

**City of Grant
City Council Agenda
November 6, 2017**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Monday, November 6, 2017, 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 two (2) minutes with five (5) speakers maximum. 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) _____
- (5) _____

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF REGULAR AGENDA

4. APPROVAL OF CONSENT AGENDA

- A. October 3, 2017 City Council Meeting Minutes
- B. October 2017 Bill List, \$64,556.50
- C. Kline Bros Excavating, Road Work, \$20,067.50

5. STAFF AGENDA ITEMS

- A. City Engineer, Brad Reifsteck

- i. Consideration of Grading Permit Revision
 - ii. Consideration of Resolution No. 2017-19, County participation
 - B. City Planner, Jennifer Haskamp
 - i. Consideration of Resolution No. 2017-20, Variance Application for Septic System, 6782 Jocelyn Road North
 - ii. Consideration of Variance Application for Lot Frontage, 400 Block of Maple Street North
 - iii. Consideration of Ordinance No. 2017-53, Solar Energy Systems
 - D. City Attorney, Kevin Sandstrom (no action items)
 - i. Consideration of Resolution No. 2017-21, Text Amendment Application
- 6. **NEW BUSINESS**
 - i. Consideration of Revisions to Grant Rules of Procedure, City Clerk
 - ii. Consideration of Revisions to Administrator/Clerk Job Description
 - iii. Consideration of City Consultant Contract Extensions
- 7. **UNFINISHED BUSINESS**
- 8. **DISCUSSION ITEMS** (no action taken)
 - A. City Council Reports/Future Agenda Items
 - i. Transfer Station Legislation, Mayor Huber
 - ii. Staff Transparency, Council Member Lanoux
 - iii. Well Safety Protection of Ground Water, Council Member Lanoux
 - iv. Legislative Update, Council Member Lanoux
 - B. Staff Updates (updates from Staff, no action taken)
- 9. **COMMUNITY CALENDAR NOVEMBER 7 THROUGH NOVEMBER 30, 2017:**
 - Mahtomedi Public Schools Board Meeting, Thursday, November 9th and 26th , Mahtomedi District Education Center, 7:00 p.m.
 - Stillwater Public Schools Board Meeting, Thursday, November 9th , Stillwater City Hall, 7:00 p.m.
 - City Office Closed, Thanksgiving Holiday, Thursday-Friday, November 23-24, 2017
 - Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.
- 10. **ADJOURNMENT**

CITY OF GRANT
MINUTES

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DATE : October 3, 2017
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:55 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Kevin Sandstrom; City Planner, Jennifer Swanson; City Engineer, Brad Reifsteck; and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

PUBLIC INPUT

- (1) Mr. Jerry Helander, 6261 Jasmine, commented on cities having the authority to establish criteria for citizens running for office.
- (2) Ms. Tina Lobin, 11034 Irish Avenue came forward and thanked those on the Council that act with professionalism and also stated she is not in support of solar community farms.
- (3) Ms. Kristin Sachwitz, All Energy Solar, commended the City on the fast turnaround on the solar ordinance and stated there are too many restrictions in the residential portion of the draft ordinance such as the required setbacks.
- (4) Mr. John Smith, 10244 67th Lane, came forward and stated there is a state statute that covers eligibility of those running for office.
- (5) Mr. Jerry Linser, 10317 Jody Avenue, expressed much concern regarding the dumping of hazardous waste in the City of Grant asking if there was Council action to allow it and what was the basis for allowing it.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Carr moved to approve the agenda removing Item Ai, Complaint Process, Item Aiii, Gas Tax for Cities under 5,000 Residents and Item Av, Town Hall use Policy and Procedure. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

CONSENT AGENDA

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- September 5, 2017 City Council Meeting Minutes Approved
- September 2017 Bill List, \$58,061.89 Approved
- Kline Bros. Excavating, Road Work, \$28,927.50 Approved
- Envirotech, Dust Control, \$28,259.62 Approved
- City of Mahtomedi, 3rd Quarter Fire Contract, \$33,317.50 Approved

Council Member Carr moved to approve the consent agenda, as presented. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

STAFF AGENDA ITEMS

City Engineer, Brad Reifsteck

Consideration of Guard Rail Placement – City Engineer Reifsteck advised the City received a quote for the work related to the Guard Rail Project along 83rd Street near Woodpile Lake and on Ironwood Ave N. H & R Construction submitted a quote for this highly specialized type of work based upon the following unit prices:

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
MOBILIZATION	1	EA	\$3,900.00	\$3,900.00
TRAFFIC BARRIER DESIGN 8331	1361	LF	\$9.75	\$13,269.75
ANCHORAGE ASSEMBLY - CABLE	14	EA	\$1,675.00	\$23,450.00
			Total	\$40,619.75

The 3 cable guardrail systems are typically placed on tangents or horizontal curves where average daily traffic is high or there are safety concerns, such as, steep slopes, water, stationary objects, etc.

The 3 cable guardrail systems are typically placed on tangents or horizontal curves that exceed a 1500-foot radius. The horizontal curve radius at the centerline of 83th street is approximately 900 foot, therefore, intermediate anchorage systems are required as shown in the attached layout.

To reduce costs and meet the immediate safety concerns along 83rd Street it’s recommended to install guardrail near the intersection of Keats Avenue and eliminate the outer 3 segments (A, B, & E). The cost savings to eliminate the 3 segments mentioned above is approximately \$15,000.

The cost for the guardrail system along 83rd Street for all 5 segments is \$28,069.75. The cost for the two guardrail systems along Ironwood Ave is \$12,550.00

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2 All work is scheduled to be completed as H & R Construction Schedule allows before the end of
3 November. If work is not completed until spring of 2018, they are committed to holding unit prices.
4

5 **Council Member Carr to approve Guard Rail installation as amended. Council Member Kaup**
6 **seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting**
7 **nay.**
8

9 **City Planner, Jennifer Swanson**
10

11 **Consideration of Ordinance No. 2017-53, Text Amendment to allow Community Solar Gardens**
12 **in A1 and A2 Zoning Districts** – City Planner Swanson stated the Applicant, United States Solar
13 (“US Solar”), contacted city staff to inquire about ordinances that may regulate solar development in
14 the city, and they were specifically interested in any regulations that addressed community solar
15 gardens. After reviewing the city’s ordinances, staff informed the Applicant that there are no current
16 ordinances and/or regulations related to solar development or community solar gardens (either
17 residential or commercial) which consequently means that the use is not permitted per the zoning
18 ordinance.
19

20 In addition to US Solar, the city has received other similar inquiries from solar providers/developers
21 and staff thought it prudent to inform the City Council of the potential demand for such development
22 projects in the community. After a short discussion with the City Council it was determined that the
23 City should enact a moratorium on all solar developments, both residential and commercial, so that
24 the City could appropriately study and create the appropriate ordinances and/or regulations to
25 adequately address solar development in the community. The moratorium was adopted at the regular
26 City Council meeting in June.
27

28 City Planner Swanson stated the staff report considers the Applicant’s proposed text amendments,
29 which the Applicant understands is being considered while the moratorium continues to be in effect,
30 and will remain so throughout this review process. Ultimately, the moratorium may or may not be
31 lifted at commencement of this process depending on the findings and results of this process.
32

33 The Planning Commission held a duly noticed public hearing on July 18, 2017. After discussion and
34 public testimony, the Planning Commission asked the Applicant if they were willing to work with
35 City Staff on development of an ordinance that addressed performance standards, while also allowing
36 staff some time to prepare residential standards to more appropriately address the issues identified
37 within the Moratorium. The Applicant agreed and worked with staff in preparation of a draft
38 ordinance that was subsequently considered at the Planning Commission’s regular September 19th
39 meeting. After much discussion and deliberation, the Planning Commission recommended approval
40 of the draft ordinance to the City Council with a vote of 5-1.
41

42 While the Planning Commission did recommend approval they also had some concerns about the
43 ordinance that they wanted to pass along to the City Council, including the following:
44
45

- Lot Size – There was some discussion about what the appropriate minimum lot size should be, and whether 20 acres was large enough.

Given the discussion and concern regarding lot size, staff reviewed the GIS records to determine how many lots/parcels in their current configurations on Hwy 12 and Manning Avenue would meet this standard. There are approximately 7-9 parcels that would currently meet this standard, 2 of which are golf courses, and 1 which is the School complex. IF the minimum lot/parcel size were increased to 40-acres the number of qualifying parcels would be further reduced to approximately 6; of which 2 are golf courses and 1 is the school site.

- Visual Screening – There was significant discussion about the appropriate level of required screening. Most commissioners felt it was important to screen from public right-of-way as well as from residential structures, but there was some disagreement about what an adequate screening level might be. Ultimately the decided on the language that is presented in the draft ordinance that would allow case-by-case review of a screening plan.

PROJECT SUMMARY

Applicant: United States Solar (US Solar)	Request: Text amendment to Section 32-1 Definitions, and 32-245 Table of Uses to conditionally permit Community Solar Gardens in A1 and A2
Owner: Joyce Welander	Zoning/Guiding: A1
Owner Address: 10381 83 rd Street N <i>(proposed change would apply to all A1 and A2 zoned properties)</i>	Site size: 58 Acres

City Planner Swanson stated Division 4, Section 32-116 of the City’s Zoning Ordinance allows for amendments to the Zoning Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by a resident’s petition. While the Applicant is not a landowner of the City, the Owner is a party to the Application and therefore has initiated the amendment for consideration in coordination with the Applicant. Through the analysis and review process the Planning Commission considered the following questions when making their recommendation:

1. Are the proposed changes consistent with the City’s adopted Comprehensive Plan?
2. Are the proposed changes compatible with existing regulations and standards within the affected/applicable zoning district?
3. Will the proposed changes have a negative impact on the health, safety and welfare of the community?
4. If the proposed changes are found to be consistent; are there additional considerations that should be addressed as part of the ordinance amendments that were not contemplated in the Application?

1

2 It is important to remember when reviewing the Applicant's proposed language and amendment that
3 the changes will affect ALL properties in the City that are zoned and guided similarly (i.e. all
4 properties in the A1 and A2 zoning district). Therefore, it important to consider how the definition
5 would be applied throughout both zoning districts and whether there are any anticipated issues if the
6 definition, and addition to the Table of Uses, were applied to other similarly zoned properties when
7 considering the proposed changes.

8

9 The City's Comprehensive Plan focuses on retaining the rural lifestyle and ensuring new uses are
10 compatible with existing agricultural and rural residential uses. The Applicant's narrative includes a
11 section "Justification for the Amendments" in which it states that Community Solar Gardens would
12 be consistent with the "rural character" because they are not very visible and that if allowed to
13 develop, such community solar gardens will protect large tracts of land from further subdivision and
14 development due to the long-term lease commitment of the land from the developer/user.
15 After review and revision of the draft ordinance, the Planning Commission determined that the
16 proposed text amendment, including the additional performance standards, were consistent with the
17 adopted Comprehensive Plan and as such recommends approval to the City Council.

18

19 City Planner Swanson referred to Section 32-243 that defines the intent and purpose of the A1 and A2
20 zoning districts as,

21

22 *A-1 A-1 districts preserve land to be utilized for agricultural and commercial food*
23 *production on lots smaller than those required in AP districts. A-1 districts provide*
24 *areas of rural lot density housing with lots large enough for significant agricultural*
25 *activity to occur.*

26 *A-2 The A-2 districts provide rural low density housing in agricultural districts on lands*
27 *not capable of supporting long-term, permanent commercial food production. A-2*
28 *district lot sizes will provide for marginal agriculture and hobby farming.*

29

30 The proposed text amend would allow for Community Solar Gardens with a Conditional Use Permit
31 (CUP) in the A1 and A2 districts. The intent and purpose of each zoning district is focused primarily
32 on low-density rural residential land uses, and agricultural uses; however, as shown on the Table of
33 Uses in Section 32-245 of the Zoning Ordinance there are variety of uses, accessory to the principal
34 residential use, that are permitted with a CUP. Many of the conditionally permitted uses are required
35 to also follow specific performance standards which are also contained within the City's Zoning
36 Ordinance (e.g. Supper Clubs, Rural Event Facilities, Horse Boarding and Training, etc.)

37

38 After revising the ordinance to include a new Division 5, the Planning Commission recommends
39 approval of the Ordinance as presented and attached to this staff report. The majority of the Planning
40 Commission expressed that they felt that the proposed performance standards and other regulations as
41 included in the revised ordinance would adequately protect the health, safety, and welfare of the
42 community and would not negatively impact adjacent properties or neighborhoods.

43 City Planner Swanson noted the Planning Commission recommended approval (5-1) of the draft
44 ordinance as prepared and presented. Staff is requesting discussion, and possible action, from the City
45 Council.

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2 **Council Member Lanoux moved to approve Ordinance No. 2017-53, as presented. Council**
3 **Member Sederstrom seconded the motion.**
4

5 Mr. David Watts, Project Manager, US Solar, came forward and presented the company background
6 and provided the benefits of community solar gardens noting they are consistent with the
7 Comprehensive Plan and there is no impact on the community in terms of traffic, noise, etc. He
8 indicated he worked with staff on the ordinance and the Planning Commission has recommended
9 approval. He reviewed the draft ordinance and noted the buffer is a half mile. He commented on
10 construction, screening, landscaping and preservation of agricultural land. It is not a commercial use
11 and is much more like farming, is not permanent and does benefit the environment. He requested
12 Council approval of the draft ordinance.
13

14 Mr. Watts explained the subscription process and how that benefits residents. He also outlined the
15 lease process with property owners, federal subsidies, tax credits and the potential tariff on silicone
16 panels and that effect of that potential tariff.
17

18 **Council Member Lanoux amended the motion to delete the residential use portion of Ordinance**
19 **No. 2017-53. Council Member Sederstrom agreed to the amendment.**
20

21 City Planner Swanson advised a solar division within the ordinance is being created so both uses are
22 being looked at together.
23

24 **Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**
25

26 Council directed staff to prepare a residential solar ordinance for review with potential revisions to
27 the setback, height and roof coverage.
28

29 **Council Member Lanoux moved to table the residential solar discussion. Council Member**
30 **Sederstrom seconded the motion. Motion carried with Mayor Huber voting nay.**
31

32 **City Attorney, Kevin Sandstrom (no action items)**
33

34 **NEW BUSINESS**
35

36 **Consideration of Request for Payment to Mike Regan, Keswick Flooding** – Staff advised Mr.
37 Mike Regan, Indian Hills, is requesting reimbursement to cover part of the rental costs on the pump
38 system utilized for the flooding at Sunnybrook Lake in the amount of \$1,380.00. The Watershed
39 District has reimbursed costs at a rate of \$2,310.00 per month. It was noted the pump system was not
40 used in August.
41

42 **Mayor Huber moved to approve Reqeust for Payment by Mike Regan, as presented. Council**
43 **Member Sederstrom seconded the motion.**
44

1 Council Member Lanoux made a friendly amendment to the motion to included any future
2 reimbursement costs. Mayor Huber did not accept the friendly amendment to the motion.

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4 Motion carried unanimously.

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6 **UNFINISHED BUSINESS**

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8 There was no unfinished business.

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10 **DISCUSSION ITEMS**

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12 **City Council Reports/Future Agenda Items (no action taken):**

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14 Mayor Huber advised a memo has been sent to all City consultants advising that any more Council
15 Members who contact them directly will be billed individually. All inquiries should go through the
16 City office.

17
18 **Moratorium on Commercial Use, Council Member Sederstrom** – Council Member Sederstrom
19 stated the City can't let this type of activity happen and should put a moratorium on this type of use to
20 get it defined and regulated on a permanent basis.

21
22 **Legislative Update, Council Member Lanoux** – Council Member Lanoux advised the City was
23 invited to a tour of the Capital that he attended. Discussion items included a bill being introduced
24 into the Senate and House prohibiting schools from being built on dumps, a limit relating to open
25 enrollment and changing the requirement of the 5,000 population to receive gas tax money.

26
27 **Material Transferring per City Ordinance, Council Member Carr** – Council Member Carr stated
28 ordinances may have to be revised or put in place to remedy the current situation. A revised grading
29 permit may also be considered. Items that should be looked at include no street sweeping, times for
30 grading, amount of days for grading, frequency of trucks and volume, use of the dirt and licensing of
31 trucks.

32
33 The Council directed staff to prepare for review a revised grading permit application and potential
34 ordinance revision.

35
36 **Staff Updates (no action taken):**

37
38 There were no staff updates.

39
40 **COMMUNITY CALENDAR OCTOBER 4 THROUGH OCTOBER 31, 2017:**

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42 **Mahtomedi Public Schools Board Meeting, Thursday, October 12th and 26th , Mahtomedi**
43 **District Education Center, 7:00 p.m.**

1 **Stillwater Public Schools Board Meeting, Thursday, October 12th , Stillwater City Hall, 7:00**
2 **p.m.**

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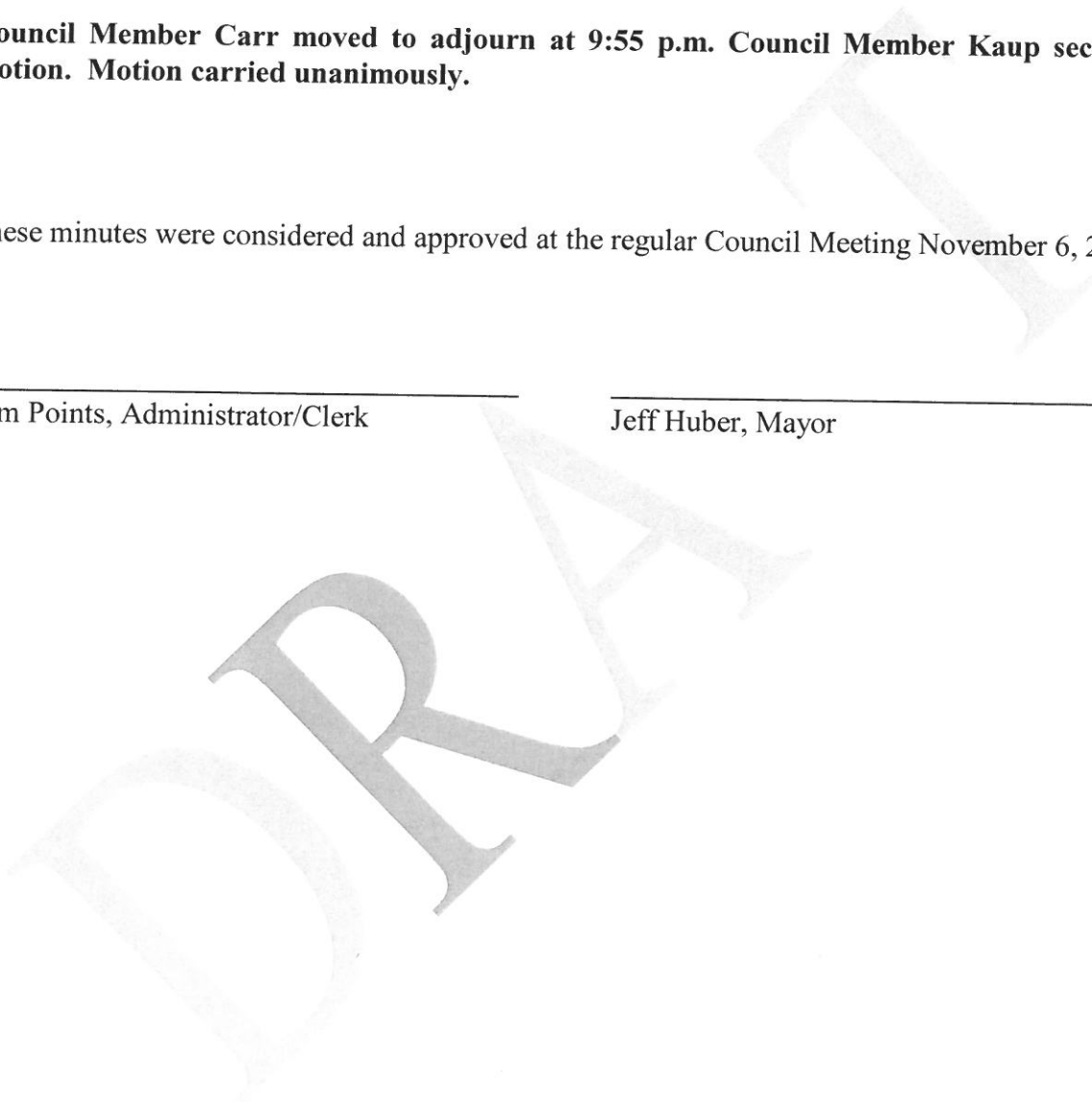
5 **ADJOURN**

6
7 **Council Member Carr moved to adjourn at 9:55 p.m. Council Member Kaup seconded the**
8 **motion. Motion carried unanimously.**

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12 These minutes were considered and approved at the regular Council Meeting November 6, 2017.
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17 _____
18 Kim Points, Administrator/Clerk

17 _____
18 Jeff Huber, Mayor



Fund Name: All Funds

Date Range: 09/30/2017 To 10/30/2017

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
10/30/2017	Payroll Period Ending 10/31/2017	13556		N	Clerk Salary	100-41101-100-	\$ 3,545.23
	Total For Check	13556					\$ 3,545.23
10/30/2017	Xcel Energy	13557	Utilities	N	Town Hall Electricity	100-43004-381-	\$ 80.58
		13557			Well House Electricity	100-43010-381-	\$ 19.36
		13557			Street Lights	100-43117-381-	\$ 45.27
	Total For Check	13557					\$ 145.21
10/30/2017	Brochman Blacktopping Co.	13558	Patching	N	Pothole Repairs	100-43109-300-	\$ 4,975.00
	Total For Check	13558					\$ 4,975.00
10/30/2017	Killmer Electric	13559	Pump House Floats	N	Engineering Fees - General	100-41203-301-	\$ 2,620.00
	Total For Check	13559					\$ 2,620.00
10/30/2017	Washington Conservation District	13560	3rd Quarter Billing	N	MS4	100-43118-301-	\$ 162.50
	Total For Check	13560					\$ 162.50
10/30/2017	Todd Smith	13561	Monthly Assessment Services - October	N	Property Assessor	100-41208-300-	\$ 1,991.92
	Total For Check	13561					\$ 1,991.92
10/30/2017	Press Publications	13562	Public Hearings	N	Publishing Costs	931-41308-351-	\$ 25.57
		13562			Escrow	932-49320-351-	\$ 25.57
	Total For Check	13562					\$ 51.14
10/30/2017	Lyle Signs, Inc.	13563	Road Signs	N	Road Sign Replacement	100-43110-330-	\$ 18.99
	Total For Check	13563					\$ 18.99
10/30/2017	CenturyLink	13564	City Phone	N	City Office Telephone	100-41309-321-	\$ 131.92
	Total For Check	13564					\$ 131.92
10/30/2017	Miller Excavating	13565	Gravel	N	Gravel Road Costs	100-43106-300-	\$ 2,104.52
	Total For Check	13565					\$ 2,104.52
10/30/2017	Waste Management	13566	Recycling	N	Recycling	100-43011-384-	\$ 4,585.56
	Total For Check	13566					\$ 4,585.56
10/30/2017	AirFresh Industries	13567	PortaPot #28137	N	Town Hall Porta Pot	100-43007-210-	\$ 125.00
	Total For Check	13567					\$ 125.00

Fund Name: All Funds

Date Range: 09/30/2017 To 10/30/2017

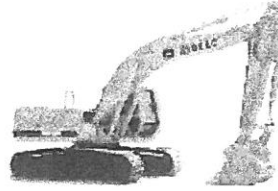
<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
10/30/2017	MN Department of Labor & Industry	13568	3rd Quarter Building Permit Surcharge	N	Building Permit Surcharge	100-42005-210-	\$ 2,110.02
Total For Check							13568
10/30/2017	Andrew Hartsock	13569	Cable Services	N	Cable Costs	100-41212-301-	\$ 110.00
Total For Check							13569
10/30/2017	KEJ Enterprises	13570	October 2017 Road Contractor	N	Animal Control	100-42006-300-	\$ 83.00
		13570			Town Hall Mowing	100-43006-300-	\$ 125.00
		13570			Ball Field Maintenance	100-43009-300-	\$ 125.00
		13570			Road Engineering Fees	100-43102-300-	\$ 166.14
		13570			Road Garbage Removal	100-43105-300-	\$ 167.00
		13570			Gravel Road Costs	100-43106-300-	\$ 20.84
		13570			Magnesium Choride	100-43107-300-	\$ 41.67
		13570			Road Sign Replacement	100-43110-300-	\$ 83.84
		13570			Culvert Repair	100-43111-300-	\$ 20.84
		13570			Snow & Ice Removal	100-43113-300-	\$ 5,416.67
		13570			Road Brushing	100-43114-300-	\$ 2,250.00
		13570			Road Side Mowing	100-43115-300-	\$ 500.00
Total For Check							13570
10/30/2017	Eckberg Lammers	13571	Legal Services	N	Legal Fees - General	100-41204-301-	\$ 1,119.25
		13571			Legal Fees - Complaints	100-41205-301-	\$ 2,895.25
		13571			Legal Fees - Prosecutions	100-41206-301-	\$ 1,685.54
		13571			Escrow	915-49320-301-	\$ 62.00
		13571				929-49320-301-	\$ 138.75
Total For Check							13571
10/30/2017	SHC, LLC	13572	Planning	N	City Planner	100-41209-301-	\$ 1,329.50
		13572			Escrow	929-49320-301-	\$ 344.50
		13572			Pre-App	931-41319-301-	\$ 1,330.80
		13572			Escrow	932-49320-301-	\$ 947.10
		13572				934-49320-301-	\$ 318.00
		13572				935-49320-301-	\$ 397.50
Total For Check							13572
10/30/2017	League of MN Cities Insurance Trust	13573	Insurance Premium	N	Insurance	100-41302-361-	\$ 8,424.00
Total For Check							13573
10/30/2017	Sprint	13574	City Cell Phone	N	Road Expenses - Other	100-43116-321-	\$ 24.65

Fund Name: All Funds

Date Range: 09/30/2017 To 10/30/2017

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check					
10/30/2017	Croix Valley Inspector	13575	Building Inspector	N	Building Inspection	100-42004-300-	\$ 24.65
		Total For Check					\$ 1,028.79
10/30/2017	Kline Bros Excavating	13576	Road Maintenance	N	Grader Contractor	100-43101-300-	\$ 1,028.79
		13576			Special Road Projects	100-43128-220-	\$ 4,320.00
		Total For Check					\$ 15,747.50
10/30/2017	WSB & Associates	13577	Engineering	N	Engineering Fees - General	100-41203-300-	\$ 20,067.50
		13577			Seal Coating/Crack Filling	100-43112-300-	\$ 5,788.25
		13577			MS4	100-43118-300-	\$ 1,084.00
		13577			Utility/ROW Permits	100-43132-300-	\$ 1,712.00
		13577			Petitioned - 65th Street	100-43172-300-	\$ 117.00
		Total For Check					\$ 2,256.00
10/30/2017	PERA	13578	PERA	N	Clerk PERA	100-41102-120-	\$ 10,957.25
		13578			Clerk PERA Withholding	100-41108-100-	\$ 365.79
		Total For Check					\$ 317.02
10/30/2017	IRS	EFT94	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 682.81
		EFT94			Clerk Medicare	100-41105-100-	\$ 373.11
		EFT94			Federal Withholding	100-41107-100-	\$ 70.72
		EFT94			Social Security Expens	100-41109-100-	\$ 447.58
		Total For Check					\$ 302.39
Total For Selected Checks							\$ 1,193.80
							\$ 84,624.00

KLINE BROS EXCAVATING
 8996 110th St N
 STILLWATER, MN 55082



Invoice

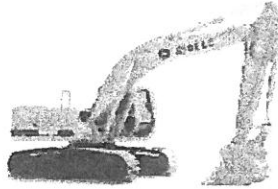
DATE	INVOICE #
10/29/17	2465

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	SPECIAL PROJECTS

DUE DATE
11/8/17

DESCRIPTION	QTY	UNIT COST	AMOUNT
09-26-17 9010 TRACKHOE (TAPER BANKS ON KEATS WITH LARGER MACHINE TO REACH BOTTOM OF TAPER)	5	100.00	500.00
09-27-17 9010 TAPER BANKS ON KEATS AND DIG TRENCH FORM CULVERT TO WEST POND	6	100.00	600.00
HAUL FILL FOR SHOULDERS ON JOCELYN AND LEVEL			0.00
10-12-17 LOADS OF TOPSOIL MIX HAULED	14	130.00	1,820.00
10-12-17 1845C	6.5	85.00	552.50
10-12-17 E70	2	90.00	180.00
10-16-17 LOADS OF TOPSOIL MIX HAULED	12	130.00	1,560.00
10-16-17 1845C	3	85.00	255.00
10-16-17 E70	2	90.00	180.00
10-17-17 LOADS OF TOPSOIL MIX HAULED	21	130.00	2,730.00
10-17-17 1845C	5.5	85.00	467.50
10-18-17 LOADS OF TOPSOIL MIX HAULED	8	130.00	1,040.00
10-18-17 1845C	3.5	85.00	297.50
10-18-17 E70	2.5	90.00	225.00
10-19-17 LOADS OF TOPSOIL MIX HAULED	19	130.00	2,470.00
10-19-17 1845C	4	85.00	340.00
10-19-17 E70	1	90.00	90.00
10-20-17 LOADS OF TOPSOIL MIX HAULED	10	130.00	1,300.00
10-20-17 1845C	3	85.00	255.00
10-20-17 E70	2.5	90.00	225.00
10-20-17 LABORER (CLEAN UP SILT FENCE)	3	45.00	135.00
10-23-17 1845C	3	85.00	255.00
10-23-17 E70	3	90.00	270.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	Total		15,747.50

KLINE BROS EXCAVATING
 8996 110th St N
 STILLWATER, MN 55082



Invoice

DATE	INVOICE #
10/29/17	2464

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	ROAD GRADING 100-43101

DUE DATE
11/8/17

DESCRIPTION	QTY	UNIT COST	AMOUNT
09-27-17 740A	5	80.00	400.00
10-03-17 740A	6.5	80.00	520.00
10-04-17 770B	5.5	80.00	440.00
10-04-17 740A	5.75	80.00	460.00
10-05-17 770B	6.25	80.00	500.00
10-05-17 740A	5.75	80.00	460.00
10-06-17 740A	2.25	80.00	180.00
10-13-17 770B	3.5	80.00	280.00
10-13-17 740A	5	80.00	400.00
10-22-17 770B	7.5	80.00	600.00
10-22-17 740A	1	80.00	80.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONHTLY SERV CHARGE		Total	4,320.00



Building a legacy – your legacy.

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

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: *October 30, 2017*

Re: *Grading Permit Application Revisions*

Actions to be considered:

Motion to adopt changes to City's Grading Permit Application.

Attached are copies of the current grading permit and revised grading permit to compare.

A few highlights to the revisions:

- Revised Reference from Ordinance 50 (741) to Zoning Code 32-341,342,343,344.
- Revised Questions 1,2 3 to solicit more direct responses that may trigger other requirements
- Added paragraph for imported material meeting MPCA "unregulated fill" requirements.
- Revised reclaiming amount from 10,000 CY to 1000 CY to trigger council approval. Most cities use 1000 CY as maximum allowed prior to considering it a commercial activity or above and beyond normal grading activities, such as a structure or building excavation. Our maximum allowed is 5,000 CY per city code 32-342. Changed base fees to reflect 1000 CY threshold and anything greater than 1000 CY to 5000 CY – Additional fee is required.

Facts:

A Grading Permit Application has been required since the adoption of City Ordinance 2004-110, see attached.

All land reclamation activities above 5,000 CY requires a Conditional Use Permit (CUP) per City Ordinance 2007-02.

Action: Discussion, Motion

Attachments: Current Grading Permit Application, Revised Grading Permit Application, City Ordinance 2004-110, City Ordinance 2007-02.



GRADING PERMIT APPLICATION
ZONING ORDINANCE 50 (741) – LAND RECLAMATION AND LAND GRADING

CITY OF GRANT
 111 Wildwood Road
 P.O. Box 577
 Willernie, MN 55090

Phone: 651-426-3383 Fax: 651-429-1998

NOTE: This is not an interactive document. It must be taken or mailed to the Grant City Office.

Please complete & submit this Grading Permit Application when **reclaiming 50CY per acre or more:**

LEGAL DESCRIPTION AND PARCEL IDENTIFICATION NO:		ZONING DISTRICT:
		PROPERTY SIZE (ACRES):
PROJECT ADDRESS:	OWNER:	APPLICANT (IF DIFFERENT THAN OWNER):
	Name	Name
	Address	Address
	City State Zip	City State Zip
	Phone	Phone
1. Describe the proposed work and/or use.		
2. How does the proposed land reclamation affect drainage on the project site and adjacent properties?		
3. Are there wetlands and/or ponding areas on the property? What is the size and classification of the wetland?		
4. How much material is being reclaimed in cubic yards (CY)?		
<ul style="list-style-type: none"> • Removed • Imported • Relocated 		
5. If importing fill, where is the material coming from? If removing fill, where is it being hauled?		
6. What is the restoration plan for the site?		

City of Grant
Grading Permit Compliance Requirements:

1. The applicant is required to submit a site plan including:
 - Property lines and easements.
 - Wetland locations based on the 100 year high water level.
 - Existing and proposed contours.
 - Existing buildings including dimensions of structures and dimensions to property lines.
 - Location of septic systems and wells.
2. All work must be on the property and outside of roadway right-of-ways and/or easements.
3. Grading applications can not damage or modify adjacent roadways or ditch systems. Repair will be required by the applicant at their own cost.
4. Work shall be completed no later than 6 weeks from commencement. Working hours shall be restricted to 7 a.m. to 7 p.m., Monday through Friday.
5. Traffic control (warning signs, cones, barrels, trucks hauling signs) shall be provided as determined by the City Engineer in accordance with the Minnesota Manual of Uniform Traffic Control Devices.
6. A 48-hour notice shall be provided to the City Engineer prior to work commencing.
7. Silt fence shall be placed at all downslopes and around wetlands to control erosion.
8. A Minnesota Pollution Control Agency NPDES permit must be obtained if at least one acre of land has been disturbed.
9. The disturbed area shall have a maximum 4:1 horizontal/vertical slope and shall be restored with adequate sod or seed to establish vegetation within 7 days of finishing grading work.
10. A letter of credit or cash escrow in the amount of \$1,500 shall be provided to the City prior to work commencing to ensure erosion control measures are maintained and turf is established.
11. If reclaiming 10,000 cubic yards (CY) or greater, City staff will submit a report to the City Council for review and approval.

Permit Fee:	Permit fee shall be based upon the following schedule:
Base Fee:	50 cubic yards to 5,000 cubic yards\$200 5,000 cubic yards and greater\$200 + [\$0.05(_____ CY - 5,000 CY)]
Example:	10,000 CY of reclamation on site $\$200 + [\$0.05(10,000 \text{ CY} - 5,000 \text{ CY})] = \450.00
Checklist:	Applications will not be considered complete unless all checklist items are submitted.
_____	Grading Permit Application
_____	Required Fees attached: _____ \$1500 Escrow Fee _____ Permit Fee
_____	Grading Plan including existing and proposed contours
_____	Other required permits: _____

In connection with your request for a Grading Permit, your signature constitutes permission for a representative of the City of Grant to enter upon your property, during normal business hours, for the purpose of evaluating your request. If you wish to be present during such inspection, please contact the City Engineer.

Signature of Owner _____ Date _____

Signature of Applicant _____ Date _____
 (if different than owner)

GRADING PERMIT APPLICATION

ZONING CODE SECTION 32-341, 342, 343, 344



CITY OF GRANT
 111 Wildwood Road
 P.O. Box 577
 Willernie, MN 55090

Phone: 651-426-3383 Fax: 651-429-1998

NOTE: This is not an interactive document. It must be taken or mailed to the Grant City Office.

Please complete & submit this Grading Permit Application when **reclaiming 50CY per acre or more:**

LEGAL DESCRIPTION AND PARCEL IDENTIFICATION NO:		ZONING DISTRICT:
		PROPERTY SIZE (ACRES):
PROJECT ADDRESS:	OWNER:	APPLICANT (IF DIFFERENT THAN OWNER):
	Name	Name
	Address	Address
	City State Zip	City State Zip
	Phone	Phone
<p>1. What is the purpose of the proposed work and/or use (Circle One). Structure or Building Excavation, Site Grading, Commercial use, Other.</p> <p>Explain:</p> <p>1a. Does this work disturb more than one acre of land? (Circle One): YES NO</p>		
<p>2. Does the proposed land reclamation affect drainage on the project site and adjacent properties? (Circle one) YES NO If yes, explain:</p>		
<p>3. Are there any Public Waters (creeks, swamps, wetlands ponds, etc..) on the property? (Circle One) YES NO If yes, explain how the public waters will be affected by the proposed work?</p>		
<p>4. How much material is being reclaimed in cubic yards (CY)?</p> <ul style="list-style-type: none"> • Removed • Imported • Relocated 		
<p>5. If importing fill, provide the location the material is coming from? If removing fill, where is it being hauled?</p>		
<p>6. What is the restoration plan for the site?</p>		

City of Grant
Grading Permit Compliance Requirements:

1. The applicant is required to submit a site plan including:
 - Property lines and easements.
 - Wetland locations based on the 100 year high water level.
 - Existing and proposed contours.
 - Existing buildings including dimensions of structures and dimensions to property lines.
 - Location of septic systems and wells.
2. All work must be on the property and outside of roadway right-of-ways and/or easements.
3. Grading applications can not damage or modify adjacent roadways or ditch systems. Repair will be required by the applicant at their own cost.
4. All imported material shall come from a clean source and should meet MPCA criteria of "unregulated fill". Property owner must provide truck manifest or other documentation for each load of imported fill indicating source site address, date and time.
5. Work shall be completed no later than 6 weeks from commencement. Working hours shall be restricted to 7 a.m. to 7 p.m., Monday through Friday.
6. Traffic control (warning signs, cones, barrels, trucks hauling signs) shall be provided as determined by the City Engineer in accordance with the Minnesota Manual of Uniform Traffic Control Devices.
7. A 48-hour notice shall be provided to the City Engineer prior to work commencing.
8. Silt fence shall be placed at all downslopes and around wetlands to control erosion.
9. A Minnesota Pollution Control Agency NPDES permit must be obtained if at least one acre of land has been disturbed.
10. The disturbed area shall have a maximum 4:1 horizontal/vertical slope and shall be restored with adequate sod or seed to establish vegetation within 7 days of finishing grading work.
11. A letter of credit or cash escrow in the amount of \$1,500 shall be provided to the City prior to work commencing to ensure erosion control measures are maintained and turf is established.
12. If reclaiming 1000 cubic yards (CY) or greater, City staff will submit a report to the City Council for review and approval.

Permit Fee:	Permit fee shall be based upon the following schedule:
Base Fee:	50 cubic yards to 1,000 cubic yards \$200
	1,000 cubic yards and greater \$200 + [\$0.05(_____ CY - 1,000 CY)]
Example:	5,000 CY of reclamation on site $\$200 + [\$0.05(5,000 \text{ CY} - 1,000 \text{ CY})] = \400.00
Checklist:	Applications will not be considered complete unless all checklist items are submitted.
_____	Grading Permit Application
_____	Required Fees attached: _____ \$1500 Escrow Fee _____ Permit Fee
_____	Grading Plan including existing and proposed contours
_____	Other required permits: _____

In connection with your request for a Grading Permit, your signature constitutes permission for a representative of the City of Grant to enter upon your property, during normal business hours, for the purpose of evaluating your request. If you wish to be present during such inspection, please contact the City Engineer.

Signature of Owner _____ Date _____

Signature of Applicant _____ Date _____
 (if different than owner)

This is a copy of the signed ord. — The original is not here.

7/17/07
TS

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

ORDINANCE 2004- 110

AN ORDINANCE AMENDING SECTION 741 OF ORDINANCE 50 REGARDING LAND RECLAMATION AND LAND GRADING IN THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA.

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

Section 1. Background:

The purpose of this ordinance is to allow the issuance of a certificate of compliance by the City Engineer for Land Reclamation and Land Grading in the City of Grant. An applicant wanting to reclaim or regrade their land would not need to seek a conditional use permit. The ordinance is not intended to relax the requirements of the City Zoning or Subdivision Ordinance, but to stream line the process which is essentially an engineering function and not a public policy function.

Section 2. Repealed. Sections 741.01 and 741.02 of Ordinance 50 are hereby deleted in their entirety and the following is inserted therefore:

741.01 Within this Ordinance, land reclamation is the reclaiming of land by depositing or moving material so as to alter the grade. Land reclamation shall be permitted only by issuance of a certificate of compliance in all districts. Depositing a total of more than fifty (50) cubic yards of material for each acre, either by hauling in or re-grading the area shall constitute land reclamation. Land reclamation in flood plains shall be in accordance with the City Flood plain Ordinance. The certificate shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land and as conditions thereof shall regulate the type of material permitted, program for rodent control, plan for fire control, and general maintenance of the site, controls of vehicular ingress and egress, drainage and control of material disbursed from wind or hauling of material to or from the site.

741.02 No person, partnership or association, private or public corporation, county, municipality, or other political subdivision shall appropriate or use any public water, surface or underground, without first securing a Use of Public Waters Permit and written permission of the Commissioner of the Division of Waters, Soils, and Minerals of the State Department of Natural Resources. For purposes of these regulations, public waters shall be as defined in Minnesota

Statutes Chapter 105, and as follows:

Public waters shall include all lakes, ponds, swamps, streams, drainage ways, flood plains, flood ways, natural water courses, underground water resources and similar features involving directly or indirectly the use of water within the community.

No public water area shall be filled, partially filled, dredged, altered by grading, mining or otherwise utilized or disturbed in any manner without first securing a public waters use permit from the Minnesota Department of Natural Resources and the U.S. Army Corps of Engineers, and a grading permit from the City Engineer. Such grading permits shall be reviewed and approved by the Department of Natural Resources, the City Engineer and the Watershed District.

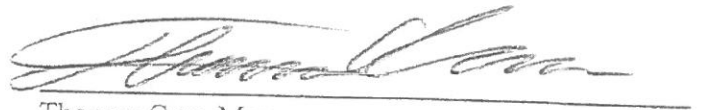
Section 3. Severability.

In the event that a court of competent jurisdiction adjudges any part of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included within that judgment.

Section 4. Effective Date.


This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted by the City Council of the City of Grant, Washington County, Minnesota, this 1st day of June, 2004.



Thomas Carr, Mayor

ATTEST:



Barbara Bartholdi, Clerk-Treasurer



Building a legacy – your legacy.

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

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: *October 30, 2017*

Re: *Local Road Improvement Program – State Funding*

Actions to be considered:

Resolution of Support of an Application for 2017 Local Road Improvement Program Funding for the McKusick Road Improvement project.

Facts:

The Minnesota Department of Transportation will distribute \$25 million to local units of government for road improvement projects, and cities of all sizes are eligible to apply for grants.

Cities over 5,000 in population may apply directly to MnDOT through the application process. Applications are due on December 1, 2017.

Non-municipal state aid cities—those with populations under 5,000—must secure “sponsorship” from their county prior to submitting an application.

Action: Discussion, Resolution

Attachments: Resolution

Resolution No. 2017-19

**RESOLUTION OF SUPPORT OF AN APPLICATION FOR 2017 LOCAL ROAD
IMPROVEMENT PROGRAM FUNDING FOR THE McKUSICK ROAD IMPROVEMENT
PROJECT**

WHEREAS, McKusick Road is a route of regional significance that provides a connection for the City of Grant between County Road 15 and State highway 96; and

WHEREAS, the McKusick Road provides a primary connection for the region to local neighborhoods, businesses, regional trails and other recreational facilities; and

WHEREAS, the City of Grant is seeking to reconstruct McKusick Road to provide a safe roadway on one of the most heavily traveled roadways in the City's transportation system; and

WHEREAS, the Local Road Improvement Program (LRIP) administered by the Minnesota Department of Transportation makes available up to \$1,000,000 to apply towards projects on local roads that are regionally significant, result in safety improvements, and address transportation deficiencies.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT,
MINNESOTA:**

1. That the Grant City Council hereby supports the application of Local Road Improvement Program (LRIP) funding for the McKusick Road Improvement Project.

Adopted by the City Council of the City of Grant, Minnesota, this 6th day of November 2017.

Mayor of the City of Grant

ATTEST:

City Clerk

Approved and adopted this 6th day of November 2017



STAFF REPORT

TO: Mayor and City Council
 Kim Points, City Clerk
 Kevin Sandstrom, City Attorney

Date: October 30, 2017

From: Jennifer Haskamp

RE: Variance from wetland setbacks to install a replacement septic system at 6782 Jocelyn Road North

Background

The Applicants and Owners (“Applicants”), Jeff and Cheryl Kargel, have requested a variance from wetland setbacks for installation of a new mound septic system on the property located at 6782 Jocelyn Road North. The existing septic system which serves the property has failed, and therefore the system must be replaced to safely serve the home. The Applicants have been working with Washington County to acquire a permit for installing the new system, and they were notified by the County that the location of the replacement system is within the City’s required wetland setbacks and thus would need to obtain a variance from the city prior to being issued a permit for installation of the new system.

Planning Commission Recommendation and Public Hearing

On October 17, 2017 the Planning Commission held a duly noticed public hearing to consider the subject application. After public testimony and discussion the planning commission recommended unanimous approval of the requested variance with the conditions as noted within the staff report.

The following staff report summarizes the requested variance, and existing conditions of the site as generally presented to the Planning Commission. The conditions, as reviewed by the planning commission, can be found in the attached draft resolution of approval for your review and consideration.

Project Summary

Applicant & Owner: Jeff and Cheryl Kargel	Site Size: 1.5 Acres Location: 6782 Jocelyn Road North Existing Home: Constructed in 1966 Zoning & Land Use: R-1
Request: Variance from wetland setbacks and grading buffer to install a replacement subsurface sewage treatment system (ISTS) at the existing home	

As referenced above, the Applicants have requested the following variance:



- Request for variance from wetland setback requirements to allow for installation of a replacement septic system on the subject property.

The Applicants have stated that the existing sewage treatment system that served the home is failing (failed) and must be replaced. According to the Applicant's narrative the only location on site that can adequately support a replacement system is the proposed location which encroaches into both the sewage treatment setback from a wetland and the no-build wetland buffer.

Review Criteria

City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicants to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) describing how, "the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district...Economic considerations alone shall not constitute a hardship." The Applicant's statement can be found in Attachment A, and is also referenced within Washington County's correspondence in Attachment C.

Existing Site Conditions

The subject property is a corner lot located northeast of the 68th Court North and Jocelyn Road North intersection. The property is regular in shape, and can be accessed from both Jocelyn Road North and 68th Court North. The site is sparsely vegetated with trees primarily along property lines offering some buffering and privacy from adjacent homes and roadways. Based on the GIS and National Wetland Inventory (NWI) information approximately the northern half of the subject property is a wetland and the high buildable area is generally the southern half of the property. There is an existing principal structure which was constructed in 1966 and it is assumed that the failing septic system was installed in and around the time the principal structure was constructed. There is an existing detached garage located west of the principal structure, and there is a driveway/parking area that extends from the garage to the principal structure. The majority of the site, with the exception of the area east of the principal structure, appears to be altered or wetland area leaving only a small area of undisturbed land remaining on the lot.

Variance Requests - Zoning Standards

The wetland setbacks are established in Chapter 12 of the City's Code, which breaks down the applicable standards for wetland by type, unclassified and classified water bodies. The following description of the variance and standard is identified in the following table (See Attachment B for Certificate of Survey):



Standard	Required	Proposed	Variance	Description
Wetland	75'	20' +/-	55' +/-	There is one large wetland complex on the northern half of the site. The existing principal structure (home) is centered on the southern half of the property with an existing detached garage to the west of the home. The only area outside of wetland and flood prone areas, with relatively undisturbed land is to the east of the existing home. Any septic system in this area will encroach into the required setbacks.
Wetland Buffer	50'	20'	30'	The no-grade/no-touch buffer is measured from the wetland edge. Based on the proposed plans, the installation of the septic system will disturb the buffer area.

Lot Size/Constraints

The Applicants' lot was created in the 1960s and the existing home was constructed in 1966. At the time, the lot and home complied with the adopted lot standards. Since the 1970s lot size and area standards have changed and as a result the lot is now considered a legal non-conforming lot with respect to size, area and dimensions. Given that the existing lot area and dimensions are significantly smaller than those that regulate lots today, it would be impossible to site a replacement septic system on the property and meet all the current setback requirements. The lot is naturally constrained not only by natural features on the property (wetlands and hydric soils) but also by the non-conforming nature of the lot area and dimensions. Further, due to the location of the existing home, the detached accessory garage and the well which serves the residence the location that a septic system could be sited is further reduced. Staff believes the proposed location of the replacement system is reasonable and is properly located based upon topography and other natural site limiting factors, and that the variance requested has been minimized to the extent possible. Additionally, the Applicant must remedy the situation to comply with the standards for septic systems as identified by Washington County.

An email exchange with Alex Pepin from the Washington County Department of Public Health and Environment is provided in your packet which indicates that Mr. Pepin concluded that he proposed location for the new septic system is appropriate and would meet their standards. Mr. Pepin further states that "The proposed location on the property for the system is the only location on the property that will accommodate a properly sized septic system and is also not located in a wetland or flood prone area..." (Attachment C)

Engineering Standards



The City Engineer is reviewing the attached Certificate of Survey and submitted materials. Staff will provide a verbal update at the Planning Commission meeting and, if applicable, will bring any additional information to the Planning Commission meeting.

Other Agency Review

The site is located in the Valley Branch Watershed District, and it is the Applicant's responsibility to contact them to coordinate any application or permit which may be required from them to install the replacement septic system. As referenced previously, the Applicants must obtain a permit from the Washington County Department of Public Health and Environment prior to installation of the system, as they are the permitting authority for new and replacement septic systems in the City.

Summary - Draft Findings and Conditions

The following draft findings related to the hardship (practical difficulty) are provided for your review and consideration:

- The Applicants must replace the failing system to comply the standards of the Washington County Department of Public Health and Environment, and for the safety of their home.
- Replacement of the failing system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current, and any future, home owners as well as any adjacent properties which could be affected if the failing system were to remain.
- The subject property is considered a legal non-conforming lot with respect to size, area and dimensions which constrains the buildable area on the site and limits the available locations to site a replacement septic system.
- A significant portion of the subject property contains a wetland and has flood prone soils which severely limits the available area to site the replacement system.

Draft Conditions:

- The Applicants shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
- The replacement system must be placed outside of all wetland/ponding areas on the site.
- The Applicants shall be required to obtain any necessary permits and/or approvals from the Valley Branch Watershed District prior to installation. A copy of any correspondence or permits shall be provided to the city prior to installation of the new system.

Action requested:

Staff is seeking a recommendation from the Planning Commission regarding the application. Staff recommends approval of the variance, and if the Planning Commission agrees, staff would request the



Planning Commission make a recommendation to the City Council to approve the variance from wetland setbacks with draft conditions and findings as presented by staff.

Attachments

Attachment A: Application and Applicant's Narrative dated 9/5/2017

Attachment B: Certificate of Survey dated 8/31/2017

Attachment C: Email correspondence from Washington County 9/25/2017

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



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	9/5/17
Fee: \$400	Escrow: \$3,000

check # 9481 - \$400
9482 - \$3000

VARIANCE REQUEST

In certain cases a variance from the strict enforcement and adherence to the zoning ordinance may not be possible due to practical difficulties associated with a property. A practical difficulty means that the proposed use of the property and associated structures in question cannot be established under the conditions allowed by the zoning ordinance and that no other reasonable alternate use exists. The following application is provided for such circumstances and will be determined by the Board of Adjustment for the City of Grant.

PARCEL IDENTIFICATION NO (PIN): 34.030.2112003		ZONING DISTRICT & COMP PLAN LAND USE: R1
LEGAL DESCRIPTION: Attached *		LOT SIZE: 1.5 acres
PROJECT ADDRESS: 6782 Jocelyn Rd N Stillwater, MN 55082	OWNER: Name: Jeff & Cheryl Kargel Address: 6782 Jocelyn Rd N City, State: Stillwater, MN Phone: 651-210-6502/55082 Email: kargels@gmail.com	APPLICANT (IF DIFFERENT THAN OWNER): Same
BRIEF DESCRIPTION OF REQUEST: Variance for current set back for New septic: East side of property		
EXISTING SITE CONDITIONS: Single family home - only possible location for septic		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 32, Sec. 32-60. Variances.		

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP - Applicant check list, CS - City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> ▪ Property dimensions ▪ Area in acres and square feet ▪ Setbacks ▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines) ▪ Location of current and proposed curb cuts, driveways and access roads ▪ Sanitary sewer (septic) and water utility plans ▪ Location of well and septic systems on adjacent properties ▪ Location of wetlands and other natural features ▪ Existing and proposed parking (if applicable) ▪ Off-street loading areas (if applicable) ▪ Existing and proposed sidewalks and trails <p>COPIES: 1 plan at 22"x34", 12 plans at 11"x17" (half scale)</p>

Paul

Application for: VARIANCE
City of Grant

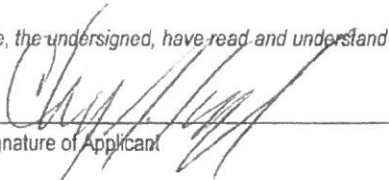
NIA	<input type="checkbox"/>	<input type="checkbox"/>	Architectural/Building Plan (if Applicable): All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow <ul style="list-style-type: none"> ▪ Location of proposed buildings and their size including dimensions and total square footage ▪ Proposed floor plans ▪ Proposed elevations ▪ Description of building use COPIES: 1 plan set 22"x34", 12 plan sets 11"x17" (half scale)
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written Narrative: Describe your request and the practical difficulties that are present on the site and why a Variance is sought. <i>email to city</i> COPIES: 15
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have jurisdiction over your project.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1/4 mile (1,320 feet). Contact Washington County to obtain list/labels. <i>Form to Washington - Labels to Kim</i>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400 <i>pd 8-31-17 #9481</i>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000 <i>pd 8-31-17 #9482</i>

MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER

<input type="checkbox"/>	<input type="checkbox"/>	Survey of the property: An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" format.
		Wetland Delineation: A wetland delineation may be necessary depending on the reason for the variance, and stated site constraints.
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.


Signature of Applicant

9-5-17
Date

Signature of Owner (if different than applicant)

Date

PT NW1/4-NE1/4 SD SEC 34 COM AT NE COR SD 1/4-1/4
THN S ALG E LN SD 1/4-1/4 935FT TO SE COR
SUNNYBROOK LAKE THN W ALG S LN SD LAKE SD S LN
BEING PARL WITH & 935FT S OF N LN SD SEC 34 FOR
33.0FT TO C/L N/S TWP RD WHICH IS POB THIS DESC
THN CONT W ALG SD S LN OF SUNNYBROOK LAKE
206.12FT THN S & PARL WITH SD E LN SD 1/4-1 /4
317.0FT THN E & PARL WITH S LN SD LAKE 206.12FT TO
SD C/L TWP RD THN N ALG SD C/L TWP RD 317.0FT TO
POB SECTION 34 TOWNSHIP 030 RANGE 021

Administrator/Clerk

From: Cheryl Kargel [REDACTED]
Sent: Thursday, August 31, 2017 10:32 AM
To: Administrator/Clerk
Cc: Jeffrey Kargel
Subject: Variance

We are applying for a variance per the current ordinance set backs for installation of a new septic on the side of the yard. The set back has been mandated by the County. The City set back requirement is 20 ft. The County requirement is:

"The proposed location will require a wetland setback variance from the absorption width of the mound and tanks from the required 75' down to approximately 25' of the OHWL of the wetland."

Thank you. If you need any other information please feel free to respond to this email or call me at 651/210-6502.

Cheryl Kargel



Virus-free. www.avg.com

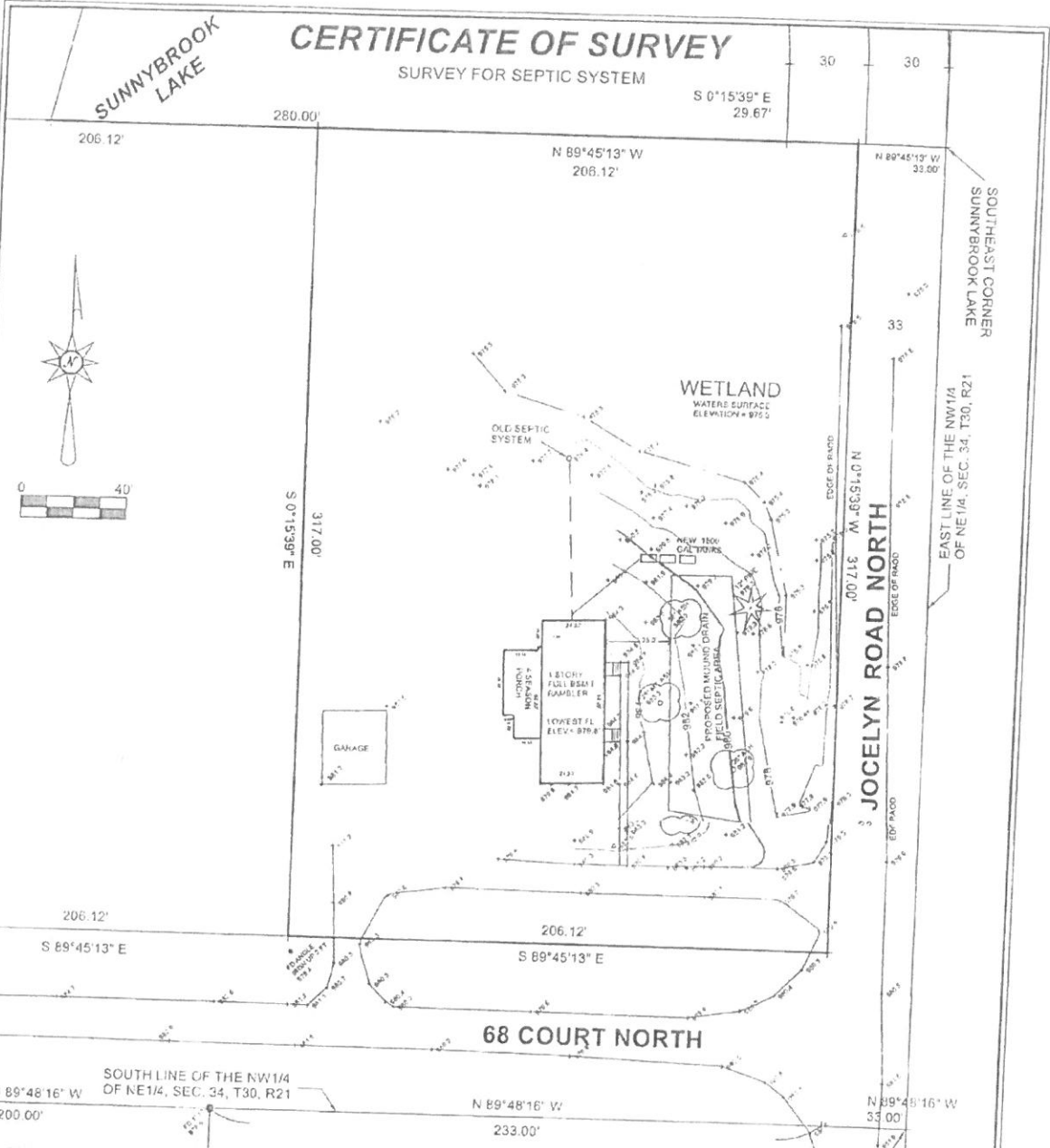


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

CERTIFICATE OF SURVEY

SURVEY FOR SEPTIC SYSTEM



PROPERTY DESCRIPTION
 Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 30, Range 21, Washington County, Minnesota, described as follows: Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter, thence south along the east line of said Northwest Quarter of the Northeast Quarter 935 feet to the Southeast corner of Sunnybrook Lake, according to the recorded plat thereof; thence west along the south line of Sunnybrook Lake, said line being parallel with and 935 feet south of the north line of said Section 34, for 33.0 feet to the centerline of north-south township road which is the point of beginning of this description; thence continue west along said south line of Sunnybrook Lake, 206.12 feet; thence south and parallel with said east line of the Northwest Quarter of the Northeast Quarter, 317.0 feet; thence east and parallel with said south line of Sunnybrook Lake, 206.12 feet to said centerline of the township road; thence north along said centerline of township road 317.0 feet to the point of beginning.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

P J LAND SURVEYING, LLC DATED: AUGUST 31, 2017

Paul A. Johnson
 PAUL A. JOHNSON
 LAND SURVEYOR, MN LIC. NO. 10938

PREPARED FOR:
 JEFFREY AND CHERYL KARGEL
 JOCELYN ROAD NORTH
 STILLWATER, MN 55082
 651-210-6502

PREPARED BY:
 P J LAND SURVEYING, LLC
 12510 MCKUSICK RD. N.
 STILLWATER, MN 55082
 651-303-0025

FILE NAME		
CHERYLKARGEL_P1-NW-NE34_SUNNYBROOKLAKE.txd		
SCALE	DATE	DRAWN BY
40' Full	8-31-2017	P A Johnson
JOB	REVISION	SHEET
17-730	1/1	1/1

This map drawn with TRAVERSE PC, Software

10/10/2017

Swanson Haskamp Consulting, LLC Mail - Kargel Variance - Septic



Jennifer Haskamp <jhaskamp@swansonhaskamp.com>

Kargel Variance - Septic

City Clerk <clerk@cityofgrant.us>
To: "jhaskamp@swansonhaskamp.com" <jhaskamp@swansonhaskamp.com>

Mon, Sep 25, 2017 at 8:15 AM

----- Original Message -----

Subject: RE: Kargel Variance - Septic
From: Alex Pepin <Alex.Pepin@co.washington.mn.us>
Sent: Monday, September 25, 2017, 7:29 AM
To: 'City Clerk' <clerk@cityofgrant.us>
CC: Gary Bruns <Gary.Bruns@co.washington.mn.us>, Chris LeClair <Chris.LeClair@co.washington.mn.us>

Good morning Kim,

I'll try to address the two concerns Jennifer brings up in her email below:

- The narrative does not explain why the septic system can't be located somewhere else on the property. So, we will need the 'narrative' updated to reflect their reasoning as to why the variance is requested.
 - The proposed location on the property for the system is the only location on the property that will accommodate a properly sized septic system and is also not located in a wetland or flood prone area. Everywhere else on the property above the flood area or not in a wetland is not big enough to have a septic system go there.

- Also, we need to get some correspondence from Washington County regarding the septic design/proposal and that it has been made and that the County thinks this is also the only acceptable location.
 - This would be the same as the above; the proposed location on the property for the system is the only location on the property that will accommodate a properly sized septic system and is also not located in a wetland or flood prone area. Everywhere else on the property above the flood area or not in a wetland is not big enough to have a septic system go there or is a disturbed surface (driveway, sidewalk, etc.).

If you have any additional questions just let me know. We are trying to work closely with the Kargel's on this one to assist them in getting the system put in this year still so anything we at the County can do to help that process just let me know. I'm cc'ing my supervisor and Chris just to keep the septic team in the loop on this one since we all have gotten questions on it at one time or another.

Have a great start to your week!

PLEASE NOTE AS OF AUGUST 3RD MY NEW PHONE NUMBER IS 651-275-7283 (OLD 651-430-6744)

Alex Pepin, MCE

Senior Environmental Specialist

Washington County Department of Public Health and Environment

19955 Forest Road North

Forest Lake, MN 55025

(651-275-7283) | ✉ alex.pepin@co.washington.mn.us

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2017-20**

**RESOLUTION APPROVING A VARIANCE FROM WETLAND SETBACKS FOR
INSTALLATION OF A REPLACEMENT SUBSURFACE SEWAGE SYSTEM
LOCATED AT 6782 JOCELYN ROAD NORTH, GRANT, MN**

WHEREAS, Jeff and Cheryl Kargel (“Applicant”) has submitted an application for a variance from wetland setback for an individual subsurface sewage system located at 6782 Jocelyn Road North, in the City of Grant, Minnesota; and

WHEREAS, the home was constructed in 1966 and a subsurface sewage system was installed when the home was constructed and such system complied with the adopted standards in effect; and

WHEREAS, the Applicant is aware that the existing system is failing and no longer complies with current rules and regulations for installation of individual sewage treatment systems; and

WHEREAS, the Applicant contacted Washington County because they are the permitting authority for septic systems in the City of Grant; and

WHEREAS, the Applicant must remedy the failing septic system and install a new system which complies with the rules and regulations of Washington County; and

WHEREAS, a septic permit for the replacement system cannot be obtained from Washington County without the stated variance from the City’s ordinances being granted; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on October 17, 2017 and subsequently recommended that the City Council approve the variance with conditions.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Jeff and Cheryl Kargel, based upon the following findings pursuant to Section 32-59 and 32-60 of the City’s Zoning Ordinance which provides that a Variance may be

granted if a hardship is demonstrated. The City Council’s Findings relating to the standards are as follows:

- The Applicant must replace the failing system to comply with the Washington County Department of Public Health and Environment rules and regulations.
- Replacement of the failing system is a health, safety, and welfare issue and must be completed to the satisfaction of Washington County to protect the current and future home owners, as well as any adjacent properties which could be affected if the failing system were to remain.
- The lot is considered a legal non-conforming property for lot size, area and dimensions and constrains the buildable area on the site limiting the available locations to site the new system.
- A significant portion of the subject property contains a wetland and has flood prone soils which severely limits the available area to site the replacement system.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Variances shall be met:

- The Applicant shall be required to obtain the proper permits from the Washington County Department of Public Health and Environment prior to installation of the replacement system.
- The replacement system must be placed outside of all wetland/ponding areas on the site.
- The Applicant shall obtain all necessary permits and approvals from any other regulatory agency, including, but not limited the Rice Creek Watershed District, which may have authority over installation and construction of the new replacement system.

Adopted by the Grant City Council this 6th day of August 2017.

Jeff Huber, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2017 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ____ day of _____, 2017.

Kim Points
Clerk
City of Grant



STAFF REPORT

TO: Planning Commission Members
Kim Points, City Clerk
Kevin Sandstrom, City Attorney

Date: October 10, 2017

From: Jennifer Haskamp

RE: Variance from lot frontage to establish a Lot as legal non-conforming and buildable for single family residence

Background

The Owners and Applicants (“Applicants”) own two adjacent parcels described on the attached Survey as Parcel A and Parcel B that are each approximately 5-acres in size. When the Applicants purchased the parcels in 2016 they believed they had purchased two buildable lots since each lot had a separate PID. At the time of purchase, it was the Applicants intent to construct their new home on the northerly parcel (Parcel A), and they were unsure whether they would retain or sell the southerly parcel (Parcel B).

Once the Applicants began planning their new home they found out that their friends were interested in purchasing the southerly parcel (Parcel B) and constructing a new home on the property. Given the circumstances the Applicants contacted the City to inquire what information and permits would be necessary to develop both lots with single family residences. During that conversation it was determined that a preapplication meeting would be helpful to discuss the process regarding both lots since Parcel B in its current configuration does not have frontage on a public road. Staff met with the Applicants for a preapplication meeting during which time it was determined, after discussion with the City Attorney, that a variance from the lot frontage would be required in order for Parcel B to be determined a buildable lot.

Planning Commission Recommendation and Public Hearing

A duly noticed public hearing was held by the Planning Commission on October 17, 2017. After public testimony and discussion by the Planning Commission, the Planning Commission failed to pass a recommendation. Three (3) planning commissioners were supportive of the requested variance, while three (3) commissioners were against the requested variance. Given the deadlock, the Planning Commission requested that staff pass along a summary of the discussion and public testimony for the City Council’s consideration:

- The public testified that they were concerned about setting precedence for lots of this size and configuration. The Planning Commissioners also discussed this issue and particularly those that were against the application were also concerned about what presentence might be set if the requested variance was granted.



- The Planning Commissioners that voted against the application did not believe that the Applicant adequately demonstrated a hardship regarding the lack of frontage.
- The Planning Commissioners that were in favor of the request generally concluded that this would not set precedence and felt that the ordinance, particularly since the lot sizes of the existing lots meet our current ordinance standards.
- The public testified that they were concerned about approved lots that were substandard, or did not meet all, of the current ordinance standards in place.

Staff Summary/Comments of Discussion and Public Testimony

In response to the public testimony and the Planning Commission discussion, staff offers the following responses:

- As noted in subsequent sections of this report, staff does not believe that the requested variance will not set ‘precedence’ as the circumstances surrounding this request are unique to the property and the subsequent process that has occurred since the 1950’s on this parcel(s). Both lots meet the minimum lot area, and all other dimensional standards can be met, which is also unique to this property because most of the lots platted/divided in the late 1950s-1970s are smaller than the subject lots and current standards within the zoning ordinance.
- While the question of hardship must be considered by the Planning Commission and City Council, staff would reiterate the analysis which is provided below – the Applicant did not create this situation and access to an existing lot is generally a reasonable expectation.
- The only dimensional standard which cannot be achieved is related to frontage on Parcel B, all other standards can be met provided the variance approval is conditioned appropriately.

Since the Planning Commission was tied, and did not make a recommendation, the following review and analysis of the Applicants’ requested variance is provided for your review and consideration generally as presented to the Planning Commission.

Project Summary

Applicants & Owners: Dane and Stefanie Hansen	Site Size: 9.77 Acres Total (Parcel A: 4.76 Ac., Parcel B: 5.01 Ac.)
PIDs: 2103021320008, 2103021320014	Zoning & Land Use: A-2
Address: 4XX Maple Street	Description of Request: Variance from required frontage on Parcel B to allow for development with single family residential uses

As summarized above, the Applicants have requested the following variance:



- The city’s current ordinances require all buildable lots to have a minimum of 300-feet of frontage on a public road, or 60-feet of frontage on a public cul-de-sac. Parcel B as shown on Attachment B does not have frontage on a public road and the Applicants are requesting a variance from this requirement to allow for Parcel B to be developed with a single-family residential structure independently from Parcel A.

Review Criteria

City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicants to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) and submit a site plan that clearly depicts the request.

In addition to consideration of the Variance standards, staff would recommend reviewing Section 32-246 Subsection (a) footnotes, as well as Section 32-246 Subsection (b)(1) and (b)(3).

Existing Site Conditions

The subject properties consist of two parcels, as shown on Attachment B, Parcel A and Parcel B. Both lots are currently vacant and there are no structures or other improvements on the properties. Both lots are heavily vegetated with a couple small clearings. Per the National Wetland Inventory (NWI), and information contained on the Survey, there is a small wetland finger that runs along the southerly lot line between Parcel A and Parcel B. In its current configuration, Parcel A has approximately 330-feet of frontage on Maple Street which forms the lots northerly property line, and Parcel B has no frontage on a public roadway.

Variance Requests - Zoning Standards

Dimensional Standards

To consider the Applicants’ request there are several sections of the City’s Code which must be considered and reviewed. The following table identifies the applicable dimensional standards and the existing conditions of Parcel A and Parcel B as shown on the Survey:

Dimensional Standard	Zoning – A2	Parcel A	Parcel B
Minimum Lot Size	5 Acres	4.76 Acres*	5.01 Acres*
Minimum Lot Depth	300’	627’	660’
Minimum Lot Width	300’	330’	330’



Minimum Frontage (improved public road)	300'	330'	0'
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**Lot Size meets zoning ordinance per 32-243(c)(4) which would allow for adding the Right-of-Way previously dedicated to Maple Street and would result in Parcel A having approximately 5.02 Acres.*

As demonstrated on the table, both Parcel A and Parcel B meet the city's dimensional standards with the exception of the required frontage on Parcel B. Given the lack of frontage, staff has determined that a variance from this standard would be required to develop the lot independently of Parcel A. Section 32-246 Subsection (b) provides for "Additions and exception to the minimum area, height and other requirements provided the parcel can be established as an "existing lot". The following review of subsection (b) and its relationship to the subject variance request is provided for your review and consideration:

Per Washington County records both Parcel A and Parcel B have separate PIDs, so part of the evaluation that must be done is to determine whether the lot is an "existing lot" of record as defined by the City's Code and thus would provide. Section 32-246(b)(1) defines an "existing lot" as:

For the purposes of this article, the term "existing lot" means a lot or parcel of land which was of record as a separate lot or parcel in the office of the county recorder or registrar of titles on or before the date of adoption of the ordinance from which this chapter is derived.

Based on the information provided, and staff's review, Parcel B was a lot of record prior to the adoption of City Code section 32-246; however, subsection (2) must also be considered which states the following:

Setback exemption. Any such lot or parcel created in accordance with the city subdivision regulations and is at least 2.5 acres in size, shall be exempt from the requirements of section 32-248(d), pertaining to setbacks and shall be considered buildable if the lot or parcel can comply with the remaining requirements of this section.

There are a few items to note within this section; first Staff reviewed Ordinance 50 which was the basis from which this language was codified. Ordinance 50 was amended and subsequently adopted in 1983, and staff questioned the reference to Section 32-248(d) in the codified language because it seemed inaccurate. Review of Ordinance 50 suggested that in fact that reference is likely inaccurate and that the reference should have been to subsection (3) and (4) of this section. Regardless, it is codified with the language as provided and therefore we must review it against what has been codified. Secondly, the exception language does not address whether or not an Existing Lot is buildable if it does not have frontage, instead it is silent. Again, staff reviewed the ordinance history to determine that Ordinance 50 first introduced the 'exception' language in 1983. This date is relevant, because it pre-dates the ordinance amendment that introduced required lot



frontage which was not incorporated into the ordinance until 1997. The timing and sequence of amendments suggests that there may be an error in the intent of the language contained within the adopted code since it does not adequately address the frontage requirement at all, in yet it details the exceptions related to the other relevant lot dimensional standards.

Historical Parcel Analysis Relating to Variance Request

The above ordinance history is important to consider in conjunction with the history of the Subject Parcels. First, since the ordinance is silent on frontage, it is staff's opinion that a variance from the lot frontage on Parcel B is necessary. However, to determine whether this situation is unique, the history of the Subject Parcels is relevant particularly as it relates to any previous subdivision, rearrangement or other configurations that might suggest that the previous and current owners had a reasonable expectation that both Parcels could be developed independently.

As provided within the Applicant's narrative (Attachment A) a northerly and southerly parcel boundary existed back to at least 1954 (See attached deeds) where the northerly and southerly parcels each contained approximately 10 acres. In 1993 the previous owner rearranged the parcels which created the current configuration of parcels that exists today (the Subject Parcels each with approximately 5-acres, and the easterly adjacent parcel containing approximately 10-acres). The previous owner's application stated that their intent was to rearrange the parcels to create frontage for a minimum of two 10-acre lots as stated on the application (see Attachment B). However, the application states "to vacate" the existing division, which is not the process, instead it is a lot combination and rearrangement. The County issued a review letter recommending that the rearrangement be granted, but it is still not clear if any discussion transpired regarding keeping the two parcels separate on the Subject Property. What was ultimately approved is unclear because the easterly parcel which is now 470 Maple Street was combined; but the Subject Parcels were not. Staff hypothesizes that one of two things occurred; 1) either an administrative error occurred and the lot combination of the Subject Parcels did not happen, or 2) the lot combination of the Subject Parcels was recommended, but was not a condition of approval, because there was no requirement that a lot have frontage at the time the request was made in 1993 (i.e. why would the owner combine the property and give up an entitlement if not required to do so?) Based on the available information, staff cannot determine exactly why the lot combination did not occur, so we are left to evaluate the merits of granting a variance from frontage for Parcel B.

Utilities (Septic)

Both lots are currently vacant with no principal or accessory structures. The Applicant submitted preliminary soil borings/septic tests to demonstrate that both Parcel A and Parcel B contain adequate area to install an individual septic treatment system. *If the variance request is approved, staff would recommend including a condition that a septic permit must be obtained from Washington County prior to the city issuing a building permit for the subject lot.*



Access

Generally, cities require a property or parcel to have frontage on a road (whether public or private) so that adequate access is available. Since no frontage requirements were in place prior to 1997 this meant that other means of access were necessary, such as creating private driveway easement agreements, private accessways, shared driveways etc. This situation was contemplated within the original language of Ordinance 50 which was largely carried over into Section 32-346 Access Drives and Access with some modifications. For purposes of considering this application, the following analysis and description is provided:

Section 32-346 Access drives and access subsections (f-i) should be considered with respect to this request understanding that Parcel B does not have frontage on a public road. First, all properties are required to have “direct physical access” to an existing public roadway. Subsection (f) *Additional Access* states, “In addition to the required direct physical access along the frontage of the lot or parcel to the approved existing public roadway, a lot or parcel may have private easement access drives to the lot over adjacent lots or parcels.”

The materials submitted with the application indicate that the Applicants would provide “direct physical access” from Maple Street to Parcel B running parallel to the easterly property line. However, it was not detailed in the application whether such access would involve a ‘shared access’ to the public roadway with a perpetual private driveway easement dedicated solely to Parcel B; or if two separate driveways were contemplated. Since neither lot is currently developed, this would need to be established to ensure appropriate access was available to both parcels. Additionally, it should be noted that if the requested variance is granted that shared driveways are not permitted (see subsection i). Further, *staff would recommend if the variance is granted that a condition be included that a dedicated, perpetual, driveway easement must be granted and that such instrument must be drafted by an attorney for review by the City’s attorney to ensure access to Parcel B is perpetual and adequately provided.*

Wetlands

As shown on the attached Survey, and as referenced within the existing conditions, there appears to be a wetland ‘finger’ that runs along the property line between Parcel A and Parcel B. The wetland was not formally delineated and therefore it is not known the true extents, or Type, of wetland. Based on the submitted survey there likely would be enough room for a driveway to run parallel to the easterly lot line of both Parcel A and Parcel B outside of the wetland, but to affirmatively confirm that the driveway would be outside of all wetlands a formal delineation would be necessary. *Staff would recommend adding a condition that a wetland delineation must be prepared and approved prior to issuance of any building permit on Parcel B. Further, all wetland permits, or wetland mitigation must be acquired prior to any building permit being issued for Parcel B.*



Variance Analysis & Summary

To evaluate the proposed variance, the Planning Commission must consider the following definition of hardship (practical difficulty) which provides guidance on what to consider regarding the application:

“Hardship means the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district; these unique conditions of the site cannot be caused or accepted by the landowner after the effective date of the ordinance from which this chapter is derived or its amendments. Economic considerations alone shall not constitute a hardship.”

The Applicant has provided a narrative to support their position that a variance from the lot frontage requirement should be granted (Attachment A). In addition to the narrative, staff offers the following considerations:

- *“...proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter...and no other reasonable alternate use exists...”*

If a variance from the lot frontage is not granted to Parcel B then the property cannot be developed with a single-family residential use. There are no other uses that could be developed on the property, and it would likely remain as private open space either under the current owner or a new owner. The question that must be considered is whether Parcel B is an “existing lot”, and whether this situation is unique to the existing lot due to the ordinance history and codification process. Staff performed a cursory GIS review and there are only a handful of parcels that are currently vacant and do not have frontage on a public road. Further analysis of these properties would be necessary to determine the age of such parcels, but it is clear that very few parcels have the same condition as that which is described in this Application. It bears noting that there are several developed lots/properties without frontage and those properties likely developed prior to the 1997 ordinance that required frontage on a public road.

- *“...the plight of the landowner must be due to physical conditions unique to the land...and are not applicable to other lands...in the same zoning district”*

The landowner acquired both Parcel A and Parcel B in 2016 and did not create the current configuration. However, it is relevant to note that the Applicant did purchase the land knowing that Parcel B did not have frontage on Maple Street. The Planning Commission should discuss whether



they believe the Applicants had a reasonable expectation that both lots should be able to be developed independently.

- *“...unique conditions cannot be caused...by the landowner”*

As stated previously, the Applicants did not create the lot lines or the existence of the separate PIDs. Further, while there was a rearrangement/subdivision process that occurred in 1993 it is not clear if an administrative error occurred, or if some other event occurred which resulted in Parcel A and Parcel B remaining as separate parcels. This series of events was not caused or created by the Applicant/landowner.

Engineering Standards

The City Engineer has not reviewed the subject application since the application for a variance does not involve any proposed improvements. Staff would recommend including a condition that all plans for grading, access and any improvements of either lot shall be subject to the review and approval of the City Engineer.

Other Agency Review

The site is located in the Rice Creek Watershed District, and it is the Applicant's responsibility to contact them to coordinate any application or permit which may be required. Additionally, if the variance were to be recommended for approval, both lots would be required to obtain a septic permit from Washington County prior to any building permit being issued by the City.

Draft Findings & Conditions

The following draft findings related to the hardship (practical difficulty) are provided for your review and consideration:

- The proposed variance will not set precedent since the lot is existing and pre-dates the adoption of ordinances that regulate frontage.
- The city's codified ordinance is unclear with regard to existing lots and the required frontage, and Parcel B is one of only a few parcels with the unique circumstances as laid out within the narrative and this staff report.
- The proposed variance is consistent with the comprehensive plan and does not alter the character of the neighborhood or community.
- Both Parcel A and Parcel B will be required to follow all other dimensional standards contained within the ordinance, and will be consistent with the adopted A-2 zoning district.



- The variance from frontage on Parcel B will not negatively impact the health, safety, and welfare of the community.

Draft Conditions:

- A septic permit shall be obtained from Washington County prior to a building permit being issued for Parcel A or Parcel B.
- Access to Parcel B shall be designed and shown on an updated survey. The driveway and access shall be reviewed and approved by the City Engineer.
- Access to Parcel B shall be perpetual, and such easement shall be drafted by the Applicant and submitted to the City Attorney for review and approval prior to any building permit being issued for Parcel B. The access shall comply with the City's ordinance standards for accesses and driveways.
- Any such easement, or other tool granting access, once approved by the City's Attorney must be recorded against both Parcel A and Parcel B at Washington County property records prior to any building permit being issued for Parcel B.
- The Applicant shall complete a wetland delineation, which must be approved prior to any building permit being issued for Parcel B.
- If any wetland fill or alteration is needed, appropriate mitigation and plans shall be subject to the review and approval of the City Engineer. Such mitigation plan shall be reviewed and approved prior to any work being performed on Parcel B.
- A grading permit, if applicable, shall be obtained from the City Engineer prior to any site work being completed.
- The Applicants shall be required to obtain any necessary permits and/or approvals from the Rice Creek Watershed District prior to installation. A copy of any correspondence or permits shall be provided to the city prior to installation of the new system.

Action requested:

Staff is seeking discussion and guidance with regard to the application. Options regarding the requested variance include:

- Approval of the variance with finding and conditions;
- Denial of the variance with findings; or
- Table the action and request additional information from the Applicant.

Attachments

Attachment A: Application and Applicant's Narrative dated 9/13/2017

Attachment B: Certificate of Survey dated 2/15/2017



STAFF REPORT

TO: Mayor and Members of City Council
Date: October 30, 2017
CC: Kim Points, Administrator/Clerk
Kevin Sandstrom, City Attorney
RE: Residential Solar Ordinance - Draft
From: Jennifer Haskamp

BACKGROUND

Staff has prepared the attached draft ordinance for your review and consideration in response to the City Council's discussion at the regular October meeting. Staff understood the City Council's direction to be:

- Revise the draft ordinance to address residential solar installations.
- Amend the standards of the residential standards regarding setbacks, heights and roof coverage.

The ordinance is presented for discussion, and the moratorium regarding solar installations remains in effect. Therefore, no action is required this evening and staff is simply looking for feedback from the Council regarding the latest draft ordinance.

Attachments:

Applicant's Submittal dated 06/13/2017
Draft Ordinance 2017-53

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2017-53

An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~struckthrough~~ :

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	EN	EN	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not exceed the maximum building height as permitted within the zoning district.

- ~~(2)~~(3) _____, and The equipment or device shall cover no more than 780 percent of the roof to which it is affixed.
- ~~(3)~~(4) _____ The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
- ~~(4)~~(5) _____ The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
- ~~(5)~~(6) _____ All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
- ~~(6)~~(7) _____ Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
- ~~(7)~~(8) _____ The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.

(c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:

- ~~(1) Solar energy systems shall only be allowed on a parcel that is five acres or greater in area.~~
- ~~(2)~~(1) _____ Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
- ~~(2) Solar energy systems shall be set back a minimum of 100 feet from all a property lines with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.~~
- ~~(3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.~~
- (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
- (5) The equipment or device may not exceed a height of 15 feet.
- (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
- (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
- (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
- (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.
- (10) _____ The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

~~Sec. 32-458. Community Solar Energy Systems.~~

- (a) ~~Permitted use.~~ A Community Solar Energy System (CSES) as previously defined, and as shown in the Table of Uses, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.
- (b) ~~Performance Standards.~~ Community Solar Energy Systems must comply with all rules and regulations of Federal, State, County and local agencies and must comply with the following performance standards:
- (1) A CSES site shall be located on a lot 20 acres or greater, where lot size is defined consistently with Section 32-246 (e) 4 of this zoning ordinance.
 - (2) The CSES site shall have its primary frontage on a County or State road, and such road shall be used for the exclusive and only access to the facility.
 - (3) If there is a homestead on the neighboring lot, the CSES shall be located at least 100 feet from that side or rear lot line. If there is no homestead on the neighboring lot, the CSES shall comply with the minimum setback requirements in the City Code. The CSES shall be visually screened, as determined by a professional landscaping plan approved by the Planning Commission, from adjacent residential structures, or public rights-of-way.
 - (4) No portion of the structure, or equipment shall exceed twenty (20) feet in height.
- (c) ~~Submissions at time of initial application.~~ In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information:
- (1) ~~Site Plan.~~ A detailed site plan prepared by a licensed surveyor that shows both existing and proposed conditions of the CSES site. The plans shall show the location of all solar arrays, existing and proposed structures, parcel boundaries, setbacks, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment, and any other characteristics requested by the City.
 - (2) ~~Screening.~~ A detailed landscape plan and cross-section plan shall be submitted to demonstrate proposed CSES screening. The landscape plan and cross-section plan shall depict proposed vegetation types, berming, fencing or any other method of screening proposed and corresponding opacity of such screening from both public rights-of-way and any adjacent residential structure.
 - (3) ~~Foundations.~~ A qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
 - (4) ~~Interconnection Status.~~ The interconnection process with Xcel Energy or any other applicable utility shall be submitted and a copy of any formal agreements provided.
 - (5) ~~Power and communication lines.~~ Power and communication lines between banks of solar panels and to electric substation or interconnections with buildings shall be buried underground on premise. Exceptions to this requirement may be permitted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - (6) ~~Meeting standards.~~ All CSES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards.
 - (7) ~~Building permit.~~ A building permit shall be obtained for any CSES prior to installation.

- ~~(8) *Signage.* A signage plan shall be submitted which demonstrates size and location of proposed signage. At a minimum, signage shall be posted at all entrance points to the property the CSES is located and shall include the owner and operator's name, contact information, and emergency phone numbers.~~
- ~~(9) *Decommissioning.* A Decommissioning Plan shall be submitted that includes, at a minimum, the following:

 - a. A cost estimate for decommissioning prepared by a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience.
 - b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.
 - c. Commitment of a financial security in the form of a cash escrow, bond, or irrevocable letter of credit, if requested, and as determined by the City Council, in an amount not to exceed \$15,000 per MW.
 - d. Ensure the disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.~~
- ~~(d) *Change in equipment.* A change in solar related equipment which does not alter the footprint of the CSES, so long as it continues to conform to this ordinance and all conditions of the applicable CUP, does not require an amended CUP.

 - (1) Any minor changes to the footprint of a CSES may be processed through a Certificate of Compliance process, which is subject to the discretion of the zoning administrator.
 - (2) Any significant changes to the CSES, including proposed expansion of MW, alterations to the footprint, or changes to the screening plan may require an amendment to the CUP.~~

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2017.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

DRAFT

AGENDA ITEM 6i

STAFF ORIGINATOR	Kim Points
MEETING DATE	November 6, 2017
TOPIC	City of Grant Rules of Procedure
VOTE REQUIRED	Simple Majority

BACKGROUND

The City Council adopted a City of Grant Rules of Procedure Manual in 2014. The manual has been revised several times.

In an effort to clarify procedures for the City and City Council Members, revisions regarding meeting minutes and use of Town Hall should be considered by the City Council.

OPTIONS

1. Approve the revised Rules of Procedure
2. Make further revisions to the Rules of Procedure
3. Deny revisions to Rules of Procedure



INFORMATION MEMO

Meetings of City Councils

Learn about the open meeting law, taking meeting minutes, scheduling and conducting meetings, including use of parliamentary procedure, audience participation, and regulating attendance of councilmembers. Most principles apply also to city boards, commissions, and other public bodies. Includes table of privileged, subsidiary, and main motions, and links to sample council bylaws.

RELEVANT LINKS:

Moberg v. Indep. Sch. Dist.
No. 281, 336 N.W.2d 510
(Minn. 1983).

Minn. Stat. § 412.191, subd.
1. Minn. Stat. § 645.08 (5).

Minn. Stat. § 13D.04, subd. 7.

Minn. Stat. § 412.191, subd.
2. Minn. Stat. § 13D.04, subd.
1.

Minn. Stat. § 13D.04, subd. 2.
Minn. Stat. § 645.44, subd. 5.

I. Types of meetings and notice requirements

A meeting is a gathering of a quorum of public officials to discuss, decide, or receive information on official matters over which they have authority. The city council exercises its authority when it meets as a group. There are certain requirements for council meetings under state law.

A quorum of a public body is the number of people that must be present before a public body can conduct business. A majority of the members of a statutory city council constitutes a quorum. A majority of the qualified members of any board or commission also constitutes a quorum. Home rule charter cities may have different quorum requirements.

A public body that is subject to the open meeting law must generally provide advance public notice of its meetings and hold them open to the public. The notice requirements depend on the type of meeting. However, if a person receives actual notice of a meeting at least 24 hours before it takes place, all notice requirements under the open meeting law are satisfied, regardless of the method of receipt of notice.

A. Regular meetings

Regular meetings of a statutory city council are held at times established by the council. A council will typically meet once a month on a particular day, although some councils may have regular meetings scheduled more frequently. Home rule charter cities should consult their charters and any council rules concerning the scheduling of regular meetings.

The council must keep a schedule of its regular meetings on file at its primary office. The council should also set an alternate meeting day for any regular meeting day that falls on a legal holiday. If the council decides to hold a meeting at a different time or place from that stated in its schedule of regular meetings, it must generally give the notice required for a special meeting.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

2017 Minnesota Statutes

Authenticate

412.191 MEMBERS; POWERS, DUTIES.

Subdivision 1. Composition. The city council in a standard plan city shall consist of the mayor, the clerk, and the three or five council members. In optional plan cities, except those cities having a larger council under Minnesota Statutes 1994, section 412.023, subdivision 4, the council shall consist of the mayor and the four council members. A majority of all the members shall constitute a quorum although a smaller number may adjourn from time to time.

Subd. 2. Meetings. Regular meetings of the council shall be held at such times and places as may be prescribed by its rules. Special meetings may be called by the mayor or by any two members of a five-member council or three members of a seven-member council by writing filed with the clerk who shall then mail a notice to all the members of the time and place of meeting at least one day before the meeting. The mayor or, in the mayor's absence, the acting mayor, shall preside. All meetings of the council shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish nonattendance and shall be the judge of the election and qualification of its members. **The council shall have power to regulate its own procedure.**

Subd. 3. Publish proceedings; alternative. The council, after every regular or special meeting, shall publish the official council proceedings or a summary conforming to section 331A.01, subdivision 10. As an alternative to publication, the city may mail, at city expense, a copy of the proceedings to any resident upon request. The publication shall occur within 30 days of the meeting to which the proceedings relate. Cities with a population of less than 1,000 according to the latest federal census are not required to comply with this section, but may do so at their discretion.

Subd. 4. Ordinances. Every ordinance shall be enacted by a majority vote of all the members of the council except where a larger number is required by law. It shall be signed by the mayor, attested by the clerk and published once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, conforming to section 331A.01, subdivision 10, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates. Prior to the publication of the title and summary the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type. Proof of the publication shall be attached to and filed with the ordinance.

Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style. "The City Council of ordains:".

Subd. 5. [Repealed, 1976 c 44 s 70]

History: 1949 c 119 s 22-26; 1967 c 289 s 6; 1973 c 123 art 2 s 1 subd 2; 1976 c 44 s 26; 1981 c 219 s 1; 1984 c 543 s 46,47; 1986 c 444; 1989 c 30 s 4,5; 1997 c 7 art 1 s 135; 2004 c 182 s 30; 2016 c 158 art 1 s 182

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CITY OF GRANT



Rules of Procedure For City Council Meetings, Ballfield, Newsletter, Town Hall

& City Consultants

CITY OF GRANT RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS, BALLFIELD, NEWSLETTER, TOWN HALL & CITY CONSULTANTS

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Section 1

MEETINGS

A. Regular

The City Council shall hold regular meetings on the first Tuesday of each month at 7:00 p.m., provided that when the day fixed for any regular meetings falls on a day designated by law as a legal holiday or election, such meeting shall be rescheduled per the City Council.

B. Special

The Mayor or any two members of the Council by writing filed with the Administrator/Clerk may call a special meeting. A special meeting is a meeting that is held at a time or location different from that of a regular meeting. Two Council Members may request a special meeting but a meeting may not necessarily occur.

The City will post written notice of a special meeting on the principal bulletin board, located at the entrance of the City office. The notice will state the date, time place and purpose of the meeting.

In calculating the number of days for providing notice, the first day that the notice is given will not be counted and the last of the notice will be counted. If the last day is a Saturday, Sunday or legal holiday, that day is omitted from the calculation and the following day is considered the last day, unless it happens again to be a Saturday, Sunday or a legal holiday.

Business transacted at a special meeting shall be limited to that mentioned in the posting for the special meeting.

C. Emergency

An “emergency meeting” is a special meeting to deal with a matter that requires immediate consideration of the City Council. A posted notice of an emergency meeting is not required. However, the City must make a good faith effort to notify each news medium and resident that has filed a written request for notice. The notice must include the subject of the meeting. The Mayor or Administrator/Clerk may call an emergency meeting.

D. Place

All meeting shall be held at Town Hall in Grant unless there is a notice designating another location.

E. Presiding Officers

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both, the Council Members shall elect one of their members as temporary chairperson. It is the duty of the presiding officer to preserve strict order and decorum at all meetings of the Council. See sections K and L relating to decorum at all meetings of the Council.

F. Quorum

Three members of the Council shall constitute a quorum at any meeting of the Council.

G. Bylaws: Policies on Meeting Management

A statutory City Council has the power to regulate its own procedures. Councils often regulate their procedures through the formal adoption of bylaws. It is recommended bylaws be adopted as rules set common values and expectations for interactions among Council Members.

The rules of parliamentary procedure apply to council proceedings only if the council formally adopts such rules in its bylaws. The Roberts Rules of Order, Newly Revised is designed for meetings of large bodies and is inappropriate according to the League of Minnesota Cities.

H. Order of Business

At the hour appointed for meeting, the members shall be called to order by the Mayor or Deputy Mayor. Upon the appearance of the quorum, the Council shall proceed to business of the city to be conducted in the established order:

- A. Call to Order
- B. Public Input – Sign in sheet with name, address and topic
- C. Pledge of Allegiance
- D. Approval of Regular Agenda
- E. Approval of Consent Agenda
- F. Staff Agenda (action) Items
- G. New Business
- H. Unfinished Business – Agenda items not completed from the prior Council meeting
- I. Discussion Items – Council/ Staff Updates/Future Agenda Items
- J. Community Calendar
- K. Adjournment

I. Curfew

No additional agenda item will be discussed after 10:00 p.m. Meetings adjourned under this policy will be continued to the next Tuesday at 6:00 p.m. A majority of the Council may extend the meeting beyond the 10:00 p.m. curfew to complete approved agenda items.

If a continued meeting does occur, it will begin at the point on the agenda where the adjournment occurred. No new items will be added to the continued meeting agenda.

J. First Regular Meeting of the Year

At the first regular council meeting in January of each year, the Council must (1) designate the official newspaper, (2) choose a Deputy Mayor, (3) designate the official depository, and 4) make any other annual appoints as necessary.

K. Council Member Seating

The Mayor will always be seated in the center of the Council table. The City Attorney is seated to the far right of the Mayor. Senior Council People may change their seats based on the vacancy of the previous Council seats. When the senior members have chosen their seats, the incoming Council Members may pick their seat. Any seating changes after incoming Council Members have their assigned seats, requires a motion, second and approval of the majority of the Council.

L. Decorum Requirements

Typical rules of decorum require Council Members to:

- Refrain from private conversation while in the Council chamber that interrupts the proceedings of the council.
- Refrain from the use of offensive words, threats of violence, or other objectionable language in or against the council, any Council Member or staff member.
- Limit speech to subject of current debate/agenda item.
- Abide by time limits for speaking.

M. Enforcing Decorum

Council Meetings on important community issues may become contentious very quickly. Establishing rules of decorum before a controversy arises can prevent meetings from becoming unproductive due to conflict. On occasion, however, members of the Council may not follow the rules. On these occasions, the Mayor's role as the meetings

presiding officer is particularly important. When Council Members violate rules of order and decorum, the presiding officer is authorized to:

- Not recognize a breaching Council Member's request to speak, limiting their role in debate until decorum is observed.
- Declare the Council Member's actions out of order.
- Order removal from the Council chambers by law enforcement until the Council Member agrees to abide by Council rules of decorum.

State law also prohibits person, including Council Members from disturbing public meetings, through fighting or threatening words and conduct. Council Members who engage in this unlawful conduct may be charged with a misdemeanor.

N. Audience Decorum, Civility and Enforcement

When appearing at Council meetings, it is understood that everyone will follow these principles: Show respect for each other, actively listen to one another, keep emotions in check and always use respectful language.

Although meetings are open to the public, individuals who are noisy or unruly do not have the right to remain in the Council chambers. When individuals abuse their right to be present in the Council chamber, the Mayor, as presiding officer, should order their removal from the room. If the presiding officer fails to act, the Council may, by motion, second and majority vote issue such an order. The Council has authority to preserve order at its meetings. The Council can use necessary force, including the use of the police law enforcement to carry out the mandate. A person who disturbs a public meeting may be guilty of disorderly conduct. If a person is excluded from a meeting, the Council should provide an opportunity for the excluded person to give his or her interpretation of the exclusion to a designated City staff member to satisfy any due-process concerns.

Section 2

AGENDA FOR REGULAR MEETING

A. Agenda Items

Agenda items for Council meetings are typically action items that require a motion by the City Council. Agenda items are determined by City staff based on action necessary by the City Council to conduct the business of the City. Agenda items can be added upon adoption of the agenda by a motion, second and majority vote of the Council. This is generally discouraged as members of the public may not be aware of these additions.

B. Consent Agenda

The consent agenda is used by many City Councils to help shorten the length of meetings by using time more efficiently. A consent agenda typically groups together many items that are routine and uncontroversial. Although the Council must take action on these items, they do not require further discussion.

Examples of items typically included in the consent agenda are the approval of the minutes, routine expenditures and the final approval of licenses and permits.

The Council generally approves all items on the consent agenda with the passage of one motion. If there is any item on the consent agenda that a Council Member feels warrants further discussion, it is removed by motion, second and majority vote of the Council from the consent agenda and dealt with individually. The item may be placed under New Business on the regular agenda. Questions regarding the consent agenda should always be submitted prior to the meeting by addressing these questions to the Administrator.

C. Addition of Agenda Items

Items not on the agenda are to be brought up under Council or Staff updates to consider for a future agenda.

Upon adoption of the agenda, staff may recommend an additional agenda item if immediate Council action is required.

D. **Public Input**

Individuals may address the City Council about any item not included on the regular agenda during the Public Input portion of the agenda. The Mayor will recognize speakers to come to the podium, signing in to speak is not a guarantee of the opportunity. Speakers will state and write their name and address and limit their remarks to two (2) minutes with five speakers maximum. Generally, the City Council will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda. The Council may also determine an issue should be addressed with the individual and direct the Administrator/Clerk to work with the individual directly, as no Council action would be required.

Section 3

MINUTES

- A. The Administrator/Clerk shall keep a record of all regular Council meetings.

The Council may, by motion carried by a majority of the vote, amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

Minutes for City Council meetings will be action/summary minutes.

B. **Required Contents**

The following items must be included in the minutes:

- The members of the public body who are present.

- The members who make or second notions.
- Roll call vote when required on motions.
- Subject matter of proposed resolutions or ordinance.
- Whether the resolutions or ordinances are defeated or adopted.
- The votes of each member, including the Mayor.

C. **Other Items That Are in the Minutes as Applicable**

The Office of the State Auditor has also recommended that meeting minutes include the following information in addition to the information required by state statute.

- Type of meeting (regular, special, emergency, etc.)
- Type of group meeting (City Council, etc.)
- Date and place the meeting was held.
- Time the meeting was called to order.
- Approval of minutes of the previous meetings, with any corrections.
- Identity of parties to whom contracts were awarded.
- Abstentions from voting due to a conflict and the member's name and reason for abstention.
- Reasons the governing body awarded a particular contract to a bidder other than the lowest bidder.
- Granting of variances and conditional use permits.
- Approval of hourly rates paid for services provided, mileage rates, meal reimbursement amounts, and per diem amounts
- List of all transfers funds requiring Council approval.
- Appointments of representatives to committees or outside organizations.
- Authorizations and directions to invest excess funds, information on investment redemptions and maturities requiring Council approval.
- Time the meeting was concluded.

CITY BALLFIELD

A. Use

Use of the Town Hall ball field is schedule through the City office. It has the practice of the City to allow as many organizations as possible field use. No one organization shall be allowed exclusive use of the ball field.

B. Fee

There is no City fee to use the ball field. The City does provide for mowing and field maintenance within the annual budget.

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
- City of Grant History

TOWN HALL

A. Use

The City of Grant utilizes Town Hall for City Council Meetings, City neighborhood meetings, work sessions and special meetings unless otherwise noted.

Because there is no staff person on site, Town Hall use is not permitted to other groups for meetings.

Prior to the decision to broadcast City meeting on cable and the installation of video equipment, two groups are allowed an annual meeting. Those groups are the Gateway Trail Association and Woodland Acres Homeowner's Association.

B. Fee

There is no fee to the groups to utilize Town Hall for their annual meeting. Scheduling of the meetings shall be coordinated through the City office and allowed if there is no City meeting conflicts. The City Council and City meetings shall take priority in use of the Town Hall. All groups must leave the Town Hall in order and no food is permitted.

C. Use of Video Equipment

No groups are allowed access to the video equipment at Town Hall. Only a trained Video Tech employed by the Cable Commission will be allowed to access the video equipment for City meetings.

CITY CONSULTANTS

A. Consultants

The City utilizes consultants for carrying out the business of the City. General services are provided to the City based on an hourly wage or contracted amount and provided for within the City budget.

B. City Applications/Escrows

Applicants also utilize the service of the consultants at the same fee billed out of the submitted escrow. Typical applications include Conditional Use Permits, Certificate of Compliance, Subdivisions and Variances. Most City applications for various land use submittals require the services of all City consultants. Any funds left over after an application is completed, are returned to the applicant.

C. Use of City Consultants

The City requires that any and all required work relating to land use, engineering and legal services associated with general City business and applications are coordinated through the City office. As consultants bill the City based on an hourly fee, coordination through the City Administrator keeps costs down and eliminates the duplication of work. City Council Members are forbidden from contacting City consultants directly to minimize City costs and submit all inquiries to the City office so information from staff can be shared with all Council Members.

D. Special City Projects

Any special projects requiring the use of City consultants that are outside of typical City business shall be initiated and directed specifically by the majority of the City Council.

E. Performance Reviews

Performance Reviews of the City consultants will be conducted annually by the Administrator/Clerk on a specified date and time. Council Members will be asked to provide written comments, suggestions, etc. to include in those performance reviews. Council Members will also be asked to include written comments relating to the Administrator/Clerk that will be included in the review of the City consultants.

AGENDA ITEM 6ii

STAFF ORIGINATOR	Kim Points
MEETING DATE	November 6, 2017
TOPIC	Administrator/Clerk Job Description
VOTE REQUIRED	Simple Majority

BACKGROUND

The City Council formally approved the Administrator/Clerk Job Description on December 2012 based on actual job duties.

As the Council determined at their September 2017 City Council meeting, Washington County will be administering the 2018 Elections for the City of Grant.

The revised job description for the City position is attached reflecting the strike out of election duties previously performed by the City for the purpose of accuracy.

OPTIONS

1. Approve the revised Administrator/Clerk Job Description
2. Make further revisions to Administrator/Clerk Description
3. Deny revisions to Administrator/Clerk Job Description

ADMINISTRATOR/CLERK

City of Grant

01/08/2013

General Definition of Work

Performs professional and administrative work managing local government operations and activities; ensuring adopted ordinances, resolutions and policies are implemented and consistently applied; maintaining official records; and performing related work as required. Work is performed under general supervision of the local elected governing body. Supervision is exercised over all staff/consultants/volunteers/appointees.

Essential Functions of the Position:

Administrator Duties

- Facilitates agenda and minute preparation for governing board agendas and minutes and for appointed boards and commissions; staffs meetings and directs staff to ensure implementation of adopted policies and direction.
- Works with the governing body to coordinate the establishment and implementation of strategic and long-range plans.
- Helps with preparation and submittal of a proposed budget to the governing body and various boards and commissions.
- Reviews and prepares written reports and recommendations for the governing body and various boards and commissions.
- Meets with various citizen groups or individual citizens; responds to requests for information; handles complaints using policy guidelines.
- Provides recommendations to the governing body on the employment, direction and removal/replacement of consultants/contractors/volunteers/appointees.
- Supervises consultants/contractors/volunteers/appointees; establishes and communicates performance expectations; coaches and develops staff; and regularly evaluates staff performance to ensure accountability.
- Supervises and serves as liaison to the City Council for all boards and commissions established under Council guidance and City policies.
- Develops and implements administrative rules, policies and procedures, for review and if approved, adoption by Council.
- Coordinates and manages consultant service agreements for contracted functions and special projects.

- Responds to all questions from residents, applicants and developers regarding zoning, land use applications and all permitting requirements, referring cases to appropriate consultants as legal, planning and engineering issues warrant.
- Oversee maintenance of office equipment and replacement of office equipment, City real estate and related administrative assets in conjunction with appropriate vendors as directed by Council.
- Oversee the City's recycling program
 - a. Participate in negotiations for contract renewal with recycling vendor.
 - b. Submit required recycling and grant reports to Washington County
 - c. Responds to resident questions and complaints.
 - d. Continue to promote the City's recycling grant program.
- Performs related tasks as required and directed by the City Council.

Clerk Duties

- Provides for recordings and filings of all official proceedings and noticing regular and special meetings and public hearings.
- ~~• Supervise all elections according to state statutes.

 - a. Publications of all legal notices
 - b. Administer candidate filing and campaign financial reporting.
 - e. Certify candidates, ballot questions and election results to Washington County.
 - d. Recruit and train election judges; recommend for appointment by City Council.
 - e. Conduct diagnostic testing and coordinate maintenance, programming and operation of voting equipment.
 - f. Organize and prepare the precinct(s) and polling places.
 - g. Work with Washington County to manage absentee ballot process and voter registration files.
 - h. Responsible for all election supplies.
 - i. Supervise all election day procedures and activities
 - j. Prepare, submit and administer budget for Elections and City Clerk election activities.~~
- Oversees the maintenance of financial books and recording of funds; receipting of payments; preparation of vendor claims.

Specific Clerk Duties

- Receive all correspondence and mail for the city and sort and distribute mail to City Council, Mayor and City consultants as appropriate.
- Receive citizens, City Council Member and consultant inquires and responds to said inquires in a timely manner. Route calls when appropriate to proper City resources, i.e. Attorney, Building Inspector, Planner or Engineer.
- Prepare City Council, all board and commission agendas and packets.

- Prepare, post and publish meeting notices for the City Council, various boards and commissions.
- Prepare with direction from the City Council, if necessary, responses to Washington County or any other state or federal agency inquiries utilizing City consultant resources where necessary.
- Maintain all applicable license, process applications and forward information to the appropriate governmental entity. Maintaining a history and payment schedule for same.
- Gather and prepare information to be sent to the web master for placement on the official City website and update the cable television programming on a timely basis per City policy. Post appropriate data and information to the City website as directed by the Council.
- Maintain in the Clerk's office a true record of all proceedings, including the taking of minutes at City Council, board and commission meetings.
- Maintain and process applications for land use requests, certificates of compliance and any permitting required by the City. Maintain a record of escrows taken for all purposes including land use applications.
- Maintain a record of all ordinances passed by the City Council in an ordinance book and coordinate with the City Planner or appropriate consultation to maintain codified ordinances.
- Maintain a master file of Conditional use Permits issued by the City.
- Record all book keeping transactions of the City in a timely manner.
 - a. Process and post all vendor invoices, supervise/instruct consultants and vendors in correction billing and City record keeping requirements.
 - b. Prepare a monthly disbursements list for review by the City Council.
 - c. Process and post all payroll and direct disbursements.
 - d. Prepare checks and distribute to vendors and contractors.
 - e. Receive and safely keep all money belonging to the City that is processed through the City office.
 - f. Deposit all money received in the City's official depository.
 - g. Receive fees, miscellaneous revenue and other payments due to the City and provide a receipt for all cash transactions.
- Maintain and take custody of the seal, records, books, papers, backup computers systems of the City and file and safely keep all papers required by law to be filed in the Clerk's office. Work cooperatively with the City Treasurer and Investment Advisor on financial data. Sign all official papers as required.
- Facilitate the annual audit and work cooperatively with the City's official Audit firm.
- Deliver on demand all books, records and property belonging to the Clerk's office and all money in the Clerk's possession to a qualified successor or the Mayor.
- Take and certify acknowledgments and administer oaths.
- Notary, to be used to notarize official City documents.

Knowledge, Skills and Abilities

- Customer Service
 - Knowledge of principles and practices of customer relations to be able to provide a high level of customer services by responding to verbal and written inquires
 - Ability to communicate policies and procedures and provide records information to the public and other agencies as requested.
 - Knowledge of City programs, functions, and services in order to efficiently respond to public inquiries.
- Administrative Skills
 - Knowledge of election laws and procedures; ability to train and supervise election judges.
 - Knowledge of City licensing ordinances, including liquor, business, CUP's and COC's.
 - Ability to organize and manage files and records in written and electronic form; knowledge of records retention practices and mandates. Ability to maintain integrity of City records, databases and information pursuant to federal, state and local statutes and policies.
 - Ability to gather data, assemble, analyze, formulate and prepare correspondence and reports.
 - Ability to maintain confidentiality.
 - Knowledge of modern office procedures, practices, and systems such as word processing. Ability to operate various types of equipment.
- Communication
 - Ability to deal tactfully and effectively with the general public, citizens, contract personnel, contractors, appointees, volunteers and outside agencies within boundaries of accepted professional standards.
 - Ability to establish and maintain working relationships with others.
 - Ability to communicate clearly and effectively, both orally and in writing.
 - Skill in property grammar, sentence structure, paragraphing, punctuation and spelling.
- Work Management
 - Ability to establish specific goals and plans to prioritize, organize and accomplish assigned duties with minimal supervision.
 - Ability to analyze facts and exercise sound judgment in arriving at conclusions.
 - Ability to produce quality, accurate work. Must be able to detect and correct errors.
 - Ability to meet deadlines.
- Supervisory Skills
 - Ability to analyze, coordinate, prioritize, schedule, assign and supervise workloads and projects.
 - Ability to measure and promote performance improvement of consultants and contractors through effective management and leadership.
 - Ability to recommend the hire and discipline of consultants and contractors through accepted practices.

- Ability to enforce rules and procedures for efficient management and safe and acceptable work performance.

Education and Experience

Graduation from an accredited college or university with major coursework in public or business administration or equivalent combination of education and experience, and considerable experience in local government operations rendering a major portion of working experience.

Physical Requirements

Sedentary work requiring the exertion of 10-30 pounds to move objects; work requires fingering, grasping and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word, and conveying detailed or important instructions to others accurately, loudly, or quickly; hearing is required to perceive information at normal spoken word levels, and to receive detailed information through oral communications.

Special Requirements

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.

Possession of a driver's license valid in the State of Minnesota.

AGENDA ITEM 6iii

STAFF ORIGINATOR	Kim Points
MEETING DATE	November 6, 2017
TOPIC	City Consultant Contract Extensions
VOTE REQUIRED	None

BACKGROUND

The City Council approved City Consultant Contracts for Planning, Legal and Engineering in December 2014 for a contract period of three years. The contracts outlined services and a fee that included increases for a three period. Those contracts expire December 31, 2017.

Staff will note the actual budget line items for these services are a separate budget matter and are reviewed and approved annually. The contracts have no impact on the 2018 budget line items for either engineering, planning or legal.

Staff is requesting Council direction in relation to providing updated contracts for engineering, planning and legal services for Council consideration at the December 2017 City Council Meeting.

City of Grant recommended additions to Senate bill SF 1837 amending Minnesota Statutes 2016, section 123B.51

City of Grant, Mayor and Council are concerned this current bill doesn't regulate commercial waste transfer stations currently operating in close proximity to our own Wildwood elementary. Environmental activists have historically and specifically named the Bellaire commercial waste transfer station for the contamination of the Wildwood school site, so active sites should be addressed for the purposes of Health, Welfare and Safety of those most vulnerable citizens; our children.

Remarkably, no mention of the Wastebusters commercial waste transfer station currently operating 100 yards from Wildwood school property has been made. The overhead photos and drawings submitted to the Senate in support of the original SF1837 amendment omitted this crucial detail by not showing this commercial waste transfer station operating on the corner of 75th and Jamaca, see attached aerial.

To remedy this oversight, the Grant City Council urges the Senate sponsor(s) to include the following language or similar to the proposed bill. This amending language will protect schools from any environmental degradation and contamination from these active commercial waste transfer stations operating in close proximity to schools.

“ All commercial waste transfer operations, dumps, landfills or other similar operations involving the transporting, sorting, dumping or recycling of waste materials within ½ mile radius of school property shall have the following reporting and oversight requirements. Once per year, independent ground testing of the site and any pond or pooled runoff waters shall be mandated, results sent to the MPCA and School district, annual aerials of the site to be taken and submitted to MPCA and the School district, no burning permits shall be issued to such sites and absolutely no burning of any kind will be allowed on these sites. A yearly review of State and Federal environmental rules shall be conducted at the site to ensure the materials are handled properly and professionally. City, State or Federal staff to ensure the Health, Welfare and Safety of these sites, especially those contiguous to school property, may carry out onsite inspections at any time during business hours no notice required. City, County and State retain the right to regularly review permitting documents CUP's or other permissions for compliance and adherence to Health, Welfare and Safety regulations as well as compliance with permitted conditions.”

Jeff Huber
Mayor of Grant

Larry Lanoux - Councilman

Tom Carr – Councilman

Dennis Kaup - Councilman

Loren Sederstrom - Councilman





Map Satellite

Google

lat: 45.058724° lng: -92.925416°

Gateway State Trail

Gateway State Trail

Gateway State Trail

Jamaca Ave N

Jamaca Ave N

Map data ©2017 Google Imagery ©2017 | 3 m

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June 29, 2012

Senator Ray Vandaveer

Minnesota State Senate

75 Rev. Martin Luther King Jr. Blvd.

Capital Building Room 328

Saint Paul, Minnesota 55155

Dear Senator Vandaveer,

We are writing to inform you of and ask assistance with a situation that impacts our City and many small communities within the State. As you are aware, the State collects approximately \$823 million in fuel taxes per annum (2010 figure), projected to increase to \$878 million by 2015. This tax is paid by every fuel user in the state and it is fair that the payment of such a consumption tax would proportionally benefit the consumers paying the tax.

Sadly in Minnesota this is not the reality for small communities and taxpayers who live in those communities. While fuel taxes were originally earmarked for state wide road construction and maintenance, these funds are not reimbursed to cities with less than 5,000 in population.

Smaller communities like the City of Grant, with a population of approximately 4,100 with responsibility for 59.92 miles of roads receive essentially no resident paid fuel taxes back in order to maintain our roads. Our community effectively exports our fuel tax funds to larger communities subsidizing other community road systems while unfairly burdening our residents.

A prime example of this policies impact being a recent project where the City of Grant spent \$20,000 (1.7% of our budget) to take part in a local paving project with two other local municipalities (costs equally shared). Together these two governmental units received approximately \$570,000 in state fuel tax reimbursements while our residents paid into the fuel tax fund subsidizing these other communities' road systems.

We respectfully request this situation be addressed during the next Minnesota House session as our City can no longer afford to subsidize the road systems of larger communities in our state.

Thank you for your prompt attention to this matter.

7 Research Question Submission

⁶ Thank you for submitting a research question to the League of Minnesota Cities. The League's Research Staff will begin working on it as soon as possible.

You submitted the following information:

First Name: Larry
Last Name: Lanoux
Position: Councilman
City: Grant
Phone: 651-485-7574
Email: llanoux@cityofgrantmn.us
Date Submitted: Wednesday, October 18, 2017

Question submitted:

Review of the October 3 2017 city council meeting Mayor Jeff Huber stated that he will not honor his campaign promise to get the legislature to lower the gas tax for cities from 5,000 residents to 4,000 residents. Mayor Huber stated that the position of Mayor is only a part time job for which he is paid . He indicated that he did not have the time to take away from work and his family. Huber stated that the LMC is the lobbying arm for the city of Grant. My question to the LMC. Is it legal for an elected official to set on a cable commission which hhe voted to appoint himself to for the City of Grant and receive a free cable and internet package worth approximately \$2,400.00 annually ? As a cable commissioner on the budget committee Mayor Huber voted to eliminate public access cable programs and religious cable programs leaving only Government channels which is the only purpose left to sit on the cable commission and negotiate for the franchise rights for the citizens of Grant. It has no voice in regular channel programing and nor internet services. As an elected official representing the city of Grant it appears that he voted in Comcast Cables best interest and his political career, not the city of Grant when he voted to remove public acces programing to limit an alternative means for citizens access to voice their opinions about local government. He also voted agaist religious cable programing under the guise that both cost the Comcast Cable monies to operate. I find it ironic that surrounding Comcast cable such as in the Stillwater Valley network which has a smaller network still offers these sevicees which are part of the negociated franchise right just as in the Grant to have exclusive cable rights in the cities . Free PEG services which stand for Public Access Education and Government are part of the contract at no cost to residents of the city. Did Mayor Jeff Huber vote in the citizens interest or in his best interest to limit being exposed for his actions as a public official? Why is the public comment turned off the cable recording for the citizens of Grant during council meetings. Is legal for the city of Grant to open a council meeting and not record the entire meeting? Why if it is a burden to sit as mayor of Grant as a part time job is he allowed to set on a time consuming cable commission when that negotiating position could be held by a resident of Grant which would not give the appearance of receiving graft for holding an elected position? As stated by Mayor Jeff Huber the LMC is the lobbying body for the city of Grant. Would the LMC lobby this sesion to makke sure that elected city officials only be allowed the free PEG services that the citizens of Grant are offered. Are the current elected officials collecting free cable and internet services required to file for \$ 2,400.00 cable package on their taxes and are they given a IRS1099 form to claim? And if not will the LMC lobby to make sure elected officials not serve on a body that the citizens could set on so as to make sure that they vote in the citizens best interest not the elected officials own political career. Elected officials voting against

public access and religion is not in the citizen of Grants best interest. it limits and controls the voice of the press and citizens. Note that removing public access and religion was voted upon 6 months prior to the last election which had a positive effect on Jeff Hubers campaign by restricting opposition through public access programming . Please consider your lobbying efforts in the legislature to restrict any elected official from receiving cable services exceeding that which is offered free as part of the negotiated PEG services and check to make sure that each elected official claimed the annual \$2,400,00 for each year they served on the cable commission on their tax returns. All comcast customers pay taxes on their bills to provide peg services . Will the LMC lobby for legislation to provide all PEG services which include public access and religion? And if not why? Lets take the appearance of graft out of elected officials serving on cable commission or any other commission for which they are compensated for when they vote at a council level to appoint themselves to set on these positions. Thank You Larry Lanoux

ZONING

§ 32-245

USE	ZONING DISTRICT				
	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) P = Permitted C = Conditional use permit and public hearing CC = Certificate of compliance A = Permitted accessory use N = Not permitted					
Clubs or lodges.	N	C	C	C	C
Cluster developments.	N	N	N	N	N
Commercial recreation.	C	C	C	C	C
Commercial schools.	N	N	N	N	C
Convents.	N	C	C	C	N
Disposal areas—liquid waste.	N	N	N	N	N
Disposal areas—solid waste.	N	C	N	N	C
Disposal areas—solid and liquid waste.	N	N	N	N	N
Domestic pets.	P	P	P	P	N
Drive-in business.	N	N	N	N	N
Essential services—government uses, buildings and storage.	C	C	C	C	C
Essential services—transmission services, buildings and storage.	C	C	C	C	C
Explosives—manufacture, storage. (See section 32-324.)	N	N	N	N	N
Explosives—utilization. (See section 32-324.)	N	C	C	N	N
Farm.	See "Agriculture"				
Farm equipment sales.	N	N	N	N	C
Feedlots, commercial. (See sections 32-337 and 32-345.)	N	C	N	N	N
Fences. (See section 32-315.)	A	A	A	A	A
Flammable gases and liquids, business/distribution.	N	N	N	N	N
Forests.	P	P	P	P	C
Fuel sales.	N	N	N	N	C
Funeral homes.	N	N	N	N	N
Garage, private. (See section 32-313.)	A	A	A	A	N
Garage—Repair.	N	N	N	N	C
Garage—Storage.	N	N	N	N	C
Golf courses and country clubs.	N	C	C	C	N
Grading.	See section 32-342				
Greenhouses (commercial production only).	N	C	C	C	C
Guest house. (See section 32-326.)	N	N	N	N	N
Gun clubs.	N	C	C	N	N
Gun ranges.	N	N	N	N	N
Home occupations (meeting criteria).	CC	CC	CC	CC	N
Home occupations (not meeting criteria).	N	C	C	C	N
Horse boarding and training facilities.	P/C	P/C	P/C	P/C	N
Hotel or motel.	N	N	N	N	N

City Council Report for October 2017

To: Honorable mayor & City Council Members

From: Jack Kramer Building & Code Enforcement Official

Zoning Enforcement:

1. Mr. Janis Kangis 9700-60th. St. N. Violation of the City of Grant Zoning Ordinances. Section 43-337 Livestock (g) Grazable Acres.

a. The City received a formal complaint that Mr. Kangis is boarding more horses than which is allowed by the zoning ordinance. The property which was used to graze the horses was subdivide into new ownership and intern changed the grazable acreage.

Currently Mr. Kangis has 57 horses being boarded on 20 Acres. I sent a letter dated October 8,2017 indicating the violation and the need to conform to the zoning ordinance requirements..

Building Permit Activity;

Twenty –Three 923) Building Permits were issued for a total valuation of \$ 310,173.71

Respectfully submitted,



Jack Kramer

Building & code Enforcement Official

Grant Master Form								
Permit	Permit Type	Name	Project Address	Date Issued	Valuation:	City Fee:	75%	Plan CK Fee:
2017-328	Egress Windo	Rank	11495 Grenelef Ave.	10/6/2017	5,000.00	111.25	83.43)	
2017-329	Re-Roof	Gengler	6291 Jasmine Ave. N	10/6/2017	13,000.00	223.75	167.81	0
2017-330	Re-Roof	Rodlund	7655 Lake Elmo Ave	10/7/2017	8,100.00	167.25	120.93	0
2017-331	Re-Roof	Weiler	10360 Jody Ave.N.	10/8/2017	23,024.00	363.24	272.43	0
2017-332	Re-Roof	Kraemer	10070-67th. St. N.	10/10/2017	11,600.00	209.25	156.93	0
2017-333	Re-Roof	Johnson	10065 Idigo Trail	10/10/2017	5,000.00	111.25	83.43	0
2017-334	Re-Roof	Tomi	9440-71st. N.	10/10/2017	13,200.00	237.25	177.93	0
2017-335	Re Roof	Hessler	8120 Jody Ave.N..	10/10/2017	13,120.00	237.25	177.93	0
2017-336	Re-Roof	Krinke	11797-97th. St. N.	10/10/2017	13,000.00	223.75	167.81	0
2017-337	Re-Roof	Hackanson	8666 Jamaca Ave. N	10/10/2017	11,550.00	209.25	156.93	0
2017-338	Windows	Anderson	8275-114th. St. N.	10/10/2017	11,891.00	209.25	156.93	0
2017-339	Re-Roof	Sieben	11855 Isleton Ave. N	10/10/2017	40,000.00	543.25	407.43	0
2017-340	HVAC	Leick	11100 Jasmine Ave.	10/10/2017	N/A	80.00	60	0
2017-341	Re-Roof	Seidl	10005 Indigo Trl. N.	10/11/2017	9,200.00	181.25	135.93	0
2017-342	Re-Roof	Asmus	10517-118th. St. N.	10/11/2017	15,222.00	265.25	198.93	0
2017-343	Re-Roof	Phalz	9496-60th. St. N.	10/11/2017	16,800.00	279.25	209.43	0
2017-344	Re-Roof	Malin	10514-118th. St. N.	10/11/2017	25,119.00	401.85	301.38	0
2017-345	Re-Roof	Stewart	10152-119th. St. N.	10/12/2017	11,110.00	209.25	156.93	0
2017-346	Re-Roof	Hintz	10380-60th. St. N.	10/12/2017	18,000.00	311.25	233.43	0
2017-347	Re-Roof	Rice	10745 -119th. St. N.	10/12/2017	12,600.00	229.55	167.43	0
2017-348	Re-Roof	Kleck	11108 Manning Trl. N	10/13/2017	10,000.00	181.25	135.93	0
2017-349	Re-Roof	Spelts	10799-88th. St. N.	10/13/2017	12,537.71	223.27	167.45	0
2017-350	Re-Roof	Beiesdorf	7059 Jamaca Ave. N	10/13/2017	11,100.00	195.20	146.4	0
					310,173.71	5,403.36	4043.16	

NEWS > GOVERNMENT & POLITICS

Federal judge dismisses Grant City Council member's lawsuit

By **MARY DIVINE** | mdivine@pioneerpress.com | Pioneer Press

September 13, 2017 at 5:24 pm

A federal judge has dismissed a lawsuit filed against the city of Grant by a member of its city council.

In his suit, Larry Lanoux, a longtime resident and community activist and a council member since 2014, claimed Mayor Jeffrey Huber and a current and former council member “punished,” “defamed” and “maliciously prosecuted” him after he raised concerns about a new school, Wildwood Elementary, being built near a toxic waste site.

The school opened in 2013.

Timothy and Sheila DeWuske, who live in Mahtomedi, joined Lanoux in the suit, which was filed in U.S. District Court in Minneapolis. The three were seeking damages in excess of \$900,000.

In a strongly worded nine-page order, Judge Paul Magnuson wrote that in their suit, Lanoux and the DeWuskes failed to prove they had been defamed or conspired against or had their constitutional rights violated.

“Plaintiffs are unable to come forward with specific examples of the defamation they allege,” Magnuson wrote. “Their failure to set forth even a single specific defamatory statement is fatal to their claim, and it is therefore dismissed with prejudice.”

Magnuson added that the three had “utterly failed to state a claim on which relief can be granted ...”

Huber said he and others in Grant welcomed Magnuson’s “critical and thorough review ... of these spurious claims.”

“We’ve been looking forward to this for years,” he said. “He totally exonerates us of every last allegation they made and ... clearly admonishes the lack of evidence and supporting facts. None of the myriad claims these people made can be substantiated at all, as (Magnuson) makes quite clear.”

Huber said he hoped Magnuson’s dismissal would be the end of the city’s legal ordeals involving Lanoux.

“All of these lawsuits come at the cost of our city’s reputation, and the judge has made it very clear that our reputation should not be sullied by these accusations,” Huber said. “I fervently hope this is the end of it, and we can get back to business.”

But Lanoux said he is not done fighting City Hall, literally.

“Not by a long shot,” he said. “I was denied my civil rights, I was not offered my due process, and I was never allowed to speak on my defense. Was I defamed? Yes. Was I denied due process? Absolutely.”

Lanoux said Magnuson “erred on the side of the government because government fails to hold other government bodies accountable.”

He also said the judge should have allowed the defendants to be sued individually.

“We can bring them back individually for the same charges because the judge did not look at them as individuals,” he said. “I’m talking to an attorney as we speak. They still have to be held accountable. They can still be taken back to court for slander or libel.”

In the meantime, he said he will be pursuing legislation that would prohibit school construction near former landfills. The legislation also would require parental notification if the level of toxins at a school site exceeds residential levels, he said.

Tags: [Washington County](#)

Mary Divine **Mary Divine**

Mary Divine is a reporter for the St. Paul Pioneer Press. She covers Washington County and the St. Croix River Valley, but has also spent time covering the state Capitol. She has won numerous journalism awards, including the Premack Award and the Minnesota Society of Professional Journalists' Page One Award. Prior to joining the Pioneer Press in 1998, she worked for the Rochester, Minn., Post-Bulletin and at the St. Joseph, Mo., News-Press. Her work has also appeared in a number of magazines, including Mpls/St.Paul Magazine, Twin Cities Business Monthly and Minnesota Magazine. She is a graduate of Carleton College and lives in St. Paul with her husband, Greg Myers, and their three children, Henry, 16, Frances, 14, and Fred, 11.

Follow Mary Divine @MaryEDivine



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If you can relate to this video, it's time for a new job.

By **MONSTER**

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