

**City of Grant
City Council Agenda
February 3, 2015**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, February 3, 2015, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. CALL TO ORDER

PUBLIC INPUT

Citizen Comments – Individuals may address the City Council about any item not included on the regular agenda. The Mayor will recognize speakers to come to the podium. Speakers will state their name and address and limit their remarks to three (3) minutes. Generally, the City Council will not take any official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF REGULAR AGENDA

4. APPROVAL OF CONSENT AGENDA

A. January 6, 2015 City Council Meeting Minutes

B. Bill List, \$49,230.27

C. KEJ Enterprises, Snow Removal/Sign Replacement, \$7,435.00

D. Washington County Sheriff, July-Dec 2014, \$57,569.69

5. STAFF AGENDA ITEMS

A. City Engineer, Phil Olson

i. Consideration of Resolution No. 2015-02, CSAH 12-17 Signal Project, Municipal Consent and Agreement for Cooperative for Signal and Maintenance

B. City Planner, Jennifer Haskamp

i. PUBLIC HEARING, Consideration of Resolution No. 2015-03, Application for a Conditional Use Permit for new Cell Tower

ii. PUBLIC HEARING, Consideration of Ordinance No. 2015-38, Land Use Definitions

C. City Attorney, Nick Vivian (no action items)

6. NEW BUSINESS

A. Consideration of Resolution No. 2015-04, Dellwood Wedding Barns Liquor License, Administrator/Clerk

B. Consideration of Resolution No. 2015-05, Comcast-Midwest/Greatland Transfer, Cable Commissioner Huber

C. Consideration of Resolution No. 2015-06, Authorization to Participate in the Government Cable Meeting TV, Cable Commissioner Huber

7. UNFINISHED BUSINESS

8. DISCUSSION ITEMS

A. City Council Reports (any updates from Council)

B. Staff Updates

9. COMMUNITY CALENDAR FEBRUARY 4, THROUGH FEBRUARY 28, 2015:

Mahtomedi Public Schools Board Meeting, Thursday, February 12th and 26th, 2015, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, February 12th 2015, Stillwater City Hall, 7:00 p.m.

Charter Commission Meeting, Thursday, February 19th, Mahtomedi City Hall, 7:00 p.m.

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

City Office Closed, Monday, February 16th, 2015, Presidents' Day

10. ADJOURNMENT

**CITY OF GRANT
MINUTES**

DATE : January 6, 2015
TIME STARTED : 7:02 p.m.
TIME ENDED : 8:17 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lobin, Huber,
Lanoux and Mayor Carr
MEMBERS ABSENT : None

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

CALL TO ORDER

Mayor Carr called the meeting to order at 7:02 p.m.

PUBLIC INPUT

1. Bob Tufty, Jasmine – Read a letter from applicant regarding the Administrator/Clerk.
2. Jerry Helander, Jasmine – Inquired as to why the Charter Commission Meeting minutes are not available at the City office.
3. Gus Nelson – Commended the Council on the 2015 budget and keeping taxes low.
4. Jason Sutherland – Introduced himself as the new City of Grant Deputy.

PLEDGE OF ALLEGIANCE**OATH OF OFFICE**

The oath of office was administered to Loren Sederstrom and Larry Lanoux.

SETTING THE AGENDA

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

Council Member Lanoux moved to amend the motion to include the addition of the Planning Commission and Charter Commission to the regular agenda.

Council Member Huber and Lobin declined the amendment to the motion. Motion carried with Council Member Sederstrom and Lanoux voting nay.

CONSENT AGENDA

1	Bill List, \$40,553.84	Approved
2		
3	2015 Tort Liability, City DOES NOT	
4	Waive Monetary Limits	Approved
5		
6	Clerk 3% Pay Increase, per 2015 City Budget	Approved
7		
8	Video Technician 2015 Pay Increase	Approved
9		
10	KEJ Enterprises, Snow Removal/Sign	
11	Work, \$13,622.50	Approved
12		
13	2015 Appointment List	Approved
14		
15	2015 Meeting Calendar	Approved
16		

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

20
21 **STAFF AGENDA ITEMS**

22
23 **City Engineer, Phil Olson (No action items)**

24
25 **City Planner, Jennifer Haskamp**

26
27 **Land Use Definition Process** – City Planner Haskamp advised at the regular City Council meeting in
28 October the City Council adopted a moratorium on land uses contained within the City's table of uses
29 that currently are not defined. Based upon the review, staff identified 22 land uses without definitions
30 that were most critical to review because they either 1) were uses that have been discussed/addressed
31 by applicants over the past year; or 2) were permitted with a conditional use permit in at least one
32 zoning district; or 3) have caused confusion by residents and/or staff over the past several years due to
33 lacking information.

34
35 In terms of a process, the Council decided to tackle the list of land uses in smaller groups, addressing
36 4 or 5 land uses at a time. As such, the following land uses were identified as a priority to begin
37 working on immediately:

- 38
39 ▪ *(Business Seasonal) – to be addressed in next round*
40 ▪ Golf Courses and country clubs
41 ▪ Home Occupations (Meeting Criteria/Not Meeting Criteria)
42 ▪ Recreation areas – commercial
43 ▪ Recreation areas – private

▪ Commercial Recreation

The following draft definitions and information is provided for your review and consideration:

Golf Courses and Country Clubs

There are several golf courses in the City that are currently operating with clubhouses and other ancillary uses. As such, it is important to retain it as a defined land use. Oftentimes a golf course includes a club or membership associated with the operations, and also offers a clubhouse for social gathering, events, banquets, etc. Therefore staff would recommend simply defining a Golf Course to include the supplemental uses, and to remove the Country Club from the definition. This will simplify the definition of a Golf Course, and other recreational uses not associated with a golf course would likely be addressed under other similar land uses (yet to be defined) such as “Clubs and Lodges” and “Commercial Recreation” that may ultimately be more similar to the intent or vision for what activities a Country Club may include. Therefore staff provides the following draft definition for your review and consideration:

Golf Course and Country Club: An area of land laid out for a minimum of 9 holes to play golf each including a tee, fairway, and putting green to include natural and artificial hazards. The Golf Course operations and grounds may include a clubhouse, driving range, maintenance buildings and other uses which support the principal operations of the golf course.

Table 32-245 would be revised as follows:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Golf courses and country clubs	N	C	C	C	N

Home Occupations (Meeting Criterial/Not Meeting Criteria)

The City’s ordinances currently define a Home Occupation as the following:

Home occupation means any gainful occupation or profession engaged in by an occupant only of a dwelling unit which is a use that is clearly incidental to the use of the dwelling unit for residential purposes, when conducted on the premises.

The table of uses then identifies the following (Strike outs as proposed by staff, and described below):

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Home occupations (meeting criteria)	CC-P	CC P	CC P	CC P	N
Home occupations (not meeting criteria)	N	C	C	C	N

The issue is that the definition does not include criteria, and therefore it is not clear how to process an application. Therefore staff would recommend revising the definition to include criteria to clarify

1 what home occupations are permitted with a certificate of compliance versus which home occupations
2 require a conditional use permit. Further, staff would recommend amending the table to Permit Home
3 Occupations if the criteria is met, rather than requiring a certificate of compliance. The following
4 draft definition, including criteria, is provided for your review and consideration:

5 ***Home occupation*** means any gainful occupation or profession engaged in by an occupant only of a
6 dwelling unit which is a use that is clearly incidental to the use of the dwelling unit for residential
7 purposes, when conducted on the premises. The following criteria must be met, or the proposed use
8 must be established as a conditional use in the zoning district proposed and proper permit obtained:

- 9 a) No persons other than members of the Family who reside on the premises shall be engaged in
10 such occupation;
- 11 b) The use of the Dwelling Unit for the Home Occupation shall be clearly incidental and
12 subordinate to its use for residential purposes by its occupants, and not more than twenty
13 percent (20%) of floor area of the Dwelling Unit shall be used in the conduct of the Home
14 Occupation, and not more than 300 square feet of any garage or Accessory Building shall be
15 used in the conduct of the Home Occupation;
- 16 c) There shall be no change in the outside appearance of the Building or Premises, or other
17 visible evidence of the conduct of such Home Occupation other than any signage as permitted
18 by the City's ordinances.
- 19 d) No traffic shall be generated by such Home Occupation in greater volume than would
20 normally be expected to a residence in a residential neighborhood, and the driveway shall be
21 designed accordingly.
- 22 e) Parking areas may not exceed four (4) stalls and shall not be located in any required yard
23 setback area and must be screened from any adjacent residential use.
- 24 f) No equipment, activity, or process shall be used in such Home Occupation which creates,
25 noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses
26 off the Lot.
- 27 g) No outside storage is permitted.

28
29 **Recreation areas – commercial, Recreation areas – private, Commercial Recreation**

30 The City's ordinances currently do not address or define recreational uses and areas in the
31 community. However, they are included on the table of uses. Staff has researched other communities
32 of similar size and land uses, and researched the American Planning Association's (APA) definitions
33 to assist in drafting a definition. The following definitions, based on the research and the APA
34 dictionary are provided for your consideration:

35
36 ***Recreation, commercial*** means any establishment whose main purpose is to provide the general
37 public with an amusing or entertaining activity and where tickets are sold or fees are collected for the
38 activity. Such activities may be located primarily outdoors or within a facility. Examples include, but

are not limited to skating rinks, racquet clubs, miniature golf, driving ranges, skiing, etc., but does not include golf courses.

Several communities also provide further distinction between indoor and outdoor recreational commercial facilities. However, unless there is some distinction from an intensity or scale perspective, staff would suggest limiting it to one definition for *commercial recreation* and one definition for *private recreation*. The following draft definition for private recreational uses is provided for your consideration:

Recreation, private means an accessory structure and/or use that are customary and incidental to the principal residential use of a site, including swing sets, play structures, sand boxes, tennis courts, sport courts, swimming pools and the like, intended for the enjoyment and convenience of the residents of the principal use and their occasional guests.

Based on the integration of these two uses, the following modifications to the use table would be necessary:

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Commercial recreation Recreation, Commercial	EN	C	EN	EN	C
Recreation areas — commercial	N	C	N	N	C
Recreation areas — private Recreation, Private	P	P	P	P	N

City Planner Haskamp advised the staff report and analysis is for discussion purposes and a starting point for the City Council. She also noted it was the consensus of the Council at the November meeting that the Country Club use would be dropped from the land use chart after determination of where that term is used within the City's Code of Ordinances.

Council Member Lanoux moved to table the Land Use Definitions until the Planning Commission can review the information and determine all properties are grandfathered. Council Member Sederstrom seconded the motion. Motion failed with Mayor Carr, Council Member Lobin and Huber voting nay.

City Planner Haskamp provided the background on the Country Club use and why the Council previously determined that use should be dropped from the Land Use chart.

Council Member Sederstrom advised he would like to promote country club uses and suggested there be latitude in the golf course use to allow the country club type uses.

City Planner Haskamp advised the golf course use does support country club uses and there are currently CUP's within the City that have more than one use on the property.

1 City Planner Haskamp referred to the home occupation use and advised criteria needs to be added.
2 Currently home occupations meeting the criteria require a COC. The proposal would eliminate that
3 requirement and make it less restrictive. Home occupations that do not meet the criteria have always
4 required a CUP and there is no recommendation to change that. The Council has to determine and
5 define the criteria.

6
7 City Attorney Vivian advised the City is making it less restrictive for meeting the criteria. The
8 problem has been that there are no criteria. A CUP relates to the intensity of use. He explained how
9 the City's CUP's are reviewed and enforced.

10
11 City Engineer Olson noted the City has received all testing from the School District per their CUP.

12
13 City Planner Haskamp referred to recreational uses and provided draft definitions and proposed
14 modifications to the use table.

15
16 Mayor Carr stated indoor private recreational uses should be allowed. The outdoor recreational uses
17 may be allowed to help preserve large lots and the private recreational uses maybe should not need to
18 be defined as indoor and outdoor.

19
20 Council Member Sederstrom stated something should be added to make sure the recreational uses
21 don't get out of control and that they really are for a private use. A safeguard should be included.

22
23 Council Member Huber suggested performance standards be added that may restrict those types of
24 uses to a specified amount of acreage and being located on County roads.

25
26 City Planner Haskamp advised the City can look at adding performance standards to commercial
27 outdoor recreational uses, which is part two of the process. The first step is defining the uses.

28
29 It was the consensus of the Council to continue with the recreational use definition process and
30 schedule a public hearing for the golf course/country club and home occupations definitions at the
31 February City Council meeting.

32
33 **City Attorney, Nick Vivian (No action items)**

34
35 **NEW BUSINESS**

36
37 **December 2, 2014 City Council Meeting Minutes – Council Member Huber moved to approve**
38 **the December 2, 2014 City Council Meeting Minutes, as presented. Council Member Lobin**
39 **seconded the motion. Motion carried with Council Member Sederstrom and Lanoux**
40 **abstaining.**

41
42 **Ordinance No. 2015-37, 2015 Fee Schedule – Staff presented the recommended 2015 Fee Schedule**
43 **noting one change to the pre-application meeting fee.**

1 Council Member Huber moved to approve Ordinance No. 2015-37, as presented. Council
2 Member Lanoux seconded the motion. Motion carried with Council Member Sederstrom
3 abstaining.

4
5 Resolution No. 2015-01, Summary Publication of Ordinance No. 2015-37 – Resolution No. 2015-
6 01 provides for a summary publication of Ordinance No. 2015-37.

7
8 Council Member Lobin moved to adopt Resolution No. 2015-01, as presented. Council Member
9 Huber seconded the motion. Motion carried unanimously.

10
11 City Council Code of Conduct, City Treasurer Schwarze – City Treasurer Schwarze advised there
12 is a new emphasis by the State Auditor requiring compliance on conflict of interest issues that relate
13 specifically to the proposed Code of Conduct. Compliance will be reviewed every year by the State
14 Auditor. The proposed Code of Conduct is typical of what other cities have to meet compliance
15 standards.

16
17 Council Member Lobin moved to approve City Council Code of Conduct, as presented.
18 Council Member Huber seconded the motion. Motion carried with Council Member
19 Sederstrom and Lanoux voting nay.

20
21 **UNFINISHED BUSINESS**

22
23 There was no unfinished business.

24
25 **DISCUSSION ITEMS**

26
27 **City Council Reports:**

28
29 Council Member Lanoux advised at the last Charter meeting it was decided there will be a vote on
30 Charter on April 21, 2015. He requested the rest of the Charter meetings be held at Town Hall and be
31 videotaped by the City.

32
33 Council Member Lanoux moved to put the Charter Commission and Planning Commission on
34 the agenda. Council Member Sederstrom seconded the motion. Motion failed with Mayor
35 Carr, Council Member Lobin and Huber voting nay.

36
37 Council Member Huber stated in discussions with Council Member Sederstrom, it was indicated he
38 was upset over being required to obtain a CUP for his property as he was only boarding two horses.
39 Council Member Sederstrom had stated a former Council Member had told him a CUP was required.
40 He asked why Council Member Lanoux does not have a CUP when he is running Lanoux Stables.

41
42 Council Member Lanoux stated a CUP was not required when he purchased his property in 1982.

Council Member Huber read a letter from the City to Council Member Lanoux dated 1984 stating a CUP is required for the property. He stated that to be fair to other CUP holders, Council Member Lanoux should apply for a CUP.

Council Member Lanoux advised Art and Joyce Welander told him he did not need a CUP.

Council Member Sederstrom noted he was informed he did need a CUP because he was boarding horses. That ordinance has since changed.

Staff Updates:

There were no staff updates.

COMMUNITY CALENDAR JANUARY 7 THROUGH JANUARY 31, 2015:

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

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

Charter Commission Meeting, Thursday, January 15th, Mahtomedi City Hall, 7:00 p.m.

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

City Office Closed, Monday, January 19th, 2015, Martin Luther King Day

ADJOURN

There being no further business, Council Member Huber moved adjourn at 8:25 p.m. Council Member Lobin seconded the motion. Motion carried unanimously.

These minutes were considered and approved at the regular Council Meeting February 3, 2015.

Kim Points, Administrator/Clerk

Tom Carr, Mayor

Date range: 01/05/2015 to 01/31/2015

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
League of MN Cities Insurance Trust	01/06/2015	12674	\$326.00	#28728	No	100-41302-360	\$326.00
Payroll Period Ending 01/31/2015	01/26/2015	12675	\$3,341.41		No	100-41101-100	\$3,341.41
SHC, LLC	01/26/2015	12676	\$2,460.27	Planning	No	100-41209-300	\$1,193.00
						100-41210-300	\$200.00
						894-49310-300	\$1,067.27
Xcel Energy	01/26/2015	12677	\$495.77	Utilities	No	100-43004-381	\$435.20
						100-43010-381	\$11.52
						100-43117-381	\$49.05
League of MN Cities Insurance Trust	01/26/2015	12678	\$446.00	#28645 WComp	No	100-41302-360	\$446.00
Maroney's	01/26/2015	12679	\$141.20	Roadside Garbage	No	100-43105-384	\$141.20
Washington County Transportation	01/26/2015	12680	\$2,051.98	Snow and Ice Control	No	100-43113-210	\$2,051.98
League of Minnesota Cities	01/26/2015	12681	\$540.00	Training	No	100-41305-300	\$540.00
Washington County Sheriff	01/26/2015	12682	\$57,569.69	July-Dec 2014	No	100-42001-300	\$57,569.69
CenturyLink	01/26/2015	12683	\$163.92	City Phone	No	100-41309-321	\$163.92
Smith Appraisal Service	01/26/2015	12684	\$1,901.37	Monthly Assessment Services	No	100-41208-300	\$1,901.37
Halogen Web Studio	01/26/2015	12685	\$150.00	2015 Set Up	No	100-41312-300	\$150.00
St. Paul Pioneer Press	01/26/2015	12686	\$113.80	Legal Publication	No	100-41308-351	\$113.80
League of MN Cities Insurance Trust	01/26/2015	12687	\$9,041.00	Municipality Ins.	No	100-41302-361	\$9,041.00
Waste Management	01/26/2015	12688	\$4,347.38	Recycling	No	100-43011-384	\$4,347.38
Washington County Sheriff	01/26/2015	12689	\$321.94	Code Red Annual Fee	No	100-42001-300	\$321.94
Ken Ronnan	01/26/2015	12690	\$42.00	Video Tech Services	No	100-41318-300	\$42.00
City of Willemie	01/26/2015	12691	\$2,589.90	Office Rent/July-June2014	No	100-41316-210	\$2,589.90
MN Department of Labor & Industry	01/26/2015	12692	\$1,369.53	Conf#21480163060	No	100-42005-520	\$1,369.53
RoadKill Animal Control	01/26/2015	12693	\$365.00	2014 Deer Pickup	No	100-42006-300	\$365.00
AirFresh Industries	01/26/2015	12694	\$125.00	PortaPot #18652	No	100-43007-210	\$125.00
David's Consulting	01/26/2015	12695	\$1,530.00	Roadside Services	No	100-43114-300	\$1,530.00

City of Grant

Disbursements List

01/26/2015

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Sprint	01/26/2015	12696	\$33.00	City Cell Phone	No	100-43116-321	\$33.00
WSB & Associates	01/26/2015	12697	\$4,232.25	Engineering	No	100-41203-300 100-43123-300 100-43128-300 867-49310-300	\$3,002.75 \$169.50 \$160.00 \$900.00
Press Publications	01/26/2015	12698	\$177.20	2015 Summary Budget	No	100-41308-351	\$177.20
Eckberg Lammers	01/26/2015	12699	\$10,561.97	Legal Services	No	100-41204-300 100-41205-300 100-41206-300 867-49310-300	\$3,426.00 \$5,551.90 \$1,544.07 \$40.00
KEJ Enterprises	01/26/2015	12700	\$7,435.00	Snow Removal/Signs	No	100-43110-300 100-43113-300	\$765.00 \$6,670.00
PERA	01/26/2015	12701	\$643.61	PERA	No	100-41102-120 100-41113-100	\$344.79 \$298.82
SureSite	01/26/2015	12702	\$605.00	COC Escrow Fund	No	893-49310-810	\$605.00
IRS	01/26/2015	EFT59	\$1,113.77	Payroll Taxes	No	100-41103-100 100-41107-100 100-41110-100 100-41112-100	\$351.69 \$410.39 \$285.03 \$66.66
Total For Selected Checks			\$114,234.96				\$114,234.96

KEJ Enterprises

Invoice

Ken Johnson
611 Florence Avenue
Mahtomedi, MN 55115

Date	Invoice #
1/25/2015	533

Bill To
City of Grant PO Box 577 Willernic, Minn 55090

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
6	Plow streets with large truck 12/30	110.00	660.00
2	Sand streets 1/2	90.00	180.00
4	Sand streets 1/6	90.00	360.00
10	Plow streets with large truck 1/8	110.00	1,100.00
4	Plow streets with small truck 1/8	100.00	400.00
10	Plow streets with pick-up truck 1/8	60.00	600.00
4	Sand streets 1/11	90.00	360.00
3	Sand streets 1/13	90.00	270.00
5	Plow streets with large truck 1/14	110.00	550.00
9	Plow streets with large truck 1/21	110.00	990.00
2	plow streets with small truck 1/21	100.00	200.00
	January mobilization fee	1,000.00	1,000.00
8	sign installation 1/22	45.00	360.00
9	sign installation 1/23	45.00	405.00
		<i>Snow - 6670</i> <i>Signs 765.</i>	
		Total	\$7,435.00



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

To: CITY OF GRANT
PO BOX 577
WILLERNIE, MN 55090

<i>Invoice</i>	
Invoice Number:	80256
Account Number:	27164
Due Date	2/9/2015
Amount Enclosed:	
Federal Tax Id: 41-6005919 JF	

Please return top portion with payment. Thank You.

Invoice					
Date	Number	Type	Due Date	Remark	Amount
12/30/2014	80256	Invoice	2/9/2015	Jul-Dec 2014 Police Services	\$57,569.69
<p>I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.</p> <p>Please make check payable to Washington County and mail to the address above.</p>				Invoice Total	\$57,569.69
				Sales Tax	
				Balance Due	\$57,569.69

Questions?

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

STAFF REPORT

TO: Mayor & City Council Members Kim Points, City Clerk Nick Vivian, City Attorney	Date: January 23, 2015 RE: CUP to Construct a Telecommunications Monopole at 10629 Jamaca Ave. N., Grant, MN
From: Jennifer Haskamp	

Background

The Applicant, Martin Consulting, LLC, has made an application on behalf of Verizon Wireless to construct a new wireless communication cell tower at 10629 Jamaca Avenue North, Grant, MN. A couple months ago the City was made aware of a proposed cell tower that would be located in the area through the NEPA review process which addressed historical/environmental impacts with respect to the proposed site and construction. During that process the proposer was made aware that the appropriate process, applications and permits would be required in order to construct the cell tower and this application for a Conditional Use Permit (CUP) is the follow-up to the initial contact.

Project Summary

Applicant: Lewis Martin Martin Consulting, LLC On behalf of Verizon Wireless	Owner(s): Ricki and Patricia DeMars
Site Size: 15.33 Acres	Zoning & Land Use: A-1
Location (PIDs): 0903021140003	Request: Conditional Use Permit (CUP)
Description: Block 2 Lot 7, Kendrick Estates	

The Applicant has submitted a package to construct a new telecommunications monopole and associated equipment for Verizon Wireless on the subject parcel. The follow summary of the application is provided:

Monopole: The proposed monopole is approximately 100-feet tall with a 10-foot lightening rod for a total height of 110-feet. The monopole base is approximately 5-feet which tapers to approximately a foot at the highest elevation. The design allows for three separate tiers of antennas to allow for co-location of service providers. The design of the monopole is similar to the recently designed and approved monopole which was reviewed in May of 2014, which is also owned by Verizon Wireless.

Antennas & Cables: The applicant has proposed to install 12 antennas to the proposed monopole as a part of the initial project to be installed on center at the elevation of 96-feet. The lengths of the proposed antennas are 8-feet, with a maximum tip elevation at 100-feet. The proposed monopole is designed to accommodate future antenna installations based upon different carrier's needs, at an elevation of 76-feet and 56-feet (approximately). Based upon the installation of the antennas there are various coax cables including a top

distribution box, affixed to the tower, and a bottom distribution box which is located inside the shelter (See Figure T-1).

Ground Equipment Shelter/Site Plan: The proposed site plan designates a Land Space which essentially designates the portion of the site that is attributable to the monopole and its operations. The Land Space contains the equipment shelter as well as a fenced and secured area that includes the monopole, and necessary gravel pad to access and maintain the area and monopole. The equipment shelter is a proposed prefabricated structure which would include an equipment room and generator room (see Figure A-2) with two external HVAC system components affixed to the western façade of the structure. The main access/doors into the equipment shelter are located on the north façade of the structure with the monopole located south of the equipment structure. The structure would be approximately 340 square feet with secured entrance into the building in two locations. The monopole would be fenced in and secured with a gate bordering all sides of the equipment shelter and area surrounding the monopole. Access to the monopole would be via the gravel drive which runs along the east side of the equipment shelter, and through two 6' wide access gates located east of the monopole location.

Utility/ROW: The site plan depicts a 20-foot wide utility and access right-of-way (ROW) to ensure functioning and access to the monopole and ground equipment. This ROW would extend the entire length of the existing driveway as well as include the entire Land Space required for the operations of the telecommunications tower. Additionally, there would be a second 10-foot utility right-of-way located south of the existing driveway providing additional access to the Land Space.

Review Criteria

According to the City Code the proposed uses require a Conditional Use Permit and. The City Code states the following, at a minimum, for consideration when reviewing a Conditional Use Permit (32-141):

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

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

Additionally, the proposed monopole is subject to performance standards which are identified in Division 4 Antenna Regulations Sections 32-443 through 32-454. This section of the code relates specifically to installation of telecommunications towers within the City. Specifically 32-449(a) and (c) relate to those items needed for review upon initial application.

Other considerations, particularly those relating to the underlying zoning district must also be considered as well. For example, since the principal use of the property will continue to be for residential uses, the proposed telecommunications tower and supplemental site characteristics are considered an accessory use. As

such, Section 32-313 regarding *Accessory buildings and other non-dwelling structures* is also relevant with respect to the equipment shelter's size and existing accessory uses on the Subject property.

In order to determine the appropriateness of the proposed CUP, the proposal should be reviewed for compliance and consistency with the CUP standards, adjacent uses, the zoning district regulations, and the regulations identified within Division 4 of the city's ordinances.

Existing Site Conditions

The Subject Property is located at 10629 Jamaca Avenue North in the Kendrick Estates subdivision, and is approximately 15.33 acres in size. The site is generally oriented east-west with primary frontage along Jamaca Avenue, and is also bordered by 107th Street North on the northern boundary of the site. The principal use of the property is as a residential property and includes an existing home as well as eight (8) accessory buildings totaling approximately 8,684 square feet (there are also a couple silos and small sheds that were not included in this total, but are present on the site). The accessory buildings are located generally within proximity to the residential structure and are all accessed from the primary driveway which provides access to Jamaca Avenue. The existing driveway access is located approximately 240-feet from the south property line and approximately 395-feet from the north property line.

Approximately the northern quarter of the site is heavily vegetated offering buffering of the existing home and uses from 107th Street. There is somewhat of a clearing near the center of the site which is where the majority of the accessory buildings and the residential structure are located. On the far south edge of the site there appears to be some wetland areas which extend onto adjacent properties. There is an existing overhead electric line which runs generally parallel to the existing driveway connecting to an existing utility pole located southeast of the residential structure. Finally, there is an existing barbed wire fence that runs roughly parallel the south edge of the driveway extending to the east property line and enclosing a small portion of land near the proposed tower location. (See Figure A-1)

Comprehensive Plan Review

The site is guided A-1 Large Scale Agricultural which guides property for large lot single-family residential and low intensity uses. The proposed monopole does not alter the primary use of the subject site which is currently used for rural residential, nor does it propose any additional density of further subdivision.

Zoning/Site Review

The following zoning and site plan review is provided to assist in your analysis and consideration of the proposed CUP for construction of a new monopole on the Subject site. For your reference, Division 4 Antenna Regulations in the City's Ordinance was primarily utilized for purposes of the following review.

Dimensional Standards

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

Dimension	Ord. Section	Standard
Lot Size	32-451 (b)	10 acres
Max. Antenna Support Structure Height (A1)	32-451 (b)	195'
Front yard - centerline of Street (Structure)*	32-246	65'
All property lines (Per Sec. 32-451)	32-451 (d)	Equal to height of antenna support structure
Structural Setback (Cell tower from residential structure – same property)	32-451 (e)(3)	Equal to height of monopole + 15'
Base of any tower	32-452	500 square feet
Accessory Buildings (Parcels 15 to 19.99 Acres)	32-313	4,000 Square Feet – Maximum Permitted Maximum of 4 Buildings permitted

Lot Size	<p>The proposed site for which the monopole is located is approximately 15.33 Acres. <i>Based upon the ordinance standards, the proposed site is larger than 10-acres, and meets the ordinance requirements for minimum lot size.</i></p>
Antenna Support Structure Height	<p>The proposed monopole is approximately 100-feet tall with a 10-foot lightening rod. The maximum height permitted per ordinance is 195-feet and the proposed height is well below the maximum permitted per ordinance. The ordinance states that towers should be designed to only the maximum height needed to help reduce visual impact. <i>The proposed height of the tower meets the Ordinance standards for maximum height, and appears to be designed only to meet the necessary requirements of the provider.</i></p>
Setbacks	<p>The proposed monopole is located approximately 675-feet from western property line abutting Jamaca Avenue N, 298-feet from the northern property line abutting 107th Street North, 171-feet from the eastern side-yard lot line, and 393-feet from the nearest south side yard property line which is irregular in shape. Section 32-451 (d) states, "...all antenna support structures shall be set back from the nearest property line at least a distance equal to the height of the antenna support structure." <i>The location proposed for the 110- foot monopole meets the ordinance standards for setbacks from all property lines (See Figure A-1.1).</i> The ordinance further states in Section 32-451 (e)(3) that, "...if an antenna support structure is located on the same parcel of land as a residential structure, the setback to that residential structure may be equal to the height of the antenna support structure plus 15 feet." The proposed monopole is located approximately 240-feet from the existing residential home on the property. <i>Based upon the ordinance, the monopole is required to be setback a minimum of 125' (110'+15') from the residential structure, and as</i></p>

proposed, meets the required setback.

Accessory Buildings

The Subject Property for which this application was made is approximately 15.33 acres per Washington County GIS records. The property owners also own the adjacent parcel to the east of the Subject Property; however, this parcel was not included or identified as part of this application (See Exhibit H which includes the submitted Application). Thus, the accessory buildings are addressed and considered in terms of the number and total square footage present on site to determine whether the site can accommodate the proposed cell tower and equipment structure.

As referenced in the existing conditions section, there are eight (8) accessory buildings (not including the small sheds and two silos that appear to also be located on the site) on the property with a total square footage of approximately 8,684 square feet. Section 32-313 (b)(2)(f) regulates the quantity of accessory buildings and size for parcels between 15 and 19.99 acres and limits the number of accessory buildings to 4, with a total square footage not to exceed 4,000. While the proposed monopole does not expand the quantity of accessory building square footage on the site, the equipment shelter is approximately 340 square feet and would count towards the allowable accessory square footage and quantity per ordinance. Based upon the existing site conditions there is already an excess number of accessory buildings and square footage and therefore the proposed monopole's equipment shelter could not be constructed unless the site was brought into compliance for accessory buildings.

As requested, the proposed monopole and equipment shelter do not meet the City's standards for accessory square footage or quantity. Given that the proposed construction of the monopole and equipment shelter does not meet current ordinance standards; if the application is not amended or modified Staff would recommend denial of the application based upon its non-compliance with these standards. However, staff would offer the following discussion items to the Council and Applicant/Owner related to this issue:

- As referenced in the Applicant's narrative, the Owners also own the adjacent parcel to the east of the Subject Property which is approximately 6.88 acres. If the adjacent parcel were to be considered in conjunction with the parcel identified in this application, the site would be approximately 22.21 Acres. Section 32-313 (b)(2)(g) states that there is no limit on square footage or number of accessory buildings permitted for parcels greater than 20-acre. *In order to consider both parcels within this application process, the Applicant*

and Owner would need to file a formal amendment to their Application to include both parcels thereby increasing the acreage associated with the request. The Applicant and Owners should be aware that if both properties are included within the CUP, and if ultimately approved, that staff would recommend as condition of the permit that a Developer's Agreement be required to ensure that the properties were considered collectively into the future.

- Alternatively, the Applicant and Owners may also propose the removal of some of the accessory buildings on the subject parcel and reduce the amount of square footage to bring the site into compliance with the ordinances. The number and square footage of accessory buildings would need to be reduced by enough to permit the construction of the monopole and equipment shelter and still meet the ordinance standards (resulting in a total of 4 buildings, and no more than 4,000 square feet). *In order to effectuate this solution, the Applicant and Owner would need to provide supplemental information with a site plan demonstrating the removal of accessory buildings and square footage in an amount to gain compliance with the City's Ordinance standards.*
- Finally, the Applicant and Owner could choose to withdraw the application with no further consideration. *If this is the preferred option, the Applicant and Owner should submit a letter indicating the withdrawal of the CUP Application for this project.*

Staff will inform the Applicant of this issue prior to the City Council meeting and try to get some feedback as to their preferred option moving forward, whether it is to leave the application as-is and allow the Council to make a determination, or to amend the application in some way to address the potential issue. Staff will provide a supplemental memo/email if any new information is provided from the Applicant related to this issue prior to the City Council meeting.

Location/Visual Impact

Section 32-444 (8) states in the purpose, "Place telecommunication facilities in suitable locations, with residential locations being a last resort" and it is further stated in Section 32-452(13) "Antennas and antenna support structures must be designed to blend into the surrounding environment through use of color and camouflaging architectural treatment..." A photo simulation of the site was prepared by the Applicant and is provided in Exhibit G for your review and consideration. As depicted in the photo simulation the tower will be most visible traveling north along Jamaca (shown on Page 8 and 10 of 14). There

are several overhead utilities in this area that are visually similar to the proposed tower. The remaining perspectives, as submitted, state that the tower will not be visible from most locations due to tree coverage and topographical changes.

The applicant's RF Engineer has provided a coverage analysis which demonstrates the areas of the City which currently do not have adequate coverage from Verizon's perspective and standards (Exhibit F). This information is provided with the intent to demonstrate basis and support of the proposed location and need for the tower. As stated within the narrative and supplemental information provided January 20th, the Applicant describes the search process, and states that in order for Verizon to make its network function adequately there was a relatively small search area available. And if you review the available sites within that search area they are all zoned similarly to the proposed site, with similar uses and there are no preferred support structures within the search area (per Section 32-450 (2)).

Preferred Locations

Section 32-450 Preferences for antenna and support structure locations identifies preferred land uses and structures to consider before the City Council will consider a new tower. The Applicant has prepared a supplemental narrative dated January 20, 2015 which is attached to this staff report addressing this issue specifically to aid in your review and analysis. (See Exhibits C and F).

Driveway/Access

The Applicant has proposed to utilize the existing driveway to access the proposed monopole and ground equipment. The existing driveway location and size currently meets all setbacks and standards. The driveway is proposed to be placed into an access and utility ROW 20-feet wide per the site plan. The City Engineer has identified that the access and utility ROW should instead be placed within an easement rather than ROW. (Exhibit A) *The Applicant should update the plan set to reflect the change from ROW to an easement in compliance with the City Engineer's memo.*

Finally, Section 32-452 (b)(6) states that that "an address sign shall be installed in conformance with fire department requirements at the entrance of the public way to provide direction along the access road to the facility itself." Based upon the plan set, there is no sign indicated meeting this requirement. *The Applicant should update the plan set to indicate the location and installation of a sign to meet this requirement.*

Site Plan

The proposed site plan is identified on sheet A-1 of the attached plan set with

additional detail identified on A-2 (Exhibit D). As demonstrated on the site plan, the proposed monopole and ground equipment are located in the area labeled “Land Space” which is proposed to be accessed from the existing driveway. The proposed Land Space is approximately 3,600 square feet, and contains the monopole (which is approximately 35 square feet at the base) and the equipment cabinet which is approximately 340 square feet, both which will be placed on a concrete slab. The area exclusive of the cabinet and monopole is a pad that is proposed to be surfaced with geotextile woven mesh and covered with a layer 3” deep of ¾” to 1 ½” clean rock. The monopole is proposed to be fenced in and with fencing that is proposed to be galvanized steel 6-feet high. The fence top will have three strands of barbed wire to an elevation of 7-feet tall to ensure the structure is secure. (See sheet A-2 and A-4 in the attached plan set).

Landscaping/Plantings

The proposed site plan identifies existing trees that will be removed and/or retained as a result of the proposed project. Based on the submitted plan set it appears that no significant trees will be removed as part of the application. As demonstrated in the viewshed analysis submitted by the applicant the visibility of the base of the tower from adjacent streets and locations is minimal. To screen the base and ground equipment the applicant has submitted a site plan which identifies 16 black hills spruce to be planted around the east, south and west edges of the Land Space to further screen the ground activities (See Exhibit D, Sheet A2.1). No additional plantings are proposed on the north side of the Land Area due to the driveway access and because the northern half of the site is already heavily vegetated and will not be disturbed as part of this project. Section 32-452 (13) and (14) refer to screening, protecting existing vegetation, and preparing a landscape plan that “provide the maximum amount of screening from off-site views as is feasible.” *The provided information and landscape plan meets the city’s requirements for screening, particularly related to the ground equipment and screening of the Land Space.*

Monopole, Antennas & Cables

The proposed monopole would be constructed to accommodate a minimum of two additional users in the future allowing for co-location (See Exhibit H which addresses co-location). However, as submitted, the proposed plan includes the installation of 12 antennas (Verizon) which are mounted on center at an elevation of approximately 96’ which is the highest tier of antennas that could be accommodated on the tower. The antennas will be mounted on three separate T-Frames as depicted on sheet A-3 (depicted in detail 2). The highest elevation of the antenna tip is proposed at 100’ (See Antenna Key on sheet A-3). Per Section 32-452

(9), “ the tower must be designed structurally and electrically to accommodate both the applicant’s antennas and comparable antennas for at least two additional users.”

With respect to the structure, the Applicant has submitted a Geotechnical Report demonstrating that the site is buildable for the proposed use and is capable of supporting the proposed antennas and future similar installations based on the submitted design. This report was provided to the City Engineer for review and consideration. A copy of the report can be found at City Hall, or can be emailed to you by the City Clerk if you desire to review the information prior to the City Council meeting.

Ground Equipment/Shelter

The proposed site plan indicates construction of a prefabricated shelter (hereafter referred to as “equipment shelter”) to house equipment and a generator for the proposed monopole. Per the submitted plan, the equipment shelter is proposed to be approximately 340-square feet with secured access located on the northern façade of the building. The structure includes two doors/accesses into the structure, one into the generator room and one into the equipment room. Access to both spaces is from a 4’ x 14’ concrete stoop (see Sheet A-2 and A-4 in the attached plan set). The equipment shelter is approximately 10-feet tall, and the exterior material appears to be a precast concrete, however detail regarding color/texture/finish was not provided. Section 32-452 (14) states “Buildings which are constructed or used in conjunction with the antenna support structure shall be designed to be architecturally compatible with other existing structures on the site.” The proposed equipment shelter design and material do not appear to meet this requirement. *Further clarification from the Applicant should be provided as to how the structure will blend with existing architecture and the design of the structure. While it appears that much of the façade will be screened, based on Figure A-2.1 the structure will be visible behind the vegetative screen and not be fully screened and therefore how the Applicant proposes to meet this requirement must be presented.*

As stated in the site plan review, there is a proposed fence which would enclose and secure the proposed monopole. A gate detail was not provided and it is not clear if it is intended to contribute in any way to the screening efforts of the Land Area, which may ultimately minimize the visual/architectural impact of the structure’s materials and color. Additionally, per Section 32-452 (b) (6) the following is required, “The base of all antenna support structures shall be posted with signs stating ‘Keep Off’ on all sides... a permanent, weatherproof, approximately 16 inch by 32 inch facility identification sign shall be placed on the gate in the fence around the equipment building...Said sign shall identify the facility operator, provide his address, and specify a 24-hour telephone number at which he can be reached.” *The applicant should address this requirement, and update the plan set to reflect how such condition is met. Also, if any additional screening/opacity is provided as a result of the fence additional detail should be provided.*

Engineering Standards

The City Engineer’s comments and recommendations are attached to this staff report for your review and consideration.

Other Agency Review

The Applicant has contacted the Brown's Creek Watershed District with respect to the proposed tower and site work. The BCWD responded and indicated that there is no additional permitting from their perspective because the Land Space and disturbance area does not exceed 5,000 square feet. The email correspondence between the Applicant (Martin Consulting) and the BCWD is attached for your review and reference (Exhibit B).

Additional Materials Submitted

To comply with the ordinance requirements as stated within Division 4, Antenna Regulations, the following additional information was submitted and is included in Exhibit H:

- Application
- Letter of Authorization, signed by Owners and Applicant
- Letter allowing co-location of providers on the tower
- Letter regarding Non-Interference with Public Safety or Private Telecommunications
- List of Current and Planned Sites in the City Grant
- Antenna Patterns for Antennas
- Map of National Wetland Inventory
- FEMA Identification of the Site
- Zoning Map with site location

Draft Conditions/Recommendations

- The proposed monopole and ground equipment shelter does not meet the City's standards for accessory building square footage and quantity. The Applicant and Owners shall address this issue and describe their proposed solution which may include either removal of some of the accessory buildings on site, or amending the application to include the adjacent parcel also owned by the Owners or some other solution that would bring the site into compliance with the Accessory Structure standards.
 - If the Application is not amended, and the current application is considered, staff would recommend denial of the Application with the following draft findings:
 - The Proposed equipment shelter is approximately 340 square feet and is considered an accessory building per the Table of Uses found in the City's Zoning Ordinance under section 32-245 and section 32-313.
 - Section 32-313 governs accessory building quantity and square footage based upon parcel size. The Project Site is approximately 15.33 acres and per subsections (2)(f) would be permitted a maximum of 4 accessory buildings with a total square footage not to exceed 4,000 square feet.
 - The Subject site contains eight accessory buildings (minimum) with a total square footage exceeding 8,680 square feet and therefore no additional accessory buildings are permitted to be constructed.

- Constructing the monopole and equipment shelter would further the non-compliance associated with the parcel, and therefore would not be consistent with the City's Zoning Ordinances or Comprehensive Plan.

If the Applicant and Owners amend their Application to address the issues related to the Accessory Buildings, the following draft recommendations and findings are provided for your review and consideration:

- The Equipment Shelter should be designed to be architecturally compatible with other existing structures on the site. Based upon the submitted plans, the color and detail of the structure is not known. However, based upon the information provided it appears that some additional detail and/or alternate materials and colors should be considered for compatibility with existing structures.
- The plan set shall be updated to indicate placement of the signage on the gate, driveway and equipment shelter.
- An updated plan set reflecting the City Engineer's recommendations and requirements shall be submitted prior to issuance of any building permit.
- All ground equipment, including the Equipment Shelter, fencing and vegetation shall be kept in good repair and shall be maintained in compliance with the standards set forth in this permit.
- All antennas shall be construction in compliance with city building and electrical codes. A building permit must be obtained prior to construction
- No advertising, of any type, shall be affixed to the monopole or any components within the Land Area.
- Antennas shall not be artificially lit and may not display any strobe lights.
- The Applicant must obtain all necessary, applicable, federal state and local agency permits prior to construction of the monopole and installation of the antennas.
- Written statement from the Fire Department shall be submitted as indicated in Section 32-449(8) prior to a building permit being issued.
- All antennas shall be shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facility. If new, more restrictive standards are adopted, antennas shall be brought into compliance with the new standards by the owner and operator. The cost of verification of compliance shall be borne by the owner and operation of the antenna.
- Any future antenna installation shall be subject to the regulations and standards as set forth in Section 32-446 Permit Requirements, or corresponding section, of the City's adopted ordinances.
- The Owner/Operator of the tower shall be required to submit yearly proof of insurance and compliance of operations.
- Every five years the applicant shall submit a report consistent with those requirements stated within Section 32-449(c), or corresponding section, of the City's adopted ordinance.

Action requested:

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

- Resolution of Approval with Draft Conditional Use Permit and Conditions
- Resolution of Denial with Findings

Exhibits:

Exhibit A: City Engineer's Comments, WSB, dated January 26, 2015

Exhibit B: BCWD Email correspondence

Exhibit C: Applicant's Narrative (December 2, 2014) and Supplemental Narrative (January 20, 2015)

Exhibit D: Site Plan/Engineering Plan Set

Exhibit E: Architectural Elevations of Equipment Plan Set

Exhibit F: RF Justification

Exhibit G: Photo Simulation

Exhibit H: Miscellaneous Ordinance requirements (Including properties within 1,000')