

CITY OF GRANT  
MINUTES

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**DATE** : August 1, 2023  
**TIME STARTED** : 6:31 p.m.  
**TIME ENDED** : 7:55 p.m.  
**MEMBERS PRESENT** : Councilmember Carr, Tufty, Rog, Giefer,  
and Mayor Huber  
**MEMBERS ABSENT** : None

Staff members present: City Engineer, Brad Reifsteck; City Planner, City Attorney Christina Benson; City Treasurer, Sharon Schwarze and Administrator/Clerk, Kim Points

**CALL TO ORDER**

The meeting was called to order at 6:31 p.m.

**PUBLIC INPUT**

No one was present for public input.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

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

**CONSENT AGENDA**

June 27, 2023 City Council Meeting Minutes	Approved
July 2023 Bill List, \$93,366.57	Approved
Northern Salt, \$56,770.56	Approved
Kline Bros. Excavating, Grading, \$20,382.50	Approved
City DOES NOT WAIVE Limits on Tort Liability	Approved

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

**STAFF AGENDA ITEMS**

1 City Engineer, Brad Reifsteck

2  
3 **PUBLIC HEARING, Consideration of Resolution No. 2023-14, Declaring Costs to be Assessed**  
4 **and Ordering Preparation of Proposed Assessment for the Honeye Avenue, 115<sup>th</sup> Street and**  
5 **Hillcrest Court Street Improvement Project**– City Engineer Reifsteck advised following a public  
6 hearing, the City Council ordered the public improvements for the Honeye Ave, 115<sup>th</sup> Street and  
7 Hillcrest Court Street Improvement Project at the April 4, 2023 regular Council Meeting. Four bids  
8 were received on June 8<sup>th</sup>, 2023 with a low amount being \$299,873.30. The construction costs,  
9 indirect costs, including Legal, Engineering and Administrative costs, amount to a total project cost  
10 of \$350,873.30. The City has budgeted and is contributing \$34,785.30 to the Project.

11  
12 The improvements are anticipated to be funded by special assessments to benefitting properties, in  
13 accordance with the Assessment Policy, adopted by City Council.

14  
15 Total benefit amount to be assessed is \$316,088.00. There are 25.75 total buildable units, which  
16 includes three lots being assessed at a rate of one quarter of a buildable unit for having an address on  
17 an adjacent street and frontage or driveway access to a street being improved. The assessment per  
18 buildable unit is \$12,275.26. Anyone wishing to object to the assessment must do so in writing and  
19 file with the city clerk prior to or during the assessment hearing.

20  
21 Assessments are proposed to be paid in equal annual installments over 15 years for single family  
22 residential property, beginning in January 2024 with an annual interest rate of 4.50 percent per  
23 annum. The assessment may be paid in whole with no interest charged if the entire assessment is  
24 paid prior to November 10<sup>th</sup>, 2023.

25  
26 **Council Member Giefer moved to open the public hearing at 6:37 p.m. Council Member Tufty**  
27 **seconded the motion. Motion carried unanimously.**

28  
29 Ms. Kathleen MacCarthy, 11565 Hillcrest, came forward and clarified assessment payoffs need to be  
30 paid prior to November 10, 2023. She inquired about the project time frame as well as access to  
31 driveways and notifications to residents.

32  
33 **Council Member Giefer moved to close the public hearing at 6:43 p.m. Council Member Rog**  
34 **seconded the motion. Motion carried unanimously.**

35  
36 **Council Member Rog moved to adopt Resolution No. 2023-14 as presented. Council Member**  
37 **Tufty seconded the motion. Motion carried unanimously.**

38  
39 **Consideration of Resolution No. 2023-15, Certifying Special Assessments for the Honeye Ave,**  
40 **115<sup>th</sup> Street and Hillcrest Court Street Improvement Project** – City Engineer Reifsteck advised as  
41 the project has been ordered the special assessments need to be certified per the assessment roll  
42 included in the packets.

43  
44 **Council Member Rog moved to adopt Resolution No. 2023-15, as presented. Council Member**  
45 **Tufty seconded the motion. Motion carried unanimously.**

46

1 **Consideration of Resolution No. 2023-16, Accepting Bids and Awarding a Construction**  
2 **Contract for the Honeye Ave, 115<sup>th</sup> Street and Hillcrest Court Street Improvement** – City  
3 Engineer Reifsteck advised following a public hearing, the City Council ordered the public  
4 improvements included in the project at the April 4<sup>th</sup>, 2023 regular council meeting.

5  
6 City Council accepted plans and specifications and authorized advertisement for bids at the May 2,  
7 2023 regular council meeting.

8  
9 Bids were received on June 8th, 2023. The attached letter of recommendation and bid tabulation  
10 summary indicates the recommended low bidder as OMG Midwest, Inc. dba MN Paving & Materials  
11 of Rogers, MN with a grand total bid of \$299,873.30.

12  
13 The improvements are to be funded by special assessments to benefitting properties in accordance  
14 with the Assessment Policy, adopted by City Council. The City of Grant is contributing \$34,785.30  
15 to lower the overall project costs to be assessed.

16  
17 **Council Member Rog made a motion to adopt Resolution No. 2023-16, as presented. Council**  
18 **Member Giefer seconded the motion. Motion carried unanimously.**

19  
20 **PUBLIC HEARING, Consideration of Resolution No. 2023-17, Ordering Improvements for the**  
21 **Knollwood Drive Street Improvement Project** – City Engineer Reifsteck advised the City Council  
22 authorized preparation of the Feasibility Report for the project area on December 5, 2020 and adopted  
23 the revised report showing updated cost and assessments for Knollwood Drive at June 27<sup>th</sup>, 2023  
24 regular council meeting.

25  
26 As identified in the Feasibility Report, total project cost is estimated to be \$219, 836.82 including  
27 construction, legal, engineering, administrative, and finance costs.

28  
29 The assessments are estimated at \$25,425.73 per buildable unit. There is a total of 8 buildable units  
30 along the improvement project.

31  
32 The City notified affected property owners and persons expressing interest in the project of the  
33 scheduled improvement hearing within the minimum 10-day notification requirement and published  
34 the notice of hearing in the City’s official newspaper.

35  
36 The improvements are anticipated to be funded by special assessments of benefiting properties, in  
37 accordance with the City’s Assessment Policy, adopted by City Council.

38  
39 The city has allocated \$16,431 in budgeted maintenance dollars for the project.

40  
41 **Council Member Giefer made a motion to open the public hearing at 6:57 p.m. Council**  
42 **Member Tufty seconded the motion. Motion carried unanimously.**

43  
44 Mr. Terry Fredrickson, 9190 Knollwood Drive, came forward and stated he fully supports moving  
45 ahead with the project. He noted the City’s Road Policy is inspiring and is in full support of that  
46 policy as well.

47

1 Mr. Marily Opp, 9130 Knollwood, came forward and stated she supports moving forward with the  
2 project as well as her neighbor Ms. Ann Crum.

3  
4 Ms. Joanie Knutson, 8235 Knollwood, came forward and stated she is supportive of moving forward  
5 with the project and inquired about residents having more input after the bids are received.

6  
7 Ms. Tara Christov, 9060 Knollwood, came forward and stated she is in favor of project as long as  
8 everyone is assessed the same. She noted the roadway has not been sealcoated in a very long time  
9 and additional dollars should be contributed to the project from the City.

10  
11 Mr. Justin Bechtel, 9220 Knollwood, provided an email to the City indicated their support for  
12 moving the project forward.

13  
14 A letter from Bradford Andreson Norrie & Camarotto was entered into the record on behalf of his  
15 client, the Nielsens at 9211 Knollwood Drive North. The letter requested the project be “paused” for  
16 notification to residents.

17  
18 **Council Member Rog moved to close the public hearing at 7:14 p.m. Council Member Tufty**  
19 **seconded the motion. Motion carried unanimously.**

20  
21 **Council Member Giefer made a motion to adopt Resolution No. 2023-17, as presented. Council**  
22 **Member Rog seconded the motion. Motion carried unanimously.**

23  
24 **City Planner, Jennifer Swanson (no action items)**

25  
26 **City Attorney, Christina Benson**

27  
28 **PUBLIC HEARING, Consideration of Ordinance No. 2023-73, An Interim Ordinance**  
29 **Prohibiting the Operation of Cannabis Businesses in the City** – City Attorney Benson advised  
30 This legislative session, Minnesota adopted a new law legalizing adult-use cannabis. Along with  
31 legalizing adult use cannabis, the Legislature adopted a series of laws creating the Office of Cannabis  
32 Management, licensing schemes for cannabis businesses and hemp businesses, and options for local  
33 control by cities.

34  
35 On August 1, 2023, use of recreational cannabis by adults is legal but the sale of cannabis, cannabis  
36 products, and lower-potency hemp edibles is not legal until the Office of Cannabis Management  
37 begins accepting, processing, and granting applications for cannabis businesses and hemp businesses.  
38 The Legislature did not identify a date when the Office of Cannabis Management will begin issuing  
39 cannabis business and hemp business licenses.

40  
41 Theoretically, the Office of Cannabis Management has the authority to begin issuing licenses as soon  
42 as August 1, 2023. However, there is no way to predict when the Office of Cannabis Management  
43 will begin issuing licenses and as such, there is no way to predict when cannabis businesses and hemp  
44 business will begin lawful operation in Minnesota.

1 The Office of Cannabis Management will consult with a city prior to issuing a license for a cannabis  
2 business or hemp business operation. Once the Office of Cannabis Management issues a license for a  
3 cannabis business or hemp business, a city will be compelled to issue a registration to the licensee for  
4 operation in their city unless the city has provided consent for the county to issue registrations for  
5 their jurisdiction.  
6

7 All that being said, edible cannabinoid products, which were made legal in the 2022 Legislative  
8 Session, continue to be legal and legal to sell through March 1, 2025. There is a minor difference  
9 between lower-potency hemp edibles, which cannot be sold until a license is obtained from the Office  
10 of Cannabis Management, and edible cannabinoid products, which can be sold now. An edible  
11 cannabinoid product contains a cannabinoid but a lower-potency hemp edible can contain hemp  
12 concentrate or cannabinoids. Also, lower-potency hemp edibles can contain a higher amount of  
13 cannabidiol, cannabigerol, or any combination of those with THC.  
14

15 Cities have the option to operate a municipal cannabis store, prohibit use of cannabis products in  
16 public places, restrict the hours of cannabis businesses, limit the number of cannabis businesses, place  
17 reasonable time, place, and manner restrictions for cannabis businesses, and finally prohibit cannabis  
18 businesses with an interim ordinance through January 1, 2025. Cities also have the option to regulate  
19 and restrict hemp businesses with their traditional regulatory authority. Cities do not have the option  
20 to prohibit cannabis use in their city; and they do not have the option to prohibit cannabis businesses  
21 in the city beyond January 1, 2025.  
22

23 Cities have the option to adopt an interim ordinance under traditional zoning authority to pause the  
24 operation of hemp businesses for one year, if they perform a study.  
25

26 **RECOMMENDATIONS**  
27

- 28 1. Given the present unknowns, it is my recommendation the City of Grant adopt an interim  
29 ordinance prohibiting the operation of cannabis businesses through January 1, 2025. This will  
30 allow the City Council to make decisions about the time, place, manner, and number of  
31 cannabis businesses in Grant.  
32
- 33 2. It is also my recommendation the City of Grant adopt an interim ordinance prohibiting the  
34 operation of hemp businesses for a period of one year for the same reasons. The legislature  
35 did not give cities the option to prohibit the operation of hemp businesses with an interim  
36 ordinance through 2025. This means cities may only adopt an interim ordinance for one year.  
37 Adopting interim ordinances will give the City time to adopt or amend official controls for  
38 cannabis businesses and hemp businesses prior to the Office of Cannabis Management  
39 approving licenses in the City.  
40

41 **Council Member Rog moved to approve Ordinance No. 2023-73, as presented. Council**  
42 **Member Giefer seconded the motion. Motion carried unanimously.**  
43

44 **Consideration of Ordinance No. 2023-74, Adult Cannabis in Public Places** – City Attorney  
45 Benson recommended the City of Grant adopt an ordinance prohibiting the use of cannabis flower,  
46 cannabis products, lower-potency hemp edibles or hemp-derived consumer products in public places.

1 Law enforcement in other cities have requested such an ordinance be adopted. This ordinance would  
2 permit law enforcement in the City of Grant to charge individuals using such products in public  
3 places with a petty misdemeanor. While the City of Grant cannot prohibit the use of such products at  
4 a private residence, private property where the owner permits the use, or the premises of an  
5 establishment or event licensed to permit on-site consumption, the City can prohibit it just about  
6 everywhere else with this ordinance.

7  
8 **Council Member Rog moved to approve Ordinance No. 2023-74, as presented. Council  
9 Member Giefer seconded the motion. Motion carried unanimously.**

10  
11 **NEW BUSINESS**

12  
13 **Consideration of Resolution No. 2023-18, Authorizing Summary Publication of Ordinance No.  
14 2023-73** – Staff advised Resolution No. 2023-18 authorizes summary publication of Ordinance No.  
15 2023-73.

16  
17 **Council Member Giefer made a motion to adopt Resolution No. 2023-18, as presented. Council  
18 Member Rog seconded the motion. Motion carried unanimously.**

19  
20 **Consideration of Resolution No. 2023-19, Authorizing Summary Publication of Ordinance No.  
21 2023-74** – Staff advised Resolution No. 2023-19 authorizes summary publication of Ordinance No.  
22 2023-74.

23  
24 **Council Member Giefer moved to adopt Resolution No. 2023-19, as presented. Council  
25 Member Rog seconded the motion. Motion carried unanimously.**

26  
27 **Consideration of Language Revision, City of Grant Rules of Procedure** – Staff advised suggested  
28 language change included in the Council packets. Staff recommended a language change simply to  
29 strike the word “forbidden” and add “strongly discouraged”.

30  
31 **Council Member Carr moved to revise language as presented by Staff. Council Member Rog  
32 seconded the motion. Motion carried with Council Member Giefer voting nay.**

33  
34 **UNFINISHED BUSINESS**

35 There was no unfinished business.

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

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

38 **City Council Reports/Future Agenda Items**

39  
40 **COMMUNITY CALENDAR AUGUST 2 THROUGH AUGUST 31, 2023:**

41 **Mahtomedi Public Schools Board Meeting, Thursday, August 10<sup>th</sup> and August 24<sup>th</sup>, Mahtomedi  
42 District Education Center, 7:00 p.m.**

1 **Stillwater Public Schools Board Meeting, Thursday, August 10<sup>th</sup>, Stillwater City Hall, 7:00**  
2 **p.m.**

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

4  
5 **ADJOURNMENT**

6 **Council Member Giefer moved to adjourn at 7:55 p.m. Council Member Tufty seconded the**  
7 **motion. Motion carried unanimously.**

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10 These minutes were considered and approved at the regular Council Meeting September 5, 2023.

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

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

