

**City of Grant
City Council Agenda
April 5, 2016**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, April 5, 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. March 2, City Council Meeting Minutes
- B. Bill List, \$61,632.65
- C. Croix Valley Inspector, \$21,945.84
- D. City of Mahtomedi, 1st Quarter Fire Contract, \$32,347.00

5. STAFF AGENDA ITEMS

- A. City Engineer, Brad Reifsteck
 - i. Discussion of McKusick Millings

B. City Planner, Jennifer Haskamp

i. Continuation of Land Use Definitions

ii. Consideration of Land Use Definitions, Final Group

C. City Attorney, Nick Vivian

6. NEW BUSINESS

i. Consideration of Resolution No. 2016-10, Supporting Dedicated State Funding for City Streets, City Treasurer, Sharon Schwarze

ii. Consideration of City of Grant Rules of Procedure, City Newsletter Addendum

7. UNFINISHED BUSINESS (None)

8. DISCUSSION ITEMS

A. City Council Reports (any updates from Council, no action taken)

B. Staff Updates

9. COMMUNITY CALENDAR APRIL 6, THROUGH APRIL 30, 2016:

Mahtomedi Public Schools Board Meeting, Thursday, April 14th and 28th, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, April 14th, Stillwater City Hall, 7:00 p.m.

City of Grant Clean-Up Day, Saturday, April 23, 2016, 9:00 am to Noon

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

10. ADJOURNMENT

**CITY OF GRANT
MINUTES**

DATE : March 2, 2016
TIME STARTED : 7:03 p.m.
TIME ENDED : 8:19 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 City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:03 p.m.

PUBLIC INPUT

There was no one present for public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

March 2, 2016 City Council Meeting Minutes	Approved
Bill List, \$34,174.88	Approved
Croix Valley Inspector, \$26,213.97	Approved
Contract Extension for Smith Appraisal Service	Approved

Council Member Lanoux moved to pull Item 4b, Bill List, \$34,174.88 from the consent agenda. Council Member Sederstrom seconded the motion. Motion failed with Council Members Lobin, Huber and Mayor Carr voting nay.

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

4
5 **STAFF AGENDA ITEMS**

6
7 **City Engineer, Brad Reifsteck**

8
9 **Consideration of Resolution No. 2016-08, Brown’s Creek Boundary Change** – City Engineer
10 Reifsteck advised he received the updated hydrologic boundary between the Rice Creek
11 Watershed District and the Valley Branch Watershed District and reviewed the update within the
12 City of Grant. He advised they concur with this update and recommend the City of Grant pass a
13 supporting resolution.

14
15 Mayor Carr confirmed this is not a dramatic change and there are no staff issues with the
16 boundary change. He did inquire about any change in taxes to the affected parcels.

17
18 City Engineer Reifsteck advised there will be some changes due to the boundary changes. Each
19 watershed district has a different tax structure.

20
21 **Council Member Lanoux moved to adopt Resolution No. 2016-08, as presented. Council**
22 **Member Sederstrom seconded the motion. Motion carried unanimously.**

23
24 **Consideration of 2016 Class 5 Surfacing Quotes** – City Engineer Reifsteck stated the City
25 completes a class 5 surfacing project every year on roadways scheduled. The request for quotes
26 was sent to Miller Excavating, Inc., and Raleigh Trucking, Inc.

27
28 A copy of the class 5 surfacing contract was included in packets for Council review.

29
30 The quotes received are as follows:

31

	Miller Excavating Inc.	Raleigh Trucking Inc.
Delivered – Class 5	\$9.50/ton	\$8.00/ton
Delivered & Spread – Class 5	\$11.30/ton	\$9.00/ton
Delivered – High Clay Content	\$9.50/ton	\$9.00/ton
Delivered & Spread – High Clay Content	\$11.30/ton	\$9.20/ton

32
33 Council Member Huber stated he spoke to the previous Road Commissioner, Steve Bohnen
34 regarding this item and he recommended the City approve both quotes due to the differences in
35 material which allows Brian Kline to get product that is suitable for each specific project.

36
37 Mayor Carr added he is in favor of continuing with both vendors. This is what the City has done
38 for two years and it has been working well. Kline Bros. has taken ownership of the roads and are
39 doing a great job.

1 **Council Member Lanoux moved to form a blue ribbon road committee for the City of**
2 **Grant roads. Council Member Sederstrom seconded the motion.**

3
4 Mayor Carr advised a road committee is not on the agenda and there is no supporting information
5 in the packets relating to that issue. He stated that is not a good way for the City to get things
6 done.

7
8 Council Member Huber added there is a process for agenda items that Council Member Lanoux
9 continuously does not follow.

10
11 **Motion failed with Council Member Lobin, Huber and Mayor Carr voting nay.**

12
13 Mayor Carr stated the Council needs information to look at to make good decisions. The
14 Council does determine if an issue will be an agenda item at the next meeting during Council
15 updates. The Council comes to meetings to work and follow the process for that work.

16
17 It was the consensus of the Council that the City Engineer would look into obtaining millings for
18 McKusick and discuss that at the April Council meeting.

19
20 **Council Member Huber moved to approve the 2016 Class 5 Surfacing Quotes, as presented.**
21 **Council Member Lobin seconded the motion. Motion carried unanimously.**

22
23 **City Planner, Jennifer Haskamp**

24
25 **Land Use Definitions** – City Planner Haskamp stated over the past year the Council has been
26 working on creating land use definitions for uses identified on the Table of Uses that are
27 undefined within section 32-1 of the City’s zoning ordinance. During that process a moratorium
28 was in place restricting the processing of applications that would be associated with any of the
29 land uses identified within the moratorium. The moratorium ended in 2015, and the city council
30 effectively worked through several definitions and uses that were the most common and
31 prevalent in the community.

32
33 The moratorium expired, but several land uses have yet to be defined and staff is recommending
34 that the City Council continue to work through development of the definitions in an effort to
35 complete the initial objective as stated within the moratorium. In an effort to continue the
36 process staff has prepared the following draft definitions and discussion items for your
37 consideration:

38
39 **Archery Range, commercial outdoors; Gun Clubs; Gun Ranges**

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

43

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

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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 were included in Council packet):

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

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

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

6
7 **Theater** means a building or part of a building devoted to the showing of motion pictures or
8 theatrical or performing arts productions as a principal use, but not including an outdoor drive-in
9 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

10
11 Mayor Carr stated there used to be a gun club in the City. A gun range is not allowed. There is
12 no definition for gun club private or otherwise. Performance standards should be established.
13 There are statutes and state laws that would also apply to new gun clubs.

14
15 City Planner Haskamp advised extensive research would be required through the GIS to
16 determine which parcels in the City would even be eligible for that type of use as they would be
17 subject to state statutes and laws.

18
19 Council Member Lanoux stated the Planning Commission should be reviewing this and doing
20 that research.

21
22 **Council Member Lanoux moved to table the land use discussion until the Planning**
23 **Commissioner reviews it. Motion failed with no second.**

24
25 Council Member Huber stated the Planning Commission looks at land use applications and the
26 use policy that is put together by the City Council, the elected officials. Definitions are not set by
27 the Planning Commission. That is policy that is set by the Council. He stated he believes an
28 indoor gun club in the General Business zone would have very little impact. An archery range
29 would be low impact as well.

30
31 The Council consensus was to move forward with indoor commercial gun clubs allowed in
32 General Business only and no outdoor commercial. Indoor/outdoor private gun clubs to be

1 allowed in A1 and A2 zones with a CUP. In terms of an archery club, commercial to be allowed
2 with performance standards similar to what were determined for supper clubs.

3
4 City Planner Haskamp referred to the broadcasting studio draft definition showing it is allowed
5 in GB only. The City can define that use but not allow the use in any zone. Hotel is not defined
6 but is also not allowed. It is up to the Council how that is handled in terms of again, having a
7 definition but not allowing it or eliminating from the land use altogether.

8
9 City Attorney Vivian stated every use can't be on the land use chart. The Council should have
10 the flexibility to say a use is not allowed but everything that is on the chart should have a
11 definition.

12
13 Council Member Sederstrom commented on broadcasting studies and asked why the City would
14 not allow them.

15
16 Council Member Huber stated the transmission of them requires large uplinks and towers which
17 can be very disruptive.

18
19 City Planner Haskamp referred to the draft definition relating to structure, historic and scenic
20 which would be allowed in all zones. She stated she is not sure there is any benefit to not allow
21 this type of use.

22
23 Council Member Huber referred to the draft definition included and stated structures that meet
24 the criteria but are not listed does concern him and suggested that sentence be eliminated or it
25 should be officially listed.

26
27 City Planner Haskamp stated that often times it is the intent to have a structure on the historic list
28 and if the City is supportive of that it can be a preamble for getting that official listing.

29
30 Council Member Sederstrom stated it can be difficult to get listed so statement relating to
31 structures that meet criteria but are not listed should stay in the definition.

32
33 City Planner Haskamp reviewed the draft definition for theatre noting it is allowed in the GB
34 zone.

35
36 Council Member Huber stated he would like to see that use stricken from the chart. A theatre
37 does not belong in Grant due to the policing of this type of facility.

38
39 Land Use Definitions will be on the April, 2016 City Council meeting agenda.

40
41 **City Attorney, Nick Vivian**

42
43 **Consideration of Resolution No. 2016-09, Stillwater Schools Plan Disclosure and**
44 **Evaluation** – City Attorney Vivian advised a cover letter and resolution of the Marine on St. Croix

1 City Council which was considered and passed last Thursday, February 11 2016, and was sent to the
2 City of Grant for Council consideration. The resolution does the following things:

- 3 1. It requests disclosure of the actual busing and boundary consequences-to all affected
4 schools-of ISD 834's current plan and intention to close three elementary schools.
- 5 2. It requests a meeting of one designee from each stakeholder at which those
6 consequences can be presented.
- 7 3. It requests an indefinite tabling of the school closure plan pending disclosure and
8 evaluation of boundary and busing consequences
9

10 Mayor Carr stated he has been getting phone calls on this and he is very sympathetic. It does
11 not make any sense but will support it even though the City has no legal say in this.
12

13 Council Member Lanoux stated there is a public hearing on March 16 relating to this issue.
14

15 **Council Member Lanoux moved to adopt Resolution No. 2016-09, as presented.**
16 **Council Member Sederstrom seconded the motion.**
17

18 Council Member Sederstrom stated he does support it and he does not believe the closings
19 are due to financial impacts. Everyone was told the schools wouldn't be closed if the
20 referendum was passed.
21

22 Council Member Huber added this is not a good idea just to save a few dollars.
23

24 Council Member Lanoux stated the Metropolitan Council is driving this.
25

26 **Motion carried unanimously.**
27

28 **NEW BUSINESS**

29
30 There was no new business.
31

32 **UNFINISHED BUSINESS**

33
34 There was no unfinished business.
35

36 **DISCUSSION ITEMS**

37 38 **City Council Reports:**

39
40 There were no Council reports.
41

42 **Staff Updates:** 43

1 City Treasurer Schwarze updated the Council on the state legislature session. The legislature will
2 be addressing the continuation of the small cities funding for roads. Council Member Huber
3 lobbied for this initiative for years. The City Clerk served on the legislative committee last year
4 and it made it to the League of Minnesota Cities for support as well. She distributed a draft
5 resolution supporting the initiative by both small cities and large cities. She advised she is not
6 asking for action tonight as this item is not on the agenda. She asked if the Council would like
7 the resolution on the April City Council meeting agenda for consideration.

8
9 Council Member Huber stated he has been discussing this with Kathy Lohmer and it is a very
10 good idea for the City to show they are supporting this by adopting the resolution.

11
12 It was the consensus of the Council to consider the resolution on the April meeting agenda.

13
14 **COMMUNITY CALENDAR MARCH 3 THROUGH MARCH 31, 2016:**

15
16 **Mahtomedi Public Schools Board Meeting, Thursday, March 10th and 24th, Mahtomedi**
17 **District Education Center, 7:00 p.m.**

18 **Stillwater Public Schools Board Meeting, Thursday, March 10th, Stillwater City Hall, 7:00**
19 **p.m.**

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

21
22 **ADJOURN**

23
24 **Council Member Huber moved to adjourn at 8:19 p.m. Council Member Lobin seconded**
25 **the motion. Motion carried unanimously.**

26
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28
29 These minutes were considered and approved at the regular Council Meeting April 5, 2016.

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34 _____
Kim Points, Administrator/Clerk

Tom Carr, Mayor

Date range: 03/01/2016 to 03/31/2016

Vendor	Date	Check #	Total	Description	Void	Account #	Detail
Payroll Period Ending 03/31/2016	03/28/2016	13023	\$3,359.83		No	100-41101-100	\$3,359.83
Kline Bros Excavating	03/28/2016	13024	\$8,292.50	Road Maintenance	No	100-43101-300 100-43111-300	\$7,620.00 \$672.50
WSB & Associates	03/28/2016	13025	\$2,662.25	Engineering	No	100-41203-300 100-43128-300 100-43130-300	\$2,030.25 \$553.00 \$79.00
AirFresh Industries	03/28/2016	13026	\$250.00	PortaPot #22366/22189	No	100-43007-210	\$250.00
Sherrill Reid Animal Control	03/28/2016	13027	\$180.00	Animal Control/Inv2016-37/38	No	100-42006-300	\$180.00
Xcel Energy	03/28/2016	13028	\$307.34	Utilities	No	100-43004-381 100-43010-381 100-43117-381	\$179.52 \$81.35 \$46.47
City of Mahtomedi	03/28/2016	13029	\$32,347.00	1st Quarter Fire Contract	No	100-42002-300	\$32,347.00
Washington County Transportation	03/28/2016	13030	\$8,206.61	Snow and Ice Control	No	100-43113-210	\$8,206.61
Brochman Blacktopping Co.	03/28/2016	13031	\$9,989.70	Patching	No	100-43109-300	\$9,989.70
Washington County Public Works	03/28/2016	13032	\$2,679.07	Cnty'12/17 Cost Share	No	100-43128-330	\$2,679.07
Todd Smith	03/28/2016	13033	\$1,991.92	Monthly Assessment Services	No	100-41208-300	\$1,991.92
Ken Ronnan	03/28/2016	13034	\$45.00	Video Tech Services	No	100-41318-100	\$45.00
Waste Management	03/28/2016	13035	\$4,140.36	Recycling	No	100-43011-384	\$4,140.36
CenturyLink	03/28/2016	13036	\$120.40	City Phone	No	100-41309-321	\$120.40
Halogen Web Studio	03/28/2016	13037	\$150.00	Web Service-Planning CommissionEmail	No	100-41312-300	\$150.00
Washington County Property Records	03/28/2016	13038	\$35.00	Tax Levy Book	No	100-41201-300	\$35.00
Sprint	03/28/2016	13039	\$31.17	City Cell Phone	No	100-43116-321	\$31.17
KEJ Enterprises	03/28/2016	13040	\$9,000.00	March 2016 Road Contractor	No	100-41306-300 100-42006-300 100-43006-300 100-43009-300 100-43105-300 100-43106-300 100-43107-300	\$166.14 \$83.00 \$125.00 \$125.00 \$167.00 \$20.84 \$41.67

Disbursements List

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Cozzies Tavern	03/28/2016	13041	\$1,225.75	TextAmendment/CUP Escrow Refund	No	100-43110-300 100-43111-300 100-43113-300 100-43114-300 100-43115-300	\$83.84 \$20.84 \$5,416.67 \$2,250.00 \$500.00
Thomas Domack	03/28/2016	13042	\$2,213.15	Minor Subdivision Escrow Refund	No	906-49310-430 907-49310-430	\$1,203.55 \$22.20
Croix Valley Inspector	03/28/2016	13043	\$21,945.84	Building Inspector	No	905-49310-430	\$2,213.15
Eckberg Lammers	03/28/2016	13044	\$4,996.14	Legal Services	No	100-42004-300	\$21,945.84
PERA	03/28/2016	13045	\$643.11	PERA	No	100-41204-300 100-41205-300 100-41206-300	\$1,215.00 \$2,137.30 \$1,643.84
IRS	03/28/2016	EFT74	\$1,113.35	Payroll Taxes	No	100-41102-120 100-41113-100	\$344.79 \$298.32
						100-41103-100 100-41107-100 100-41110-100 100-41112-100	\$351.69 \$409.97 \$285.03 \$66.66

Total For Selected Checks

\$115,925.49

\$115,925.49

City Council Report for March 19, 2016

Date: March 19, 2016

To: Honorable Mayor & City Council Members

From: Jack Kramer Building & Code Enforcement Official

Zoning Enforcement:

No new violations to report.

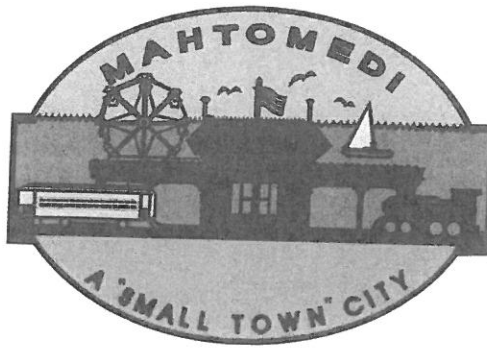
Building Permit Activity:

1. Twenty-Two Building Permits were issued for a total valuation of \$ 813,311.00.

Respectfully submitted,

Jack Kramer
Building Official

March Billing = 72 permits / Final Inspection =
\$ 21,945.84



December 16, 2015

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

Dear Kim,

Please remit a check in the amount of \$32,347.00 for the 1st quarter fire contract. Please pay April 1, 2016.

If you have any questions, please feel free to give me a call at 651-426-3344.

Thank you,

Jerene Rogers
Account Clerk

Memorandum

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

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

Date: *March 28, 2016*

Re: *McKusick Road Maintenance by Millings*

As you know, there was a discussion at the March 2, 2016 Council meeting to investigate the use of bituminous millings as a method to maintain local roadways, in particular, McKusick Road North between Manning Ave and Dellwood Road.

A few facts about the method for using millings for roadway maintenance purposes:

- Used to maintain existing gravel surface roadways only.
- Millings are generated from grinding off the top bituminous surface during local mill & overlay street projects or in cooperation with similar County or neighboring City projects to gain a cost advantage on materials.
- Millings are repurposed by placing over an existing gravel surface using paving equipment similar to a typical road surfacing project.
- Residual oil in millings lessens the need for other dust pollution remedies.
- Maintenance (reapplication) is required approximately every 2-3 years, depending on traffic volumes.

McKusick Road Characteristics:

- The bituminous roadway is approximately 24' wide with 2'-4' gravel shoulders.
- The roadway is approximately 6,100 lineal feet in length.
- Records indicate the road was paved in 1988 and received a seal coat in 2008.
- Annual maintenance includes patching and pothole filling.

McKusick Road is not a candidate for the bituminous millings method mentioned above.

McKusick Road will be given a condition rating as part of the 2016 Pavement Management Report. The report will provide recommendations for complete rehabilitation or maintenance methods for all roadways, including McKusick Road. The expected cost for improvements to the entire length of McKusick Road will range from \$73k (Patching) to \$457k (complete rehabilitation) depending on the report's recommended method and available funding.

Action: Discussion.

MEMORANDUM

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

Summary & Background

As discussed and directed at the March council meeting, staff has prepared the following draft land use definitions for your initial discussion and consideration. At the March meeting there was general consensus over the draft definitions provided for Broadcasting Studio, Hotel or Motel, and Theater. The Council directed staff to do the following 1) provide additional thought/consideration of Archery Range, Gun Club and Gun Range, and 2) to consider modifying the definition for historic structures slightly. In addition, staff has prepared draft definitions and comments related to the last (and final) group of land uses initially considered with the Land Use Moratorium that recently expired.

March Definitions – Revisions

Archery Range, Gun Club and Gun Range (Continued discussion)

In March the council discussed definitions related to Archery Range, Gun Club and Gun Range and provided some direction and feedback to staff. The following is a summary of staff's understanding of the Council's recommendations:

- Archery Ranges: Are acceptable as identified within the Table of Uses, and would be acceptable both indoors and outdoors. Such facilities would be subject to State rules, if applicable, for setbacks, acreage requirements, etc.
- Gun Clubs: Are acceptable as identified within the Table of Uses and would allow indoor and outdoor facilities. Such facilities would be subject to State rules, if applicable, for setbacks, acreage requirements, etc.
- Gun Ranges: are acceptable as indoor facilities only, and no outdoor facilities would be permitted. Such facilities would be subject to state rules, if applicable.

Chapter 87A of the Minnesota Statutes addresses shooting ranges (both archery and gun ranges) and as background staff has attached the statute to the staff report. Staff is seeking council direction on the following related to this land use:

- Is staff's summary accurate?

- Since the statute identifies specific performance standards related to these facilities, the Council could consider incorporating them by reference. Is this something council would like to consider, or would you prefer to draft independent performance standards?
- Should staff keep the land uses separate (archery ranges, gun ranges and gun clubs)? State statutes group Archery and Gun Ranges together. So, if we were to incorporate the states by reference we must consider how to differentiate the uses.

After direction is given by the Council, staff will prepare a draft definition to be brought back at the next council meeting for discussion.

Structure, historic, scenic

Based on the council’s discussion, staff has made the following adjustment to the draft definition prepared in March. The changes are marked with a strikethrough:

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.

Draft Definitions and Discussion (Final Group)

Armories, convention halls and similar uses

Staff has drafted the following definition for your consideration:

Armory, or convention halls means a large building able to accommodate individuals and groups that gather to promote and share a common interest. Such facilities typically include auditoriums, concert halls, lecture halls, meeting rooms and conference rooms.

The City’s Table of Uses Section 32-245 identifies “Armories, convention halls and similar uses” as not permitted in any zoning district as identified in the following excerpt:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Armories, convention halls and similar uses	N	N	N	N	N

Commercial Schools

Staff has researched various communities’ ordinances, the American Planning Association standard land use definitions and other resources and is unsure what is meant by “Commercial Schools”. As identified in subsequent sections “Schools – public and private” is fairly broad and would seem to address most types of

schools, with the exception of Trade Schools and Vocational Schools (although this could be included in the definition for Schools below, if desired). While staff could not find examples based on research, Commercial Schools could be defined to address institutions that are focused on specific skill or business like karate, or accounting, or art, or similar. Another option would be to simply remove Commercial Schools from the land use table. Staff is looking for direction from the Council to either prepare a definition or remove the use from the table.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Commercial Schools	N	N	N	N	C

Student Housing

There is no definition for Student Housing within the existing ordinance. Currently the table of uses conditionally permits student housing in the A1, A2 and R1 zoning districts (see below). Staff has conducted some research regarding this land use and the common definition generally refers to student living quarters associated with a college or university, and such uses would have fairly high density and require urban services. Since this use has been conditionally permitted in the A1, A2 and R1 zoning districts, it seems likely that this is NOT the type of student housing contemplated by the City. Staff would look for direction from the Council with respect to this land use in order to appropriately draft a definition, since it does not seem like the common definition of “Student Housing” would apply. Depending on the direction of the Council, this land use could also be removed from the table of uses.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Housing, student	N	C	C	C	N

Schools – public and private

Staff has prepared a draft definition of schools as identified below. The draft definition is tailored specifically to the instruction of children in their primary and secondary school years, but could be expanded to include trade schools, skills schools (i.e. karate school, or similar), etc. Staff would ask the Council discuss the draft definition and provide direction as to whether or not the definition should be broadened to accommodate additional types of schools. (Some of the differentiation could be made within the Commercial Schools, if desired, see above).

Schools – public and private means an institution or building in which children and young people usually under 19 receive education. Such institutions may be funded by public funds, private organizations, or private individuals.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Schools – public and private	N	C	C	C	N

Storage – Open

Currently, the City’s ordinance does not define “Storage – Open”, however the table of uses cross references the definition with Section 32-341 Drainage. It is unclear why the reference to the drainage section of the code is provided, and staff believes it may be a typo, and that the appropriate code reference would be to Section 32-316 Exterior Storage. As indicated in the following excerpt from the table of uses Exterior Storage is addressed as both principal and accessory uses on a property and depending on the zoning district is permitted, conditionally permitted or not permitted. Further the City’s definition for Exterior Storage includes “open storage” as part of the definitions as follows:

Exterior storage includes the term "open storage" and means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Additionally the table of uses clearly describes storage in terms of principal and accessory on a site, which is shown in the following excerpt of the table of uses:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Storage – Open (See section 32-341)	N	CC	CC	CC	C
Storage – as a principal use. (See section 32-316)	N	C	C	C	C
Storage – normally incidental to the principal use. (See section 32-316)	A	A	A	A	A
Storage – not accessory to a permitted principal use. (See section 32-316)	N	C	C	C	N

Based on the table of uses, Section 32-316 and the definition of Exterior storage which includes a reference to “open storage” staff would recommend removing “Storage – Open” from the table of uses (as crossed out above). Because the Exterior storage definition includes “open storage” there is no differentiation between the two terms, and therefore the table of uses seems redundant and somewhat contradictory in terms of the permitting process. Also, staff believes that the table of uses adequately addresses the types of exterior storage that may occur on a property, and performance standards are addressed in Section 32-316. Staff is requesting the Council consider the staff’s recommendation to strike “Storage – Open” from the table of uses.

CHAPTER 87A

SHOOTING RANGES

87A.01	DEFINITIONS.	87A.06	NUISANCE ACTIONS; COMPLIANCE WITH SHOOTING RANGE PERFORMANCE STANDARDS.
87A.02	SHOOTING RANGE PERFORMANCE STANDARDS; BEST PRACTICES.	87A.07	CLOSURE OF SHOOTING RANGES.
87A.03	COMPLIANT RANGES; AUTHORIZED ACTIVITIES.	87A.08	APPLICABILITY OF OTHER LAWS.
87A.04	MITIGATION AREA.	87A.09	PUBLIC SHOOTING RANGES; ACCESSIBILITY.
87A.05	NOISE STANDARDS.	87A.10	SHOOTING SPORTS FACILITY GRANTS.

87A.001 MS 2006 [Renumbered 15.001]

87A.01 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 87A.01 to 87A.08.

Subd. 2. **Person.** "Person" means an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity.

Subd. 3. **Shooting range or range.** "Shooting range" or "range" means an area or facility designated or operated primarily for the use of firearms, as defined in section 97A.015, subdivision 19, or archery, and includes shooting preserves as described in section 97A.115 or any other Minnesota law.

Subd. 4. **Shooting range performance standards.** "Shooting range performance standards" means the best practices for shooting range performance standards identified in section 87A.02.

Subd. 5. **Local unit of government.** "Local unit of government" means a home rule charter or statutory city, county, town, or other political subdivision.

History: 2005 c 105 s 1; 2012 c 277 art 1 s 16

87A.02 SHOOTING RANGE PERFORMANCE STANDARDS; BEST PRACTICES.

Subdivision 1. [Repealed, 2012 c 277 art 1 s 91]

Subd. 2. **Best practices.** For purposes of this chapter, the November 1999 revised edition of the National Rifle Association's Range Source Book: A Guide to Planning and Construction shall serve as best practices for shooting range performance standards.

History: 2005 c 105 s 2; 2012 c 277 art 1 s 17

87A.03 COMPLIANT RANGES; AUTHORIZED ACTIVITIES.

Subdivision 1. **Authorized activities.** A shooting range that operates in compliance with the shooting range performance standards must be permitted to do all of the following within its geographic boundaries, under the same or different ownership or occupancy, if done in accordance with shooting range performance standards:

- (1) operate the range and conduct activities involving the discharge of firearms;

(2) expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range;

(3) make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards;

(4) increase events and activities related to the primary activity as a shooting range;

(5) conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m. A local unit of government with zoning jurisdiction over a shooting range may extend the hours of operation by the issuance of a special or conditional use permit; and

(6) acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

Subd. 2. **Nonconforming use.** A shooting range that is a nonconforming use shall be allowed to conduct additional shooting activities within the range's lawful property boundaries as of the date the range became a nonconforming use, provided the shooting range remains in compliance with noise and shooting range performance standards under this chapter.

Subd. 3. **Compliance with other law.** Nothing in this section exempts any newly constructed or remodeled building on a shooting range from compliance with fire safety, disability accessibility, elevator safety, bleacher safety, or other provisions of the State Building Code that have mandatory statewide application.

History: 2005 c 56 s 1; 2005 c 105 s 3

87A.04 MITIGATION AREA.

(a) Except for those uses, developments, and structures in existence or for which approval has been granted by October 1, 2005, or as provided in paragraph (b), no change in use, new development, or construction of a structure shall be approved for any portion of property within 750 feet of the perimeter property line of an outdoor shooting range if the change in use, development, or construction would cause an outdoor shooting range in compliance with this chapter to become out of compliance.

(b) A change in use, new development, or construction of a structure subject to this section may be approved if the person seeking the approval or, at the discretion of the governing body, the approving authority agrees to provide any mitigation required to keep the range in compliance with this chapter. The person requesting an approval subject to this section is responsible for providing documentation if no mitigation is required under this section. Failure to provide the documentation or any mitigation required under this section exempts the range from being found out of compliance with the shooting range performance and noise standards of this chapter with regard to the property responsible for the mitigation if the failure to provide the documentation or required mitigation is the sole basis for the range being out of compliance with the shooting range performance standards. Any action brought by the owner of the property against the range is subject to section 87A.06. With the permission of the range operator, any mitigation required under this section may be provided on the range property.

History: 2005 c 105 s 4

87A.05 NOISE STANDARDS.

Allowable noise levels for the operation of a shooting range are the levels determined by replacing the steady state noise L10 and L50 state standards for each period of time within each noise area's classification with a single Leq(h) standard for impulsive noise that is two dBA lower than that of the L10 level for steady state noise. The noise level shall be measured outside of the range property at the location of the receiver's activity according to Minnesota Rules, parts 7030.0010 to 7030.0080, as in effect on May 28, 2005. For purposes of this section, "Leq(h)" means the energy level that is equivalent to a steady state level that contains the same amount of sound energy as the time varying sound level for a 60-minute time period.

History: 2005 c 105 s 5

87A.06 NUISANCE ACTIONS; COMPLIANCE WITH SHOOTING RANGE PERFORMANCE STANDARDS.

A person who owns, operates, or uses a shooting range in this state that is in compliance with shooting range performance standards is not subject to any nuisance action for damages or equitable relief based on noise or other matters regulated by the shooting range performance standards. This section does not prohibit other actions.

History: 2005 c 105 s 6

87A.07 CLOSURE OF SHOOTING RANGES.

Subdivision 1. **Closure.** Except as otherwise provided in sections 87A.01 to 87A.08, a shooting range that is in compliance with shooting range performance standards and the requirements of sections 87A.01 to 87A.08 shall not be forced to permanently close or permanently cease any activity related to the primary use of the shooting range unless the range or activity is found to be a clear and immediate safety hazard by a court of competent jurisdiction. In any action brought to compel the permanent closure of any range in compliance with shooting range performance standards and this chapter, or to permanently cease any activity related to the primary use of the shooting range, there is a rebuttable presumption that the range or activity is not a clear and immediate safety hazard. If the shooting range provides evidence that the cause of a proven safety hazard can be mitigated so as to eliminate the safety hazard, the court shall not order the permanent closure of the range, or permanent ceasing of the activity found to be a clear and immediate safety hazard, unless the range operator fails to implement the necessary mitigation to remove the safety hazard by the date that is determined reasonable by the court.

Subd. 2. **Preliminary injunctions.** Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a probable clear and immediate safety hazard, or against any individual determined to be the probable cause of an alleged clear and immediate safety hazard, pending the final determination of the existence of the safety hazard.

Subd. 3. **Permanent injunctions.** A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also pose a safety hazard under this section.

History: 2005 c 105 s 7

87A.08 APPLICABILITY OF OTHER LAWS.

Subdivision 1. **Public safety laws; zoning.** (a) Nothing in this chapter prohibits enforcement of any federal law. To the extent consistent with this chapter, other state laws regarding the health, safety, and

welfare of the public may be enforced. To the extent consistent with this chapter, a local unit of government with zoning authority jurisdiction over a shooting range may enforce its applicable ordinances and permits. Nothing in this chapter shall supersede more restrictive regulation of days and hours of operation imposed by the terms and conditions of ordinances and permits that are in effect on May 28, 2005.

(b) If the operator of the shooting range shows evidence that the range can be brought into compliance with the applicable state law, local ordinance, or permit, the range may not be permanently closed unless the range operator fails to bring the range into compliance with the applicable law, ordinance, or permit under this section by the date that the court determines reasonable. Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a violation of a law, ordinance, or permit under this section or against any individual determined to be causing an alleged violation, pending the final determination of the existence of the violation.

Subd. 2. **Permanent injunctions.** A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also create a violation under this section.

History: 2005 c 105 s 8

87A.09 PUBLIC SHOOTING RANGES; ACCESSIBILITY.

(a) A publicly owned or managed shooting range located in the seven-county metropolitan area that is funded in whole or part with public funds must be available at least twice during the spring and twice during the summer for use by participants in a Minnesota Department of Natural Resources firearms safety instruction course under section 97B.015. The shooting range must be available during hours reasonable for youth participants. The range operator may charge a fee to cover any costs directly incurred from use required under this section, but may not charge a fee to offset costs for general maintenance and operation of the facility.

(b) This section does not apply to cities of the first class or a shooting range located on the same premises as a correctional or detention facility that holds or incarcerates offenders.

History: 2012 c 277 art 1 s 18

87A.10 SHOOTING SPORTS FACILITY GRANTS.

The commissioner of natural resources shall administer a program to provide cost-share grants to local recreational shooting clubs or local units of government for up to 50 percent of the costs of developing or rehabilitating shooting sports facilities for public use. A facility rehabilitated or developed with a grant under this section must be open to the general public at reasonable times and for a reasonable fee on a walk-in basis. The commissioner shall give preference to projects that will provide the most opportunities for youth.

History: 2014 c 290 s 13; 2014 c 312 art 13 s 18; 1Sp2015 c 4 art 4 s 40

RESOLUTION NO. 2016-10
A RESOLUTION SUPPORTING DEDICATED STATE FUNDING FOR CITY STREETS

WHEREAS, Minnesota contains over 141,000 miles of roadway, and over 19,000 miles— or 13 percent--are owned and maintained by Minnesota's 853 cities; and

WHEREAS, over 80 percent of municipal streets are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, the more than 700 Minnesota cities with populations below 5,000 are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

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

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

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

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

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

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

NOW, THEREFORE, *BE IT RESOLVED BY THE CITY OF GRANT* that the City of Grant supports an omnibus transportation funding bill that provides additional dedicated state funding for city streets including funding that can be used for non-MSA city street maintenance, construction and reconstruction.

ADOPTED by the City this 5th day of April, 2016.

Mayor, Tom Carr _____

City Clerk, Kim Points _____

AGENDA ITEM 6B

STAFF ORIGINATOR	City Clerk
MEETING DATE	April 5, 2016
TOPIC	City Newsletter
VOTE REQUIRED	Majority

BACKGROUND

In 2015 the City Council appointed City staff as the City newsletter Editor and approved a newsletter template relating to articles as a means of meeting City requirements including the recycling grant and MS4 permitting.

The template included articles from City Council Members. Space was allotted to each Council Member depending on how many Council articles were submitted. If every Council Member submitted an article the space available is about ¼ page each.

The Spring 2015 newsletter included a Council Member article that was too large so the font was minimized to fit. There were no issues with the Fall 2015 newsletter articles as the articles submitted were shorter and there was more space available, eliminating the problem of unreadable articles. Those articles submitted do note “no permission to edit in any way”.

Articles were submitted by Council Members for the Spring 2016 newsletter. Again they were too long for the space allowed and no edits were allowed. The Editor did request revised articles to accommodate the space that was allowed and received a revised, longer, three page article in 18 point font.

PUBLISHING OF NEWSLETTER

With the background provided above and timing an issue, three options relating to the City newsletter were clear:

- 1) Publish the newsletter with articles that had font too small to read – A disservice to residents and makes the City and the City newsletter look bad.
- 2) Publish the newsletter without the articles that were too long – The implications of that are fairly clear. No explanation needed.

- 3) Don't publish City Newsletter – Again, the City has requirements relating to the newsletter that have repercussions including financial.

OPTIONS

1. Better define newsletter article submittals; space, font size, etc.
2. Add statement relating to articles submitted that do not meet the defined guidelines.

STAFF RECOMMENDATION

Council prerogative.

CITY NEWSLETTER

A. Purpose

The purpose of the City newsletter is to provide City information to residents. The City budgets a specific dollar amount every year to publish and mail the newsletter. Staff is responsible for gathering and coordinating the articles for publication. The following items should be included in each newsletter:

- Recycling information
- MS4 Information
- Public Safety
- City News/Services
- Gateway Trail News
- City Road Information
- County Road Projects
- State Road Projects
- Budget Information
- Property Tax/Assessor Information
- Mayor Article
- Council Member Articles
- City of Grant History