

**City of Grant
City Council Agenda
February 6, 2018**

The regular monthly meeting of the Grant City Council will be called to order at 5:00 o'clock p.m. on Tuesday, February 6, 2018, 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. January 2, 2018 City Council Meeting Minutes
- B. January 2018 Bill List, \$39,580.64
- C. Washington County Sheriff, July-December 2017 Police Services, \$61,493.51
- D. Stillwater Area Hockey Association, Premises Permit, Cozzie's

5. STAFF AGENDA ITEMS

- A. City Engineer, Brad Reifsteck (no action items)
- B. City Planner, Jennifer Haskamp (no action items)
- C. City Attorney, Dave Snyder

- i. Amendment to Town Hall Use Policy

6. **NEW BUSINESS**

- A. Consideration of Franchise Extension Agreement

7. **UNFINISHED BUSINESS**

8. **DISCUSSION ITEMS** (no action taken)

- A. Staff Updates (updates from Staff, no action taken)

- B. City Council Reports/Future Agenda Items

9. **COMMUNITY CALENDAR FEBUARY 7 THROUGH FEBRUARY 28, 2017:**

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

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

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

10. **ADJOURNMENT**

CITY OF GRANT
MINUTES

DATE : January 2, 2018
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:57 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Dave Snyder; City Planner, Jennifer Swanson; City Engineer, Brad Reifsteck; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

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

PUBLIC INPUT

(1) Mr. John Wallard, Rice Creek Watershed District, came forward and commented on the City's storm water plan and taxes that are paid to the Watershed District.

(2) Mr. Bob Tufty, 6365 Jasmine, came forward and stated residents do not require burn permits as there are three inches of snow on the ground and requested those that are burning to contact their Fire Department.

(3) Mr. James Drost, 8682 Jamaca Ave N, came forward and commented on harassment and the use of brut force.

PLEDGE OF ALLEGIANCE**SETTING THE AGENDA**

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

CONSENT AGENDA

December 5, 2017 City Council Meeting Minutes Approved

December 2017 Bill List, \$44,611.66 Approved

H & R Construction, Guard Rail, \$34,305.75 Approved

2018 Tort Liability, City DOES NOT Waive

1 Monetary Limits

Approved

2
3 2018 Clerk Pay per Approved 2018 Budget

Approved

4
5 **Council Member Lanoux moved to remove December 5, 2017 Meeting Minutes, 2018 Tort**
6 **Liability and 2018 Clerk Pay from the consent agenda. Council Member Sederstrom seconded**
7 **the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**

8
9 **Council Member Carr moved to approve the consent agenda, as presented. Council Member**
10 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
11 **voting nay.**

12
13 City Attorney Snyder advised the Council should be asking routine questions prior to the meeting and
14 all Council Members should look at their approach for discussion. Voices get raised and attacks are
15 made. Council Members should speak one at a time and not interrupt each other. There is a better
16 way for discussion.

17
18 **STAFF AGENDA ITEMS**

19
20 **City Engineer, Brad Reifsteck (no action items)**

21
22 **City Planner, Jennifer Swanson**

23
24 **Consideration of Resolution No. 2018-01, Variance Request for Wetland Setbacks, 8636**
25 **Kimbrow Lane North** – City Planner Swanson The Applicant and Owner (“Applicant”), Ronald
26 Gillaspay, has requested a variance from wetland setbacks for installation of a new mound septic
27 system on the property located at 8635 Kimbro Lane North. The existing septic system which serves
28 the property has failed, and therefore the system must be replaced to safely serve the home. The
29 Applicant has been working with a septic designer that identified the only suitable location on the lot
30 given lot dimensions and presence of wetlands. The septic designer informed the Applicant that a
31 variance from wetland setback would be needed from the City and that such application should be
32 made as soon as possible given the failing system and season (winter).

33
34 A duly noticed public hearing was held at the regular Planning Commission meeting on December 19,
35 2017 at 6:30 PM. Individual property owners within ¼-mile of the subject application were sent a
36 letter informing them of the public hearing and a notice was placed in the official newspaper. There
37 were no members of the public in attendance, and no written or verbal testimony was given on the
38 subject application. After a brief presentation by staff, and discussion by the Planning Commission,
39 the Planning Commission unanimously recommended approval of the requested variance with draft
40 conditions to the City Council for consideration at the January meeting.

41
42 The staff report is generally as presented to the Planning Commission in December. The draft
43 conditions as recommended by the Planning Commission are included within the draft resolution
44 attached to this staff report.

Applicant & Owner: Ronald T. Gillaspy	Site Size: 1.25 Acres, and vacant lot – 1.79 Acres (3.04 Acres Total) Location: 8635 Kimbro Lane North (also own, and part of application, 2303021130008) Existing Home: Constructed in 1963 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 which is supported by the Septic Designer's memo contained within the Applicant's submittal. According to the Applicant's narrative the only location on site that the septic designer could find that would 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.

City Planner Swanson advised 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.

The subject property is located in the Glen Oak Terrace subdivision which was platted in the early 1960s. All of the lots within the subdivision range in size between approximately 1.0 and 3.0 acres, and are all oriented around a loop road (Kimbro Lane). The subject parcel(s) are oriented to the northeast of the northerly curve of Kimbro Lane with primary frontage along the southerly boundary of the subject parcel(s). Per GIS records, the existing homestead is setback approximately 70' from Kimbro Lane, and 17.5' from the northerly property line. The lot containing the home is heavily vegetated and includes wetland and ponding areas south of the existing home and northeast of the home according to GIS records. The vacant lot north of the subject lot is currently vacant with no structures. The lot includes a large wetland complex covering the entire southeastern corner of the property and is heavily vegetated along the western edge of the property.

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'	50' +/-	25' +/-	There is a large wetland and ponding area that is on both the subject lot and the adjacent vacant parcel where the proposed new septic system will be located. Given the extents of the wetland and ponding area, the only available location for a new septic system will encroach in the required wetland setback.
Wetland Buffer	50'	45' +/-	5-10' +/-	The no-grade/no-touch buffer is measured from the wetland edge. While the proposed system will be setback the full 50' from the estimated wetland edge, staff believes that the slope of the mound may encroach into the buffer, and some encroachment may also occur during construction. Staff provided an estimate of anticipated encroachment assuming normal construction activities.

The Applicants' lot was created in the 1960s and the existing home was constructed in 1963. 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 even when considering the lot in conjunction with the adjacent parcel (Parcels considered collectively are 3.04 Acres). 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. 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 new standards for septic systems as identified by Washington County.

The Applicant did not provide correspondence from Washington County's Environmental Services staff; however, the Applicant's septic designer did identify why the proposed location is the only available area on the site to construct the new system. Staff will contact Washington County for their review/comment prior to the Planning Commission meeting, and if available will provide a verbal update to the planning commission at the meeting.

1 The Applicant has provided a copy of the soil borings and testing completed for design and
2 installation of the new system. A copy of this information is available at the City Offices for review
3 and consideration. The Applicant will submit this information to Washington County for review and
4 approval since they are the permitting authority for the City for new septic systems.

5
6 City Planner Swanson noted the site is located in the Browns Creek Watershed District, and the
7 Applicant indicated in their narrative that they have contacted them for their comment and review. It
8 is the Applicant's responsibility to obtain any required BCWD permits prior to construction and
9 installation of the new system. As referenced previously, the Applicants must obtain a permit from the
10 Washington County Department of Public Health and Environment prior to installation of the system,
11 as they are the permitting authority for new and replacement septic systems in the City.

12
13 As recommended by the Planning Commission, staff has prepared the attached draft resolution of
14 approval with conditions of the requested variance for your review and consideration.

15
16 **Council Member Lanoux moved to adopt Resolution No. 2018-01, as presented. Council**
17 **Member Sederstrom seconded the motion. Motion carried unanimously.**

18
19 **Consideration of Ordinance No. 2017-56, Lot Frontage** – City Planner Swanson stated at the
20 regular November City Council meeting, the City Council considered an application for a variance
21 from frontage for an Existing Lot of Record. Through the course of the discussion, the Council
22 determined that the codified ordinance language was not clear, and did not reflect the intent of the
23 originally adopted ordinance language contained within Ordinance 50. Based on the discussion, the
24 City Council directed the Staff to develop a draft revision of the ordinance, and to introduce and
25 review the proposed language at a Planning Commission meeting where a duly noticed public hearing
26 would be held. Staff understood the City Council's direction regarding draft amended language to
27 include revisions to Section 32-246 (b) of the following:

- 28
29 ■ **Frontage** – The City Council generally agreed that the intent of subsection (b) was to include
30 an exception for lot frontage provided that the existing lot of record in question could meet the
31 other lot dimensional requirements of section 32-246 (i.e. is a minimum of 2.5 acres, has
32 adequate area for a septic system, setbacks, etc.) as previously stated in Ordinance 50. Since
33 the codified language is silent on frontage, the City Council directed staff to draft an
34 amendment to the code language to include an exception for frontage.
- 35 ■ **Clean up references to subsections** – The codified language has errors in subsection b(2) and
36 did not correctly codify the ordinance; this should be corrected.

37
38 The Planning Commission considered the draft ordinance reflecting the above stated amendments,
39 and held a duly noticed public hearing on December 19, 2017 at 6:30 PM. There were no members of
40 the public in attendance at the meeting, and no written testimony was received. After a brief
41 presentation by staff, and discussion by the Planning Commission they unanimously recommended
42 approval of the draft ordinance as amended to include a reference to lot depth.

1 City Planner Swanson advised staff has prepared the attached Draft Ordinance 2017-56 which amends
2 Chapter 32 for your review and consideration.

3 City Planner Swanson clarified that the draft ordinance is a direct result of the previous variance
4 application. There are two 5-acre parcels that are lots of record and did comply with the ordinance at
5 that time. This ordinance revisions does not come into play with new subdivisions. There will be a
6 private driveway easemeny for the property associated with the previous variance application. The
7 City's driveway ordinance also needs clarification but the City is required to allow access to lots of
8 record

9
10 **Council Member Kaup[moved to approve Ordinance No. 2017-56, as presented. Council**
11 **Member Carr seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
12 **voting nay.**

13
14 **Consideration of Resolution No. 2018-02, Summary Publication of Ordinance No. 2017-56 –**
15 **City Planner Swanson stated Resolution 2018-02 provides approval of a summary publication of**
16 **Ordinance 2017-56.**

17
18 **Council Member Carr moved to adopt Resolution No. 2018-02, as presented. Council Member**
19 **Kaup seconded the motion. Motion failed with Council Member Lanoux and Sederstrom**
20 **voting nay.**

21
22 City Attorney Snyder advised publishing a summary ordinance is efficient and saves tax dollars. He
23 requested the Council that doesn't support summary publications consider it be noted they object to
24 the ordinance but do allow the summary publication.

25
26 **City Attorney, Dave Snyder (no action items)**

27
28 **NEW BUSINESS**

29
30 **Consideration of Resolution No. 2017-22, Summary Publication of Ordinance No. 2017-55 –**
31 **Staff advised Resolution No. 2017-22 authorizes a summary publication of Ordinance No. 2017-55.**

32
33 **Council Member Carr moved to adopt Resolution No. 2017-22, as presented. Council Member**
34 **Kaup seconded the motion. Motion passed with Council Member Lanoux voting nay.**

35
36 **Consideration of Ordinance No. 2018-57, 2018 Fee Schedule –** Staff advised the City's fee
37 schedule is adopted annually by ordinance and requires publication. No major fee changes to the City
38 applications or escrows are being recommended at this time.

39
40 Staff is recommending a language change to the grading permit escrow to state that the escrow is
41 required. The escrow will be in place to cover any inspection costs and/or enforcement issues. The
42 amount of the required escrow will be determined by the City Engineer per the actual grading project.

1 Council Member Carr moved to approve Ordinance No. 2018-57, as presented. Council
2 Member Kaup seconded the motion. Motion carried unanimously.

3
4 Consideration of Resolution No. 2018-03, Summary Publication of Ordinance No. 2018-57 –
5 Resolution No. 2018-03 authorizes summary publication of Ordinance No. 2018-57.

6
7 Council Member Carr moved to adopt Resolution No. 2018-03, as presented. Council Member
8 Kaup seconded the motion. Motion failed with Council Member Lanoux and Sederstrom
9 voting nay.

10
11 Consideration of 2018 City Council Meeting Schedule – A 2018 City Council Meeting Schedule
12 was included in the Council packets. It was noted meeting dates are subject to change.

13
14 Council Member Carr moved to approve the 2018 City Council Meeting Schedule, as presented.
15 Council Member Kaup seconded the motion. Motion carried unanimously.

16
17 Consideration of Johnson Turner Contract, Legal Services – Staff advised In November 2017, the
18 City Council chose to go out for Requests for Proposals (RFP) for City legal services. The City
19 received proposals, interviews were held and Johnson/Turner Law Firm was selected for a three year
20 term.

21
22 Attached are contract extensions for the City consultants, including the new Law Firm. The contracts
23 outline fee increases for a three period and services to be rendered.

24
25 Staff will note the actual budget line items for these services are a separate matter and are reviewed
26 annually at the budget meeting. The contract extensions have no impact on the 2018 budget line
27 items for engineer, planning or legals. All contract extensions include a 30-day out clause for the City.

28
29 Council Member Kaup moved to approve Johnson Turner Legal Services Contract, as
30 presented. Council Member Carr seconded the motion. Motion carried unanimously.

31
32 Consideration of Extended Contract, WSB Engineering – Council Member Kaup moved to
33 approve WSB Engineering Contract, as presented. Council Member Carr seconded the
34 motion. Motion carried with Council Member Lanoux voting nay.

35
36 Consieration of Extended Contract, SHC Planning Services – Council Member Kaup moved to
37 approve SHC Planning Services Contract, as presented. Council Member Carr seconded the
38 motion.

39
40 Council Member Lanoux made a friendly amendment to the motion that the SHC Planning
41 Contract be tabled until the City looks into a Planner/Engineer from one firm. Council
42 Member Kaup and Carr did not accept the amendment.

43
44 Motion carried with Council Member Lanoux voting nay.

1 **Consideration of 2018 Appointment List** – The 2017 Appointment List was included in the Council
2 packets for review. The Council action for consideration is to approve a 2018 Appointment List.
3 Staff noted Andrew Hartsock should be added to the Video Technician appointment.
4

5 **Council Member Lanoux moved to look at each appointment individually, specifically the City**
6 **Newsletter, City Clerk, City newspaper, Deputy Mayor, Cable Commissioner and Snow**
7 **Plowing Contractor. Council Member Sederstrom seconded the motion. Motion failed with**
8 **Council Member Carr, Kaup and Mayor Huber voting nay.**
9

10 **Council Member Lanoux moved to appoint Council Member Sederstrom as Deputy Mayor.**
11 **Council Member Sederstrom seconded the motion. Motion failed with Council Member Kaup**
12 **and Mayor Huber voting nay and Council Member Carr abstaining.**
13

14 **Council Member Kaup moved to approve the 2018 Appointment List, as revised with**
15 **additional Video Technician Appointment. Council Member Carr seconded the motion.**
16 **Motion carried with Council Member Lanoux voting nay.**
17

18 **UNFINISHED BUSINESS**

19

20 There was no unfinished business.
21

22 **DISCUSSION ITEMS**

23

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

25

26 **Ordinance Revision** – Staff advised wetland setbacks are established in Chapter 12 of the City's
27 Code, which breaks down the applicable standards for wetland by type, unclassified and classified
28 water bodies. The City's current wetland setback/buffer is 75 feet, typically more than the watershed
29 districts setback requirements.
30

31 The City has received many variance applications for replacement of septic systems that cannot meet
32 the current setback.
33

34 Staff is requesting Council direction relating to an ordinance amendment that would revise the City
35 setback to meet the watershed district setback. The ordinance amendment process would include staff
36 providing a draft ordinance for review and discussion, notice of public hearing as well as Planning
37 Commission review and recommendation.
38

39 It was the consensus of the Council to have staff move forward with potential wetland setback
40 ordinance revisions.
41

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

43

44 **Ordinance Revision to Prohibit Hydro Vac Dumping, Council Member Sederstrom** – This item
45 was not put on a future agenda.

1
2 **Public Comment Portion of Council Meeting, Council Member Lanoux–** This item was not put
3 on a future agenda.
4

5 **COMMUNITY CALENDAR JANUARY 3 THROUGH JANUARY 30, 2018:**
6

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

9 **Stillwater Public Schools Board Meeting, Thursday, January 12th , Stillwater City Hall, 7:00**
10 **p.m.**

11 **City Office Closed, Monday, January 16, 2017, Martin Luther King Jr. Day**

12 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
13

14 **ADJOURN**

15
16 **Council Member Carr moved to adjourn at 8:57 p.m. Council Member Kaup seconded the**
17 **motion. Motion carried unanimously.**

18
19
20
21
22 These minutes were considered and approved at the regular Council Meeting February 6, 2018.
23
24
25

26
27 _____
28 Kim Points, Administrator/Clerk
29

Jeff Huber, Mayor

City of Grant

Disbursements Register

1/31/2018

Fund Name: 100 - General Fund

Date Range: 01/01/2018 To 01/31/2018

<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>
01/30/2018	Payroll Period Ending 01/30/2018	13639		N	Clerk Salary	100-41101-100-	\$ 3,736.70
	Total For Check	13639					\$ 3,736.70
01/30/2018	AirFresh Industries	13640	PortaPot #28967 #29164	N	Town Hall Porta Pot	100-43007-210-	\$ 250.00
	Total For Check	13640					\$ 250.00
01/30/2018	Washington County Sheriff	13641	Jul-Dec 2017 Police Services	N	Police	100-42001-301-	\$ 61,493.51
	Total For Check	13641					\$ 61,493.51
01/30/2018	Xcel Energy	13642	Utilities	N	Town Hall Electricity	100-43004-381-	\$ 185.15
		13642			Well House Electricity	100-43010-381-	\$ 11.17
		13642			Street Lights	100-43117-381-	\$ 48.14
	Total For Check	13642					\$ 244.46
01/30/2018	US Postal Service	13643	Annual PO Box	N	PO Box Rental	100-41311-210-	\$ 112.00
	Total For Check	13643					\$ 112.00
01/30/2018	Washington County Transportation	13644	Snow and Ice Control	N	Snow & Ice Removal	100-43113-210-	\$ 4,191.36
	Total For Check	13644					\$ 4,191.36
01/30/2018	CenturyLink	13645	City Phone	N	City Office Telephone	100-41309-321-	\$ 131.99
	Total For Check	13645					\$ 131.99
01/30/2018	Washington Conservation District	13646	4th Quarter Billing	N	MS4	100-43118-320-	\$ 162.50
	Total For Check	13646					\$ 162.50
01/30/2018	Waste Management	13647	Recycling	N	Recycling	100-43011-384-	\$ 4,585.56
	Total For Check	13647					\$ 4,585.56
01/30/2018	League of MN Cities Insurance Trust	13648	Workmans Comp	N	Insurance	100-41302-361-	\$ 450.00
	Total For Check	13648					\$ 450.00
01/30/2018	Washington County Public Works	13649	CSAH 17/36 Cooperative Agreement	N	County Road Projects	100-43131-330-	\$ 605.13
	Total For Check	13649					\$ 605.13
01/30/2018	WSB & Associates	13650	Engineering	N	Engineering Fees - General	100-41203-300-	\$ 7,474.25
		13650			Seal Coating/Crack Filling	100-43112-300-	\$ 1,664.00

Fund Name: 100 - General Fund

Date Range: 01/01/2018 To 01/31/2018

<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>
		13650			MS4	100-43118-300-	\$ 1,000.25
		13650			Special Road Projects	100-43128-300-	\$ 143.00
		13650			Utility/ROW Permits	100-43132-300-	\$ 29.25
		Total For Check					\$ 10,310.75
01/30/2018	Eckberg Lammers	13651	Legal Services	N	Legal Fees - General	100-41204-301-	\$ 2,827.00
		13651			Legal Fees - Complaints	100-41205-301-	\$ 314.50
		13651			Legal Fees - Prosecutions	100-41206-301-	\$ 1,684.62
		Total For Check					\$ 4,826.12
01/30/2018	Miller Excavating	13652	Gravel	N	Gravel Road Costs	100-43106-300-	\$ 371.44
		Total For Check					\$ 371.44
01/30/2018	Todd Smith	13653	Monthly Assessment Services - January	N	Property Assessor	100-41208-300-	\$ 1,991.92
		Total For Check					\$ 1,991.92
01/30/2018	Washington County Property Records	13654	2018 Automark	N	Election Expenses	100-41303-210-	\$ 830.00
		Total For Check					\$ 830.00
01/30/2018	Washington County Sheriff	13655	2018 Code Red	N	Police	100-42001-301-	\$ 321.94
		Total For Check					\$ 321.94
01/30/2018	Andrew Hartsock	13656	Video Services	N	Cable Costs	100-41212-301-	\$ 55.00
		Total For Check					\$ 55.00
01/30/2018	Press Publications	13657	Public Hearing/Application	N	Publishing Costs	100-41308-351-	\$ 32.14
		Total For Check					\$ 32.14
01/30/2018	Petty Cash	13658	Postage/Office	N	Office Supplies	100-41313-210-	\$ 100.00
		13658			Postage	100-41318-210-	\$ 100.00
		Total For Check					\$ 200.00
01/30/2018	MN Department of Labor & Industry	13659	4th Quarter Building Permit Surcharge	N	Building Permit Surcharge	100-42005-210-	\$ 2,099.15
		Total For Check					\$ 2,099.15
01/30/2018	SHC, LLC	13661	Planning	N	City Planner	100-41209-301-	\$ 1,004.00
		13661			Comprehensive Plan	100-43173-301-	\$ 647.50
		Total For Check					\$ 1,651.50
01/30/2018	Sprint	13662	City Cell Phone	N	Road Expenses - Other	100-43116-321-	\$ 36.18

Fund Name: 100 - General Fund

Date Range: 01/01/2018 To 01/31/2018

<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>
01/30/2018	PERA	13663	PERA	N	Clerk PERA	100-41102-120-	\$ 376.77
		13663			Clerk PERA Withholding	100-41108-100-	\$ 326.53
		Total For Check 13663					\$ 703.30
01/30/2018	League of MN Cities Insurance Trust	13664	Workman's Comp	N	Insurance	100-41302-210-	\$ 38.00
		Total For Check 13664					\$ 38.00
01/30/2018	League of MN Cities Insurance Trust	13665	Deductable Claim #31745	N	Insurance	100-41302-210-	\$ 500.00
		Total For Check 13665					\$ 500.00
01/30/2018	IRS	EFT98	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 384.30
		EFT98			Clerk Medicare	100-41105-100-	\$ 72.84
		EFT98			Federal Withholding	100-41107-100-	\$ 374.90
		EFT98			Social Security Expens	100-41109-100-	\$ 311.46
		Total For Check EFT98					\$ 1,143.50
01/31/2018	Croix Valley Inspector	13666	Building Inspector	N	Building Inspection	100-42004-300-	\$ 9,412.53
		Total For Check 13666					\$ 9,412.53
	Total For Selected Checks						\$ 110,486.68



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

To: GRANT CITY
PO BOX 577
WILLERNIE, MN 55090

Invoice	
Invoice Number:	JUL-DEC 2017
Account Number:	27164
Due Date	2/15/2018
Amount Enclosed:	
Federal Tax Id: 41-6005919	

Please return top portion with payment. Thank You.

Invoice					
Date	Number	Type	Due Date	Remark	Amount
1/23/2018	JUL-DEC 2017	INVOICE	2/15/2018	JUL-DEC 2017 POLICE SERVICES	\$61,493.51
<p>I declare under the penalties of law that this account claim or demand, is just and correct and no part of it has been paid.</p> <p>Please make check payable to Washington County and mail to the address above.</p>				Invoice Total	\$61,493.51
				Sales Tax	
				Balance Due	\$61,493.51

LG214 Premises Permit Application**Annual Fee \$150 (NON-REFUNDABLE)****REQUIRED ATTACHMENTS TO LG214**

1. If the premises is leased, attach a copy of your lease. Use **LG215 Lease for Lawful Gambling Activity**.
2. \$150 annual premises permit fee, for each permit (non-refundable). Make check payable to "**State of Minnesota**."

Mail the application and required attachments to:

Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions? Call 651-539-1900 and ask for Licensing.**ORGANIZATION INFORMATION**

Organization Name: Stillwater Area Hockey Association License Number: 03375
 Chief Executive Officer (CEO) Beau McGraw Daytime Phone: 651-226-0867
 Gambling Manager: Marion Coffman Daytime Phone: 651-491-2418

GAMBLING PREMISES INFORMATION

Current name of site where gambling will be conducted: Cozzies Tavern and Grill
 List any previous names for this location:
Windy Acres
 Street address where premises is located: 11154 60th St. N.
(Do not use a P.O. box number or mailing address.)

City: <u>Grant</u>	OR Township: <u>Grant</u>	County: <u>Washington</u>	Zip Code: <u>55082</u>
--------------------	---------------------------	---------------------------	------------------------

Does your organization own the building where the gambling will be conducted?

☐

Yes

☒

No

If no, attach LG215 Lease for Lawful Gambling Activity.

A lease is not required if only a raffle will be conducted.

Is any other organization conducting gambling at this site?

☒

Yes

☐

No

☐

Don't know

Note: Bar bingo can only be conducted at a site where another form of lawful gambling is being conducted by the applying organization or another permitted organization. Electronic games can only be conducted at a site where paper pull-tabs are played.

Has your organization previously conducted gambling at this site?

☐

Yes

☐

No

☒

Don't know

GAMBLING BANK ACCOUNT INFORMATION; MUST BE IN MINNESOTA

Bank Name: Lake Elmo Bank Bank Account Number: 0970269
 Bank Street Address: 11465 39th St. N. City: Lake Elmo State: MN Zip Code: 55042

ALL TEMPORARY AND PERMANENT OFF-SITE STORAGE SPACES

Address (Do not use a P.O. box number):	City:	State:	Zip Code:
<u>673 2nd St. No</u>	<u>Bayport</u>	<u>MN</u>	<u>55003</u>
<u>1625 Market St. Suite B</u>	<u>Stillwater</u>	<u>MN</u>	<u>55082</u>
		<u>MN</u>	

ACKNOWLEDGMENT BY LOCAL UNIT OF GOVERNMENT: APPROVAL BY RESOLUTION
**CITY APPROVAL
for a gambling premises
located within city limits**

City Name: _____

Date Approved by City Council: _____

 Resolution Number: _____
(If none, attach meeting minutes.)

Signature of City Personnel: _____

Title: _____ Date Signed: _____

**Local unit of government
must sign.**

**COUNTY APPROVAL
for a gambling premises
located in a township**

County Name: _____

Date Approved by County Board: _____

 Resolution Number: _____
(If none, attach meeting minutes.)

Signature of County Personnel: _____

Title: _____ Date Signed: _____

TOWNSHIP NAME: _____

Complete below only if required by the county.

On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date Signed: _____

ACKNOWLEDGMENT AND OATH

- | | |
|--|--|
| 1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises. | 6. I assume full responsibility for the fair and lawful operation of all activities to be conducted. |
| 2. The Board and its agents, and the commissioners of revenue and public safety and their agents, are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law. | 7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them. |
| 3. I have read this application and all information submitted to the Board is true, accurate, and complete. | 8. Any changes in application information will be submitted to the Board no later than ten days after the change has taken effect. |
| 4. All required information has been fully disclosed. | 9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license. |
| 5. I am the chief executive officer of the organization. | 10. I understand the fee is non-refundable regardless of license approval/denial. |

[Signature]
Ben D. W.

4/29/18

Signature of Chief Executive Officer (designee may not sign)
Date

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application. Your organization's name and address will be public

information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information;

Minnesota's Department of Public Safety, Attorney General, Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format, i.e. large print, braille, upon request.

An equal opportunity employer

LG215 Lease for Lawful Gambling Activity**LEASE INFORMATION**

Organization:	License/Site Number:	Daytime Phone:
Stillwater Area Hockey Association	03375	651-439-1337
Address:	City:	State: Zip:
1625 Market St. Suite B	Stillwater	MN 55082
Name of Leased Premises:	Street Address:	
Cozzie's Tavern & Grill	11154 60th St. N.	
City:	State: Zip:	Daytime Phone:
Grant Township (Stillwater mailing address)	MN 55082	651-342-0447
Name of Legal Owner:	Business/Street Address:	
Chris Cosgrove	11154 60th St. N.	
City:	State: Zip:	Daytime Phone:
Grant Township	Mn 55082	941-330-5964
Name of Lessor (if same as legal owner, write "SAME"):	Address:	
Same		
City:	State: Zip:	Daytime Phone:

Check applicable item:

- ☒ **New or amended lease.** Effective date: March 1, 2018. Submit changes at least ten days **before** the effective date of the change.
- ☐ **New owner.** Effective date: _____. Submit new lease **within** ten days after new lessor assumes ownership.

CHECK ALL ACTIVITY THAT WILL BE CONDUCTED (no lease required for raffles)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Pull-Tabs (paper) | <input checked="" type="checkbox"/> Electronic Pull-Tabs |
| <input type="checkbox"/> Pull-Tabs (paper) with dispensing device | <input checked="" type="checkbox"/> Electronic Linked Bingo |
| <input type="checkbox"/> Bar Bingo <input type="checkbox"/> Bingo | Electronic games may only be conducted: |
| <input type="checkbox"/> Tipboards | 1. at a premises licensed for the on-sale of intoxicating liquor or the on-sale of 3.2% malt beverages; or |
| <input type="checkbox"/> Paddlewheel <input type="checkbox"/> Paddlewheel with table | 2. at a premises where bingo is conducted as the primary business and has a seating capacity of at least 100. |

PULL-TAB, TIPBOARD, AND PADDLEWHEEL RENT (separate rent for booth and bar ops)

BOOTH OPERATION: Some or all sales of gambling equipment are conducted by an employee/volunteer of a licensed organization at the leased premises.

ALL GAMES, including electronic games: Monthly rent to be paid: 10 %, not to exceed **10%** of gross profits for that month.

- Total rent paid from all organizations for only booth operations at the leased premises **may not exceed \$1,750**.
- The rent cap does not include BAR OPERATION rent for electronic games conducted by the lessor.

BAR OPERATION: All sales of gambling equipment conducted by the lessor or lessor's employee.

ELECTRONIC GAMES: Monthly rent to be paid: 15 %, not to exceed **15%** of the gross profits for that month from electronic pull-tab games and electronic linked bingo games.

ALL OTHER GAMES: Monthly rent to be paid: _____ %, not to exceed **20%** of gross profits from all other forms of lawful gambling.

- If any booth sales conducted by a licensed organization at the premises, rent may not exceed **10%** of gross profits for that month and is subject to booth operation **\$1,750** cap.

BINGO RENT (for leased premises where bingo is the primary business conducted, such as bingo hall)

Bingo rent is limited to one of the following:

- Rent to be paid: _____ %, not to exceed **10%** of the monthly gross profit from all lawful gambling activities held during bingo occasions, excluding bar bingo.
- OR -
- Rate to be paid: \$ _____ per square foot, not to exceed 110% of a comparable cost per square foot for leased space, as approved by the director of the Gambling Control Board. The lessor must attach documentation, verified by the organization, to confirm the comparable rate and all applicable costs to be paid by the organization to the lessor.
 - ⇒ **Rent may not be paid for bar bingo.**
 - ⇒ Bar bingo does not include bingo games linked to other permitted premises.

LEASE TERMINATION CLAUSE (must be completed)

The lease may be terminated by either party with a written 30 day notice. Other terms:

LG215 Lease for Lawful Gambling Activity

6/15 Page 2 of 2

Lease Term: The term of this agreement will be concurrent with the premises permit issued by the Gambling Control Board (Board).

Management: The owner of the premises or the lessor will not manage the conduct of lawful gambling at the premises. The organization may not conduct any activity on behalf of the lessor on the leased premises.

Participation as Players Prohibited: The lessor will not participate directly or indirectly as a player in any lawful gambling conducted on the premises. The lessor's immediate family and any agents or gambling employees of the lessor will not participate as players in the conduct of lawful gambling on the premises, except as authorized by Minnesota Statutes, Section 349.181.

Illegal Gambling: The lessor is aware of the prohibition against illegal gambling in Minnesota Statutes 609.75, and the penalties for illegal gambling violations in Minnesota Rules 7865.0220, Subpart 3. In addition, the Board may authorize the organization to withhold rent for a period of up to 90 days if the Board determines that illegal gambling occurred on the premises or that the lessor or its employees participated in the illegal gambling or knew of the gambling and did not take prompt action to stop the gambling. Continued tenancy of the organization is authorized without payment of rent during the time period determined by the Board for violations of this provision, as authorized by Minnesota Statutes, Section 349.18, Subd. 1(a).

To the best of the lessor's knowledge, the lessor affirms that any and all games or devices located on the premises are not being used, and are not capable of being used, in a manner that violates the prohibitions against illegal gambling in Minnesota Statutes, Section 609.75.

Notwithstanding Minnesota Rules 7865.0220, Subpart 3, an organization must continue making rent payments under the terms of this lease, if the organization or its agents are found to be solely responsible for any illegal gambling, conducted at this site, that is prohibited by Minnesota Rules 7861.0260, Subpart 1, item H, or Minnesota Statutes, Section 609.75, unless the organization's agents responsible for the illegal gambling activity are also agents or employees of the lessor.

The lessor must not modify or terminate the lease in whole or in part because the organization reported, to a state or local law enforcement authority or to the Board, the conduct of illegal gambling activity at this site in which the organization did not participate.

Other Prohibitions: The lessor will not impose restrictions on the organization with respect to providers (distributor or linked bingo game provider) of gambling-related equipment and services or in the use of net profits for lawful purposes.

The lessor, the lessor's immediate family, any person residing in the same residence as the lessor, and any agents or employees of the lessor will not require the organization to perform any action that would violate statute or rule. The lessor must not modify or terminate this lease in whole or in part due to the lessor's violation of this provision. If there is a dispute as to whether a violation occurred, the lease will remain in effect pending a final determination by the Compliance Review Group (CRG) of the Board. The lessor agrees to arbitration when a violation of this provision is alleged. The arbitrator shall be the CRG.

Access to Permitted Premises: Consent is given to the Board and its agents, the commissioners of revenue and public safety and their agents, and law enforcement personnel to enter and inspect the permitted premises at any reasonable time during the business hours of the lessor. The organization has access to the premises during any time reasonable and when necessary for the conduct of lawful gambling.

Lessor Records: The lessor must maintain a record of all money received from the organization, and make the record available to the Board and its agents, and the commissioners of revenue and public safety and their agents upon demand. The record must be maintained for 3-1/2 years.

Rent All-Inclusive: Amounts paid as rent by the organization to the lessor are all-inclusive. No other services or expenses provided or contracted by the lessor may be paid by the organization, including but not limited to:

- trash removal
- electricity, heat
- snow removal
- storage
- janitorial and cleaning services
- other utilities or services
- lawn services
- security, security monitoring
- cost of any communication network or service required to conduct electronic pull-tabs games or electronic bingo
- in the case of bar operations, cash shortages.

Any other expenditures made by an organization that is related to a leased premises must be approved by the director of the Board. Rent payments may not be made to an individual.

ACKNOWLEDGMENT OF LEASE TERMS

I affirm that this lease is the total and only agreement between the lessor and the organization, and that all obligations and agreements are contained in or attached to this lease and are subject to the approval of the director of the Gambling Control Board.

Other terms of the lease:

Signature of Lessor:

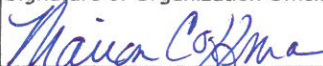
Date:



1/29/18

Signature of Organization Official (Lessee):

Date:



1/29/18

Print Name and Title of Lessor:

Chris Cosgrove President

Print Name and Title of Lessee:

Marion Coffman Gambling Manager

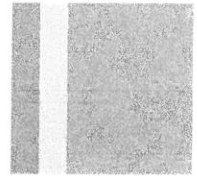
Questions? Contact the Licensing Section, Gambling Control Board, at 651-539-1900. This publication will be made available in alternative format (i.e. large print, braille) upon request. **Data privacy notice:** The information requested on this form and any attachments will become public information when received by the Board, and will be used to determine your compliance with Minnesota statutes and rules governing lawful gambling activities.

Mail or fax lease to:

Minnesota Gambling Control Board
1711 W. County Road B, Suite 300 South
Roseville, MN 55113

Fax: 651-639-4032

Chris Cosgrove



March 1, 2018

Gambling Manager
American Legion Post 491
263 N. 3rd St.
Bayport, MN 55003

William,

I want to thank The Legion and its employees for a job well done, however, I will be leasing to a different charity effective April 1, 2018.

I appreciate all efforts made on your part to make this a smooth transition. It is my understanding that the new charity is currently licensed, and should your booth alter its operation prior to April 1, 2018 your lease termination date will be 24 hours following the failure to conduct business as usual.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chris', followed by a long, sweeping horizontal line.

Chris Cosgrove, DBA Cozzie's Tavern & Grill

CC: Gambling Control Board, Grant Township



IVERSON REUVERS CONDON
ATTORNEYS AT LAW



DATE: January 24, 2018

TO: Mayor and City Council of the City of Grant

CC: Kim Points, City Administrator/Clerk
David Snyder, City Attorney

FROM: Paul D. Reuvers

RE: *Amendment to Town Hall Use Policy*

I represent the Defendants in the pending litigation of *Lawrence Lanoux and Loren Sederstrom v. Jeff Huber, Kim Points, Tom Carr, Denny Kaup, John Rog, Jeff Schafer, Jerry Helander, and Robert Tufty, in their respective capacity as officials for the City of Grant, Minnesota, Wash. Cnty. Dist. Ct. File No. 82-CV-18-352.*

One of the claims asserted by the Plaintiffs in this litigation is that the City should allow the Town Hall to be used by a variety of groups. In light of the Plaintiffs' litigation tactics, it is my recommendation the City amend the policies and procedures concerning the use of the Town Hall, as outlined in the attachment. I understand there are other viable options for groups to utilize and the City does not have the resources to accommodate opening up the Town Hall to all groups who wish to utilize it.

Thank you for your thoughtful consideration of this matter.

MARK J. CONDON (1949-2016)
JON K. IVERSON
PAUL D. REUVERS
JASON J. KUBOUSHEK
JASON M. HIVELEY
SUSAN M. TINDAL
STEPHANIE A. ANGOLKAR
NATHAN C. MIDOLO
MEGAN C. KELLY
ANDREW WOLF

PAUL D. REUVERS
DIRECT: (952) 548-7205
PAUL@IRC-LAW.COM

- Mayor Article
- City of Grant History

TOWN HALL

A. Use

The City of Grant utilizes Town Hall for City Council Meetings, City sponsored 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.

B. 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

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 and if a quorum of the Council is available a meeting will be scheduled.

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

MEMORANDUM

TO: Kim Points, City Clerk

FROM: Tim Finnerty, Cable Commission Executive Director

DATE: January 18, 2018

SUBJECT: Recommendation to approve Franchise Extension Agreement

Attached please find a proposed Agreement for the extension of the Franchise with Comcast. The Cable Commission is recommending that the City Council approve the Extension Agreement. The Agreement will extend the expiration date of the current Franchise from July 1, 2018 to November 1, 2018. The purpose of the proposed extension is to allow for continued informal negotiations between Comcast and the Cable Commission regarding the long-term renewal of the Franchise.

Background

As you know, the Cable Commission has been working on the matter of franchise renewal with Comcast (the existing franchise agreement is set to expire July 1, 2018). The Commission began direct negotiations with Comcast in September 2017, and prior to that, developed and documented a comprehensive needs assessment to serve as the negotiation objective on behalf of member cities. The needs assessment report is available at:

https://drive.google.com/file/d/0B1qh_NnmAEg2SHZtc0tKSnBNVIU/view

Renewal issues can be resolved through "informal" processes (negotiation), or through a "formal" hearing process. Based on the time required to complete the formal process, the Commission adopted two schedules. In both, the parties would start with negotiations, but move the formal process forward so that it would be completed by roughly the date scheduled for franchise expiration if negotiations were not successful. One schedule assumed that the expiration date stayed as is, and effectively required the parties to reach negotiated deal points by January. In the other, the parties would extend the franchise to give themselves more time to engage in negotiations. Both were presented to Comcast in the fall.

Recommendation to Approve Extension

The Cable Commission submitted proposed deal points for negotiation to Comcast in October, 2017, and Comcast was to respond in December. It has not yet responded, and the Commission and Comcast agreed that extending the franchise would allow Comcast to respond and negotiations to proceed informally.

The Cable Commission therefore is recommending that the City approve the extension per the attached Extension Agreement. The Cable Commission believes this simple extension of the current franchise expiration will allow both parties to continue informal negotiations for the next couple of months without being put at a disadvantage. The extension preserves your right to use the I-NET, and preserves existing support and channels (including high definition channels) for local cable programming. It does not harm the communities in any way.

Please feel free to contact me after you have had a chance to review this if you wish to discuss it or have any questions. Thank you!

EXTENSION AGREEMENT BETWEEN AND AMONG THE MEMBERS OF THE RAMSEY WASHINGTON SUBURBAN CABLE COMMISSION AND COMCAST OF MINNESOTA

WHEREAS, Comcast of Minnesota, Inc., ("Franchisee") operates a cable television system (the "System") in communities which are members of the Ramsey/Washington Suburban Cable Commission (RWSCC) pursuant to a franchise scheduled to expire on July 1, 2018, to which the City of Birchwood Village, the City of Dellwood, the City of Grant, the City of Lake Elmo, the City of Mahtomedi, the City of North St. Paul, the City of Oakdale, the City of Vadnais Heights, the City of White Bear Lake, White Bear Township and the City of Willernie, Minnesota, are parties (each community is a "Franchisor"); a March 9, 1995 Memorandum of Understanding; and the April 10, 2014 Settlement Agreement, as amended by Section 2 of that certain 2015 Transfer Agreement Between and Among The Members of the Ramsey Washington Suburban Cable Commission, Comcast of Minnesota, Inc. and Midwest Cable, Inc. (collectively, the Franchise and these documents are the "Franchise Documents"); and

WHEREAS, the parties wish to extend certain time period provided under the Franchise Documents to provide time for the parties to work together to attempt to resolve renewal issues

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1. The Franchise is extended through and including November 1, 2018.


Section 2. Paragraph 10 of the "Settlement Agreement Regarding PEG Capacity" is amended so that the reference to July 1, 2018 is changed to November 1, 2018.

Section 3. Otherwise, the Franchise Documents shall remain in full force and effect in accordance with their terms.

Section 4. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement

IN WITNESS WHEREOF, the Parties have caused this Extension Agreement to be executed by duly authorized representatives of each Party on the dates written below.

COMCAST OF MINNESOTA, INC.

By: 
John D. Keller
Title: Regional Vice President

Date: 11/10/18

CITY OF MAHTOMEDI

By: _____
Title:

Date:

CITY OF BIRCHWOOD VILLAGE

By: _____

Title:

Date:

CITY OF DELLWOOD

By: _____

Title:

Date:

CITY OF GRANT

By: _____

Title:

Date:

CITY OF LAKE ELMO

By: _____

Title:

Date:

WHITE BEAR TOWNSHIP

By: _____

Title:

Date:

CITY OF NORTH ST. PAUL

By: _____

Title:

Date:

CITY OF OAKDALE

By: _____

Title:

Date:

CITY OF VADNAIS HEIGHTS

By: _____

Title:

Date:

CITY OF WHITE BEAR LAKE

By: _____

Title:

Date:

CITY OF WILLERNIE

By: _____

Title:

Date: