

**CITY OF GRANT
MINUTES**

DATE : July 1, 2014
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:20 p.m.
MEMBERS PRESENT : Councilmember Bohnen, Tronrud,
Lobin and Mayor Carr
MEMBERS ABSENT : Huber

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE**SETTING THE AGENDA**

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

CONSENT AGENDA

June 3, 2014 City Council Meeting Minutes	Approved
Bill List, \$67,011.36	Approved
City of Stillwater, 1 st Half Contract, \$52,686.50	Approved
City of Mahtomedi, 2 nd Quarter Fire Contract, \$30,490.00	Approved
Kline Bros. Excavating, Road Maintenance, \$17,535.00	Approved
Beissel Quote, Window Replacement, \$5986.00	Approved

Council Member Tronrud moved to approve the Consent Agenda, as presented. Council Member Bohnen seconded the motion. Motion carried unanimously.

STAFF AGENDA ITEMS

1
2 **City Engineer, Phil Olson**

3
4 **MS4 Permit Overview** – City Engineer Olson stated staff is requesting Council authorization to
5 complete tasks to meet the requirements of the MS4 permit. The City has been operating under the
6 2014 MS4 permit since April 3, 2014. The permit requires compliance with permit rules within 12
7 months of April 3, 2014.

8
9 In August, 2013, Council authorized WSB to provide a draft Stormwater Pollution Prevention Plan
10 (SWPPP) and Implementation Schedule. That work is now complete. Below is a summary of tasks
11 identified within the Implementation Schedule along with an estimated budget. The tasks have been
12 grouped by the different Minimum Control Measures (MCM) within the MS4 permit.

13
14 City Engineer Olson reviewed the implementation plan outlining the required tasks and approximate
15 costs.

16
17 Mayor Carr stated this is required by the City and the City will try to do all of it as fiscally responsible
18 as possible. A benefit to the City is that there are many watersheds to work with.

19
20 City Engineer Olson advised two of the watershed districts have the MS4 requirements also. The
21 initial requirements for this year will be approximately \$21,000. Every year after there will be
22 maintenance costs in the amount of approximately \$7,000 - \$8,000 dollars.

23
24 **Council Member Tronrud moved to authorize WSB to complete tasks within the**
25 **implementation plan for compliance with MS4 permit, as presented. Council Member Bohnen**
26 **seconded the motion. Motion carried unanimously.**

27
28 **Consideration of Quote for Hwy 96 and Heron Road Improvement**– City Engineer Olson advised
29 a quote was requested from Brochman Blacktopping Co. to pave the entrance of Heron Avenue at
30 Hwy 96. The main concern is cars tracking gravel onto Hwy 96 as they enter the highway from
31 Heron Avenue. Brochman Blacktopping Co. has provided a quote for \$3200 which includes paving
32 35 feet of road, 24 feet wide.

33
34 Council Member Bohnen advised this is an area that has been identified as a trouble spot for many
35 years. It is prudent for the City to look at these problem intersections in terms of keeping the gravel
36 out. There is a threshold of \$100,000 for competitive bids so the City did not obtain other quotes.
37 The project can be completed within the City's budget.

38
39 **Council Member Bohnen moved to approve quote for the Heron Avenue apron, as presented.**
40 **Council Member Lobin seconded the motion. Motion carried unanimously.**

41
42 **69th ICWS Cooperative Agreement** – City Engineer Olson stated the Council has previously
43 discussed concerns regarding the safety of the intersection at CSAH 17 and 69th Street. Washington
44 County has identified this intersection as a potential location for an electronic Intersection
45 Conflict Warning System (ICWS).

At this time, Washington County and WSB have found a way to facilitate the installation of an ICWS. WSB has prepared the attached letter proposal for the design and construction oversight of the project. The County has prepared the attached Cooperative Agreement which itemizes the City and County responsibilities for the installation of the ICWS. Below is a summary of the agreement.

- City pays WSB for design and survey (including State Aid review), County reimburses City for 100% of the costs.
- City/WSB will provide an approved plan set, specs, and estimate to the County.
- County secures bids and hires a contractor to build the project.
- County is responsible for construction inspection, but may ask for WSB inspection support for ICWS items. If such support is needed, County will reimburse City for all costs.

The agreement has been forwarded to the City Attorney for review.

Council Member Bohnen moved to authorize WSB to complete the design and construction oversight of an intersection conflict warning system at CSAH 17 and 69th Street North, as presented. Council Member Lobin seconded the motion. Motion carried unanimously.

Council Member Bohnen moved to authorize necessary signatures to enter into a cooperative agreement between the City of Grant and Washington County for the design and construction of CSAH 17 and 69th Street North intersection improvements. Council Member Tronrud seconded the motion. Motion carried unanimously.

2014 Sealcoat Project – City Engineer Olson advised staff is requesting authorization to request quotes from contractors for the 2014 seal coat plan.

Last year the City did not complete a seal coat project. Instead, Council chose to complete larger patching projects on specific roadways where the pavement condition has severely degraded. Roadways scheduled for seal coat this year are in adequate condition and are eligible for seal coating. The following roadways are included on the plan in 2014:

- Dellwood Road Lane, south of Hwy 96
- Dellwood Road Court, north of Hwy 96
- Joliet Avenue, south of Hwy 96
- Justen Trail, Jamaca Avenue to Hwy 96
- Isleton Avenue/Court, East of Irish Avenue

A copy of the seal coat/roadway maintenance plan was included in the packets. The budget for 2014 is \$60,000.

Council Member Bohnen moved to authorize staff to request quotes from contractors for seal coating based on the City's seal coat plan, as presented. Council Member Lobin seconded the motion. Motion carried unanimously.

1 **City Planner, Jennifer Haskamp**

2
3 **PUBLIC HEARING, Consideration of Resolution No. 2014-16, Jasmine Meadows Major**

4 **Subdivision, 6639 Jasmine Avenue North** – City Planner Haskamp advised the Applicant, Jasmine
5 Meadows, LLC has applied for a Preliminary Plat to subdivide the subject property for purposes of
6 creating a 7-lot rural residential subdivision to be called Jasmine Hills. The proposed subdivision
7 divides approximately 74 acres of land generally located east of the Jasmine Avenue and 66th Street
8 intersection. Stu Grubb, on behalf of Jasmine Meadows, LLC presented his Concept Plan for the
9 proposed subdivision to the City Council several months ago, and has subsequently submitted the
10 subject application for formal review and consideration.

11 The proposed preliminary plat includes seven (7) proposed lots, and includes the incorporation of the
12 existing home and accessory buildings which will be located on proposed Lot 1. Although a detailed
13 narrative was not provided, the preliminary plat suggests that the proposed subdivision will include a
14 focus on the horse facilities and arena located on proposed Lot 1 which will be available to those who
15 move into the homes in the subdivision. The Application provided a draft copy of protective
16 covenants for the Jasmine Hills subdivision which are reviewed generally in subsequent sections of
17 the staff report, but generally support the usage of Lot 1 for the indoor and outdoor arenas and
18 associated boarding, and establish architectural and design review of homes within the subdivision
19 among other details of the subdivision.
20

21 As depicted on the Preliminary Plat found in the attachments, the proposed subdivision will be
22 accessed from a single cul-de-sac which will be constructed as part of the project. The proposed lots
23 range in size from approximately 5.01 to 25.86 acres, with the largest acreage lot located on the
24 southern edge of the property. There are two Exception parcels from the original 80-acre property
25 which are denoted on the Preliminary Plat as Exception 1 and Exception 2. The Exception 1 parcel is
26 approximately 3 acres, and is currently developed with an existing single-family home which is
27 accessed directly from Jasmine Avenue. The Exception 2 parcel is a small vacant area, approximately
28 0.34 acres, and is owned by one of the adjacent single family home owners in the Sunnybrook Lake
29 plat located north of the proposed project. Both of these Exception Parcel have been appropriately
30 considered in the following analysis, but are not included as part of the proposed subdivision.
31

32 City Planner Haskamp reviewed the staff report and advised that generally the proposed Jasmine Hills
33 subdivision is consistent with the standards of the City's subdivision ordinance and the applicable
34 standards of the A-2 zoning district. The following recommendations/conditions are proposed for
35 your review and consideration related to the plat:
36

- 37 ▪ The Applicant should be required to enter into a Developer's Agreement to ensure
38 execution of the proposed subdivision and necessary infrastructure improvements. Further
39 detail is provided in the attached Engineer's staff report.
- 40 ▪ A final plat depicting and necessary changes and/or modification shall be submitted for
41 review and approval within 12-month of preliminary plat approval.
- 42 ▪ Site improvements as described within Section 30-194 shall be agreed to and identified
43 within a Developer's Agreement.

- 1 ▪ A street name for the proposed cul-de-sac shall be provided, and approved by the City
- 2 Council.
- 3 ▪ The shared driveways shall be modified in compliance with the Ordinance standards, and
- 4 private access agreements provided for review and approval by the City Attorney. Further,
- 5 the Covenants for the subdivision should be updated to include addressing the shared-
- 6 access agreements.
- 7 ▪ Review of the Covenants shall be completed by the City Attorney, and any modifications
- 8 necessary made prior to final plat approval
- 9 ▪ The Covenants and Developer's Agreement shall be recorded with the plat.
- 10 ▪ A letter from Washington County Environmental Services shall be provided indicating
- 11 that the proposed primary and secondary septic sites meet their standards and
- 12 requirements, and that adequate area exists on site to accommodate a septic system on
- 13 each lot.

14 City Engineer Olson referred to the engineer report relating to the application and provided the
15 following analysis:

16 **SITE PLAN COMMENTS:**

- 17 1. The pavement thickness is required to be 4 inches thick (1.5 inches wear course, 2.5 inches
- 18 base course) as recommended in the Pavement Design Report. Detail 2130 on page 4 shows a
- 19 total thickness of 3.5 inches. The plan set is required to be updated.
- 20 2. Page 4 shows details for two types of curb and gutter. The plan should specify which type is
- 21 proposed with this development.
- 22 3. Street signs are required to be added to the plan.
- 23 4. The erosion control plan is required to show the location of silt fences or other erosion control
- 24 devices. The erosion control plan is required to be updated.
- 25 5. The driveway grades on Lot 7 are too steep. The grading plan is required to be updated to
- 26 show how the lot can be graded to provide a feasible driveway.
- 27 6. Lot 5 and Lot 6 propose to have a shared driveway. It appears that the driveway for Lot 6
- 28 could be located further west without impacting Wetland J and the driveway for Lot 5 could
- 29 be installed further east.
- 30 7. The ownership and maintenance responsibilities of Outlot A should be defined by the
- 31 developer.

32 **DEVELOPERS AGREEMENT:**

- 33 8. A City Council approved subdivision agreement is recommended for this development. The
- 34 following items should be addressed within the subdivision agreement.
- 35 • Pond and storm sewer maintenance responsibilities
- 36 • Cash payment to seal coat the roadway
- 37 • Financial guarantees and warranties
- 38 • Responsibility of costs
- 39 • Record drawings

STORMWATER MANAGEMENT COMMENTS:

9. A stormwater permit is required from Valley Branch Watershed District (VBWD). The plan will be reviewed by the watershed on July 10th.
10. The applicant shall submit an approved NPDES permit to the City prior to construction.
11. Wetland mitigation areas are not shown on the plan. If mitigation is occurring on site, these areas are required to be defined. If not, the developer should provide a plan detailing where mitigation will occur.
12. Soil borings for each infiltration basin are required to determine soil infiltration rates and the depth to groundwater. Infiltration basins should draw down within 48 hours.
13. Emergency overflow (EOF) elevations differ on plans from HydroCAD model for Ponds 2, 3, and 4. Provide an updated plan or model with the correct EOF elevations.
14. The storm water modeling results should be summarized in a table so comparisons can be made.
15. The grading plan is required to show pond labels, including normal water level, high water level elevation and the elevation and locations of all emergency overflow routes.
16. Drainage and utility easements are required over all ponding areas and storm sewer. It is assumed that the ponds and storm sewer will be publicly owned and maintained following construction.

Mayor Carr opened the public hearing at 7:38 p.m.

Mr. Kevin Nelson, 9311 71st Street N, came forward and expressed concern regarding the water that will come off this property and stated that needs to be looked at.

Mr. Ken Kertalov, 9383 71st Street N, came forward and stated overall he feels the development will be positive. The developer should consider some open space and/or trails to support the structure for those that are living there. There are also a lot of water issues in that area and an Environment Impact Study should be provided. He noted he hates to see the wildlife there disappear.

Mr. Donna Scott, 9346 65th Street, came forward and stated a large barn has been put in that does not meet the requirements and she inquired about the number of horses that will be there.

Mr. Mark Erickson, 1325 Webb, stated he is building those homes there. He is in favor of this and has known the family for years. He does not believe the concerns relating to water because they have spent a lot of time with the Watershed District addressing all issues. The covenants do include horses and trails but they have not yet been approved. Very nice homes will be built there that will be a fine addition to the City.

Ms. Donna (?), 7043 Jocelyn Lane, came forward and stated the development is a good idea and she is glad they are working with the Watershed District. She inquired about street lights and shielding them if they are put in.

Mayor Carr closed the public hearing at 7:46 p.m.

1 Mayor Carr stated the concerns he has heard relate to the possibility of the arena being a community
2 riding arena and how many horses will be there. When the City went to ten acre density it was
3 determined park dedication would not be required. He asked if it is possible to remove the shared
4 driveways.

5
6 City Planner Haskamp advised it appears there is adequate area so the driveways would not have to be
7 shared.

8
9 Mr. Stu Grubb, 11313 Lansing Avenue, explained why the plan included shared driveways relating to
10 safety, access and traffic flow. The Watershed did ask that he minimize the impact to buffers but he
11 can go either way on the shared driveways. There is a barn currently under construct as well as a
12 riding arena and parking lot. There will be nine horses on the property and at this point there will not
13 be any more. He noted he believes there are grazable acres to accommodate 14 horses with lots one
14 and two. The horses will be kept at the 20 acre lot.

15
16 City Planner Haskamp advised at this point the scale of the parking lot is unknown. A CUP would be
17 required for horse boarding. Discussions regarding horses on the property have been held.

18
19 City Attorney Vivian advised the issue tonight is the subdivision. He noted the Watershed District's
20 recommendations are not binding to the City.

21
22 City Planner Haskamp stated the concern relating to Outlot A is the maintenance and management of
23 it. Covenants are proposed but don't address the certainty of a homeowners association. She
24 recommended the outlot be added to lot 2 as it is the most contiguous for the site.

25
26 City Engineer Olson advised the drainage area is a concern and he requested infiltration information.
27 Long term maintenance of the ponds is also an issue.

28
29 Mr. Grubb advised the Watershed District is reviewing the plan on July 10.

30
31 City Attorney Vivian stated it is important to take note that a developer's agreement will be required
32 and will include all recommendations in the engineering report as well as a financial security from the
33 developers. The Developer's Agreement will be on the consent agenda at a future meeting.

34
35 The Council directed staff to prepare a resolution of approval for the Jasmine Meadows Subdivision
36 for the August meeting consent agenda, subject to the Watershed District, Developer's Agreement,
37 removal of shared driveways and outlot being added to lot 2.

38
39 **PUBLIC HEARING, Consideration of Resolution No. 2014-17, Lucius Ice Arena Conditional**
40 **Use Permit, 6990 117th Street** – City Planner Haskamp advised the Applicants, Chuck and Tami
41 Lucius, have submitted an application to construct a private recreational and equipment storage
42 building on their property located at 6990 117th Street North. The proposed use of the facility
43 includes a proposed ice rink and supplemental storage, and is approximately 304' x 90' or 27,360
44 square feet. A duly noticed public hearing is scheduled for the July 1st meeting including publication

1 of the hearing in the newspaper and individual letters provided to residents within ¼ mile (1,320-feet)
2 of the proposed facility.
3

4 City Planner Haskamp state the Applicant and Owner, Chuck and Tami Lucius (“Applicant”), have
5 requested approval to construct a new private recreational facility including an ice rink and
6 supplemental storage on the subject west parcel identified above. To construct and operate the
7 proposed facility, the Applicant must obtain a CUP from the City, which is the Subject of this
8 application.
9

10 City Planner Haskamp provided a summary of the request noting the draft recommendations and
11 conditions are provided for your consideration and discussion as a starting point. The following can
12 be modified, deleted, added to, etc., depending on the public testimony and discretion of the council.
13

- 14 ▪ Additional information should be sought from the Applicant with respect to the proposed
15 intensity of use, anticipated number of users, trips generated, etc.
- 16 ▪ Hours of operation should be discussed, and potentially established depending on the
17 anticipated level of use of the facility.
- 18 ▪ Additional detail should be provided by the Applicant with respect to principal use (the
19 existing home) and the proposed facility (accessory or principal).
- 20 ▪ A materials board should be submitted depicting the proposed roofing, siding and flashing for
21 the facility.
- 22 ▪ Discussion about proper buffering along the west façade should address whether or not it is
23 realistic, and what type of landscaping would be adequate.
- 24 ▪ Depending on the proposed level of intensity of the facility, the parking lot may need to be
25 reviewed to ensure it provides adequate off-street parking for the facility.
- 26 ▪ Revisions to the parking lot design must be completed and submitted to the City Engineer for
27 review and approval prior to any construction occurring.
- 28 ▪ City Engineer’s modifications must be addressed, and updated plans reflecting any proposed
29 changes submitted for review and approval prior to hosting any events.
- 30 ▪ All access and driveway permits must be obtained from Washington County prior to operations,
31 if applicable.
- 32 ▪ All necessary permits from RCWD must be obtained prior to issuance of a grading or building
33 permit for construction of the parking lot.
- 34 ▪ Septic design and permit must be obtained from Washington County, and a copy of any
35 approvals and permits submitted to the City for record keeping.
- 36 ▪ A building permit must be obtained prior to beginning any work on site.
37

City Engineer Olson reviewed the engineering staff report outlining the following:

SITE PLAN COMMENTS:

1. The existing driveway access is required to be widened to a minimum width of 20 feet between the highway and the southern access to the parking lot. This will prevent congestion issues internal to the site by allowing two-way traffic.
2. The driveway access improvements and the change in driveway use are required to be approved by Washington County.
3. "No Parking" signs are required to be placed along the driveway to ensure that parking occurs in the parking lot.
4. The existing driveway, access points, site, and buildings should be reviewed by the Fire Marshal to ensure that the site is in compliance with fire code requirements.
5. ADA parking stalls, signage, and an accessible path from the parking area to the building is required within the parking lot.
6. The proposed gravel parking lot does not meet the City's requirements for an off-street parking area with a durable and dustless surface. As stated in the City Code below, a paved lot is required to meet the requirements for a dustless off-street parking surface. The plan should be updated to meet City Code.

Sec 32-373 Surface and drainage: Off-street parking area shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to one unit residential structures; all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the city engineer.

STORMWATER MANAGEMENT COMMENTS:

7. A stormwater permit is required from the Rice Creek Watershed District (RCWD). The applicant has submitted the plan for review.
8. The plan shows that the amount of site grading is greater than one acre and an NPDES permit is required. The applicant shall submit the approved permit to the City.
9. A current wetland delineation report of the site should be submitted to verify that no wetlands are impacted by the proposed improvements and the correct design standards are being used for storm water modeling. Based on general data from the National Wetland Inventory, it appears that the proposed grading may be within an existing wetland. A grading buffer of 50 feet is required outside of the wetland delineation line.
10. The rainfall depths used in the storm water management model should be verified. The model does not seem to match TP 40 or RCWD rules of 7.2-inches for 10-day snowmelt.
11. The storm water management report should be updated to show pervious and impervious areas modeled separately.
12. The applicant should incorporate infiltration into the site. The storm water management report shows the site contains suitable materials for infiltration.
13. The existing low area pond overtops at the emergency overflow 972.5. The storm water management model should be updated with the discharge from this overflow to Pond 1 to verify Pond 1 and the existing wetland can handle the additional flows.

1 14. The outlet pipes are shown as 8-inch PVC. The minimum lateral pipe diameter should be 12
2 inches.

3
4 Mr. Bob Moser, representative for the applicant, came forward and provided a background of the
5 project noting that he is aware that if a CUP is issued it is for the proposed use only. The house on the
6 site is occupied by the previous owner. The building is an accessory structure and documentation is
7 available indicating there are no wetlands there. The Watershed District approval is anticipated on
8 July 23, 2014.

9
10 Ms. Tami Lucius, North Oaks, came forwards and stated she will be homesteading the site and her
11 two young boys are unique with their hockey skills. She spends a lot of money on ice time and wants
12 to live in Grant. Not teams will be playing on the rink but friends will be over to utilize the ice. It is
13 not a full size hockey rink and there are no bleachers or seating around the rink.

14
15 Mayor Carr opened the public hearing at 8:35 p.m.

16
17 Mr. Steve Cossack, Dellwood, came forward and stated the drainage to the south is a problem and he
18 would like an explanation on that. There is artificial runoff that and it is a major problem. He noted
19 he doesn't know if this is the right place for this type of activity.

20
21 Mr. Jim Frick, 11610 Grenelefe, came forward and stated his property is the recipient of all the water
22 flow and the woods there have major erosion. The concern is more water and problems on the
23 property. He stated it seems to be quite a large building for one ice rink and more and more traffic
24 will be brought to the area, which is rural.

25
26 Mr. Pat Golden, 4 Highpoint Road, came forward and stated he has coached hockey teams. The
27 number of bathrooms, team rooms and parking is in question. It will eventually be commercial as
28 there will be no way to support it. It is a residential area and he moved here for a home in the
29 country.

30
31 Mr. Kevin Sayill, 5 Bayhill Road, came forward advised there is currently a ton of water in his yard.
32 This is something that would make it worse. The driveway would have to be improved and it has also
33 been rumored that the property owners are building another home in Blaine. It needs to be found out
34 where the water is coming from and the implications of that water.

35
36 Mr. Bill Suater, 11610 Honey, came forward and stated the Council needs to be asking what happens
37 to the facility when the kids grow up. Seems very excessive and he urged the City to investigate the
38 use.

39
40 Ms. Julie Hemp, 5 Hillcrest, came forward and stated she is a hockey mom. The restrooms, locker
41 rooms, parking spaces are the almost exact number for two hockey teams. She asked if it really is a
42 private use facility.

1 Ms. Ann Klauser, 17 Bayhill, came forward and stated the representative for the applicant stated there
2 will be future uses for the facility that will go through the proper channels. She stated that is not a
3 home in the country. The City should deny the CUP.

4
5 Mr. Larry Lanoux, Keswick Avenue, came forward and read from the Comprehensive Plan relating to
6 the Planning Commission reviewing applications.

7
8 Mr. Kirk Clauser, 17 Bayhill, came forward and advised he is of the same opinion of his neighbors
9 and the plan would devalue his property. The quality of runoff is also an issue and chemicals will be
10 used for an ice arena.

11
12 Mr. Gary (?), 7 Bayhill, stated he is the next door neighbor to the property. The Council needs to
13 consider water issues and there are already a lot of structures on the site that are not safe and should
14 be taken care of. There are also many piles of manure.

15
16 Mr. Tim (?) 11495 Grenelefe, came forward and stated water is causing big problems out there
17 already. This will cause more water, traffic and the location of the facility is an issue. There is no
18 schedule for the facility and it appears to be commercial.

19
20 Ms. Sharon Schwarze, Joliet, came forward and stated Mr. Rick Vanzwol requested that if the
21 building is approved to make sure it is recorded on both the lots. It is clearly an accessory building.

22
23 Ms. Kristine Flug, 60th Street, came forward and stated the question is this allowed as a commercial
24 use. What would they have to do different if it were commercial.

25
26 Ms. Melissa Keerens, 9 Bayhill, came forward and stated she agrees with the neighbors. She just
27 moved to the area and is concerned about traffic, light pollution and noise. She asked that the
28 Council think this through carefully.

29
30 Mr. Frick came forward and stated he will submit pictures of his property to show the Council the
31 water problems in the area.

32
33 Mayor Carr closed the public hearing at 8:55 p.m.

34
35 City Planner Haskamp explained that the initial application was deemed incomplete. A letter was
36 sent for clarification on the use and parking for the team rooms. The representative clarified that the
37 applicant is asking for a recreation area. Staff did not recommend a specific area for parking but
38 stated parking has to be shown to accommodate the facility.

39
40 Mayor Carr stated there are many things in the application that seem to be unsure. Drainage is a big
41 issue as well as the size of the building. He noted people can build this size of a building. He stated
42 he does not understand the bathrooms, team rooms, etc. He believes this is an arena but not an area.
43 IT does not look or feel rural. If having a riding arena or ice arena that is private, a CUP should not
44 be needed. A CUP runs with the land and the City can't police this. It does not fit the

1 Comprehensive Plan. If they want to build a house and have an accessory building with ice in it, they
2 can without a CUP.

3
4 Council Member Bohnen stated there are a lot of issues with drainage, manure, etc. He asked if the
5 intended use is to continue with livestock on the property.

6
7 Mr. Moser stated the applicant will be cleaning up the property and long term they would like to do a
8 tree farm. They do not plan on livestock. He noted that there is a principal structure there but it was
9 his understanding they had to apply for a CUP.

10
11 City Planner Haskamp noted the applicant did not speak to the City prior to submitting an application.

12
13 Mayor Carr stated anyone can come in for a concept plan review. This building can be built but it is
14 the intensity of the use and what happens with that use as to whether or not a CUP is required.

15
16 Ms. Lucius came forward and state the arena is for private use only. She wants to be a good neighbor
17 and will address all issues. The rink is being built the way it is for equipment storage. Her kids got to
18 bed at 8:00 p.m. every night. She noted she does not want additional traffic either.

19
20 Mayor Carr stated people can build buildings in Grant. The application is for commercial but you
21 don't want to be commercial. He stated the applicant can 1) regroup and come back; or 2) withdraw
22 the CUP application and start over. He noted he would not grant a CUP at this point.

23
24 City Attorney Vivian stated the application feels like an attempt to shoehorn the use that is in the land
25 use table. Equipment storage has different standards and requirements. The City can table the
26 application to the August meeting or the applicant may withdraw.

27
28 Ms. Lucius advised she will withdraw the CUP application.

29
30 City Planner Haskamp stated that a letter needs to be submitted from the applicant as soon as
31 possible.

32
33 Council Member Lobin stated the applicant withdraws the application but can still build it. That
34 doesn't make sense and she does not understand why all the amenities for the building are needed for
35 hockey practice.

36
37 Mayor Carr called for a ten minute recess at 9:25 p.m.

38
39 The meeting was reconvened at 9:38 p.m.

40
41 **PUBLIC HEARING, Consideration of Ordinance No. 2014-34, Text Amendment to Chapter**
42 **32, Section 32-337, Livestock (f); and (g) Wetland Exception in Grazable Acres Calculation –**
43 City Planner Haskamp advised at the regular June 1st City Council meeting the Council directed staff
44 to prepare the following text amendment to make certain revisions to Chapter 32, Zoning Section 32-
45 337 related to the keeping of domestic farm animals and grazeable acres. Upon direction of Council,

1 staff has prepared the subsequent text amendment and Ordinance for review a consideration. A
2 public hearing has been noticed for the July 1st City Council meeting in compliance with Section 32-
3 118 of the Zoning Ordinance.

4
5 City Planner Haskamp reviewed the proposed changes to the ordinance as well as the following draft
6 findings:

- 7
8 ▪ The proposed modification to Section 32-337 Livestock (f), which eliminates the
9 minimum lot size needed for keeping chickens, turkeys, and ducks, is consistent with the
10 City's stated goals of maintaining the rural quality of the community in every land use
11 designation and zoning district.
- 12 ▪ The City's Comprehensive Plan identifies the preservation and encouragement of
13 agricultural uses within the community, and allowing chickens and other specified
14 domestic farm animals will help support that objective.
- 15 ▪ Allowing for the keeping of certain domestic farm animals, specifically chickens, will not
16 be a detriment to the public health, safety or welfare of the community.
- 17 ▪ Correcting the grazable acres definition to exclude wetlands greater than a ¼ acre will
18 bring the standard into compliance with Chapter 12 Environment of the City's Code.
- 19 ▪ Excluding wetlands greater than ¼ acre from the grazable acres calculation will help
20 further protect the City's wetland quality and natural resources, which is stated as a goal
21 within the City's Comprehensive Plan.

22
23 Mayor Carr provided the background of the proposed revision noting there were some discrepancies
24 with the ordinances when it was codified. He stated the City is not talking about grazable acres but
25 are talking about small farm animals. In his opinion, the Ordinance used to allow for chickens and
26 small farm animals on lots less than five acres in size. He stated he wants to go back to that.

27
28 Mayor Carr opened the public hearing at 9:40 p.m.

29
30 Mr. Loren Sederstrom came forward and asked if small animals include lamas, pakaas, etc. he
31 suggested the City define small animals.

32
33 Mr. Tim Dewusky, Mahtomedi, came forward and stated he wanted to talk about the wetland
34 exception.

35
36 Mr. Larry Lanoux came forward and stated the question is as a realtor do people that have to have
37 wetland delineations have increased property value? He stated the Planning Commission should be
38 looking at any potential ordinance revisions.

39
40 Mayor Carr closed the public hearing at 9:42 p.m.

Mayor Carr stated he wants the City to go back to where they were with the ordinance and allowing small farm animals, such as chickens, on less than five acre lots.

Council Member Bohnen explained the wetland error to state “greater than ¼ acre. He also clarified the dairy cow animal unit is 1.4.

Mayor Carr moved to approve Ordinance No. 2014-34, as amended. Council Member Bohnen seconded the motion. Motion carried unanimously.

Resolution No. 2014-18, Summary Publication of Ordinance No. 2014-34 – Resolution No. 2014-18 authorizes the summary publication of Ordinance No. 2014-34.

Mayor Carr moved to adopt Resolution No. 2014-18, as presented. Council Member Bohnen seconded the motion. Motion carried unanimously.

City Attorney, Nick Vivian

Consideration of Ordinance No. 2014-35, Continuation of Franchise Fee Rates – City Attorney Vivian provided the background advising that in 2013, Xcel collected the annual amount of \$55,301.35 for the City of Grant. The fee schedule included in the current franchise fee agreement with Xcel has a sunset clause of 12/31/14.

Xcel Energy and the Public Utilities Commission (PUC) required a 90-day approval period before implementing fee collection. To assure no collection interruption, the fee schedule needs to be submitted by September 1, 2014.

Ordinance No. 2014-35 outlines the same fee schedule that was approved in June, 2009. At that time, the Council discussion related to not being in favor of another tax. However, the Council approved the fee based on the economic conditions as well as levy limits.

The only change in the renewal ordinance is there is no sunset clause. The City is always permitted to review their fee amounts as long as they are not changed more frequently than the franchise agreement is allowed.

If the City Council chooses to increase the fee schedule at this time, the increase must be negotiated and approved by the PUC.

City Attorney Vivian advised the new agreement does not include a sunset clause because it is not needed and makes sense to leave it out.

Mayor Carr moved to approve Ordinance No. 2014-35, as presented. Council Member Bohnen seconded the motion. Motion carried unanimously.

Resolution No. 2014-19, Summary Publication of Ordinance No. 2014-35 – Resolution No. 2014-19 authorizes the summary publication of Ordinance No. 2014-34.

Mayor Carr moved to adopt Resolution No. 2014-19, as presented. Council Member Bohnen seconded the motion. Motion carried unanimously.

NEW BUSINESS

Schedule 2015 Budget Meeting, City Treasurer – City Treasurer Schwarze advised the preliminary budget is due September 15, 2014. There are not lvey limits and tno road improvement districts authorized.

A 2015 budget meeting was scheduled for Monday, July 14, 2014 at 6:00 p.m.

Mayor Carr requested a reserve fund analysis for the budget meeting.

IT Policy, City Treasurer Schwarze – City Treasurer Schwarze referred to the staff report and advised that through the 2013 audit process, the City's independent auditor, CliftonAllenLarson, recommended the City put an IT Policy in place as a safety measure and also as a tool for internal controls.

Several other cities IT Policies were reviewed as a model for the City of Grant IT Policy. The League of Minnesota Cities also had information regarding the development of a computer use policy.

A draft policy is attached for consideration. The draft policy includes all of the key components recommended for inclusion of such policy from the League of Minnesota Cities.

The draft policy has been reviewed by the City Attorney for legal compliance and comment.

Council Member Bohnen moved to approve the IT Policy, as presented. Council Member Tronrud seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS

2013 Audit Discussion, City Treasurer Schwarze – There was no discussion regarding the 2013 Audit.

Jasmine Avenue Refund, City Treasurer Schwarze – City Treasurer Schwarze provided the background on this issue and noted the bond has been paid off. The question is if the City is going to refund the excess now or wait until the assessment period is over.

Mayor Carr stated the risk is the City has not yet collected all of the money. He requested information about how many dollars have not yet been collected before a decision can be made and also what the City Attorney recommends.

1 City Attorney Vivian stated the state law says the City can refund but the City has not yet collected
2 everything that was paid out. A risk analysis will be done and presented at the next meeting.

3
4 **DISCUSSION ITEMS**

5
6 **City Council Reports:**

7
8 Mayor Carr stated he is in a holding pattern with the Fire Department. He referred to the Sunnybrook
9 flooding issue and stated he does not want the City to drop the ball again.

10
11 City Engineer Olson advised he is meeting with the Watershed District to figure out the project. The
12 City will then have to identify funding for the project.

13
14 City Attorney Vivian advised the concern is the City doing something that diverts the water when the
15 City does not have the authority to do so or making the situation worse.

16
17 Mayor Carr stated they will work together on this issue but he would like a letter from the Watershed
18 District saying the City can't do anything short term to eliminate the water problems.

19
20 Council Member Bohnen advised he requested an emergency meeting to assess the situation. He
21 stated the special project for Justin Trail can't be done until the utilities out there have been
22 completed. Keswick Avenue has a big erosion problem and the only way to remedy that is to pave to
23 the hill. He recommended the City get a proposal of costs for this project.

24
25 Mayor Carr recommended that project be done this year instead of the Justin Trail project.

26
27 A price proposal for Keswick and Hwy 96 will be provided at the August Council meeting.

28
29 Council Member Bohnen added the dust control project started today and will be completed
30 tomorrow.

31
32 **Staff Updates:**

33
34 There were no staff updates.

35
36 **COMMUNITY CALENDAR JULY 2 THROUGH JULY 31, 2014:**

37 **Mahtomedi Public Schools Board Meeting, Thursday, July 10th, 2014, Mahtomedi District**
38 **Education Center, 7:00 p.m.**

39 **Stillwater Public Schools Board Meeting, Thursday, July 10th and 24th, 2014, Stillwater City**
40 **Hall, 7:00 p.m.**

41 **Charter Commission Meeting, Thursday, July 17th, 2014, Mahtomedi City Hall, 7:00 p.m.**

42 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
43

ADJOURN

There being no further business, Council Member Bohnen moved to adjourn at 10:20 p.m. Council Member Lobin seconded the motion. Motion carried unanimously.

The City Council adjourned to a work session to take public comment. No Council action was taken.

These minutes were considered and approved at the regular Council Meeting August 5, 2014.

Kim Points, Administrator/Clerk

Tom Carr, Mayor