural practices.

I look forward to appearing before the Council and starting a discussion about High Tunnels.

Kind Regards,

David Washburn and Meg Anderson

9694 75th St No. and
11601 75th St No.
Stillwater, MN 55082
612/366-1458

GRANT CODE

(h) *Single-family detached dwellings.* In all districts where single-family detached dwellings are permitted, the following standards shall apply for single-family detached dwellings, including manufactured homes, except that these standards shall not apply to manufactured homes permitted by section 32-338:

- (1) *Minimum width.* The minimum width of the main portion of the structure shall be not less than 20 feet, as measured across the narrowest portion.
- (2) *Foundations.* All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding, in compliance with the state building code.

(Ord. No. 50, § 702, 12-7-1982)

Sec. 32-313. Accessory buildings and other non-dwelling structures.

(a) *Types of buildings.* Accessory buildings and other non-dwelling structures include the following: storage or tool sheds; detached residential garages; detached rural storage buildings; detached domesticated farm animal buildings; agricultural farm buildings; non-accessory, non-dwelling structures. Said buildings are defined as follows:

- (1) *Storage or tool shed* means an accessory building of less than 120 square feet gross area with a maximum roof height of 12 feet.
- (2) *Detached residential accessory building* means an accessory building used or intended for the storage of motor driven passenger vehicles, hobby tools, garden equipment, workshop equipment, etc., with a maximum gross area regulated in subsection (b) of this section.
- (3) *Detached domesticated farm animal building* means an accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. Said building shall be regulated by subsections (b), (m) and (n) of this section.
- (4) *Agricultural farm building* means an accessory building used or intended for use on a rural farm as defined in section 32-1, the definition agricultural building.
- (5) *Non-accessory, non-dwelling structures* means a structure intended for uses permitted by conditional use permit. (Refer to section 32-245 and subsection (b) of this section.)

(b) *Permitted uses and sizes of accessory buildings and other non-dwelling structures.* The limitations in this subsection (b) also govern sizes of structures granted under a conditional use permit (CUP). Abbreviations used in this subsection are: CUP=conditional use permit; CC=certificate of compliance

- (1) *Storage, boat or tool shed.*
 - a. Permit required: None. See subsection (a)(1) of this section.
 - b. Maximum square footage: 120.
 - c. Maximum roof height: 12 feet.
 - d. Maximum number allowed: One.
- (2) *Detached accessory building.*
 - a. All parcels with less than one buildable acre:
 1. Permit required: Building.
 2. Maximum combined total square footage: 1,000.
 3. Maximum roof height: 35 feet.
 4. Number of buildings allowed: 2.
 - b. All parcels 1.01 acre to 2.99 acre:

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1. Permit required: Building and CC.
 2. Maximum combined total square footage: 1,500.
 3. Maximum height: 35 feet.
 4. Number of buildings allowed: 2.
- c. All parcels 3 acres to 4.99 acres:
1. Permit required: Building and CC.
 2. Maximum combined total square footage: 2,000.
 3. Maximum height 35 feet.
 4. Number of buildings allowed: 2.
- d. All parcels 5 to 9.59 acres:
1. Permit required: Building and CC.
 2. Maximum combined total square footage: 2,500.
 3. Maximum Height: 35 feet.
 4. Number of buildings allowed: 3.
- e. All parcels 9.6 to 14.99 acres:
1. Permit required: Building and CC.
 2. Maximum combined total square footage: 3,500.
 3. Maximum height: 35 feet.
 4. Number of buildings allowed: 4.
- f. All parcels 15 to 19.99 acres:
1. Permit required: Building and CC.
 2. Maximum combined total square footage: 4,000.
 3. Maximum Height: 35 feet.
 4. Number of buildings allowed: 4.
- g. All parcels 20 acres or more: No limit.
- (3) Non-accessory, non-dwelling structures:
- a. Permits required: CUP and building.
 - b. Maximum combined total square footage: Under 20 acres: as per permit.
 - c. Twenty or more acres: as per permit.
- (4) A certificate of compliance is required on all buildings over 1,000 square feet in area and for all buildings housing animals. For agricultural buildings on rural farm (as defined in section 32-1, agricultural building) only a CC is required.
- (5) No land shall be subdivided so as to have a larger building and/or exceed the total number of buildings as permitted by this section. The square footage of a building is calculated based upon the footprint of the foundation or main floor, whichever is larger, and includes any overhangs which are supported by posts or additional foundation support. Any accessory building may have a lower level, main level and loft area and still be considered an accessory

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building.

(6) No portion of an accessory building may be used for human habitation.

(c) *Tool sheds.* A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

(d) *Building permit for principal building a prerequisite.* No accessory building shall be constructed nor accessory use permitted on a lot until a building permit has been issued for the principal building to which it is accessory.

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

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

(g) *Height restrictions.* No accessory building in a commercial district shall exceed the height of the principal building, except by conditional use permit.

(h) *Placement.* Accessory buildings in the commercial districts may be located to the rear of the principal building, subject to the building code and fire zone regulations.

(i) *Conforming lots.*

(1) A detached garage or other accessory building which is in front of the principal structure and set back 300 feet or more from the front lot line may be constructed after the issuance of a certificate of compliance without having to meet the requirements set forth in subsection (i)(2)a, b, and c of this section.

(2) A detached garage or other accessory building which is less than 300 feet from the front lot line and in front of the principal structure on the lot may be constructed after the issuance of a certificate of compliance, provided that the detached garage or accessory building meets the following requirements:

a. The detached garage or accessory building meets the setback requirements of the underlying zoning district; and

b. The exterior of the detached garage or other accessory building is consistent with the design and character of the principal structure on the lot on the effective date of the ordinance from which this article is derived; and

c. The applicant is issued a building permit for the detached garage or accessory building if one is required.

(3) Nonconforming lots. A detached garage or other accessory building may have the same setback as the principal building on a lot by issuance of a certificate of compliance, provided that the detached garage or accessory building meets the following requirements:

a. The exterior of the detached garage or other accessory building is consistent with the design and character of the principal structure; and

ZONING

- b. The applicant is issued a building permit for the detached garage or accessory building if one is required.

(j) *Lake frontage lots.* Accessory structures located on lake frontage lots may be located between the public road and the principal structure, provided they can meet all other setbacks of the district.

(k) *Ice fishing houses.* Licensed ice fishing houses stored on parcels of land during summer months shall not be considered an accessory storage building. Licensed ice fishing houses shall meet the size limitations of subsection (b)(1) of this section and all other provisions of this chapter, except subsection (l) of this section.

(l) *Requirements for larger accessory buildings.* Accessory buildings larger than 120 square feet shall require a building permit regardless of improvement value. Roof and wind load shall conform to requirements as contained in the state building code. Agricultural buildings shall be exempt from the state building code and do not require a building permit.

(m) *Certificate of compliance.* An application for a certificate of compliance required for approval and construction of a detached domesticated farm animal building shall include the following:

- (1) A site plan illustrating, within 500 feet of the proposed structure, all adjacent property owners' lot lines, houses, septic systems, fences, wells, animal buildings and other structures and feed storage areas; all wet marshy areas, drainageways and shorelines; all proposed grazing areas on the site; all new utility extensions and driveway accesses to the proposed building; all manure storage and disposal areas.
- (2) A written soil inventory and evaluation from the county soil conservation district, if requested by the city council.
- (3) Details of the building floor plan, elevations, materials and color of structure.

(n) *Placement for agricultural buildings.* The placement of detached agricultural buildings and domestic farm animal buildings shall be according to the following performance standards:

- (1) Setbacks. All domestic farm animal buildings and manure storage sites shall be set back horizontally from natural or manmade features as follows:
 - a. Any property line: 100 feet.
 - b. Any existing well or residential structure on the same parcel: 50 feet.
 - c. Any existing well or residential structure on adjacent or nearby parcel: 200 feet.
 - d. Any body of seasonal or year-round surface of water: 200 feet.
- (2) Slopes. Said building, feedlot or manure storage shall not be placed on slopes which exceed 13 percent.
- (3) Evidence of the seasonally high groundwater level or mottled soil (as established by six foot borings) shall not be closer than four feet to the natural surface ground grade in any area within 100 feet of the proposed building and/or feedlot.
- (4) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

(Ord. No. 50, § 703, 12-7-1982; Ord. No. 54, § 2, 1-3-1984; Ord. No. 54-A, § 2, 1-3-1984; Ord. No. 60, § 1-3, 9-1-1987; Ord. No. 67, §§ 1, 2, 4-6-1992; Ord. No. 68, § 1, 2-1-1994; Ord. No. 2002-93, § 1, 5-7-2002; Ord. No. 2004-112, § 1, 10-5-2004)

Sec. 32-314. Public convenience structures.

The EQIP Initiative for Seasonal Tunnel System for Crops

Fact Sheet

Overview

A seasonal high tunnel is a temporary, plastic supported structure, at least 6 feet in height, which modifies the climate to create more favorable growing conditions for crops. Potential natural resource benefits from using tunnel structures could include (1) improved plant quality, (2) improved soil quality, and (3) improved water quality through methods such as reduced nutrient and pesticide transport.

What is EQIP

The Environmental Quality Incentives Program (EQIP) is a voluntary conservation program administered and carried out through the USDA Natural Resources Conservation Service. It supports agriculture production and environmental quality as compatible goals.

Through EQIP, land users may receive financial and technical help to voluntarily address soil, water and related natural resource concerns on private lands with structural and management conservation practices.

Applications for participation in EQIP can be made through your local NRCS field office. All EQIP applications are evaluated through an environmental scoring and ranking process. In MN the demand for EQIP funding generally far exceeds the available funding and only those applications which rank the highest are extended an offer to develop a funded contract.

In general, EQIP is intended to assist producers with the implementation of conservation practices that help solve an identified resource concern that currently exists on their farm. EQIP rules specify that payments are limited to the implementation of newly applied conservation practices that have not been previously established. EQIP is NOT a grant program. EQIP payments are made through a reimbursement process. Participants must successfully carry out the approved conservation actions, then certify the practice for payment.

Eligibility for EQIP

To receive cost sharing through EQIP you:

- Must have an active interest in agricultural crop production at the time you apply for the program
- Must have a minimum of \$1,000 in documented annual agricultural production
- Must own or have control of the agricultural land for the

length of the contract

- Must comply with the sod and swampbuster provisions of the farm bill
- Must meet the USDA defined Annual Gross Income (AGI) limits
- Must establish eligibility as a producer within the USDA record system before applying

Seasonal Tunnel System for Crops

NRCS will use an interim conservation practice standard to allow funding of these structures on a pilot basis. High tunnels are applicable to those producers who grow crops which need an extended growing season either earlier or later in the year (or both).

Requirements for applying this practice include:

- The practice must be sited on existing cropland that has an active crop production history



- Crops grown within the tunnel must be planted directly into the natural soil profile. Raised beds or natural soil can be used but the use of tables, benches, growing racks, portable pots or hydroponics is not eligible
- No electrical heating and/or mechanical ventilation systems are allowed
- Participants are required to purchase, plan, design and construct the tunnel structure in accordance with the commercial manufacturer's recommendations
- As a minimum, the structure must use 6-mil greenhouse-grade UV resistant polyethylene covers
- These are intended to be seasonal structures which are not designed to sustain a snow load. The participant will be responsible to decide if the plastic will be

Removed at the end of the growing season

- High tunnels must be maintained for a minimum of four years. Participants are responsible to repair and/or replace any materials damaged by wind, snow and other weather conditions or situations for the entire four year period.

Water runoff from the high tunnels can cause ponding and runoff issues that may require the application of several other practices such as underground outlets, grassed waterways, structures, critical area plantings and access roads. If they are needed, these additional practices will need to be planned and installed as a condition for the installation of a high tunnel. Additional practices should be considered as a part of a conservation plan, such as nutrient and pest management and crop rotation.

What is NOT Eligible as a High Tunnel

These structures are not greenhouses and are not permanent structures. These structures are only for use in growing crops. The use of these structures for housing livestock is not allowable through this program.

Financial Assistance

EQIP financial assistance is limited to a maximum size of 2,178 square feet of land under the high tunnel per USDA identified agricultural operation. The NRCS payment rate will be \$1.89 per square foot.

More Information

To apply for EQIP funds, farmers must visit their local USDA service center to make an application. In order to receive funds through the EQIP for any conservation practice, an application must be approved and a contract signed prior to any work being done.

When applying for EQIP, especially when applying for the first time, producers should be mindful that they will need to fill out forms providing USDA with information that confirms that they are eligible to participate in these public-funded programs. NRCS staff will be available in the service center to help producers through this application process.

For more information about EQIP and this new Seasonal Tunnel System practice, visit your local **USDA Service Center**, or check on the Minnesota NRCS web site at www.mn.usda.gov, under the Programs tab.

USDA is An Equal Opportunity Provider and Employer

Introduction to High Tunnel Production in Minnesota

Terrance T. Nennich
Regional Extensional Educator
Email nenni001@umn.edu

High tunnel vegetable and fruit production in Minnesota is a relatively new concept in season-extension and risk management. Initial research began about 6 years ago, while extensive research started in 2002 with the purchase of two 21'x48' high tunnels at the North Central Research and Outreach Center in Grand Rapids Minnesota. The North Central Research and Outreach Center is the most northern university research center in the continental United States, making it an ideal place for season-extension research with high tunnels. In this area of Minnesota, warm season crops such as tomatoes do not mature until late August or early September and have a very short harvest window before frost. Research has indicated that tomatoes can mature as much as four weeks earlier in high tunnels, depending on weather conditions.

While high tunnels resemble greenhouses in appearance, this is the only similarity. High tunnels do not use electricity, do not use artificial heat (except in emergency situations), use only a single layer of plastic, and achieve ventilation from natural airflow by rolling up the sides instead of using electric fans. Drip irrigation is used to water the crops.

High tunnels can have many advantages for the grower. Although container crops are sometimes an option, crops in high tunnels are typically grown in the ground, as is the case for field crops. Unlike field crops, however, the yield and quality are often far superior. Additionally, Minnesota research has indicated that high tunnels have greatly aided in the control of diseases and in reducing common vegetable pest problems. While no intensive research has been done in Minnesota regarding organic systems in high tunnels, indications are that high tunnels would provide an excellent tool for organic production in Minnesota since diseases and other pests can be controlled without chemical intervention. As a financial investment, high tunnels often can pay for themselves in one year and even return a profit, if managed properly.

High tunnel production is not without its risks, however. Growers starting in high tunnel production must realize that high tunnel production in Minnesota currently is in a learning phase, and they must be willing to experiment to find the best solutions for their own areas and crops. High tunnels, while definitely offering many advantages over traditional field production, require more labor and more intensive management. If growers do not monitor their high tunnels on a daily basis, the results can be disastrous. A few of the needed management practices may include proper variety selection, pollination management, water management, temperature management, and pruning and staking of crops.

While the future of high tunnel production in Minnesota looks bright, much research remains to be done. Many growers have contributed to the research by conducting observational trials on their own farms and reporting the results during the high tunnel session at the annual Minnesota Fruit and Vegetable Growers Show, which is held annually the first week in February at Saint Cloud. Some producers have cooperated with the University of Minnesota Extension Service and obtained grants for on-farm high tunnel research with new crops. Recently the University of Minnesota Central Regional Partnership at Staples has funded high tunnel research by helping to erect high tunnels for future research at the Central Lakes Agriculture College. Work on research and demonstration plots will begin there in the spring of 2005. For this important research to continue, growers and University staff must work together to share effort, to determine best practices, and to disseminate knowledge.

This manual is offered as a three ring binder. As additional research and high tunnel production information become available, you can easily add it to the proper sections.

Why Use High Tunnels in Minnesota
David Wildung and Pat Johnson
North Central Research and Outreach Center

It has been said that Minnesota has no spring. Weather in April and May can be very unpredictable with the potential for frost that can damage tender vegetable transplants always present. Typically vegetable growers and home gardeners must wait until mid- to late-May to plant warm season vegetable crops for fear of frost injury. Indeed, frost can occur in northern Minnesota well into June. Growers who take a chance and plant in May often need to take special precautions or use frost protection systems to keep the young transplants from suffering damage. When successful, growers are rewarded with earlier production and better market prices. When unsuccessful, extra time, labor, and other expenses greatly reduce profits. Producers want that early market, and any growing system that will help produce an earlier crop is desirable.

At the same time that the frost danger is so great in April and May, the day length is increasing and the sun angle is at its highest, making conditions optimum for plant growth and development. High tunnels offer a way for Minnesota growers and gardeners to capture some of the light and heat from these long days. At the same time, high tunnels enable growers to start the tender warm season crops in an environment that is less threatening and easier to protect from frost. It is not uncommon during a sunny early May day when the air temperature is in the 50's to have the temperature inside the high tunnel be well over 80 degrees -- optimum for plant growth and establishment.

By definition, a high tunnel is a non-permanent structure that has no electrical service, no automated ventilation and no heating system. High tunnels typically are ventilated by manually rolling the sides up or down as needed using a roll bar. They are covered with a single layer of 6-mil greenhouse plastic that is left on the structure year around and normally will last two to three years. Frost protection in the spring and fall should be available and typically can be provided by heavy row covers or, more reliably, by standby portable propane heaters.

The Minnesota High Tunnel Project started in 2003. During the 2003 and 2004 growing seasons great contrasts were seen in growth and production both within and between the high tunnels and the field. The 2003 season was early, had no major frost events in May, had much-above-average temperatures during the entire season, and resulted in outstanding production both in the high tunnels and in field-grown plants. By contrast, the 2004 season was very late, had as many as 13 frost events in May, had frost on June 16, had another on August 20, and was much cooler than average all season. Field production was delayed and poor at best. If it had not been for the much-above-average temperatures in September, no field tomato production would have occurred at all in 2004. High

tunnel production was again early, dependable, and prolific. The benefits of high tunnels in Minnesota were never more evident than during the 2004-growing season. High tunnel production in both seasons was significantly earlier, greater, and resulted in fruit that was larger and of better quality than that produced under field conditions.

In addition to the yield factors listed above, high tunnel production has some other noticeable benefits over field production. Because of the earlier planting date and better growing environment in the high tunnels, it is possible for the grower to provide a steady amount of good quality product to the market for a longer period of time. High tunnel production also seems to be more predictable and dependable than field production, making market planning easier. These factors are good for both the grower and customer. For example, during the 2004 season, customers frequently asked when the tomatoes would be available. High tunnel tomatoes were available much earlier than field ripened tomatoes and at a time that was very close to when ripe fruit had been available during the 2003 season. Another very noticeable factor in high tunnel production was the much-reduced occurrence of insect and disease damage. Tomatoes were grown in both seasons without septoria or early blight symptoms in the high tunnels, whereas, by late August these diseases had killed nearly all of the field-grown plants. Aster yellows, which infects many of the carrots grown in the field, was not a problem in carrots grown in the high tunnels. Radishes grown in the field are usually infested with root maggots, and they were not bothered by maggots in the high tunnels. Reducing these insect and disease factors led to less pesticide use as well as better, more dependable production. A third noticeable advantage in high tunnel production was cultivar selection. Often in Minnesota, a grower may have to select a cultivar for field production because it matures earlier than others, though it may not have the yield potential of cultivars developed for regions with longer growing seasons. High tunnels allow growers to not only grow these earlier-maturing cultivars for their early crop, but also allow growers the opportunity to maximize production by choosing longer-maturing, full-season cultivars. For example, the tomato cultivar Cobra produces very little ripe fruit in the field under northern Minnesota conditions; however, under high tunnel production it is capable of producing up to 20 pounds of fruit per plant.

High tunnel production is very different from field production in that the grower has much more control over the environment. In high tunnel production, the grower can control water, fertility, and temperature. The grower needs to monitor and select the best levels of these factors and to choose which cultural practices to implement. There are different levels of management and culture within the high tunnel. For example, one grower may chose to let the tomato plants grow on the ground in a matted row system where another grower may chose to tie the plants to stakes or to trellis the plants and prune them as they develop during the season. Whichever the growing system or environmental factors used, careful and more-detailed management is necessary. This manual contains many

suggestions you will need to get started in high tunnel production. It is hoped that this manual will assist growers in their quest for success.

World wide, the greatest success with high tunnels has been in regions where growing seasons are somewhat marginal either being too cool or too short. In Minnesota, the growing seasons are both too cool and too short, making the potential value of high tunnel production unlimited for Minnesota producers and gardeners.

Date range : 03/01/2012 to 03/26/2012

Vendor	Date	Check #	Total	Description	Void	Account #	Detail
Postmaster	03/06/2012	11674	\$100.00	Annual PO Box Fee	No	100-41311-210	\$100.00
Payroll Period Ending 03/26/2012	03/26/2012	11675	\$2,358.39		No	100-41101-100	\$2,358.39
On Site Sanitation	03/26/2012	11676	\$149.63	January	No	100-43007-210	\$149.63
Waste Management	03/26/2012	11677	\$4,347.38	Recycling	No	100-43011-384	\$4,347.38
CenturyLink	03/26/2012	11678	\$160.40	City Phone	No	100-41309-321	\$160.40
Ken Roman	03/26/2012	11679	\$133.00	CableCast	No	100-41318-300	\$133.00
Croix Valley Inspector	03/26/2012	11680	\$3,089.68	Building Inspector	No	100-42004-300	\$3,089.68
Xcel Energy	03/26/2012	11681	\$314.01	Utilities	No	100-43004-381	\$226.80
Alerus Financial	03/26/2012	11682	\$11,906.52	GOI Bond of 2003/Payoff	No	100-43010-381	\$10.32
Kline Bros Excavating	03/26/2012	11683	\$3,398.75	Road Maintenance	No	100-43117-381	\$76.89
KEJ Enterprises	03/26/2012	11684	\$5,665.00	Pothole Patching	No	100-45001-530	\$132.52
Sherill Reid Animal Control	03/26/2012	11685	\$180.00	Animal Control/Inv#3-4	No	100-45004-530	\$11,774.00
Brochman Blacktopping Co.	03/26/2012	11686	\$7,628.00	Roads/Pothole Repair	No	100-43101-300	\$2,343.75
Press Publications	03/26/2012	11687	\$41.66	Publication	No	100-43111-300	\$545.00
City of Mahtomedi	03/26/2012	11688	\$28,739.50	1st Quarter Fire Contract	No	100-43113-300	\$510.00
Washington County Transportation	03/26/2012	11689	\$1,908.65	Snow and Ice Control	No	100-43110-300	\$45.00
Eckberg Lammers	03/26/2012	11690	\$4,320.35	Legal Services	No	100-43113-300	\$5,620.00
WSB & Associates	03/26/2012	11691	\$2,755.50	Engineering Jan/Feb	No	100-42006-300	\$180.00
PERA	03/26/2012	11692	\$423.88	PERA	No	100-41308-300	\$7,628.00
						100-41308-300	\$41.66
						100-42002-300	\$28,739.50
						100-43113-210	\$1,908.65
						100-41204-300	\$1,869.93
						100-41205-300	\$908.75
						100-41206-300	\$1,541.67
						100-41203-300	\$2,293.00
						100-43110-300	\$344.00
						100-43125-300	\$118.50
						100-41102-120	\$227.64

City of Grant

Disbursements List

03/26/2012

<u>Vendor</u>	<u>Date</u>	<u>Check#</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account#</u>	<u>Detail</u>
Sprint	03/26/2012	11693	\$35.14	City Cell Phone	No	100-41113-100	\$196.24
IRS	03/26/2012	EFT21	\$701.25	Payroll Taxes - December	No	100-43116-321	\$35.14
						100-41103-100	\$240.20
						100-41107-100	\$283.65
						100-41110-100	\$131.87
						100-41112-100	\$45.53

Total For Selected Checks

\$78,356.69

\$78,356.69

Facsimile



Sonja Flaagan
PO Box 6001
Grand Forks, ND 58206-6001
sflaagan@alerausmail.com

(701) 795-3267 (phone) (701) 795-3346 (fax)

Date: 3/5/2012
To: City of Grant
Fax #: 651-429-1998.
Number of Pages: 1

Payoff regarding: CITY OF GRANT Note number: 559000601615
Payoff good thru: 4-05-12

-----Payoff Data-----	
Payoff date:	4-05-12
Net payoff:	11,906.52
Principal amount:	11,774.00
Interest due:	132.52
Payoff interest per day:	1.314763

Please note that this payoff is only an estimate and can change. If you have any questions, please feel free to contact me at the number above.

For your reference we have included our mailing address and wiring instructions.

Mailing Address:
Alerus Financial NA
PO Box 6001
Grand Forks ND 58206-6001

Wiring Instructions:
Alerus Financial NA
PO Box 6001
Grand Forks ND 58206-6001

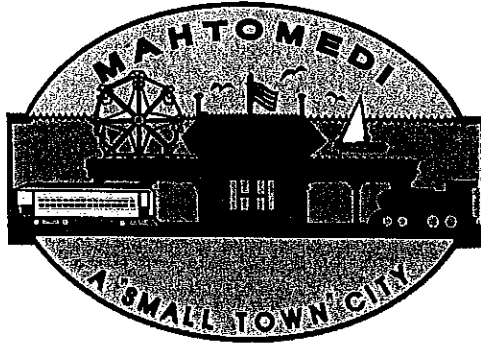
Mailing Address:
Alerus Financial NA
2300 S Columbia Road
Grand Forks, ND 58201

Routing #091300159
Account #50125477

Please reference the Loan # and Customer Name
Attention: Loan Operations

Confidentiality notice: The document(s) accompanying this fax may contain confidential information that is legally privileged. The information is only for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information except its direct delivery to the intended recipient named above is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone to arrange for the return of the original fax documents to us. Thank you for your cooperation.

800.279.3200 WWW.alerausfinancial.com



December 21, 2011

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

Dear Kim,

Please remit a check in the amount of \$28,739.50 for the 4th quarter fire contract. Please pay April 1, 2012.

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



Memorandum

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

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

Date: *March 26, 2012*

Re: *April Staff Report - Engineering*

A. Agenda Items

- i. **Grading Permit Review:** Grading permit fees and requirements have been discussed at the past several Council meetings. The City currently requires a grading permit for any project with grading quantities between 50 cubic yards and 5000 cubic yards. A CUP is required for grading quantities greater than 5000 cubic yards.

The current fee and escrow are based on the following schedule:

50 CY – 1,000 CY.....	\$300
1,000 CY – 5,000 CY.....	\$300 + [\$0.05(<u>X</u> CY – 1,000 CY)]
Escrow (Site Restoration).....	\$3000

The escrow is returned to the permit holder once vegetation is established on the site.

Below are the grading permit fees, escrows, and requirements for several surrounding cities.

City/Township	Minimum Requirements	Permit Fee	Escrow/LOC
Grant	50 CY	\$300	\$3000
Lake Elmo	50 CY	\$125	\$1500/acre
Afton	50 CY	\$100	\$1000
May	50 CY	Minor: \$50 Major: \$200	Project Specific
Hugo	None	None	None
Mahtomedi	10 CY – 100 CY CUP over 100 CY	\$100	\$500 if with CUP
Stillwater	50 CY	\$150 residential, \$500 commercial	\$1500 residential, \$5000 commercial

Based on the data collected, the grading permit fee and escrow appear to be higher than surrounding communities but still comparable. The permit fee and escrow could be reduced but doing so may cause enforcement issues to be funded from the general

fund. It is recommended that the permit be required for grading quantities greater than 50 CY.

Historically, staff has not required a grading permit for paving/graveling a driveway. It may be beneficial to specifically note on the grading permit that driveway surfacing does not require a grading permit. A grading permit would still be required if ditch grading or a new driveway was proposed.

For discussion purposes, below are three options for the grading permit fees/escrow.

Option 1: Current Permit - \$300/\$3000

50 CY – 1,000 CY.....	\$300
1,000 CY – 5,000 CY.....	\$300 + [\$0.05(X CY – 1,000 CY)]
Escrow (Site Restoration).....	\$3000

Option 2: Reduce Fees - \$200/\$1500

50 CY – 1,000 CY.....	\$200
1,000 CY – 5,000 CY.....	\$200 + [\$0.05(X CY – 1,000 CY)]
Escrow (Site Restoration).....	\$1500

Option 3: Minor/Major Permit

Minor Grading Permit

- o 50 CY – 100 CY.....\$100
- o Escrow (Site Restoration).....\$1,000

Major Grading Permit

- o 100 CY – 1,000 CY.....\$300
- o 1,000 CY – 5,000 CY.....\$300 + [\$0.05(X CY – 1,000 CY)]
- o Escrow (Site Restoration).....\$3000

Action: Discussion. If desired, amend current grading permit fee and/or escrow.

ii. **Staff Report/Council Update:**

- a. **Mahtomedi Elementary School:** A grading permit was issued in 2011 but work was stopped for the winter. Site grading has continued.
- b. **2011 Annual MS4 Report:** The PCA has released the 2011 annual report. This will be completed and submitted by June 30, 2012 at an anticipated cost of \$1700.
- c. **10495 Hadley Avenue:** Staff is currently working with several architects who are designing a new home at 10495 Hadley Avenue. It is anticipated that the architects will be able to meet the City's ordinances.
- d. **Interim Planning Services:** WSB & Associates has been covering the planning services until a more formal solution is found by Council. A memo further explaining the staff involved with this service is attached for your reference.

If you have any questions, please contact me at 763-512-5245.

Per May Township

ARTICLE 306: GRADING PERMITS

Section 306.01: Permit Required; Exceptions

- A. No grading shall be permitted without first obtaining a grading permit from the Building Inspector except for the following:
1. Grading in an isolated, self-contained area if there is no danger apparent to private or public property.
 2. An excavation below finished grade for basements and footing of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.
 3. Cemetery graves.
 4. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
 5. Exploratory excavations under the direction of soil engineers or engineering geologists.
 6. An excavation which meets the following criteria:
 - (a) Is less than two (2) feet in depth or
 - (b) Which does not create a cut slope greater than one (1) foot in height and steeper than five (5) horizontal to one (1) vertical.
 7. A fill which meets the following criteria:
 - (a) Less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical or
 - (b) Less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

Item 7B:

Grant City Clerk

From: Grant City Clerk <clerk@cityofgrant.com>
Sent: Tuesday, March 27, 2012 3:32 PM
To: clerk@cityofgrant.com
Subject: FW: ROW

Sent: Thursday, March 08, 2012 3:43 PM
To: Olson, Phil
Cc: Grant City Clerk
Subject: RE: ROW

Without doing some investigation, it is impossible to tell whether the ROW is there by grant or prescriptive right. The County's Road Map gives a pretty good indication as to where the platted rights of way are located, so that would be the first place I'd start. I treat prescriptive right of way the same as dedicated right of way. Both provide broad rights to use for roadway / travel purposes. If you want me to do further work on this, please let me know.

- Nick

Nicholas J. Vivian
Eckberg, Lammers, Briggs, Wolff & Vierling PLLP

Banking and Finance * Business and Commercial Real Estate * Municipal
651.379.3080 or 715.386.3733

From: Olson, Phil
Sent: Thursday, March 08, 2012 1:57 PM
To: Grant City Clerk; Nick Vivian
Subject: RE: ROW

According to the County website, it appears that there is 33 feet of ROW (possibly by prescriptive rights but difficult to tell) on Joliet from the centerline of the road to the west. It does not appear that there is any ROW shown from the centerline to the east. This area appears to be there only by prescriptive rights. We should determine if there is ROW before dealing with the setback issues.

Nick – Do you have information to tell us if the Joliet Ave ROW is there by prescriptive rights or actual ROW without pulling title work? If the ROW is there by prescriptive rights, what has past practice been for what items can be installed without an easement?

Phil Olson

ECKBERG LAMMERS
MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Nicholas J. Vivian, City Attorney

DATE: March 27, 2012

RE: Staff Report for April City Council Meeting

Please be advised that our office is presently working on the following matters on behalf of the City of Grant:

IPAD Advisory Opinion Request

A letter requesting an advisory opinion on a Minnesota Government Data Practices request denied in October of 2011 was submitted to the Department of Administration prior to the February City Council meeting. The Department of Administration has declined the opportunity to issue an opinion on the request. Accordingly, the denial stands, however Staff is providing the requestor with the opportunity to narrow the scope of his request in an effort to resolve the ongoing dispute.

Windy Acres Septic and Abandoned Well Matter

Washington County has notified the City of Grant that Windy Acres has failed to comply with its requirement regarding the holding tanks and abandoned well located on the property. Despite the County's indication that the establishment's 2012 Food Establishment License was in jeopardy for failure to comply with the holding tanks / abandoned well requirement, the County has issued the permit leaving enforcement to the City. We are attempting to work with the establishment regarding the resolution of this violation, however, the establishment has appeared non-responsive to date. Staff will attempt to resolve this matter without enforcement action, however, in the event the establishment fails to respond, enforcement may be necessary.

Zoning Matters

With the resignation of the City Planner, we have undertaken enforcement of two zoning related violations. The violations are as follows:

David Washburn / Margaret Anderson - 9694 75th Street N

The property owners have erected a 70 x 30 greenhouse on their property. The greenhouse was erected without a CUP. Because there is not a principal structure on the property, the greenhouse is categorized as a "*non-accessory, non-dwelling structure*" as defined in Section 32-313, Subd. A (subd. 5), of the City's Code of Ordinances. Non-accessory, non-dwelling structures as defined in Section 32-313, Subd. A (subd. 5) require a Conditional Use Permit.

Frank Fabio / Frank Fabio Company, Inc. - 6510 Jocelyn Road North

The property owner operates a commercial business from his homestead. Over the years, the business use has intensified and the City has now received complaints regarding noise / screening, and the like. City staff reviewed the characteristics of the business operation and the Building Official conducted a drive-by visit. Based upon the Sections 32-1, 32.245, and 32.312 of the City's Code of Ordinances, the business operation requires a Conditional Use Permit. I have spoken with both the attorney for the complainant neighbor and Mr. Fabio. I have not received any response to my February 27, 2012 demand letter. Should Mr. Fabio fail to respond, enforcement may become necessary.

Larry Lanoux Minnesota Government Data Practices Request

To date, we have furnished Attorney Diana Longrie with all documents in the City's possession responsive to Mr. Lanoux's request under the Data Practices Act. We have also asked for an advanced payment of \$500 to cover the City's expenditure of time and resources in researching and reviewing its records for responsive documentation. To date, the City has not received payment from Attorney Longrie or Mr. Lanoux.

Please call with any comments or questions.

City Council Report for March 2012

To: Honorable Mayor & City Council Members

From : Jack Kramer Building & Code Enforcement Official

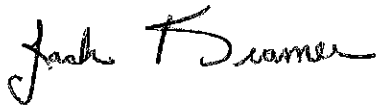
Zoning Enforcement:

1. No new violations noted

Building Permit Activity:

1. 14 Building Permits were issued for this time period with a total valuation of \$173,497.98

Respectfully submitted,

A handwritten signature in black ink that reads "Jack Kramer". The signature is written in a cursive, slightly slanted style.

Jack Kramer

Building & Code Enforcement Official



Infrastructure ■ Engineering ■ Planning ■ Construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

March 27, 2012

City of Grant Council
P.O. Box 577
Willernie, MN 55090

RE: Interim Planning Services for the City of Grant

Honorable Mayor and Members of the City Council:

WSB & Associates appreciates the opportunity to provide planning services to the City of Grant on an interim basis until a more formal solution can be finalized by Council. From 1999 to 2004, WSB served as both engineer and planner for the City of Grant. We understand Grant's model for running the City and work well within it to maintain your budgets. We also understand the City's planning needs and we enjoy positive relationships within the community and with the associated governmental agencies, including the watersheds and the county.

During this interim period, Paul Hornby will be assisting with the planning needs alongside me as the City Engineer. Paul served as the City Engineer in Grant prior to 1999 and during that time he was involved with the review of the planning recommendations. Paul and I are supported by Diane Hankee and Jay Kennedy, your previous engineers/planners. WSB is committed to providing quality staff for your community.

WSB & Associates will plan to have one staff member cover the planning and engineering at City Council and Planning Commission meetings at the standard rate of \$80/meeting. Paul Hornby's resume will be available for review at the Council meeting. As an introduction, Paul will plan to attend the April Council meeting but will not bill time for attending this meeting. In addition, while assisting with the planning services, we will not bill the City for miscellaneous expenses, including mileage, miscellaneous copying, mailings, faxes, or phone calls.

Should Council wish to have WSB & Associates complete the engineering and planning services on a permanent basis we will gladly work with you to develop a basis of compensation that works best for your needs. We understand the scope of the planning services previously completed and request any available feedback from Council regarding goals or concerns that have not been previously addressed.

City of Grant Council
March 27, 2012
Page 2

WSB enjoys working with the City and we look forward to assisting with the City's planning needs. If you have any questions or comments, please feel free to call me at 763-512-5245 or via email at polson@wsbeng.com. We look forward to hearing from you soon!

Sincerely,

WSB & Associates, Inc.

A handwritten signature in black ink, appearing to read "Phil Olson". The signature is written in a cursive style with a large initial "P" and "O".

Phil Olson, PE
Project Engineer

CITY of GRANT
Planning Commission
P.O. Box 577
WILLERNIE, MN 55090
(651) 426-3383

March 21, 2012

Dear Honorable Mayor and Distinguished City Council Members,

At our Planning Commission meeting on March 19th many items were discussed to initiate future cooperation and aid to the Grant City Council from and through the Grant Planning Commission. The discussion centered around creating a more active and helpful role of the PC for the betterment of our unique community. Basically, we want to go to work. Here is a list of discussion items that with your advisement, we would like to work on to make recommendations and become a greater benefit to the City Council.

1. Please send a list of items that you would like us to review, research, solicit opinions from our community and staff, and develop into recommendations to the City Council
 - a. The PC is planning to meet monthly regardless of whether or not there is an application for review
2. Utilize our own member secretary/recorder to save money on staffing
3. Research and propose a new Grading Policy that would include considerations for;
 - a. Fees based on a Major or Minor permit
 - i. Major permit includes opinion by City Engineer and escrow
 - ii. Minor permit is issued by building inspector
 - b. Consideration of drainage and wetland locations
 - c. Possible driveway maintenance exemption
4. Review all job descriptions for staff and volunteer positions
5. Review the complaint and nuisance communications protocol to citizens
6. Explore ways to promote and encourage the active participation of citizens
7. Make a list of updates needed on the Grant website (ie. the calendar)
8. Have a joint work session between the Council and the PC to build trust, cooperation and clarify vision

Please look at this request as an invitation of future cooperation and goodwill with the intent of bettering our wonderful community. We are ready and willing to devote our time and energy to these tasks and others that you assign to make beautiful Grant an even better community.

Sincerely,



Terence C. Derosier
Chairman – Grant Planning Commission
(651) 226-5316