

**City of Grant  
City Council Agenda  
February 2, 2016**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, February 2, 2016, 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 5, City Council Meeting Minutes
- B. Bill List, \$35,868.66
- C. Washington County Sheriff, June-Dec 2015, \$54,222.93
- D. Croix Valley Inspector, \$25,567.28

**5. STAFF AGENDA ITEMS**

- A. City Engineer, Brad Reifsteck
  - i. Authorization for Class 5 Surfacing Quotes

**ii. Consideration of 2016 Special Roads Project**

**B. City Planner, Jennifer Haskamp**

**i. Land Use Definitions**

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

**6. NEW BUSINESS**

**A. Planning Commission Appointments**

**B. Consideration of Resolution No. 2016-07, Designated Reserves, Sharon Schwarze**

**7. UNFINISHED BUSINESS**

**8. DISCUSSION ITEMS**

**A. City Council Reports (any updates from Council)**

**B. Staff Updates**

**9. COMMUNITY CALENDAR FEBRUARY 3 THROUGH FEBRUARY 29, 2016:**

**Mahtomedi Public Schools Board Meeting, Thursday, February 11<sup>th</sup> and 18<sup>th</sup>, Mahtomedi District Education Center, 7:00 p.m.**

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

**City Office Closed, Monday, February 15<sup>th</sup>, Presidents' Day**

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

**10. ADJOURNMENT**

**CITY OF GRANT  
MINUTES**

**DATE** : January 5, 2016  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 9:23 p.m.  
**MEMBERS PRESENT** : Councilmember Sederstrom, Lobin, Huber,  
Lanoux and Mayor Carr  
**MEMBERS ABSENT** : None

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

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:00 p.m.

**PUBLIC INPUT**

There was no one present for public input.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

Council Member Lanoux requested clarification on Roberts Rules of Order, the City Council acting as the Planning Commission, The Council Seating Policy and Consent Agenda procedure.

Mayor Carr advised the City has policies and procedures in place that were approved by the Council. The City has never adopted Roberts Rules of Order but do follow them as a guideline.

Council Member Huber stated the Charter Commission adopted Roberts Rules of Order only when it is possible to use them.

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

**CONSENT AGENDA**

December 1, 2015 City Council  
Meeting Minutes

Approved

1 Bill List, \$63,045.06 Approved

2  
3 2016 Tort Liability, City DOES NOT  
4 Waive Monetary Limits Approved

5  
6 Charitable Gambling Permit, American  
7 Legion Post, 491 Cozzies Tavern Approved

8  
9 Pay Equity Report, Per MN Management  
10 And Budget Approved

11  
12 Resolution No. 2016-03, Meridian CUP Approved

13  
14 Resolution No. 2016-04, Dornack Subdivision Approved

15  
16 **Council Member Lanoux move to approve the consent agenda with the removal of items 4A**  
17 **December 1, 2015 City Council Meeting Minutes, 4B, Bill List and 4F, Resolution No. 2016-**  
18 **03, Meridian CUP. Council Member Sederstrom seconded the motion.**

19  
20 Council Member Huber asked if Council Member Lanoux had reviewed the minutes and sent any  
21 revisions to the Clerk as well as the bill list.

22  
23 Council Member Lanoux indicated he did not. He stated the Fire Protection item should be on  
24 the agenda.

25  
26 Council Member Huber stated that is being reviewed under Council updates.

27  
28 **Motion failed with Council Member Lobin, Huber and Carr voting nay.**

29  
30 **Council Member Lobin moved to approve the consent agenda, as presented. Council**  
31 **Member Huber seconded the motion. Motion carried with Council Member Lanoux**  
32 **Sederstrom voting nay.**

33  
34 **2015 YEAR IN REVIEW, MAYOR CARR**

35  
36 Mayor Carr stated 2015 was a fairly good year. He stated staff is working very hard to keep costs  
37 down, there is a new road person and the residents clearly spoke regarding their opinion on  
38 becoming a Charter city. There was a small increase in the 2016 budget. Land use definitions  
39 are getting done and a road ranking system is being put in place. He thanked staff for their work  
40 noting the City is run on its staff.

41  
42 **STAFF AGENDA ITEMS**

43  
44 **City Engineer, Brad Reifsteck (No action items)**



1 **City Planner, Jennifer Haskamp**

2  
3 **Consideration of Resolution No. 2016-05, CUP Application, Cozzies Tavern, 11460 60<sup>th</sup>**  
4 **Street (continuation)** – City Planner Haskamp advised the subject application was heard and  
5 discussed at a duly noticed public hearing at the City Council on December 1, 2015. At the  
6 meeting staff presented a staff report which summarized the Applicant's request for a conditional  
7 use permit to open a bar/tavern/restaurant on the subject site. After the public hearing was  
8 closed, the Council discussed the application and requested additional information from the  
9 Applicant which is summarized as follows:

- 10  
11 1. The Council requested an updated site plan be submitted which would identify the  
12 location of all outdoor improvements.
- 13 2. More detail regarding the outdoor music was requested. The Council requested that the  
14 applicant identify the anticipated times and types of music (amplified vs. acoustic, etc.)  
15 and also where the proposed band/musicians would be located on the site.
- 16 3. The Council requested that the plan be updated to accommodate the necessary ADA  
17 stalls, and demonstrate that adequate parking can be provided.
- 18 4. Site lighting was discussed, particularly a plan for the parking lot and if any lighting was  
19 contemplated at the patio areas.

20 In addition to the Council's request, staff requested a scalable site plan be submitted  
21 demonstrating all of the exterior site improvements including those items identified above. A  
22 scalable plan is necessary for staff to adequately review the application and ensure that the  
23 proposed improvements meet the City's ordinance/zoning standards (i.e. verify setbacks,  
24 coverage requirements, etc.)  
25

26 Also, it should be noted that the City Council approved the text amendment request that was  
27 submitted concurrently to the Applicant's request for CUP in December. As such, the proposed  
28 use associated with this CUP will now be consistent with the City's revised definition of  
29 Restaurant, Bar or Tavern once the ordinance change is published.  
30

31 The following summarizes only the new information provided and does not re-state the  
32 information provided in the staff report dated November 20, 2015. In addition, a draft  
33 Conditional Use Permit was prepared as directed by the City Council at the December meeting  
34 and is attached for Council consideration.  
35

36 The Applicant submitted a revised site plan which is attached to the staff report and is labeled as  
37 "Certificate of Survey." The site plan is not scalable and therefore it is difficult for staff to fully  
38 review the application for compliance. However, based on the information submitted, the  
39 following review summary is provided to correlate to the requested items identified on page 1 of  
40 this staff report:  
41

1     **Site Plan with Outdoor Improvements:**

2     The Applicant has identified the proposed general location of the site improvements  
3     contemplated as part of this application. There are two patio areas identified, 1) directly west of  
4     the principal building (main restaurant) and north of the parking lot that would be approximately  
5     30'x25'; and 2) directly west of the accessory building which would be used as an outdoor bar  
6     area and is sized at approximately 15'x20'. The Applicant has identified approximately 1,050  
7     square feet of patio area, and has also indicated that the two patios would likely be connected  
8     with a walkway. It appears that the western most edge of the patio would be setback  
9     approximately 20' from the western property line; however, it cannot be verified based upon the  
10    information provided. The site plan has also been updated to include an area identified as "Area  
11    for Bands" however, it is unclear based on the information provided how the area would be  
12    improved (structure/pavers/stage/etc.) or exact dimensions of the area since dimensions were not  
13    provided. Additionally, this area appears to encroach upon the west side-yard lot line setback.  
14    No new vegetative screening is proposed, however there is a fair number of existing trees  
15    existing along the western property line in this location.

16  
17    **Staff Recommendation:** *Staff would recommend that a condition be placed into the CUP that a*  
18    *scalable site plan must be submitted to verify that all improvements meet the required setbacks.*  
19    *Additionally, the "Area for Bands" must be moved to meet the side-yard setback, and detail*  
20    *regarding what site improvements area associated with the "Area for Bands" should be*  
21    *provided. Staff would also recommend that condition be included requiring that the existing pine*  
22    *trees shall be maintained, and replaced as needed to ensure a vegetative screen along the*  
23    *property line. Finally, a condition should be placed in the permit to ensure that a grading permit*  
24    *is pulled for the patio improvements, if warranted per the City's ordinances.*

25  
26.   **Music and Outdoor Operations:**

27    The Applicant provided a brief narrative describing the anticipated activities associated with the  
28    "Area for Bands" and the outdoor patios which is attached to this staff report for your  
29    consideration. As described in the narrative, the Applicant is requesting the opportunity to host  
30    outdoor amplified bands, one weekend night per month during the months of June, July and  
31    August. The bands would presumably play in the "Area for Bands" and would be oriented  
32    towards the patios and Highway 36. The music would be restricted to the hours between 7:00  
33    PM and 10:00 PM. In addition, the Applicant would like the opportunity to offer acoustic music  
34    on Sunday afternoons from 3:00 PM until 6:00 PM.

35  
36    **Staff Recommendation:** *As previously stated detail regarding the "Area for Bands" should be*  
37    *provided to better understand how the space will be used. Per the site plan, the Band Area is*  
38    *estimated to be located more than 50-feet from the outdoor patio area so amplification may*  
39    *become an issue depending on the intent (event vs. regular show, etc.) Also, as previously stated*  
40    *the band area does not appear to meet the side-yard setback standards and should be relocated*  
41    *to ensure the setback is met. Regardless of whether the music is amplified or not, staff would*  
42    *recommend including a condition that all live music must meet MPCA noise guidelines.*  
43    *However, it does seem reasonable to allow amplified music once a month during the summer,*  
44    *provided appropriate conditions are included within the CUP.*

12. **ADA Parking Stall and Number of Parking Stalls:**

The Applicant identified both additional parking area and the proposed designated area to install the ADA stalls on the updated site plan. Staff contacted the City's building official for specific design standards which must be followed for design and installation of the ADA stalls. The correspondence is attached to this staff report.

**Staff Recommendation:** *Staff would recommend including a condition in the CUP that the design must be reviewed and approved by the Building Official to ensure compliance with the ADA standards. Further, since the CUP will likely be issued during the winter a condition should be added to address the timing of installation of the ADA parking stalls.*

As stated within the November staff report, based on the previous certificate of survey information the parking lot identified an area to accommodate approximately 45 cars which was approximately 3 stalls short of what would be required to meet the ordinance standards. (48 total stalls needed). In response the Applicant identified an area on the north quadrant of the property to include within the parking area. First, the area identified appears to exceed the square-footage necessary to accommodate 3 additional stalls. Second, it is unclear based on the information whether or not the Applicant is proposing to grade and gravel this entire area. A grading plan was not submitted and it appears that a fair amount of tree removal would also be required to create this parking area. Since only three additional spaces are needed, staff believes that there is no need to expand the parking area to this extent, unless there is some reason not identified with the Applicant's materials.

**Staff Recommendation:** *Staff has identified an area on the attached aerial which appears to already be graveled which could be added to the parking area. Staff would recommend including a condition that the Applicant should present a scalable site plan that identifies a parking area to accommodate 48-50 vehicles. If expansion of the graveled area is necessary, then a grading plan and review by the City Engineer may be necessary.*

303. **Exterior Lighting:**

The Applicant identified potential parking lot lighting locations on the updated site plan. There are two existing lights on the south frontage of the property, and identified additional lighting along the eastern edge of the property. Finally, a light fixture was also identified on the northwest portion of the parking lot that may not be necessary if the parking lot is not extended in this location. A light fixture detail and/or photometric plan were not submitted with the application. The updated plan did not identify any exterior lighting plan for the patio area of the "Area for Bands".

**Staff Recommendation:** Staff would recommend including a condition that all exterior lighting shall meet the applicable ordinance standards and that if any exterior lighting is in question that the Applicant may be required to submit a photometric plan confirming that the lighting meets all standards.

1 Staff has prepared a draft Conditional Use Permit incorporating the recommendations and  
2 comments from the Council at the December meeting. At the direction of the Council a draft  
3 Resolution of Approval of the permit has also been prepared for your consideration.  
4

5 Council Member Huber stated he made his desire very clear to see more detail for the band area  
6 and outdoor area as that has the most impact to neighbors. Not having a scalable plan is a  
7 problem. He advised for him to allow changes without a scalable plan is very unfair to other  
8 applicants. The Planner has laid out an attractive option to get open now and come back to the  
9 Council with the plans for the outdoor modifications.  
10

11 City Planner Haskamp stated if the applicant would like to move forward without the outdoor  
12 element the materials submitted are sufficient. The site modifications would trigger other things  
13 such as required parking spots. The Council could approve the CUP today without the outdoor  
14 element as the draft conditions support the existing structure and capacity. She stated she is less  
15 concerned about the patio location as opposed to the band area. She would prefer the Council  
16 review that. Another option is for the applicant to come back next month. If the applicant would  
17 prefer to move forward now, he can come back with the outdoor modifications when they are  
18 ready.  
19

20 **Council Member Lanoux moved to adopt Resolution No. 2016-05, as presented. Council**  
21 **Member Sederstrom seconded the motion.**  
22

23 Council Member Lanoux advised he would like to move forward because the Planner and  
24 Engineer did not call the surveyor to get the correct scalable plan.  
25

26 City Planner Haskamp stated the drawing submitted is drawn to scale but it is not scaleable. The  
27 setbacks need to be verified.  
28

29 Mr. Chris Cosgrove, applicant, came forward and stated the band area is not a fixed structure as  
30 it would be a rented platform when they have bands. The large parking area is just to ensure  
31 there is enough parking.  
32

33 Mayor Carr expressed concern regarding too much parking and stated he would be more  
34 comfortable if the plan had the number of spaces required for the square footage and occupancy.  
35

36 City Planner Haskamp stated there City does have a specific guideline for parking and the  
37 number of stalls. Fifty stalls is a very reasonable number. If accomodations are for 100 parking  
38 stalls that is more event related and that would have to be balanced.  
39

40 Council Member Huber stated the Planner made a good distinction between event parking and  
41 club partronage parking. The only problem with the movable stage is that it can be moved  
42 around for more people. He requested that be addressed in the CUP. He stated the plan  
43 submitted is a great sketch plan but when it comes to voting and conditions more detail is needed.  
44

1 City Planner Haskamp stated there is a way to write it that directs where the Council would want  
2 to see it. It would then be limited to that space. After the last meeting, a scaleable plan was  
3 requested from the applicant again. One was not submitted. Staff does not contact applicants  
4 consultants and dictate revisions or work that must be done without permission from the  
5 applicant.

6  
7 Mr. Cosgrove stated there is a mound system and it would be impossible to set the band up  
8 anywhere else. He noted they are a restaurant bar venue not a music event center. He advised he  
9 was not aware of the level of detail that would be required for the CUP. More specifics can be  
10 provided for the outdoor plan.

11  
12 Mayor Carr suggested a condition be added that nothing can be put up north of the small  
13 building; no parking, seating, chairs, etc. This would limit the size even for events. The  
14 established areas it appears the Planner is comfortable with. A line should be drawn south of the  
15 band area the size of the podium for the setback.

16  
17 City Planner Haskamp referred to condition #11 in the draft permit and added language for  
18 temporary band structures.

19  
20 Council Member Lanoux called the question.

21  
22 **Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.**

23  
24 Council Member Huber referred to the mound system and stated a line drawn south of that  
25 building will allow for the proper setbacks.

26  
27 Mayor Carr asked if after the changes are done, would staff be comfortable with passing the CUP  
28 this evening along with a condition relating to no activity on the back part of the property.

29  
30 City Planner Haskamp read a condition to add relating to the back portion of the property and a  
31 setback of 100 feet from the property line for condition #12.

32  
33 **Council Member Huber moved to adopt Resolution No. 2016-05, as amended. Council**  
34 **Member Lanoux seconded the motion. Motion carried unanimously.**

35  
36 **Consideration of Sex Offender Ordinance** – City Planner Haskamp advised during the  
37 discussion at the regular December meeting Council Members briefly addressed the possibility of  
38 enacting a new ordinance which would regulate where registered sex offenders could reside in  
39 the city. The Council referenced both the City of Mahtomedi and Birchwood Village as potential  
40 ordinance models, since both communities recently adopted ordinances (Mahtomedi adopted an  
41 interim ordinance, see description below). The discussion was timely given recent discussions  
42 associated with the sex offender policy at the Cedar Ridge residential treatment facility; however,  
43 it should be noted that they do not admit sex offenders to their facility regardless of whether they  
44 are registered or not. In light of the neighboring communities and recent discussion, the Council



1 directed staff to conduct some preliminary research and provide brief background information to  
2 the Council to aid in the Council's determination as to whether an ordinance may be prudent.

3 Background information

4 Very few communities have ordinances in place regulating where registered sex offenders can  
5 reside, and based on research it appears that less than 15 communities throughout the state have  
6 any such ordinance. However, of those communities that do have ordinances in place, they  
7 generally address the following:

- 8     ▪ Regulates all Designated Offenders and/or Registered (Level III) sex offenders
- 9     ▪ Identifies a radius from public places where children congregate such as schools, parks,  
10       libraries, churches and other gathering places that an offender may not permanently  
11       reside.
- 12     ▪ The prescribed distances generally range between 1,000 and 2,000 feet
- 13     ▪ The ordinances identify exceptions to the distance/radius

14 As brought up by the Council at the December meeting, Birchwood Village recently adopted an  
15 ordinance in response to a notification that a Level III Sex Offender was moving into their  
16 community. Part of the State's required notification process for Level III registered offenders  
17 involves a public meeting. Birchwood Village held the informational meeting and invited a  
18 speaker from the Jacob Wetterling Resource Center (JWRC). The meeting and presentation were  
19 videotaped and can be found on YouTube ([https://www.youtube.com/watch?v=daNE8cI\\_eFo](https://www.youtube.com/watch?v=daNE8cI_eFo)).  
20 Staff watched the meeting, and would recommend watching the speaker and presentation. It was  
21 very informative and could be helpful when thinking through whether adoption of this type of  
22 ordinance is warranted, and if so, what regulations should be addressed in such an ordinance.

23 Additionally, staff has attached both the Birchwood Village and City of Albertville ordinances  
24 for your reference and background. Staff has also contacted the City of Mahtomedi to get a copy  
25 of their interim ordinance and will distribute it as soon as it is available.

26 Staff has prepared this item for discussion purposes. If the Council desires and directs, staff can  
27 prepare a draft ordinance for consideration at an upcoming meeting.

28  
29 Mayor Carr stated the City does not have a lot of public places so an ordinance may not make  
30 sense for the City of Grant.

31  
32 Council Member Lanoux stated the BCA does not update their list relating to sex offenders and  
33 the City approved the Meridian amended CUP which was inviting sex offenders into the  
34 community.

35  
36 Council Member Huber stated Council Member Lanoux was not present when conditions of  
37 approval were written relating to sex offenders. There are very few public places in Grant but the  
38 Gateway Trail may be considered a public place as well as Brown's Creek Trail.

39  
40 City Attorney Vivian advised there is a reason only nine communities have adopted an ordinance  
41 relating to this due to constitutional rights.

1 Council Member Huber stated he would like to wait until other cities have flushed this out  
2 relating to constitutional rights before moving forward with a draft ordinance.

3  
4 Council Member Sederstrom added that Meridian is hiding behind HIPPO laws and the City does  
5 not have the staff to check on these types of things.

6  
7 **City Attorney, Nick Vivian**

8  
9 **Consideration of Resolution No. 2016-06, Council Member Censure** – City Attorney Vivian  
10 advised in February 2015 the City Council voted to approve Resolution 2015-07 (“Resolution”) censuring Councilmember Larry Lanoux. The resolution directed the City Council to review  
11 compliance with the Resolution after sixty days. He provided the following history:  
12

13  
14 On April 7, 2015, the City Council voted by motion to extend Resolution 2015-07 by an  
15 additional 90 days. The extension of the Resolution expired on July 6, 2015.

16  
17 On July 7, 2015, the City Council again voted by motion to extend Resolution 2015-07 by an  
18 additional 60 days. In addition, the Council authorized the filing of an injunction to keep Mr.  
19 Lanoux from violating the Censure Resolution.

20  
21 On October 6, 2015, the City Council again voted by motion to extend Resolution 2015-07 by an  
22 additional 90 days. The Resolution calls for City Council review as of January 6, 2016.

23  
24 During the October 6, 2015 – January 6, 2016 time period, City staff noted and documented at  
25 least three substantive violations of the Resolutions which included emails to City staff without  
26 copy to the Mayor and a personal visit to City Hall.

27  
28 City Attorney Vivian advised the status of the Resolution is again before the Council for review  
29 and consideration. The Council should determine whether the sanctions contained within the  
30 censure resolution have sufficiently deterred Mr. Lanoux’s conduct or whether the resolution  
31 should be extended for an additional period of time. The resolution principally concerns Mr.  
32 Lanoux’s conduct with staff arising from the unauthorized removal of governmental property  
33 from the City’s office, outbursts of anger privately and in public toward City staff and members  
34 of the City Council, the creation of an unsafe, unfriendly, unsecure and intolerable environment  
35 in the City’s workplace and a disregard for City procedures and protocol.

36  
37 City Attorney Vivian advised the Council may take the following actions:

- 38  
39 1. Consider the Censure of Councilmember Lanoux to be complete.  
40 2. Approve an extension of Resolution 2015-07 for a period of 90 days, for engaging in  
41 conduct which creates a difficult, unsafe, unfriendly, unsecure and intolerable work  
42 environment for staff.

1 Mayor Carr stated he is tired of talking about the censure. The Council has just asked for compliance  
2 and to follow the rules that all Council follows. He suggested a statement relating to the censure  
3 being in force for the rest of the year unless compliance is demonstrated for 90 consecutive days. If  
4 that happens the censure is lifted. That makes the issue completely up to Council Member Lanoux.

5  
6 Council Member Lanoux stated the first censure was illegal and not based on proper procedure.  
7

8 **Mayor Carr moved to adopt Resolution No. 2016-06, as amended. Council Member Lobin**  
9 **seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting**  
10 **nay.**

11  
12 **NEW BUSINESS**

13  
14 **Consideration of Ordinance No. 2016-45, 2016 Fee Schedule** – Mayor Carr referred to the 2016  
15 Fee Schedule included in the packets noting there are no recommended changes from 2015.  
16

17 **Council Member Huber moved to approve Ordinance No. 2016-45, as presented. Council**  
18 **Member Lobin seconded the motion. Motion carried unanimously.**  
19

20 **Consideration of Resolution No. 2016-01, Summary Publication of Ordinance No. 2016-45 (4/5**  
21 **vote required)** – Resolution No. 2016-01 authorizes a summary publication of Ordinance No. 2016-  
22 45.  
23

24 **Council Member Huber moved to adopt Resolution No. 2016-01, as presented. Council**  
25 **Member Lobin seconded the motion. Motion failed with Council Member Lanoux and**  
26 **Sederstrom voting nay.**  
27

28 **Council Member Huber moved to reconsider the motion to adopt Resolution No. 2016-01.**  
29 **Mayor Carr seconded the motion.**  
30

31 Council Member Huber asked Council Member Lanoux and Sederstrom to reconsider the summary  
32 publication due to additional costs to the City.  
33

34 Council Member Lanoux stated the residents should see the entire fee schedule and the Council was  
35 not concerned with costs when the Charter was published.  
36

37 Council Member Huber stated it appears as though Council Member Lanoux is punishing residents  
38 which does not make sense.  
39

40 Council Member Lanoux stated he would vote in favor of the summary publication if he will be able  
41 to go through the 2016 Appointment List one by one.  
42

43 Council Member Huber stated Council Member Lanoux is holding the public hostage for his own  
44 personal needs and that is punishing residents.  
45



1 Mayor Carr stated he finds it very inappropriate to only support the summary publication if a Council  
2 Member gets his way on another item.

3  
4 **Motion failed with Council Member Lanoux and Sederstrom voting nay.**

5  
6 **Consideration of Resolution No. 2016-02, Summary Publication of Ordinance No. 2015-44 –**  
7 Resolution No. 2016-02 authorizes summary publication of Ordinance No. 2015-44.

8  
9 **Council Member Lobin moved to adopt Resolution No. 2016-02, as presented. Council Member**  
10 **Huber seconded the motion. Motion carried unanimously.**

11  
12 **Consideration of 2016 Council Meeting Schedule –** The Council revised the 2016 Council meeting  
13 schedule.

14  
15 **Council Member Huber moved to approve the 2016 Council Meeting Schedule, as amended.**  
16 **Council Member Lobin seconded the motion. Motion carried unanimously.**

17  
18 **Consideration of 2016 Appointment List –** Mayor Carr referred to the 2016 Appointment List  
19 included in the packet. In the past, the Council has gone over all of them but there is only one  
20 recommended change relating to the City's legal newspaper. Staff has been working with the White  
21 Bear Press all year long to resolve some outstanding issues. Those have been taken care of to the best  
22 of their ability and staff thinks it is prudent to go back to the White Bear Press.

23 **Council Member Lanoux moved to appoint Council Member Sederstrom as Deputy Mayor.**  
24 **Council Member Sederstrom seconded the motion. Motion failed with Council Member Huber,**  
25 **Lobin and Mayor Carr voting nay.**

26 **Council Member Lanoux moved to appoint Council Member Lobin to Emergency**  
27 **Preparedness. Council Member Sederstrom seconded the motion. Motion failed with Council**  
28 **Member Lobin, Huber and Mayor Carr voting nay.**

29 **Council Member Huber moved to add City Staff under Emergency Preparedness. Council**  
30 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux and**  
31 **Sederstrom voting nay.**

32 Council Member Lanoux stated the Met Council appointment and the Road Commissioner  
33 appointment should not be held by a paid staff person. He stated the City Attorney has exceeded the  
34 budget and he should be removed if he can't stay within budget.

35 Mayor Carr stated the zoning enforcement on Council Member Lanoux's property has cost the City  
36 \$16,000. The censure for not following the rules has cost the City money and the Charter has cost the  
37 City approximately \$50,000. Council Members not following the rules every one has to follow is the  
38 biggest legal expenditure in terms of the City's budget.

39 Council Member Huber added Council Member Lanoux cost the City an additional \$1,200 for the  
40 required annual audit as he accused the City Treasurer and City Clerk of fraud.

1 Mayor Carr stated it appears as Council Member Lanoux wants to get rid of all the City staff members  
2 and he asked why. He stated staff does run the City based on the policy set by the Council. The City  
3 needs consistency and the staff is doing a very good job.

4 Council Member Lanoux stated the Clerk needs to provide him with her degree in planning and  
5 engineering. The City should go out for a Request For Proposal and she should apply for the job and  
6 be interviewed.

7 **Council Member Huber moved to approve the 2016 Appointment List as amended. Council**  
8 **Member Lobin seconded the motion. Motion carried with Council Member Lanoux and**  
9 **Sederstrom voting nay.**

10  
11 **UNFINISHED BUSINESS**

12  
13 There was no unfinished business.

14  
15 **DISCUSSION ITEMS**

16  
17 **City Council Reports:**

18  
19 Council Member Huber referred to the structure fire on Irish Avenue and Council Member Lanoux's  
20 claim that the Fire Department improperly used the firefighting equipment. Fire Chief Terry Fischer  
21 did see the meeting that those claims were made and has responded.

22  
23 Administrator/Clerk read a letter from the Fire Chief outlining the reasons for not using the dry  
24 hydrant for this fire and indicated his expertise with fires and the fact that he is the fire chief should  
25 suffice.

26  
27 Council Member Lanoux stated dry hydrants are used to fill trucks and he asked why the previous  
28 Council changed the borders for fire departments.

29  
30 **Council Member Lanoux moved to change back the fire department borders. Motion failed**  
31 **with no second.**

32  
33 Mayor Carr advised he attended a meeting with the school district relating to the development of  
34 additional parking lots. At this point it is preliminary and there is not concrete to report.

35  
36 **Staff Updates:**

37  
38 There were no staff updates.

39  
40 **COMMUNITY CALENDAR JANUARY 6 THROUGH JANUARY 31, 2016:**

41  
42 **Mahtomedi Public Schools Board Meeting, Thursday, January 14<sup>th</sup> and 28<sup>th</sup> Mahtomedi**  
43 **District Education Center, 7:00 p.m.**

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

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

4 City Office Closed, Monday, January 18, 2016, Martin Luther King Day  
5

6 **ADJOURN**  
7

8 Council Member Lobin moved to adjourn at 9:23 p.m. Council Member Huber seconded the  
9 motion. Motion carried unanimously.

10  
11  
12  
13 These minutes were considered and approved at the regular Council Meeting February 2, 2016.  
14  
15  
16  
17

18 \_\_\_\_\_  
19 Kim Points, Administrator/Clerk  
20

\_\_\_\_\_  
Tom Carr, Mayor

Date range: 01/01/2016 to 01/31/2016

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Wells Fargo Business Card	01/15/2016	12976	\$66.74	Year End Performance	No	100-41306-300	\$66.74
Payroll Period Ending 01/31/2016	01/26/2016	12977	\$3,359.83		No	100-41101-100	\$3,359.83
Xcel Energy	01/26/2016	12978	\$390.65	Utilities	No	100-43004-381 100-43010-381 100-43117-381	\$288.23 \$65.06 \$37.36
City of Willernie	01/26/2016	12979	\$2,603.44	July-Dec2015/Color Copies	No	100-41316-200 894-49310-300	\$2,583.64 \$19.80
Washington County Sheriff	01/26/2016	12980	\$54,222.93	Jun-Dec2015 Police Contract	No	100-42001-300	\$54,222.93
M.J. Raleigh Trucking	01/26/2016	12981	\$150.00	Sand/Salt	No	100-43113-210	\$150.00
CenturyLink	01/26/2016	12982	\$119.65	City Phone	No	100-41309-321	\$119.65
RoadKill Animal Control	01/26/2016	12983	\$201.00	3pickupfeb2015	No	100-42006-300	\$201.00
Washington County Sheriff	01/26/2016	12984	\$321.94	CodeRedAnnualFee	No	100-42001-300	\$321.94
Washington County Public Works	01/26/2016	12985	\$1,775.44	Salt/Sand	No	100-43113-330	\$1,775.44
Waste Management	01/26/2016	12986	\$4,140.36	Recycling	No	100-43011-384	\$4,140.36
Todd Smith	01/26/2016	12987	\$1,991.92	Monthly Assessment Services	No	100-41208-300	\$1,991.92
Ken Ronnan	01/26/2016	12988	\$63.00	Video Tech Services	No	100-41318-100	\$63.00
Department of Labor & Industry	01/26/2016	12989	\$1,624.64	Conf#23771163060	No	100-42005-520	\$1,624.64
US Postal Service	01/26/2016	12990	\$112.00	2016 PO Box	No	100-41311-200	\$112.00
AirFresh Industries	01/26/2016	12991	\$125.00	PortaPot #21638	No	100-43007-210	\$125.00
KEJ Enterprises	01/26/2016	12992	\$9,000.00	December 2015 Road Contractor	No	100-41306-300 100-42006-300 100-43006-300 100-43009-300 100-43105-300 100-43106-300 100-43107-300 100-43110-300 100-43111-300 100-43113-300 100-43114-300	\$166.14 \$83.00 \$125.00 \$125.00 \$167.00 \$20.84 \$41.67 \$83.84 \$20.84 \$5,416.67 \$2,250.00

## City of Grant

## Disbursements List

01/26/2016

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Magnuson Law Firm	01/26/2016	12993	\$675.00	Charter Review	No	100-43115-300	\$500.00
WSB & Associates	01/26/2016	12994	\$407.00	Engineering	No	100-41211-300	\$675.00
Croix Valley Inspector	01/26/2016	12995	\$25,567.28	Building Inspector	No	100-43125-300	\$340.50
Sprint	01/26/2016	12996	\$31.17	City Cell Phone	No	867-49310-300	\$66.50
SHC, LLC	01/26/2016	12997	\$1,846.50	Planning	No	100-42004-300	\$25,567.28
Eckberg Lammers	01/26/2016	12998	\$4,961.26	Legal Services	No	100-43116-321	\$31.17
						100-41209-300	\$1,442.50
						905-49310-300	\$75.75
						906-49310-300	\$328.25
						100-41204-300	\$1,421.92
						100-41205-300	\$1,809.50
						100-41206-300	\$1,589.84
						902-49310-300	\$87.50
						905-49310-300	\$52.50
St. Paul Pioneer Press	01/26/2016	12999	\$113.80	Public Hearing	No	907-49310-351	\$113.80
Press Publications	01/26/2016	13000	\$31.36	Planning Commission Applications	No		
PERA	01/26/2016	13001	\$643.61	PERA	No	100-41308-351	\$31.36
IRS	01/26/2016	EFT72	\$1,113.35	Payroll Taxes	No	100-41102-120	\$344.79
						100-41113-100	\$298.82
						100-41103-100	\$351.69
						100-41107-100	\$409.97
						100-41110-100	\$285.03
						100-41112-100	\$66.66
Total For Selected Checks			\$115,658.87				\$115,658.87



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

## Invoice

Invoice Number:	82580
Account Number:	27164
Due Date	2/22/2016
Amount Enclosed:	
Federal Tax Id: 41-6005919 JF	

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

*Please return top portion with payment. Thank You.*

Invoice						
Date	Number	Type	Due Date	Remark	Amount	
12/30/2015	82580	Invoice	2/22/2016	Jul-Dec 2015 Police Contract Services	\$54,222.93	
<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 <b>Washington County</b> and mail to the address above.</p> <p><i>Jenny Flores 651-430-7844</i></p>					<b>Invoice Total</b>	\$54,222.93
					<b>Sales Tax</b>	
					<b>Balance Due</b>	\$54,222.93

64. Walker Roofing Permit # 2014-66  
City Fee: \$ 83.25 x.75% = \$ 62.43  
Total Fee:.....= \$ 62.43

65. Michael Rota Permit # 2014-67  
City Fee: \$ 80.00 x.75% = \$ 60.00  
Total Fee:.....= \$ 60.00

122.43

---

Total Fee's.....= \$ 25,567.28

Respectfully submitted,

*Jack Kramer*

Jack Kramer

Building Official

65 permits - final  
inspections

## ***Memorandum***

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

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

**Date:** *January 25, 2016*

**Re:** *Class 5 Surfacing Quotes*

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Each year the city engages a Contractor to provide Class 5 aggregate base for the purpose of maintaining gravel roads throughout the City. The quotes typically include pricing for delivered or delivered and spread aggregate base as needed on a per ton basis.

In 2015, Miller Excavating, Inc. was selected to provide these services. Request for Quotes will be sent to Miller Excavating, Inc., and at a minimum, one other local contractor.

**Action:** Discussion. Direct staff to request quotes directly from contractors for the 2016 Class 5 Surfacing Contract.



## ***Memorandum***

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

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

**Date:** *January 25, 2016*

**Re:** *2016 Special Road Project*

Each year the city completes a special road project within the city. In past years, the projects have addressed specific areas with drainage problems on the roadway and/or areas where small patches are no longer a cost efficient solution.

The 2015 Special Road Project included a portion of Keats Avenue between 65<sup>th</sup> Street and Highway 36 Frontage Road.

Potential candidates for this year's project include the following:

- A portion of Keats Avenue north of 65<sup>th</sup> Street
- Joliet Avenue between Highway 96 and Jody Avenue
- Ideal Ave N & Hwy 96 and 97<sup>th</sup> Street N. & County Rd 15

The 2016 budget for special road projects is \$25,000.

**Action:** Discussion. Direct staff to prepare plans and request quotes directly from contractors for the 2016 Special Road Project.

## MEMORANDUM

<b>To:</b> Mayor and Grant City Council <hr/> <b>CC:</b> Kim Points, City Clerk Nick Vivian, City Attorney <hr/> <b>From:</b> Jennifer Haskamp, City Planner <hr/>	<b>Date:</b> January 26, 2016 <hr/> <b>RE:</b> Land Use definitions <hr/> Archery Range, Gun Club, Gun Range, <hr/> Broadcasting Studio, Hotel or Motel, <hr/> Structure – Historic, Theater <hr/>
--	---

### Summary & Background

Over the past year the council has been working on creating land use definitions for uses identified on the Table of Uses that are undefined within section 32-1 of the City's zoning ordinance. During that process a moratorium was in place restricting the processing of applications that would be associated with any of the land uses identified within the moratorium. The moratorium ended in 2015, and the city council effectively worked through several definitions and uses that were the most common and prevalent in the community.

The moratorium expired, but several land uses have yet to be defined and staff is recommending that the city council continue to work through development of the definitions in an effort to complete the initial objective as stated within the moratorium. In an effort to continue the process staff has prepared the following draft definitions and discussion items for your consideration at the February meeting.

### Archery Range, commercial outdoors; Gun Clubs; Gun Ranges

In Section 32-245 of the City's Zoning Ordinance *Archery Range, commercial outdoors; Gun Clubs; and Gun Ranges* are all identified as separate land use categories as indicated in the excerpt from the table below:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Archery range, commercial outdoors	C	C	C	N	N
Gun clubs.	N	C	C	N	N
Gun range.	N	N	N	N	N

Section 32-1 Definitions does not address any of these uses and does not offer any clarification with respect to the differences between them. Staff has researched how other communities address these types of land uses, and specifically looked into communities which have Gun/Hunt Clubs active within their communities. Most places lump all three of these uses (Archery range, Gun Club, Gun Range) together into a single use, such as a Target Range, and then further regulate the use through a set of performance standards (must be located off of a county road, setback a minimum of 500' from property lines, etc). An example of a definition is provided below (and sample performance standards from Hugo are attached to this staff report):

Target Range, Outdoor – means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, air rifle (BB and .177 pellet), pistols, silhouettes, skeet, trap, black power or any other similar sport shooting in an outdoor environment, but does not permit the use of paintball guns.

Staff is looking for some direction from the City Council with respect to these uses and whether there is interest in further refining the definition through performance standards. Staff is aware that there was a gun club/gun range in the City at one time and that there were some concerns related to that operation. Therefore, staff would like some feedback from the city council prior to drafting a definition(s).

### Broadcasting Studio, Hotel or Motel, Structure – Historic, Theater

Staff has drafted the following definitions for your review, consideration and comment.

**Broadcasting Studio** means a facility or building where the production and transmission of radio or television broadcasts originate, which may include ancillary office and business spaces to support the operations.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Broadcasting Studio	N	N	N	N	C

**Hotel or Motel** means a building which provides a common entrance, lobby, halls and stairway and in which ten or more people are, for compensation, lodged with or without meals. Such operations may include a single building or a group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to accommodate each unit.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Hotel or Motel	N	N	N	N	N

**Structure, historic, scenic** means a building, structure, archaeological site, or other place that is listed on the national or state register of historic places, or meets the requirements for listing on the national or state historic registers, or is designated as a significant historic site by the city council. All unplatted cemeteries meeting provisions of Minn. Stats 307.08 are significant historic sites.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Structure, historic, scenic	C	C	C	C	C

**Theater** means a building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Theater	N	N	N	N	C
Theater – Drive In	N	N	N	N	N

Sec. 90-234. - Hunt and gun clubs.

- (a) It is unlawful for any person to construct or operate a hunt club or gun club except in conformance with this chapter.
- (b) All hunt and gun clubs must have their principal entrance located on a state or county highway, or city collector street.
- (c) Hunt and gun clubs must be located on parcels of land at least 40 acres in size.
- (d) Site plans for all shooting ranges, skeet ranges, trap ranges, archery courses, and similar facilities shall be constructed in accordance with an approved site plan that shall be a provision of the conditional use permit issued for the site. All shooting activities must be confined to the designated ranges, and located at least 500 feet away from all property lines.
- (e) All hunt and gun clubs shall be subject to safety and sound control plans approved by the city council. All required safety and sound control measures shall be constructed and operational prior to any discharge of firearms on the property of any hunt or gun club.

(Prior Code, § 1195-360.1)

## **AGENDA ITEM 7A**

<b>STAFF ORIGINATOR</b>	Kim Points
<b>MEETING DATE</b>	February 2, 2016
<b>TOPIC</b>	Planning Commission Appointments

### **BACKGROUND**

The City published and posted they were taking Planning Commission applications. Eight (8) applications were submitted and interviews held prior to the regular meeting. Votes were taken and the appointed members will be announced.

Per the approved Rules of Procedure, City of Grant Planning Commission:

Per City Ordinance, the Planning Commission shall consist of five to seven members. The members shall be appointed by the City Council by a majority vote of the City Council. Each Planning Commissioner shall be appointed to a three year term. If a commissioner is appointed to fulfill the term of an unexpired term, then the newly appointed commissioner shall serve for the remainder of that term. The term of office, unless appointed to fill an unexpired term, shall begin at the first regular City Council meeting in March of each year.

### **OPTIONS**

1. Appoint Planning Commissioners

## **AGENDA ITEM 7A**

**STAFF ORIGINATOR**

Kim Points

**MEETING DATE**

February 2, 2016

**TOPIC**

Planning Commission Votes

**VOTE REQUIRED**

Simple Majority

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

**RESOLUTION 2016-07  
CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA**

**DESIGNATED RESERVES  
SMALL CITIES ASSISTANCE**

**WHEREAS**, the State of Minnesota has created the Small Cities Assistance Account, Minn. Stat. Section 162.145,

**WHEREAS**, the Small Cities Assistance must be used for construction and maintenance of roads located within the city,

**WHEREAS**, the City of Grant has received \$61,969 in funding in 2015 for expenditure on the local roads in 2016,

**WHEREAS**, the City of Grant has budgeted \$61,969 in the 2016 Roads budget in addition to other normal roads expenditures,

**NOW, THEREFORE**, be it resolved that the City Council of the City of Grant that the City record the Committed Fund Balance in the General Fund in the amount of \$61,969 for the construction and maintenance of roads located within the City.

**WHEREUPON** the following members voted in favor:

**WHEREUPON** the following members voted against:

This Resolution was declared duly passed and adopted and signed by the Mayor this 2<sup>nd</sup> day of February, 2016

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Tom Carr, Mayor

ATTEST:

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Kim Points, City Clerk



## City Council Report for January 2016

Date January 26, 2016

To: Honorable Mayor & City Council Members

From: Jack Kramer Building & Code Enforcement Official

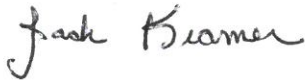
### Zoning Enforcement:

1. No New violations to report

### Building Permit Activity:

1. Seven (7) Building Permits were issued for a total valuation of \$ 17,968.00

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

Grant Master Form									
Permit	Permit Type	Name	Project Address	Date Issue	Valuation:	City Fee:	75%	Plan CK Fee:	Surcharge
2016-1	HVAC Permit	Beasy	10161 Dellwood Rd. N.	1/3/2016	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00
2016-2	HVAC Permit	Twin C	7750 Lake Elmo Ave.	1/14/2016	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00
2016-3	HVAC Permit	Camits	10890 -69th. St. N.	1/16/2016	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00
2016-4	Plumbing	Rossba	11119 Lockridge Ct. N.	1/16/2016	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00
2016-5	Windows	James	8668-Jamaca Ave. N.	1/16/2016	\$ 10,968.00	\$ 80.00	\$ 60.00	\$ -	\$ 1.00
2016-6	Fireplace	Rossba	11119 Lockridge Ct.N.	1/16/2016	N/A	\$ 80.00	\$ 60.00	\$ -	\$ 1.00
2016-7	Cell Antenns	AT&T V	6077 Lake Elmo Ave.	1/21/2016	\$ 7,000.00	\$ 139.25	\$ 104.43	\$ -	\$ 3.50
Monthly total					\$ 17,968.00	\$ 619.25	\$ 464.43	\$ -	\$ 9.50