

**City of Grant
City Council Agenda
November 1, 2011**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, November 1, 2011, 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**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF REGULAR AGENDA**
- 4. APPROVAL OF CONSENT AGENDA**
 - A. October 4, 2011 City Council Meeting Minutes**
 - B. Bill List, \$40,044.97**
 - C. Resolution No. 2011-14, Axdahl Amended CUP**
 - D. Resolution No. 2011-15, Lot Line Adjustment**
 - E. Tort Liability, City DOES NOT WAIVE Monetary Limits**
 - F. Astech, Pavement Cracks, \$24,193.26**
 - G. Envirotech, Dust Control, \$12,929.88**
 - H. Hardrives, Inc, Final Pay Voucher, 110th Street, \$3,734.36**
- 5. PUBLIC COMMENT**
- 6. CONSIDERATION OF REQUEST FROM GATEWAY TRAIL ASSOCIATION, JOHN OLDENDORF/BOB HAGSTROM**
- 7. STAFF REPORTS**
 - A. City Engineer, Phil Olson**
 - i. October Staff Report**
 - B. City Planner, Jennifer Haskamp**
 - i. Hedberg Landscape CUP Update**
 - ii. October Staff Report**
 - C. City Attorney, Nick Vivian**
 - i. October Staff Report**
 - D. Building Inspector, Jack Kramer (report for October building activities)**
- 8. OLD BUSINESS**
 - A. Proposed Road Policy Revision, Public Hearing, Steve Bohnen**
 - B. 2012 Roads Referendum, Jeff Huber (consideration of for 2012 election)**

C. Audit Services RFP; Mayor Carr (appoint 2011 Auditor)

D. Website Items, Mayor Carr

9. NEW BUSINESS

A. Public Comment Inquiries, Mayor Carr

B. Washington County Mass Notification System, Mayor Carr (consideration of participation)

C. Open Government Initiative, Jeff Huber (consideration of proposed ordinance)

10. DISCUSSION ITEMS

A. City Council Reports (any updates from Council)

B. Other Discussion Items (any updates from staff)

i. Added line item in Budget

ii. City Council Pay Forms

iii. Jasmine Avenue Refund, Sharon Schwarze (discussion of refund)

11. COMMUNITY CALENDAR NOVEMBER 2 THROUGH NOVEMBER 30, 2011:

Planning Commission Meeting, Monday, November 21, 2011, Town Hall, 7:00 p.m.

City Office Closed, Thanksgiving Holiday, Thursday, November 24, 2011

12. ADJOURNMENT

CITY OF GRANT
MINUTES

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- DATE** : **October 4, 2011**
- TIME STARTED** : **7:05 p.m.**
- TIME ENDED** : **10:45 p.m.**
- MEMBERS PRESENT** : **Councilmember Bohnen, Fogelson, Huber, Potter and Mayor Carr**
- MEMBERS ABSENT** : **None**

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson; City Planner, Jennifer Haskamp; City Assessor, Todd Smith; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 8B, Update from Todd Smith, City Assessor, was moved to item 6E.

Council Member Potter moved to approve the agenda as amended. Council Member Fogelson seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Amendment to Resolution No. 2011-12	Removed
September 6, 2011 City Council Meeting Minutes	Approved
September 14, 2011, Special City Council Meeting Minutes	Approved
Bill List, \$70,873.56	Approved
Hardrives, Inc., 101 st Street Paving Project, \$46,822.91	Approved
City of Mahtomedi, 3 rd Quarter Fire Contract, \$27,902.50	Approved
Resolution No. 2011-13, Re-establishing Unchanged Precincts and Polling Places in Grant	Approved

1
2 **Council Member Huber moved to approve the Consent Agenda, as amended. Council Member**
3 **Potter seconded the motion. Motion carried unanimously.**

4
5 Item 4A, Amendment to Resolution No. 2011-12 –

6
7 Council Member Huber asked for clarification regarding the percentage increase in the 2012
8 preliminary budget as opposed to the 2011 budget.

9
10 City Treasurer Schwarze advised the percentage increase within the 2012v budget is 8.1% which
11 includes the \$70,000 for road reconstruction. Without the road reconstruction, the percentage is
12 2.1%. The total levy increase is 14.4%.

13
14 **Council Member Huber moved to approve Resolution No. 2011-12, as presented. Council**
15 **Member Potter seconded the motion. Motion carried unanimously.**

16
17 **PUBLIC COMMENT**

18 Mr. Bob Tufty, Jasmine Avenue, came forward and advised he would like to make comments later in
19 the meeting regarding the Road Policy.

20 Mr. Loren Sederstrom came forward and stated the parade held in September was a great even with
21 400-500 people attending. He stated his cable show All Around Grant will have a segment featuring
22 the parade. He provided copies of the parade DVD for Council Members that could not attend noting
23 the event is not political but a means to bring the community together.

24 Mr. Larry Lanoux, Keswick Avenue, came forward and stated last August he asked the Council to
25 help with a referendum. A petition was brought forward and it was indicated there was no plan to
26 support it. He asked that the City hold the School District to the same standard. He read a School
27 Board Member's comments regarding the referendum noting there is no plan for the additional
28 dollars. He thanked the Council Members and Planning Commissioners that did attend the parade
29 noting he hopes everyone can attend next year.

30 Mr. Glenn Larson, Jody Avenue Court, came forward and addressed the Council's action from the
31 September meeting. He stated he strongly opposes a 14.4% increase in the levy, or any tax increases
32 period. He stated his taxes have continually gone up and they continue to rise for every level of
33 government. He asked the Council to stop doing that as the economy is very bad and people are
34 struggling. Everyone has to cut back and much better to stop increasing spending.

35 Ms. Sharon Schwarze, Joliet Avenue, came forward and stated the tax rate last year for the City of
36 Grant was 11%. She gave examples of other city tax rates noting the City of Mahtomedi is 31%,
37 which is triple the tax rate of Grant.

38 Ms. Ruth Sohl-Krerger, 9415 84th Street, came forward and stated her household does not have a
39 problem paying more taxes to support the community and its infrastructure.

STAFF REPORTS**City Engineer, Phil Olson**

Staff Report – A report was provided for September 2011 City engineering activities, to be placed on file for review.

City Planner, Jennifer Haskamp

Resolution No. 2011-14, Axdahl Amended CUP Request – City Planner Haskamp provided the background on this issue advised the existing conditional use permit for the property allows for the agricultural use and business that is currently established on the property. A condition of the existing CUP is that the business may operate between the hours of 9am and 8pm Monday through Sunday. The request is to amend the current CUP to accommodate additional hours.

City Planner Haskamp stated the Planning Commission held a public hearing for the consideration of the requested CUP amendment. The main concern regarding the application was allowing the use to continue until 11:00 pm; however, ultimately the PC recommended approval of the amendment including the extension of hours until 11:00 pm seasonally, Wednesday nights through Sunday.

Ms. Leslie Axdahl, applicant, came forward and explained the purpose of the extended hours is to accommodate a haunted trail during the Halloween season. She noted anyone participating under the age of 13 must be accompanied by an adult and there will be no alcohol or smoking. A Police Officer will be on site at all times and everyone will be off site by 11:00 pm.

City Planner Haskamp advised notices were sent to all neighbors regarding the request and public hearing. She reviewed the public comments that were made at the PC meeting and read the two emails sent to the City office. She noted all nuisance complaints would be investigated to determine if there is a violation of the ordinance. The noise ordinance itself is referenced in the CUP and can be enforced by the police.

City Attorney Vivian added that any violations could result in revocation of the CUP.

City Planner Haskamp reviewed the hours of operation and clarified that the amendment includes Wednesdays through Sundays. This year, the hours of operation will only include Fridays and Saturdays until the Halloween weekend.

The Council indicated condition #2, regarding hours of operation, be revised to include the full week of Halloween, up to and including Halloween.

Council Member Fogelson moved to adopt Resolution No. 2011-14, as amended. Council Member Huber seconded the motion. Motion carried unanimously.

Resolution No. 2011-15, Lot Line Adjustment, 8195 and 8205 114th Street – City Planner Haskamp advised a request for a lot line adjustment was submitted. When that request was reviewed,

1 it was discovered that the adjustment would result in a non-conforming lot. The applicants are
2 redoing the survey to address the frontage issue. That should be complete by the November Council
3 meeting and it will be on the consent agenda for approval.

4
5 **Staff Report** - A report was provided for September 2011 City planning activities, to be placed on
6 file for review.

7
8 **City Attorney, Nick Vivian**

9
10 **Staff Report** – A report for September 2011 was provided to be placed on file for review.

11
12 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
13 September 2011 to be placed on file for review.

14
15 **Update from Todd Smith, City Assessor** – Mr. Todd Smith, City Assessor, came forward and stated
16 he has been out doing field work in the center of the City. He has talked to a lot of residents and it
17 has been very pleasant. He stated he did pick up a lot of building permits from last year and is unsure
18 as to why those were not taken care of by the previous assessor.

19
20 Mr. Smith referred to the changes in the Homestead Credit stated lower valued homes will now have
21 more exclusion. Therefore, higher priced homes will be taxed more. It is an even more complicated
22 process and the State has stated it is a way to close the budget deficit. More tax burden will now be
23 placed on cities.

24
25 **OLD BUSINESS**

26
27 **Website Items, Mayor Carr** – Mayor Carr advised this item will be on every agenda for comments
28 and suggestions on the City's website.

29
30 Council Member Huber stated he is disappointed there is no plan for road reconstruction, 2012 budget
31 and tax increase.

32
33 **NEW BUSINESS**

34
35 **Public Comment Inquiries, Mayor Carr** – Mayor Carr asked the Council for any response to public
36 comments this evening.

37
38 Council Member Huber stated the school district's referendum was questioned. He stated the City
39 has no ability whatsoever to put something on or take something off of the school ballot.

40
41 **Audit Services RFP** – Mayor Carr referred to the results of the RFP for audit services.

42
43 Council Member Potter indicated the 2012 budget was reduced from \$16,500 to a figure of \$12,000
44 for those services.

45

1 City Treasurer Schwarze reviewed the three lowest bids and stated she did check their references.
2 She inquired about interviewing them.

3 The Council determined the three low bidders would be interviewed prior to the regular November
4 Council meeting.

5
6 **Hillcrest Animal Hospital Contract** – Council Member Bohnen provided the background on this
7 issue noting that if the City establishes its own account, residents within the City could take found
8 animals to Hillcrest. That would eliminate the need for the animal control person and lower costs to
9 the City.

10
11 City Attorney Vivian confirmed that the \$42 impound fee within the contract is the best method to
12 proceed with for the City.

13
14 **Council Member Bohnen moved to approve the Hillcrest Animal Hospital Contract, as**
15 **presented. Council Member Fogelson seconded the motion. Motion carried unanimously.**
16

17 **Property Tax Change, Homestead Credit Overview, Jeff Huber** – Council Member Huber
18 provided a detailed overview of the impact of the tax load due to the elimination of the Homestead
19 Credit. He provided examples of the tax impact under the old system as opposed to the new system.
20 The new system will raise approximately \$250 million dollars for the state. He encouraged everyone
21 to be aware of this change and let their Legislatures and Council Members know how they feel about
22 this change in the tax structure.

23
24 Council Member Fogelson stated the average change for a Grant resident is under \$99 per household.

25
26 City Attorney Vivian requested the Council include any documents being presented or discussed are
27 included in Council packets and stick to agenda items for discussion.

28
29 **Motion to Reconsider 2012 Preliminary Budget, Mayor Carr** – Mayor Carr advised he would like
30 to reconsider the 2012 Preliminary Budget that was approved at the September Council meeting.

31
32 **Mayor Carr moved to reconsider the 2012 Preliminary Budget. Council Member Huber**
33 **seconded the motion.**
34

35 Mayor Carr stated when the Council went through the budget, the question was asked regarding a big
36 budget increase. The answer was no but the preliminary budget that was approved did have a large
37 increase. He stated he has received calls and emails about this. Stillwater School District wants the
38 City's support on their referendum. There are tax increases coming from all angles and also inflation
39 and slow economy. He stated he would like to reconsider the motion for several reasons that include
40 no public comment, no plan to spend the dollars, a budget for something that is in conflict with the
41 current road policy, there are no road counts, and increased taxes lead to smaller lot sizes and sewer
42 and water.

43
44 Council Member Potter stated he would like to remind everyone that \$70,000 was put into the
45 preliminary budget for use on paved roads that are deteriorated to a point that they will have to be

1 turned back to gravel. He stated potential changes to the road policy were also discussed and it was
2 determined that after public input, over the next two months, a decision would be made on the final
3 budget in December.

4
5 Council Member Bohnen stated he would like the Council and residents have a good thorough road
6 policy discussion. If it is determined a change will not be made to the current policy, the \$70,000 line
7 item will be removed from the 2012 budget. He stated he is looking forward to the largest public
8 input process to best represent the public on this issue.

9
10 Council Member Fogelson stated there is a process in place now so the City should follow through
11 and see what happens.

12
13 Council Member Huber stated budgeting first for this and then obtaining public input is a short cut to
14 the process. It should be put to a vote first and then budget based on the results of the vote.

15
16 Mr. Neil Munkquist, 7200 Manning, came forward and stated all builders have a plan. A plan should
17 always come first and then the money.

18
19 Council Member Fogelson stated he believes in a representative democracy. He was elected into
20 office based on that. The roads are deteriorating and the City has until December to talk about the
21 plan for \$70,000.

22
23 Ms. Sohl-Kreiger came forward and stated she expects the Council to work together and the fact that
24 they are not is distressing.

25
26 Mr. Bob Tufty came forward and stated he had to work under the current road policy to get his road
27 paved. Thirty years from now when it has to be redone it will be at his expense. The policy is for
28 residents to take care of their roads. An increase in his taxes to pay for other peoples roads is just
29 wrong and he is not in favor of that.

30
31 **Motion failed with Council Member Bohnen, Fogelson and Potter voting nay.**

32
33 **Process for Road Reconstruction Fund, Steve Bohnen** – Council Member Bohnen read the letter
34 he wrote for the City newsletter regarding the road reconstruction process and asked for input.

35
36 Council Member Huber suggested the information be put on the first page of the newsletter.

37
38 After much discussion, it was suggested that a bullet point list be prepared that outlines what the City
39 is considering regarding the proposed change to the road policy. A draft of the new policy should be
40 distributed to the Council and then the public for comment.

41
42 Mr. Jerry Helander, Jasmine Avenue, came forward and stated the process is too short to give it
43 justice.

44

1 The majority of the Council indicated the informational meetings would be held and the results and
2 draft revised policy would be discussed at the November meeting.

3
4 City Attorney Vivian advised again that a draft of ordinance revisions and resolutions are prepared
5 and available for distribution, review and public comment at the November Council meeting.

6
7 **Road Referendum, Jeff Huber** – Council Member Huber stated the idea of a road referendum is a
8 good idea but it was presented too late for 2011. He stated he would like to pursue the matter for the
9 2012 ballot. He read the 2005 fall newsletter relating to road reconstruction and assessments, noting
10 the policy states residents pay up to 100% to allow for flexibility.

11
12 Council Member Huber advised he is willing to do all the work on this matter, including writing the
13 question and bringing it forward to the Council for review along with all other documents. He
14 requested Council Member Potter work with him to accomplish this.

15
16 Council Member Potter stated that he thinks whatever happens, whether that be the 2012 budget that
17 includes road reconstruction, or a referendum in 2012, public input is needed. He indicated he
18 supports researching whether a referendum is an option and would help work on it.

19
20 Council Member Bohnen suggested the City combine the process of both the referendum and road
21 reconstruction fund to include the draft policy process and public input.

22
23 **Estimate for Town Hall Window Repair, Mayor Carr** – Mayor Carr reviewed the staff report
24 indicated Mr. Terry Derosier has volunteered to fix the broken Town Hall window for the cost of
25 supplies.

26
27 Council Member Potter stated he called Mr. Derosier and did get an estimate of costs.

28
29 It was the consensus of the Council to move forward with the repair of the broken Town Hall
30 window.

31
32 **Consideration of Request from Gateway Trail Association, Mayor Carr** – Mayor Carr referred to
33 the letter included in the packets from the Gateway Trail Association. He indicated more information
34 is needed and a representative from the Gateway Trail Association could be present at the next
35 Council meeting.

36
37 **Purchase of New City Computer, Mayor Carr** – Mayor Carr advised City Computer is not capable
38 of running the software required for the Clerk to post items on the City's website. He asked the
39 Council if they would like to move forward with purchasing a new computer for the City office.

40
41 It was the consensus of the Council to purchase a new computer for the City office and obtain price
42 quotes for transferring data from the old computer to the new computer.

43
44 **Banking, City Treasurer Schwarze** – City Treasurer Schwarze advised the City Council that the
45 Broker Certificate required 2011 for the audit has not yet been received from Wells Fargo Bank. This

1 was an audit comment for 2010 also. Every January 1st the broker must send this certificate. Bob
2 Mikkelson continues to work with Wells Fargo on this issue.

3

4 **DISCUSSION ITEMS**

5

6 **City Council Reports:**

7

8 Mayor Carr provided a Brown's Creek State Trail update trail update noting a public open house is
9 being held on Wednesday, October 19, 2011 from 4:30 pm to 7:30 pm.

10

11 Council Member Fogelson advised the City newsletter will be out shortly.

12

13

14 **COMMUNITY CALENDAR OCTOBER 5 THROUGH OCTOBER 31, 2011:**

15

16 **Planning Commission Meeting, Monday, October 17, 2011, Town Hall, 7:00 p.m.**

17

18 **ADJOURN**

19

20 **There being no further business, Council Member Potter moved to adjourn at 10:45 p.m.**

21 **Council Member Huber seconded the motion. Motion carried unanimously.**

22

23 These minutes were considered and approved at the regular Council Meeting November 1, 2011.

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28 _____
Kim Points, City Clerk

Tom Carr, Mayor

29

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Date range: 10/25/2011 to 10/25/2011

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Payroll Period Ending 10/25/2011	10/25/2011	11536	\$2,602.84		No	100-41101-100	\$2,602.84
Croix Valley Inspector	10/25/2011	11537	\$4,456.96	Building Inspector	No	100-42004-300	\$4,456.96
On Site Sanitation	10/25/2011	11538	\$149.63	Sep/Oct	No	100-43007-210	\$149.63
Mike Perron	10/25/2011	11539	\$1,510.46	Brushing/Sales Use Tax	No	100-43114-300	\$857.00
						100-43114-300	\$653.46
Kline Bros Excavating	10/25/2011	11540	\$9,123.75	7971,25	No	100-43101-300	\$4,363.75
						100-43111-220	\$4,760.00
Glenn Larson	10/25/2011	11541	\$715.61	Website Feb-Oct 1/software	No	100-41312-210	\$715.61
CenturyLink	10/25/2011	11542	\$159.15	City Phone	No	100-41309-321	\$159.15
Envirotech Services	10/25/2011	11543	\$12,929.88	Dust Control	No	100-43107-210	\$12,929.88
Waste Management	10/25/2011	11544	\$4,347.38	Recycling	No	100-43011-384	\$4,347.38
MN Department of Labor & Industry	10/25/2011	11545	\$855.20	Conf#12587163060	No	100-42005-520	\$855.20
Ken Ronnan	10/25/2011	11546	\$85.50	CableCast	No	100-41318-300	\$85.50
Eckberg Lammers	10/25/2011	11547	\$3,067.53	Legal Services	No	100-41204-300	\$1,288.29
						100-41205-300	\$111.60
						100-41206-300	\$1,625.64
						833-49310-430	\$42.00
Astech	10/25/2011	11548	\$24,193.26	Route/Seal Bituminous Pavement	No	100-43112-220	\$24,193.26
Keith Mackenzie	10/25/2011	11549	\$20.12	Sprinkler Repair	No	100-41306-220	\$20.12
Xcel Energy	10/25/2011	11550	\$126.46	Utilities	No	100-43004-381	\$39.97
						100-43010-381	\$10.15
						100-43117-381	\$76.34
Sprint	10/25/2011	11551	\$31.02	City Cell Phone	No	100-43116-321	\$31.02
Computer Wrangler	10/25/2011	11552	\$1,324.04	Repairs/Computer SetUp	No	100-41314-300	\$1,011.23
						100-41317-300	\$312.81
Swanson Haskamp Consulting	10/25/2011	11553	\$2,636.93	Planning	No	100-41209-300	\$1,165.11
						808-49310-430	\$440.86
						810-49310-430	\$494.71
						832-49310-430	\$422.50

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
WSB & Associates	10/25/2011	11554	\$3,374.78	Engineering	No	833-49310-430	\$113.75
						100-41203-300	\$2,445.28
						100-43102-300	\$96.00
						100-43110-300	\$144.00
						809-49310-430	\$157.50
						829-49310-300	\$532.00
PERA	10/25/2011	11555	\$471.72	PERA	No	100-41102-120	\$253.33
						100-41113-100	\$218.39
William Lobin	10/25/2011	11556	\$592.50	COC Escrow Refund	No	834-49310-810	\$592.50
Paris Realty	10/25/2011	11557	\$625.00	COC Escrow Refund	No	827-49310-810	\$625.00
Hall Institute	10/25/2011	11558	\$1,451.57	CUP Escrow Refund	No	826-49310-810	\$1,451.57
Steve Cossack	10/25/2011	11559	\$430.00	COC Escrow Refund	No	831-49310-810	\$430.00
Paul Quest	10/25/2011	11560	\$1,088.60	CUP Escrow Refund	No	828-49310-800	\$1,088.60
Hardives, Inc.	10/25/2011	11561	\$3,734.36	Final Pay Voucher (#2)	No	829-49310-300	\$3,734.36
IRS	10/25/2011	EFT16	\$798.22	Payroll Taxes - October	No	100-41103-100	\$267.31
						100-41107-100	\$333.49
						100-41110-100	\$146.75
						100-41112-100	\$50.67

Total For Selected Checks

\$80,902.47

\$80,902.47

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2011-14**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
7452 MANNING AVENUE NORTH, GRANT, MN
(AXDAHL'S GARDEN FARM & GREENHOUSE)**

WHEREAS, Brian and Leslie Axdahl ("Applicants") have submitted an application for an Amended Conditional Use Permit for extended hours to allow for the operation of a haunted trail and corn maze located at 7452 Manning Avenue North in the City of Grant, Minnesota; and

WHEREAS, the property at 7452 Manning Avenue North has an existing Conditional Use Permit issued to Axdahl's Garden Farm and Greenhouse allowing for seasonal agricultural business activities on the property; and

WHEREAS, the Conditional Use Permit was further amended on July 15, 2005 to allow for the construction of a greenhouse and other related activities; and

WHEREAS, the Planning Commission has considered the Applicant's request at a duly noticed Public Hearing which took place on September 19, 2011 and subsequently considered the application, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission's recommendation at its October 4, 2011 City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Brian and Leslie Axdahl for an Amended Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City's Zoning Ordinance which provides that a Conditional Use Permit may be granted "if the applicant has proven to a reasonable degree of certainty" that specific standards are met. The City Council's Findings relating to the standards are as follows:

- The use will continue to be primarily seasonal agricultural activities and this amendment simply refers to the extension of business hours.
- The use conforms to the city's comprehensive plan.
- The extension of hours for a specific function for a defined period of time is consistent with the existing conditional use permit.

- The haunted trail and maze shall meet all ordinance standards for noise, light and any other nuisance as defined per city code.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The extension of hours of operations does not change the existing use of the property.
- The use meets conditions or standards adopted by the city (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the city's normal low density residential and agricultural uses.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. Hours of operation for the agricultural business shall remain 9:00 am to 8:00 pm from April 1st to December 31st.
2. The haunted trail and night corn maze activities shall be allowed to operate until 11:00 pm Wednesday through Sunday from September through October; and the full week prior to Halloween.
3. Ticket sales for the haunted trail and corn maze shall end at 10:00 pm to ensure the hours of operation are met.
4. All activities related to the haunted trail and corn maze shall be subject to the City's noise ordinance Section 32-332. Sound machines shall be setback from roadways and adjacent residential structures and shall be directed interior to the subject site.
5. All fog machines shall meet all setbacks on the property and shall be directed interior to the site.
6. No additional lighting is approved as a part of this permit, any additional lighting shall be subject to review and approval by the city planner.
7. No new access points or driveways are approved as a part of this permit. Traffic will use existing accesses to enter and exit the site. Once Manning Circle N is completed, all traffic shall be routed to this access.

8. The applicant shall continue to follow the traffic and circulation plan prepared for the amended CUP dated 7/15/2005. The plan makes sure that all customer vehicles are parked out of the traffic lane and do not constitute a traffic hazard. On-street parking shall be prohibited.
9. No additional signage is proposed as a part of this application. Any additional signage shall be reviewed and approved by the city planner.
10. Product sales shall be limited to the agricultural hours of operation and shall not be extended.
11. Any violation of the conditions of this permit shall result in revocation of said permit.
12. This permit shall be subject to annual review.
13. All escrow amounts shall be brought up to date.
14. The applicant shall sign an amended CUP within forty-five (45) days of the resolution being passed and record the same with the Office of the Washington County Recorder.
15. All ongoing conditions and requirements listed in the original Conditional Use Permit, in the Office of the Washington County Recorder shall also apply to this applicant.

Adopted by the Grant City Council this 4th day of October, 2011.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2011 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2011.

Kim Points
Clerk
City of Grant

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2011-15**

**RESOLUTION APPROVING A REQUEST FOR LOT LINE REARRANGEMENT
8195 AND 8205 114TH STREET N, GRANT, MINNESOTA**

WHEREAS, Richard Ives (“Applicant”) has submitted an application for a Lot Line Rearrangement, a subsection of the Minor Subdivision process, to allow for the transfer of an existing easement area located on 8195 to expand the lot at 8205 114th Street N in the City of Grant, Minnesota; and

WHEREAS, the lot line rearrangement would resolve issues regarding a nonconforming structure belonging to 8205 114th Street N; and

WHEREAS, the City Council for the City of Grant has considered the application at its November 1, 2011, City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Richard Ives for a lot line rearrangement as described in Chapter 30, based upon the following findings pursuant to Section 30-6 of the City’s Subdivision Ordinance. The City Council’s Findings relating to the standards are as follows:

- The lot line rearrangement will not negatively affect the physical characteristics of the lots or the neighborhood.
- The existing driveway locations were sited to meet safety and spacing requirements as established by the City.
- The proposed lot line rearrangement conforms to the city’s comprehensive plan.
- The lots resulting from the lot line rearrangement will meet all standards and requirements for lot dimensions, and size as described in Section 32-246.

- There will be no visible changes to the property and the lots will continue to use the existing accesses from 114th Street N.
- The rearrangement of the lot lines will bring the non-conforming accessory structure belonging to 8205 114th Street N into conformance with the City's ordinances as described in Section 32-246.
- The rearrangement will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.

Adopted by the Grant City Council this 1st day of November, 2011.

Tom Carr, Mayor

State of Minnesota)
) ss.
 County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2011 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ____ day of _____, 2011.

Kim Points
 Clerk
 City of Grant

AGENDA ITEM 6B(ii): LOT LINE REARRANGMENT

TO: Mayor and City Council
 Kim Points, City Clerk
 Nick Vivian, City Attorney
From: Jennifer Haskamp

Date: September 26, 2011
RE: Lot Line Rearrangement – 8195
 114th Street N, Grant, MN

Background

The Applicants contacted the City to review the options for adjusting the lot lines on the subject site to clean up existing easements that were originally established for ingress and egress onto the subject site and adjacent property. The proposed application does not result in any additional lots, it is simply the adjustment of lot lines to better meet the site conditions of both properties. Per the city code a Public Hearing is not required, nor is a review by the planning commission. Therefore staff has prepared the following short memo to assist with your review, and also provided a resolution for your review and consideration.

Project Summary

Applicant: Richard Ives Owner: James and Marlene Grant	Site Size: Lot 3 – 9.442 Acres, Lot 4 – 15.93 Acres
Zoning & Land Use: A-2	Request: Lot line adjustment – Lot 3 will transfer existing easement to Lot 4
Location (PIDs): 8195 and 8205 114 th St. North, Grant, MN	

Currently, the Applicant accesses their property at 8205 (Lot 4) from a driveway located within the easement area located on 8195 (Lot 3). The driveway leads to an existing accessory structure that is located partially on Lot 4 and partially within the easement area on Lot 3 which was determined when the survey was commissioned. The Applicant would like to sell the existing driveway easement located on Lot 3 and add the easement to existing Lot 4, therefore resulting in the following lot sizes (See attached Existing Parcel Configuration Survey):

Lot 3: 8.095 Acres

Lot 4: 17.278 Acres

The objective of the requested rearrangement is to clean up the lot lines, and to bring the barn into conformance with the City's code and setback requirements. The Owner of Lot 4 would like to sell their property and cannot complete a sale because of the location of the barn.

Review Criteria

The City's subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9 and 30-10. The subdivision ordinance states that provided all other aspects of the zoning ordinance are met, that an applicant may request the lot line rearrangement directly from the City Council through a minor subdivision application.

The sections of the code that related to dimensional standards and other zoning considerations are provided for your reference:

Secs. 32--246

Secs. 33-313

Existing Site Conditions

Existing Lot 3 is 9.442 Acres, has an existing principal structure, and accessory structure that measures approximately 1,500 square feet. The lot is accessed from an existing driveway connected to 114th Street North which is a cul-de-sac. The existing frontage is 92.19 feet, and all structures meet current lot size and setback standards.

Existing Lot 4 is 15.93 Acres, has an existing principal structure, and accessory structure. The accessory structure is currently sited partially on Lot 4 and partially within the easement area on Lot 3. The accessory structure appears to be approximately 2,700 square feet and does not meet current zoning standards. The lot is also accessed from 114th Street North and has approximately 290-feet of frontage.

Comprehensive Plan Review

The adopted comprehensive plan sets a maximum density of 1 unit per 10 acres. The proposed lot line rearrangement does not affect density, and meets the intent of the comprehensive plan.

Zoning/Site Review

Dimensional Standards

The following site and zoning requirements in the A-2 district are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Size	10 acres
Lot Area	5 acres
Lot Width (cul-de-sac)	60'
Lot Depth	300'
FY Setback	65'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'

Lot Size and Lot Area

The proposed lot line rearrangement will meet the city's ordinance standards for size and area and will not increase density in the area.

Lot Width

The proposed lot line rearrangement reduces the lot frontage on Lot 3 to 60 feet and increases the frontage on Lot 4 to approximately 103 feet. The current location of the driveways was originally established as the safest location for ingress and egress to the lots. As such, the proposed lot line rearrangement would not alter the locations of the driveways. When the lots were created an agreement was made to allow for access to Lot 4 from the easement located on Lot 3 because of driveway spacing requirements and generally greater safety for accesses to be located within the cul-de-sac. This was done prior to the construction of the accessory structure that is now located on Lot 4 and within the easement area of Lot 3. As proposed, both lots will meet the requirement for lot frontage on a cul-de-sac.

Setbacks

Based on the submitted information, all setback requirements are met on Lot 3 in existing conditions and in the proposed lot line rearrangement. On Lot 4 the principal structure meets all setback requirements; however, there is an accessory structure that belongs to the property on Lot 4 as stated in previous sections. As previously explained, the accessory structure is sited partially on Lot 4, and partially on Lot 3 within the easement area. Under existing conditions the accessory structure does not meet the side yard setback of 20-feet, as it crosses onto Lot 3. As constructed, the accessory structure is a non-conforming structure. The proposed lot line rearrangement would result in the existing accessory structure meeting all

setback requirements as the building would be setback approximately 40-feet from the side yard.

Staff Recommendation

Staff would recommend approval of the lot line rearrangement with the following findings:

- Approval of the lot line rearrangement will not negatively impact the character of the neighborhood
- The existing conditions of the site will not be changed
- The location of the existing driveways is the safest location for access to both subject properties
- Approval of the lot line rearrangement will result in bringing a non-conforming structure into conformance with city ordinances

Action Needed

The Resolution is attached for your consideration.

CERTIFICATE OF SURVEY - PROPOSED PARCEL CONFIGURATION

EXISTING LEGAL DESCRIPTIONS:

NORTHERLY PARCEL:
 LOT 3, BLOCK 1, HUBMAN ESTATES, WASHINGTON COUNTY, MINNESOTA, SUBJECT TO AN EASEMENT OVER THE SOUTHERLY 60 FEET OF SAID LOT 3, AS RECORDED IN DOC. NO. 5729856

SOUTHERLY PARCEL:
 LOT 4, BLOCK 1, HUBMAN ESTATES, WASHINGTON COUNTY, MINNESOTA, TOGETHER WITH AN EASEMENT OVER THE SOUTHERLY 60 FEET OF LOT 3, BLOCK 1, HUBMAN ESTATES, AS RECORDED IN DOC. NO. 5729856.

LEGAL DESCRIPTION OF PROPOSED SALE PARCEL:

THAT PART OF LOT 3, BLOCK 1, HUBMAN ESTATES, WASHINGTON COUNTY, MINNESOTA WHICH LIES SOUTHERLY OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 1 DEGREE 12 MINUTES 59 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOT 3 A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE NORTH 88 DEGREES 26 MINUTES 20 SECONDS EAST A DISTANCE OF 880.28 FEET; THENCE S86 DEGREES 36 MINUTES 26 SECONDS EAST A DISTANCE OF 117.12 FEET TO THE WESTERLY LINE OF SAID LOT 3 AND SAID LINE THERE TERMINATING.

PROPOSED LEGAL DESCRIPTIONS:

NORTHERLY PARCEL:
 LOT 3, BLOCK 1, HUBMAN ESTATES, WASHINGTON COUNTY, MINNESOTA, EXCEPT THAT PART OF SAID LOT 3 WHICH LIES SOUTHERLY OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 1 DEGREE 12 MINUTES 59 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOT 3 A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE NORTH 88 DEGREES 26 MINUTES 20 SECONDS EAST A DISTANCE OF 880.28 FEET; THENCE S86 DEGREES 36 MINUTES 26 SECONDS EAST A DISTANCE OF 117.12 FEET TO THE WESTERLY LINE OF SAID LOT 3 AND SAID LINE THERE TERMINATING.

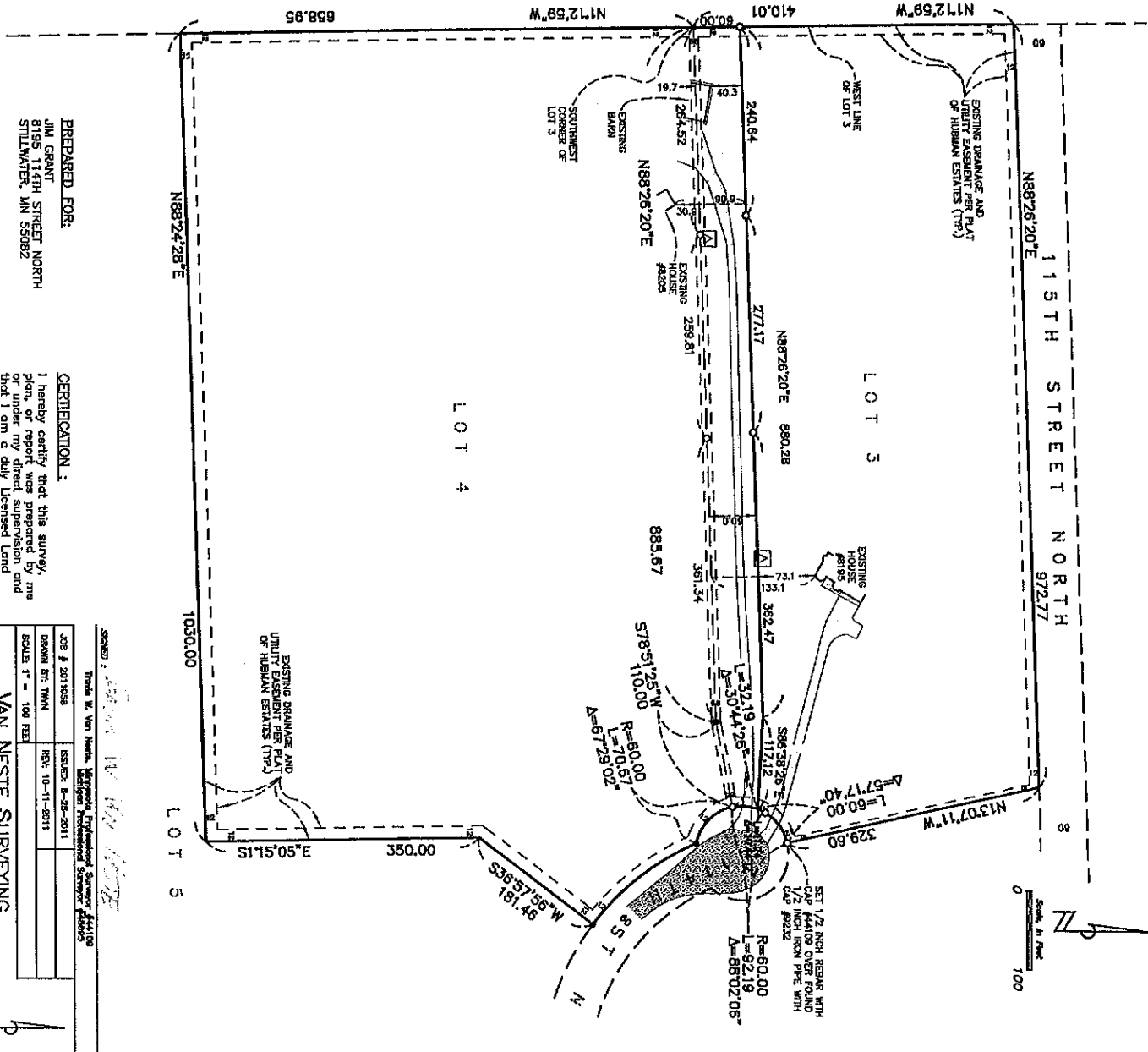
SOUTHERLY PARCEL:
 LOT 4, BLOCK 1, HUBMAN ESTATES, WASHINGTON COUNTY, MINNESOTA, AND THAT PART OF LOT 3, BLOCK 1, HUBMAN ESTATES WHICH LIES SOUTHERLY OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 1 DEGREE 12 MINUTES 59 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOT 3 A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE NORTH 88 DEGREES 26 MINUTES 20 SECONDS EAST A DISTANCE OF 880.28 FEET; THENCE S86 DEGREES 36 MINUTES 26 SECONDS EAST A DISTANCE OF 117.12 FEET TO THE WESTERLY LINE OF SAID LOT 3 AND SAID LINE THERE TERMINATING.

NOTES:

- EASEMENTS SHOWN ARE PER PLAT OF THE HUBMAN ESTATES AND THOSE PROVIDED BY THE CLIENT.
- ADDRESS OF THE SUBJECT PROPERTIES:
 2195 114TH STREET NORTH AND 8205 114TH STREET NORTH, GRANT MN 55082
 P.L.D.S. 04.030.21.32.0001 AND
 04.030.21.32.0002
- EXISTING PARCEL AREAS:
 NORTHERLY PARCEL:
 411,311 SQ. FT. (9.442 ACRES)
 SOUTHERLY PARCEL:
 693,928 SQ. FT. (15.930 ACRES)
- PROPOSED PARCEL AREAS:
 NORTHERLY PARCEL:
 353,219 SQ. FT. (8.108 ACRES)
 SOUTHERLY PARCEL:
 752,023 SQ. FT. (17.264 ACRES)
- BEARINGS ARE BASED ON THE RECORDED PLAT OF HUBMAN ESTATES.

LEGEND:

●	ROUND IRON PIPE W/ CAP #2022
○	SET 1/2" REBAR W/ CAP #4109
▣	ELECTRIC TRANSFORMER
▨	CONCRETE SURFACE
▩	BRITANNIUM SURFACE
▧	GRAVEL SURFACE



PREPARED FOR:
 JIM GRANT
 8195 114TH STREET NORTH
 STILLWATER, MN 55082

CERTIFICATION:
 I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

THOMAS W. VAN NESTE, Minnesota Professional Surveyor #44100

DOB # 2011058	EXPIRES 8-28-2011
ISSUED 8-28-2011	REV: 10-11-2011

SCALE: 1" = 100 FEET

VAN NESTE SURVEYING
 PROFESSIONAL SURVEYING SERVICES
 85 WILDHURST ROAD, EXCELSIOR, MN 55331
 PHONE (952) 558-3045 TOLL-FREE FAX (952) 472-0120
 WWW.VANNESTESURVEYING.COM

SHEET 1 OF 1

Provided for your information

Election of Coverage

Each year you have the option of making the following election regarding your tort liability. You will need to sign a waiver form to confirm your election choice.

Your renewal policy reflects that you do not waive the monetary limits, which is based on the election you made last year.

The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

This means an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory limit applies. The total which all claimants would be able to recover for a single occurrence to which the statutory limits apply would be limited to \$1,500,000.

This is the election you did not choose last year.

The city **WAIVES** the statutory limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of liability coverage obtained from LMCIT.

This means a single claimant could potentially recover up to \$1,500,000 on a single occurrence. The total for which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000, regardless of the number of claimants.

Note: If the city waives the statutory tort limits, you have the option to purchase "Excess Liability" coverage. The cost of purchasing excess liability is about \$1,785 to purchase \$1,000,000 of coverage.

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- If the city does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- If the city waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

City of Grant
accepts liability coverage limits of \$ ^{statutory} 1,500,000 from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting _____

Signature _____ Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044

ASTECH

ASPHALT SURFACE
TECHNOLOGIES
CORPORATION

P.O. BOX 1025 - ST. CLOUD, MN 56302 * 320/363-8500
FAX NO. 320/363-8700

AN EQUAL OPPORTUNITY EMPLOYER

INVOICE

INVOICE NO
11-385

SOLD TO CITY OF GRANT
111 WILDWOOD ROAD
WILLERNIE, MN 55090

SHIP TO GRANT MN

ACCOUNT NO	PO NUMBER	JOB NUMBER	DATE SHIPPED	TERMS	INVOICE DATE	PAGE
GRANT		K11-071	9/1/2011	Net 30	10/20/2011	1

ROUT AND SEAL BITUMINOUS PAVEMENT CRACKS

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED
353	ROAD STATIONS (ORIGINAL BID)	31.67	11,179.51*
8975	LBS MATERIAL FOR ADD'L ROUT & SEAL	1.45	13,013.75*

* means item is non-taxable

TOTAL AMOUNT 24,193.26

A SERVICE CHARGE OF 1.5 % PER MONTH (OR A MINIMUM CHARGE OF \$1.00 FOR BALANCES UNDER \$50.00) WHICH IS AN ANNUAL RATE OF 18 % WILL BE MADE ON ALL PAST DUE ACCOUNTS.

** PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT **



Collective Invoice

ORIGINAL

Invoice Date 09/29/2011
 Invoice Number CD201118241
 Customer Number 13555

P. O. Box 5512
 Denver, CO 80217
 Inquiries: 800.369.3878
 Fax: 970.346.3959

Customer Address
 City of Grant
 111 Wildwood Road
 Box 577
 Willernie MN 55090

Due Date
 10/14/2011
 Terms of Payment
 15 Days Net

Order Number K5341	Your Reference steve	Customer City of Grant
Purchase Order Number verbal		

DO #	Pos	Part No	Taxabl	Sales	Quantity	Unit	Sale	Unit	Disc.	%	Discount	Net
Receipt Ref:		Description		Price	Quantity	Unit			Tax %		Amount	USD
219385 46617	1	1000 RoadSaver		4,500.00	gal		0.7600		0%		0.00	3,420.00
219386 46617	1	1000 RoadSaver		4,505.00	gal		0.7600		0%		0.00	3,423.80
219387 46617	1	1000 RoadSaver		3,504.00	gal		0.7600		0%		0.00	2,663.04
219388 46625	1	1000 RoadSaver		4,504.00	gal		0.7600		0%		0.00	3,423.04

Order Sub Total Amount	12,929.88
Order Total Exclusive Tax	12,929.88
Tax	0.00
Order Total	12,929.88
Sub Total Amount	12,929.88

Invoice No: CD201118241
 Due Date: 10/14/2011
 Total Invoice: 12,929.88

Past due invoices accrue finance charges at 1.5% per month



Owner: City of Grant
 111 Wildwood Road
 Grant, MN 55090-0487
 For Period: 9/21/2011 to 9/30/2011
 Contractor: Hardrives, Inc. (Rogers)
 14475 Quiram Drive
 Rogers, MN 55374

Date: 9/30/2011

Request No.: 2 & FINAL

Pay Voucher
 GRNT - 110th Street Paving
 Client Contract No.:
 Project No.: 01936-12
 Client Project No.:

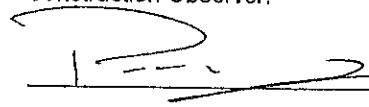
Project Summary			
1	Original Contract Amount		\$56,164.15
2	Contract Changes - Addition	\$0.00	
3	Contract Changes - Deduction	\$0.00	
4	Revised Contract Amount		\$56,164.15
5	Value Completed to Date		\$50,557.27
6	Material on Hand		\$0.00
7	Amount Earned		\$50,557.27
8	Less Retainage		\$0.00
9	Subtotal		\$50,557.27
10	Less Amount Paid Previously		\$46,822.91
11	Liquidated Damages		\$0.00
12	AMOUNT DUE THIS PAY VOUCHER NO. 2 & FINAL		\$3,734.36

I HEREBY CERTIFY THAT A FINAL EXAMINATION HAS BEEN MADE OF THE ABOVE NOTED CONTRACT, THAT THE CONTRACT HAS BEEN COMPLETED, THAT THE ENTIRE AMOUNT OF WORK SHOWN IN THE FINAL VOUCHER HAS BEEN PERFORMED AND THE TOTAL VALUE OF THE WORK PERFORMED IN ACCORDANCE WITH, AND PURSUANT TO, THE TERMS OF THE CONTRACT IS AS SHOWN IN THIS FINAL VOUCHER.

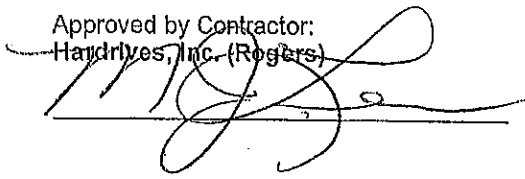
Recommended for Approval by:
 WSB & Associates, Inc.



Construction Observer:



Approved by Contractor:
 Hardrives, Inc. (Rogers)



Approved by Owner:
 City of Grant

Specified Contract Completion Date:
 12/31/2011

Date:

Comment:

September 21, 2011
5418 Lake Elmo Ave. N.
Lake Elmo, MN. 55042

To the Mayor and Council Members of the City of Grant:

Dear Mayor and Council Members:

The Board of the Gateway Trail Association has previously passed a resolution advocating an entrance/exit at the end of Manning Trail Court N. onto the Gateway Trail. The new Manning bridge is near completion, and trail users will soon be riding across this great new overpass. We have talked to users of the trail in the local community surrounding this new bridge, and find many want to be able to access the trail at this point which is currently being used while the bridge was under construction

We have talked to Kent Skaar at the DNR and the DNR would support this access from the trail. It would join city property for a short distance to connect with Manning Trail Court N. The DNR would put signage at that juncture telling people that access was limited to this one spot and that there is no access on the east side of Manning.

This access will allow residents of Grant to get on to the trail without a long detour. Without this access, they would have to most likely take their bikes or themselves to Pine Point Park or possibly to Hwy 96 to park and ride.

We would like to see the City of Grant proceed to develop this access with the DNR. It would be advisable to start this action soon before residents start to make their own ways on to the trail, possibly in a manner not in the best interest of Grant or the DNR.

If we can be of help in moving this matter forward, please let us know. The GTA is always interested in improving the trail for the residents of the communities it goes through.

Regards,



John Oldendorf
President Gateway Trail Association

cc: Kent Skaar. Minnesota DNR

Memorandum

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

From: *Phil Olson, PE, City Engineer
WSB & Associates, Inc.*

Date: *October 24, 2011*

Re: *November Staff Report - Engineering*

A. Agenda Items

i. None

ii. Staff Report/Council Update

- a. 110th Street Paving Improvements:** All contract work is complete. The second and final pay voucher containing the project retainage has been included in the consent agenda for approval and project closeout. The unused balance of the cash escrow will be returned to Mr. Rog.
- b. Mahtomedi School CUP:** The City has received an updated set of plans and an updated stormwater management report for review. It appears that there is still one remaining item to resolve associated with the stormwater management plan. The plans have also been submitted simultaneously to Rice Creek Watershed District and Valley Branch Watershed District for their review and approval.
- c. Ideal Avenue Drainage Review:** Staff, the Road Commissioner, and a representative from Valley Branch Watershed District discussed options to repair the drainage issue along Ideal Avenue. It was determined the most cost effective repair would be to grade the edge of the roadway to direct drainage away from Ideal Avenue. This option will not prevent roadway flooding during larger rainfall events.
- d. 11675 Keats Avenue, Nicholson Site Review:** The Wetland Restoration Order deadline is November 15, 2011. The City currently is waiting for the property owner to submit an application for a grading permit for City review. The City has received a wetland delineation report and application for a boundary determination. This application is independent of the grading permit application.

- e. **Sign Inventory Update:** This regulation is currently being reviewed by the federal government after receiving comments back from state and local agencies. The League of Minnesota Cities is currently working with a group of city engineers and other city officials to develop a model sign retroreflectivity policy to meet the January 22, 2012 deadline. Following the federal review, we will discuss the management plan again.

- f. **Engineering Budget:** It was mentioned at the last meeting that engineering billing is nearing or has exceeded the 2011 budget. I have itemized the billings to provide additional information regarding the number of projects completed in 2011 and their costs.
 - i. General Engineering
 - 1. Engineering Services.....\$12,337.00
 - 2. Annual MS4.....\$2,800.00
 - 3. St. Croix Lake TMDL.....\$172.00
 - ii. Road Engineering
 - 1. Dust Control.....\$1,411.00
 - 2. Class 5 Surfacing.....\$2,243.00
 - 3. Grading Services.....\$2,215.00
 - 4. Snow Removal.....\$1,380.00
 - 5. Crack Filling.....\$2,043.00
 - iii. Sign Inventory.....\$3,822.00
 - iv. Grading Permits.....\$952.00
 - v. Utility Permits.....\$2,924.00
 - vi. Nicholson Site Review.....\$4,015.28
 - vii. Mahtomedi Public School Review.....\$10,350.50

If you have any questions, please contact me at 763-512-5245.

MEMORANDUM

To: Mayor and Grant City Council
Date: October 25, 2011
CC: Kim Points, City Clerk
RE: Hedberg Nursery – Update regarding CUP
Nick Vivian, City Attorney
From: Jennifer Haskamp, City Planner

BACKGROUND

In spring of 2010 council began the review of the Hedberg Nursery CUP and staff was directed to work with former councilmember Hinseth to determine if the CUP should be updated. During a site investigation in 2010 it was clear that the Nursery was undergoing some changes and was attempting to bring the property into compliance with the existing CUP. Staff understands that some of the changes were made in response to concerns voiced from the council and neighbors regarding the operation. No action was taken during the 2010 season, and the CUP remained unchanged into 2011.

During the summer of 2011 it was communicated to staff that we should revisit the CUP and determine what action steps are necessary to complete the review of this CUP. The following report and summary provides a review of the existing conditional use permit, including a review of the conditions, a thorough site investigating and site visit as well as Staff's recommendations for completing the review.

ANALYSIS

The first special use permit was issued to Park Nursery on April 2, 1974 and further negotiations were made to the CUP in August of 1990. The negotiated conditions of the CUP clearly define the products and uses that are allowed on site. It identifies the commercial greenhouse and nursery as the principal use and the garden center and associated materials as accessory to the commercial greenhouse. The garden center identifies the following as materials as acceptable for sale onsite: plant material, garden tools, Christmas goods, hardgoods, garden gifts and books, garden lighting, bird feeders and seeds, soils & mulches, landscape hardgoods, services, and irrigation. The CUP also allows for design-build contracting, and professional landscape architecture services onsite. During staff's initial review in 2010 it was communicated that there were three primary areas of concern which included: 1) the quantity of landscape hardgoods onsite, 2) the presence of multiple small business that provide supplemental services onsite, and 3) the quality of the berms constructed onsite to buffer the use from adjacent properties. Staff did a comprehensive review of the conditions, but focused primarily on the concerns identified. The following statements in the CUP are made regarding these items:

- 1) "Landscape Hardgoods – Materials and accessories used in building and furnishing landscape features such as wood products, pavers, wall rocks, pools, sculptures, swings, etc."

The CUP does not address how much of the business can be dedicated to Landscape Hardgoods, but simply states that it is accessory to the commercial nursery. Currently, approximately the western half of the exterior storage on the property is dedicated to Landscape Hardgoods or soils and mulches. The commercial nursery, including the greenhouse, is located on the eastern half of the property and continues to be a primary business line at the operations. As you approach the operations a significant portion of the front yard area is dedicated to nursery goods including trees, bushes and other plants. All operations are setback significantly from the frontage road, and the site is accessed by a long driveway leading to the commercial operations.

- 2) The CUP does not specifically address the presence of small businesses leasing space (outdoor storage or otherwise) from the Owner. The first CUP allowed for sales of tractors and other equipment that was essentially a secondary business on the site.

Currently although not verified, there appear to be a couple of small businesses that occupy a portion of the site behind the nursery. Those businesses do not appear to be marketing their business onsite separately from Hedberg Nursery; in fact they appear to be incidental to the operation, if present at all, based on the site visit. It is hard to know if there are any additional businesses operating full-time from the site because their uses are consistent with the CUP. Based on the site visit all uses appear to be consistent with the conditions as laid out in the permit. Additionally the permit does allow for multiple uses including design-build contracting and professional landscape architectural services. The permit does not expressly deny the nursery the ability to collaborate with other small businesses onsite.

- 3) The CUP states, "Establishment of berms and plant growth on East boundary as presented in topographical map and as recommended by the Planning Commission, to be completed within one year from opening of business."

Staff performed a site visit to determine if the berms were constructed and plant growth established on the east boundary. Staff determined that the berm has been constructed and was placed to avoid disturbance of the mature vegetation on the eastern boundary. (See attached images) The berm also has a fair amount of vegetation and is providing an adequate and reasonable buffer to adjacent properties. Furthermore, all 'hardgoods' are located on the western portion of the site to mitigate the noise associated with those operations.

Although not addressed in the CUP, the nursery has also constructed a second berm at the western perimeter of the site near the truck entrance to buffer the activities of the hardgoods operation. This berm was recently completed after the completion of the berm on the east side of the site. Throughout the western portion of the site where the hardgoods operation is primarily located, there is signage communicating to users to be mindful of their neighbors and that they must operate in a manner that mitigates potential impacts to neighboring properties.

Upon review of the conditions as stated in the CUP, Hedberg Nursery appears to be working diligently to operate in a manner that is in compliance with the existing CUP.

SITE VISIT *(Pictures)*

During the site visit staff took a series of pictures to demonstrate the existing site conditions. Staff has attached a few images that demonstrate compliance with some of the aforementioned concerns.

RECOMMENDATION

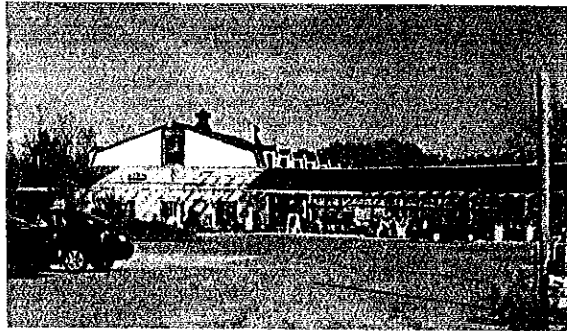


From review of the existing conditions, and upon site review, it appears that Hedberg Nursery is operating in compliance with the CUP. Staff would recommend leaving the existing CUP and conditions as drafted at this time.

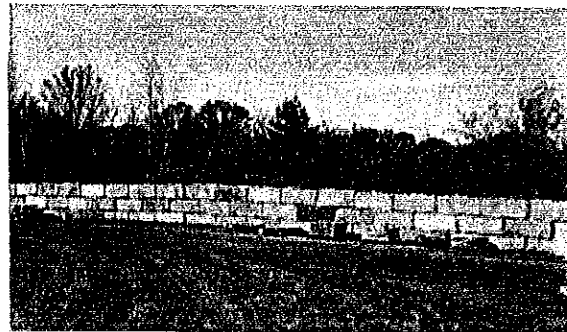
Hedberg Nursery - Site Visit



Outside sales at Eastern Boundary - Trees, Bushes, plants, etc.



View from parking lot looking north to facility - nursery and greenhouse



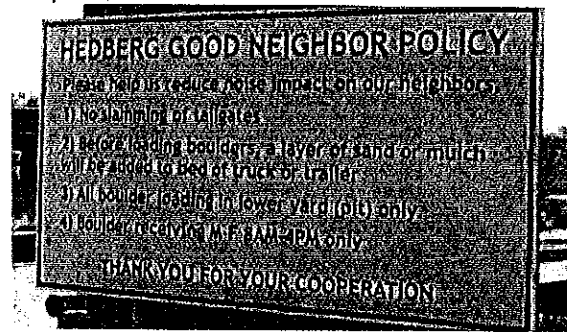
Constructed western berm - interior to site



Finished eastern berm with vegetation.



Constructed western berm - adjacent to receiving road



Sample signage throughout hardgoods area



Rock, mulch, etc., at rear of site - potential location of non-principal businesses

MEMORANDUM

To: Mayor and Grant City Council
Date: October 25, 2011
CC: Kim Points, City Clerk
RE: Staff Report - Planning
Nick Vivian, City Attorney
From: Jennifer Haskamp, City Planner

AGENDA ITEMS:

4C. The CUP and Resolution were updated to reflect the changes as discussed at the October council meeting. The only change was to the language relating to days of operation, which was revised to include the week of Halloween in their hours of operation.

4D. As presented at the October council meeting the applicants have requested a lot line rearrangement which will result in making all structures and lots conforming with our ordinances. A staff report and resolution are attached for your review and consideration.

6B(i). A staff memo updating the council regarding the Hedberg nursery is attached for your review and consideration. It is staff's opinion that the intent and conditions of the current Conditional Use Permit are being met, and no further action is necessary at this time specifically related to the CUP. Staff did speak with Mr. Hedberg and he communicated that he would like to propose some changes to the ordinance to better address businesses like his operation after the issues of the CUP were resolved. He has stated that he would like to keep the current escrow account open with the city to fund those discussions. Staff will work with Mr. Hedberg to determine what those changes might be and to determine the best process for moving forward.

STAFF REPORT:

ISD #832 CUP Elementary School Application Update:

The school district continues to work through issues with the watershed districts, county and DNR. A letter of agreement between the DNR and school district was submitted for our records related to the crossing at Jamaca. The executed agreement was not provided, but staff will follow up to ensure we have a copy for our records. Additionally, the school district is working with the County to secure the access permits. The school district provided a letter of correspondence from the County which states that the application for the access permits was made, but at this time is incomplete. Staff will continue to keep the council informed.

11675 Keats Avenue – Wetland Violation

The property owner and representatives are continuing to work through the process to meet the requirements of the restoration order. Staff has been working with the property owner to determine where the excess fill will be placed and where the new building will be located.

ECKBERG LAMMERS
MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Nicholas J. Vivian, City Attorney

DATE: October 25, 2011

RE: Staff Report for November City Council Meeting

Please be advised that our office is presently working on the following matters on behalf of the City of Grant:

Nielsen v. City of Grant

The Court issued its Decision and Order on October 20, 2011 granting the City's Motion for Summary Judgment. The Court's Order effectively ends the litigation in this matter.

Axdahl Jacobs Final Plat Approval

The mylars have been completed by the Developer's Engineer and the final performance requirements have been supplied to counsel for the Developers. I expect the performance requirements to be satisfied soon clearing the way for the City to execute the Final Plat.

11675 Keats Avenue N. – Wetland Violation

I have been working in conjunction with the City Engineer and the City Planner to review the progress of the restoration of this property.

Ideal Avenue Drainage Review

I have been asked to outline funding options for improvements related to drainage as identified by the City Engineer. The City has a number of options available including assessing the costs of the improvement to the property owner, entering into a cost-share arrangement with the property owner or completing the project with public funds. The City will be required to make a policy determination as to which option it will pursue if it elects to complete the improvements.

Zoning Matters

I have worked with the City Planner on a couple of boundary line adjustments which will be considered by the City Council in upcoming meetings.

Please call with any comments or questions.

City Council Report for October 2011

To: Honorable Mayor & City Council Members

From: Jack Kramer Building Official

Zoning Violations:

Mr. Lauren Fariss 10280 Kismet Ln. Violation of the City of Grant Zoning Ordinance Section 13-20 Movable Property & Section 13-320 Reasonable Maintenance.

1. Mr. Farriss has complied with the requirements of the ordinance. I shall randomly inspect and monitor the property throughout the next few months to ensure the property remains in compliance.

2. Mr. David Johnson 9945 Justen Trail N. Violation of the city of Grant Zoning Ordinance Section 32-181 Building Permit and Compliance with Building Code Required and Section 32-313 Accessory Buildings and Other Non-Dwelling Structures.

a. Mr. Johnson has applied for a building permit and has supplied a site drawing, indicating how he plans to conform to the zoning ordinance. Based on the information supplied by Mr. Johnson, it appears he will be able to satisfy the requirements.

Please note Mr. Johnson does not officially have a building permit issued to him. Based on a meeting at city hall where Mr. Johnson disputed the cost of the building permit and has refused to pay the permit fee. I will make further contact him, to hopefully resolve the issue.

Building Permit Activity:

Twenty-Eight (28) building permits have been issued for this time period with a total valuation of \$446,195.00

Additional Information:

I have issued a building for the town hall mold mitigation and water damage repairs. Currently the exterior foundation walls located on the North and West sides have been excavated and being allowed to dry prior to applying the damp proofing and installing a drain tile system.

The week of October 24th, 2011 the interior mold mitigation efforts shall begin and a few days may be required to complete the project. Please note during this week of reconstruction an odor may be encountered, due to the sealers and spray insulation being applied to the ceiling and walls.

I shall provide a full report to the council at the conclusion of the mitigation project.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jack Kramer".

Jack Kramer

Building and Code Enforcement Official

AGENDA ITEM 8A

STAFF ORIGINATOR	Kim Points
MEETING DATE	November 1, 2011
TOPIC	Public Hearing: Road Policy Revision

BACKGROUND

At the October 4, 2011 City Council meeting, a process for a proposed road revision policy was discussed.

Three neighborhood informational meetings have been held, a public hearing noticed in the newspaper, and a proposed revision to the current road policy has been drafted.

Many residents did utilize the Road Feedback form on the City's website to provide input on this issue. Copies of those comments are included for Council review.

Council Member Bohnen will provide an update on the informational meetings that were held throughout the month of October.

RECOMMENDATION

Council prerogative

**RESOLUTION 2011 -
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

POLICY FOR SPECIAL ASSESSMENTS FOR ROAD RECONSTRUCTION

WHEREAS, the City Council of the City of Grant wishes to consider adopting a policy for determining the allocation of special assessments for reconstruction of paved roads so that all residents shall be treated, and improvements assessed, in a manner that is fair and consistent with state law.

WHEREAS, the City Council intends that these policies not be construed as exclusive but instead to provide general guidelines for addressing assessments in the City, and in enacting these policies, the City Council acknowledges that special cases and variations may be required based on the particular facts present in any given situation.

NOW, THEREFORE, be it resolved by the City Council of the City of Grant that the following special assessment policy for road reconstruction be adopted.

I.
BASIC PHILOSOPHY

- A. A fair and equitable assessment of up to one hundred percent (100%) of the cost associated with completion of the improvement shall be assessed to properties benefited by the paved road reconstruction as defined by this policy. Based upon the traffic counts and any other relevant information the City may contribute an amount together with the special assessments to the reconstruction of existing paved roads beyond normal repair. **The City may contribute up to 20% for reconstruction projects.**
- B. In carrying out this policy, the City Council shall act in the best interest of the health safety and welfare of the citizens of the City of Grant.

II.
DEFINITIONS

The following definitions shall have the meaning give.

- A. "Buildable lot" means the number of lots that exist, or could be created, on a piece of property. "Buildable lots" shall include consideration of whether a parcel of land is dividable.
- B. "Improvement" means any type of improvement granted by Minnesota Statutes §429.021.
- C. "Road Reconstruction" is a mill and replacement of existing pavement or removal of

the pavement. Either remediation of the pavement is done together with placement of new asphalt. Correction of subgrade as needed at the time of reconstruction.

III. ALLOCATION OF SPECIAL ASSESSMENTS

- A. **Preferred Method.** Lots to be assessed are those lots that have an address on the road to be improved or have road frontage on the road to be improved. The assessment shall be allocated as follows:
1. Each buildable lot with road frontage and an address or potential address on the road to be improved shall be assessed as one unit.
 2. Each buildable lot with road frontage on the road to be improved, but with an address for that parcel on a different street, shall be assessed as one quarter ($\frac{1}{4}$) unit. A buildable lot shall not be charged more than one unit per project or assessable event.
 3. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved shall be assessed as one quarter ($\frac{1}{4}$) unit.
 4. A buildable lot that generates additional traffic may be assessed based upon the traffic generated.
- B. **Alternate Methods.** In the case of unique circumstances when the preferred method of assessment does not fairly apportion special assessments, the City Council may apportion assessments by reference to front foot, buildable lot, a combination of front foot and buildable lot, or any other method that will fairly and equitably distribute the assessments.
- C. In no event shall any special assessment exceed the benefit to the property being assessed.

IV. PROCEDURES

- A. Reconstruction projects shall be determined by recommendation of the City Engineer together with the Road Supervisor and approved by the City Council.
- B. **Approval of Projects.** After receiving the Engineer's feasibility report, if property owners representing at least seventy-five percent (75%) of the units proposed to be assessed approve the project, the project shall be ordered. If less than seventy-five percent (75%) of the units to be assessed approve the project, the project may be rejected.
- C. Appropriate public hearings shall be held.

D. The City Council reserves the right to approve or disapprove of any project in accordance with the best interest of the citizens of the City of Grant.

EFFECTIVE DATE. This policy is effective on the date of adoption.

Whereupon a vote being taken upon the motion, the following members voted in favor:

Whereupon a vote being taken upon the motion, the following members voted against:

Whereupon said motion was duly passed this ___ day of _____, 2007.

Tom Carr, Mayor

ATTEST:

Kim Points, City Clerk

Grant City Clerk

From: Grant City Clerk <clerk@cityofgrant.com>
Sent: Tuesday, October 25, 2011 3:56 PM
To: clerk@cityofgrant.com
Subject: FW: FYI
Attachments: LMC - City Special Elections.pdf

275.73 MS 1998 [Expired]

275.73 ELECTIONS FOR ADDITIONAL LEVIES.

Subdivision 1. Additional levy authorization.

Notwithstanding the provisions of sections 275.70 to 275.72, but subject to other law or charter provisions establishing other limitations on the amount of property taxes a local governmental unit may levy, a local governmental unit may levy an additional levy in any amount which is approved by the majority of voters of the governmental unit voting on the question at a general or special election. Notwithstanding section 275.61, any levy authorized under this section must be levied against net tax capacity unless the levy required voter approval under another general or special law or any charter provisions. When the governing body of the local governmental unit resolves to increase the levy pursuant to this section, it shall provide for submission of the proposition of an additional levy at a general or special election. Notice of the election must be given in the manner required by law. The notice must state the purpose and the maximum yearly amount of the additional levy.

Subd. 2. Levy effective date.

An additional levy approved under subdivision 1 at a general or special election held on or before the first Tuesday after the first Monday in November in any levy year may be levied in that same levy year and subsequent levy years. An additional levy approved under subdivision 1 at a general or special election held after the first Tuesday after the first Monday in November in any levy year shall not be levied in that same levy but may be levied in subsequent levy years.

History:

1Sp2001 c 5 art 16 s 9; 1Sp2003 c 21 art 7 s 7

Nicholas J. Vivian



Office of the Sheriff

Commitment to Excellence



William M. Hutton
Sheriff

Daniel Starry
Chief Deputy

Kim Points
PO Box 577
Willernie, MN 55090

Dear Ms. Points:

The Washington County Sheriff's Office was approached by a number of our city partners asking us to spearhead the purchase and implementation of a Mass Notification System. These systems allow public entities the ability to quickly communicate to the public through phone and web based messages.

We are happy to announce that the Washington County Sheriff's Office in cooperation with Washington County Public Health has entered into contract with Emergency Communications Network for a Mass Notification System known as Code Red. The Code Red System will allow Public Safety and other government agencies the ability to send mass messages to a specific area or jurisdiction that can be selected by the user. Messages sent by the Code Red System can be received by a home phone, cell phone as a message or text or by an email. Messages are sent by using the Code Red web based program that utilizes the Code Red infrastructure. The system has the ability to send a very high number of calls in a short period of time. In one recent situation in Dakota County, the Code Red system was activated to assist in the search for a missing vulnerable adult. Because of the Code Red message a local citizen located the missing person and was able to notify authorities.

What does the Code Red System offer the citizens of Washington County? The intention of purchasing the Code Red System is to provide emergency notification to the citizens in a timely fashion utilizing the latest mass notification technology. In 2012 there will be 150,000 minutes available for emergency notifications as proposed in the financial model (see below). Code Red can be used for non emergency applications, however, those notifications would be paid for by the entity that sends the message. The goal is to ensure there are adequate amount of minutes in the case of an emergency. Code Red does allow free text messaging capabilities within the System, making it available to use as a staff notification resource for participants.

The cost of the the Code Red System for Washington County is \$33,750.00 per year. The Sheriff's Office and Public Health have both dedicated money to pay for the Code Red System for the rest of 2011. In 2012, the County is paying \$15,000 or nearly half of the cost, however, we are asking for help from the cities/townships to assist in paying for the remainder. The fee structure that has been presented to the city administrators during a recent meeting is to have each city/township pay \$.07860 x the population of the city/township. This fee structure appears to be the most equitable solution for raising the necessary funds to provide this valuable tool to the citizens of Washington County. As an example, the City of Pine Springs would pay \$32.06 a year while the City of Woodbury would pay \$4,870.13 a year.

We are hoping all of the cities and townships will be interested partnering with us in the Code Red System. Please let me know if your city/township is interested in using and helping fund the program in 2012. I have attached a spreadsheet with the cost by city/township for your review. We have developed a policy for the use of the system in addition to a joint powers agreement. Those documents have been included for your review as well. In an effort to ensure that the Code Red system is available for use by all as soon as possible, I am asking that you notify the Sheriff's Office if you will be or not be participating by August 1st 2011. Those that are going to participate in the system will need to have a copy of the Joint Powers Agreement signed and returned to the Sheriff's Office no later than August 18th 2011. Please contact Commander Anschutz at 651-430-7846 with any questions about the system.

Sincerely,



William M. Hutton
Sheriff

Enclosed: Mass Telephone Notification System Policy
Cost by population worksheet
Joint Powers Agreement

1. Policy Overview

The Washington County Sheriff's Office 911 PSAP(Public Safety Answering Point) has implemented a Mass Telephone Notification System (MTNS) that allows the PSAP and authorized users to contact citizens and staff regarding an imminent danger or emergency that may affect public health, safety, or welfare.

The Washington County Sheriff's Office PSAP operates the MTNS on behalf of all participating departments in Washington County and is responsible for assuring the system is used in accordance with the guidance set forth in this document.

1.1 System Overview

The Mass Telephone Notification System (or MTNS, or System) is a rapid communication service available for Mass Emergency Notifications. MTNS employs internet mapping capability for geographic targeting of calls, coupled with high speed telephone calling system capable of delivering customized pre-recorded emergency messages directly to homes, mobile phone devices and business, whether answered by an individual or answering machine at the rate of up to 60,000 calls per hour. It also has the capability to notify subscribers through text message, email, Facebook, SMS and Twitter. MTNS subscribers control their emergency broadcasts from anywhere in the world via a secure internet portal.

1.2 Definitions

1.2.2 Notification Scenario

A Notification Scenario is a situation where property or human life is in jeopardy or where notification would assist a public safety agency in the accomplishment of a critical task.

1.2.3 Scenario Types

In order to provide for standardized conditions of use, the WCSO shall define authorized message types that will be transmitted using the MTNS system as:

- a. Emergency Notifications: Notifications that are sent by a participating agency that are related to public safety or public health.

- b. **General Notifications:** Notifications that are sent by an agency for the purpose of public notification. General Notifications are those that do not meet the criteria of a Emergency Notification.

1.2.4 Authorized System User

Authorized System User means:

- (1) The Washington County Administrator, the Sheriff, and/or the county Emergency Management Manager. A city administrator, police chief and/or fire chief of a jurisdiction in Washington County. The department head of a jurisdiction non-public safety department within Washington County. It shall be the responsibility of the county/city administrator to identify any other appropriate users.
- (2) An individual designated in writing by an Authorizing System User described above. The Authorized System User has the authority to request a Trained User to activate a notification scenario.

1.2.5 Other Participating Entities

Government organizations not defined in section 1.2.4 and private organizations which by the nature of their business activities have the potential need to contact citizens and staff regarding an imminent danger or emergency that may affect public health, safety, or welfare may be authorized by the Washington County Sheriff to utilize the MTNS. Such participation is conditioned upon a properly executed written agreement with the Washington County Sheriff's Office establishing terms, conditions and costs for system use. Their use of the system will be approved through the public safety entity within the jurisdiction.

1.2.6 Trained User

Trained User means an individual who has satisfactorily completed the training curriculum prescribed by the Sheriff's Office for accessing and activating the Notification Scenario and been designated by an Authorized System User as someone who has permission to activate a Notification Scenario. In its sole discretion, the Washington County Sheriff may limit the number and identity of Trained Users that have direct access to the System.

1.2.7 WCSO MTNS System Administrator

The Washington County Sheriff's Office will designate an employee of the PSAP as the System Administrator. The WCSO System Administrator is responsible for the overall administration of the System which includes maintaining lists of Authorized System Users and Trained System Users and acts as the primary contact for all users for System related changes or issues.

1.3 Participating Entity Requirements

1.3.1 Point of Contact

A participating entity, whether public or private that is authorized to activate the WCSO MTNS System, shall provide the MTNS System Administrator with a Point of Contact who administers the System for that entity.

1.3.2 System Maintenance and Integrity

The Point of Contact named in section 1.3.1 shall:

- Maintain an up-to-date roster of all Authorized Users and Trained Users and send a copy of the roster to the MTNS System Administrator and notify the same of any changes in Users.
- Ensure that Trained Users are available during their normal work hours and receive annual refresher training on the MTNS system or as needed.
- Request training, or training materials as needed.
- Ensure that access to the MTNS system is limited to Trained Users.
- Protect and limit the use of the assigned user name and password which grants access to the system website. In the event a Trained User is no longer authorized to access and activate the system, the password shall be changed immediately.
- Take any and all steps necessary to protect the information within the MTNS database from misuse or release to unauthorized parties.
- Notify the MTNS System Administrator of any system security breaches or suspected tampering.

1.4 Testing Procedures

1.4.1 Frequency

The MTNS System Administrator will coordinate with Authorized System Users to conduct quarterly testing of the system.

1.4.2 System Discrepancies

Any problems or discrepancies within the system identified during testing shall be reported to the MTNS System Administrator immediately for action.

1.5 Activation Procedures

1.5.1 Voice Messages

Authorized System Users will submit a request to the WCSO PSAP to initiate a voice notification consisting of an outbound telephone notification by voice message. The WCSO PSAP Shift Supervisor or designee will then activate the MTNS system for such requests for outbound telephone notifications. Private sector users will coordinate activation through their public safety partner.

1.5.2 Pager, Text, and Email Notifications

Pager, text, and email notifications through the MTNS can be sent by Trained Users of any Participating Entity at no additional cost to the user agency.

1.6 Allocation of Minutes

The Washington County Sheriff's Office MTNS system designates 150,000 minutes per year of connected call time for usage by the Sheriff's Office and authorized users.

1.6.1 Designation of Time

- All Emergency Notifications, as defined in section 1.2.3 will be activated by WCSO at no additional cost to the member agency, except that Emergency Message Notifications sent at the request of a non-public safety government

entity as defined in section 1.2.5 shall be billed to the requesting agency at the current approved rate.

- General Notifications, as defined in section 1.2.3, sent at the request of the member agency will be billed to the requesting agency at the current approved rate.
- General Notification billing rates may be adjusted by the Sheriff. These rates will be established in the current Code Red agreement.
- The WCSO System Administrator is responsible for coordinating the use of 500 system minutes for testing and training.
- Funds resulting from General Notifications and monthly recurring fees from other participating entities will be maintained by the WCSO and applied to the purchase of additional voice call minutes once the allotted 150,000 prepaid minute bank is exhausted.
- In the event that not all of the 150,000 prepaid minutes are used during a contract period, the funds collected from a participating agency for General Notifications will be carried forward to the following year. The WCSO will retain those funds and apply them towards any future General Notifications sent by that agency or for the purchase of "roll over minutes" as defined in the Code Red Contract.

1.7 Official Use Only

The WCSO MTNS system will be used for official use only. It is the responsibility of Authorized Users to assure that all notifications they request are compliant with the message definitions described in section 1.2 of this policy.

The PSAP shall be informed of all activations in order to respond to follow up calls and questions from the public or agency staff.

1.9 Message Types

The MTNS system shall be used for incidents where rapid and accurate notification is essential for public safety.

1.9.1 Emergency Notifications

Emergency voice notifications shall be limited to:

- Incidents requiring the public to evacuate.

- Incidents requiring the public to shelter in place.
- Incidents involving missing children.
- Incidents involving missing vulnerable adults.
- Incidents involving any other imminent threat to public health or safety where protective actions by the public are necessary.
- Notification of Member Agency or other participating entity critical staff when Emergency Notification methods are not functioning or are otherwise unavailable for use.

The WCSO system may be used for incidents where authorized entities deem the situation suitable for activation.

1.9.2 General Notifications

General Notifications shall be limited to:

- Missing person notifications not including those described in section 1.9.1
- Dissemination of Crime Prevention information with no imminent threat to public safety.
- Special Notifications.
- Member agency requested tests/drills.



Office of the Sheriff

Commitment to Excellence



William M. Hutton
Sheriff

Daniel Starry
Chief Deputy

City or Township	2010 US Census Population	Code Red Cost per year Formula (Population x .07860)
Afton	2,886	\$226.83
Bayport	3,471	\$272.82
Baytown Township	1,723	\$135.42
Birchwood Village	870	\$68.38
Cottage Grove	34,589	\$2,718.69
Dellwood	1,063	\$83.55
Denmark Township	1,737	\$136.52
Forest Lake	18,375	\$1,444.27
Grant	4,096	\$321.94
Grey Cloud Island Twp	289	\$22.71
Hugo	13,332	\$1,047.89
Lake Elmo	8,069	\$634.22
Lake St Croix Beach	1,051	\$82.60
Lakeland	1,796	\$141.16
Lakeland Shores	311	\$24.44
Landfall	686	\$53.92
Mahtomedi	7,676	\$603.33
Marine St Croix	689	\$54.15
May Township	2,776	\$218.19
Newport	3,435	\$270.00
Oak Park Heights	4,339	\$341.04
Oakdale	27,378	\$2,151.91
Pine Springs	408	\$32.06
Scandia	3,936	\$309.36
St. Marys Point	368	\$28.92
St. Paul Park	5,279	\$414.92
Stillwater	18,225	\$1,432.49
Stillwater Twp	2,366	\$185.97
West Lakeland Twp	4,046	\$318.01
White Bear Lake	403	\$31.67
Willernie	507	\$39.85
Woodbury	61,961	\$4,870.13
Total	238,136	\$18,717.36

Law Enforcement Center • 15015 62nd Street North — P.O. Box 3801, Stillwater, Minnesota 55082-3801
 Phone: 651-430-7600 • Fax: 651-430-7603 • TTY: 651-430-6246

www.co.washington.mn.us

Equal Employment Opportunity / Affirmative Action

**JOINT POWERS AGREEMENT BETWEEN THE WASHINGTON COUNTY SHERIFF'S
OFFICE AND THE CITY OF GRANT**

THIS AGREEMENT is made by and between political subdivisions organized and existing under the Constitution and laws of the State of Minnesota. Washington County a political subdivision by and through its Sheriff's Office (hereinafter "Provider") and the City of Grant Minnesota, a municipal corporation, (hereinafter referred to as the "City") are the parties to this agreement.

WHEREAS, both political subdivisions through their law enforcement agencies manage threats to public health and safety.

WHEREAS, Minnesota Statutes Section 471.59 provides that two or more governmental units may by Agreement jointly exercise any power common to the contracting parties.

WHEREAS, The Provider has entered into a contract with Emergency Communications Network for the purpose of providing a Mass Emergency Notification System also known as Code Red.

WHEREAS, The provider has agreed to purchase 150,000 minutes from Emergency Communications Network for the purpose of sending Mass Emergency Notifications to home, business or cell phones.

WHEREAS, the Provider has agreed to purchase the Mass Emergency Communication system to assist agencies within Washington County provide necessary emergency and non emergency mass notifications.

WHEREAS, The City is in need of having the ability to communicate with the public in a timely fashion during both emergency and non emergency situations.

WHEREAS, At the request of the City, the Provider is willing to provide a Mass Emergency Notification System.

NOW THEREFORE, Pursuant to the authority contained in Minnesota Statute Section 471.59, commonly known as the Joint Powers Act which authorizes two or more governmental units to jointly exercise any power common to them and /or Minnesota Statutes Sections 626.76 and in consideration of the mutual covenant herein contain and the benefits that each party hereto shall derive hereby the Provider and City agree to the following terms and conditions.

PURPOSE

The purpose of this joint powers agreement is set forth in the recitals contained in the above whereas clauses which are incorporated by references if fully set forth herein.

CITY'S RESPONSIBILITIES

1. When needed, the City's representative shall be able to utilize the Mass Emergency Notification Communication System by notifying the Washington County Sheriff's Office 911 PSAP for Emergency Notifications. Emergency Notifications are those that are related to public safety as defined in the Code Red Policy. The 150,000 minutes purchased by the provider will be used for all Emergency Notifications at no additional cost to the City.
2. The City agrees to pay the Provider \$321.94 for the purpose of purchasing its proportionate share of 150,000 Emergency Notification minutes per year.
3. The City will conform to any Policy developed by Provider related to the use and maintenance of Code Red.
4. The City's representative shall be responsible for determining the content of any Emergency Notification message in addition to the geographic area the message is to be sent.
5. The Washington County 911 PSAP Center personnel will assist in preparing Emergency Notifications as defined in the Code Red Policy and will be responsible for initiating the call procedures through Code Red at the direction of the City's authorized representative.
6. The City's representative will be responsible for sending any General Notifications, as defined in the Code Red Policy, through a web based server. General Notification minutes used will be paid by the City to the Provider at an additional contracted rate of .25 per minute. Those funds will be retained by the provider for the sole purpose of purchasing minutes on the Code Red System.
7. For every additional year this agreement is extended the Provider will invoice the City at a rate of \$ 321.94 per year for emergency notification minutes.

8. City will be responsible for the payment of additional year(s) extension upon receipt of the invoice from the Provider.

PROVIDER'S RESPONSIBILITIES

1. Provider agrees to enter into a contract with Emergency Communications Network for the purchase of 150,000 minutes of the Code Red Mass Notification System in 2012.
2. Provider will develop a policy related to the use and maintenance of the Code Red System.
3. Provider will assign a 911 PSAP employee as the Code Red System administrator.
4. Provider agrees to train the 911 PSAP personnel in the operation of the Code Red System.
5. Provider agrees to train the City representative in the use of the Code Red System.
6. The Provider will test the Code Red System to ensure the system is operating properly.
7. The Provider will monitor the number of minutes used by all agencies to ensure there is sufficient number of minutes available in the event of an emergency.

TERM OF AGREEMENT

The initial Term of this Agreement shall be from January 01, 2012 and ends December 31, 2012, the date of the signature of the parties notwithstanding, unless earlier terminated in accordance with the termination clause. After the initial Term, this Agreement will automatically renew for two additional one year periods with the final termination date of December 31st 2014, unless the automatic extension is cancelled by the City in accordance with the termination clause.

PAYMENT

The City shall pay the Provider within 30 days of being invoiced for the City's annual portion of the Code Red System or for any General Message minute usage.

INDEPENDENT CONTRACTOR

It will be agreed that nothing within the contract is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties or as constituting the City as the agent, representative, or employee of the Provider for any purpose or in any manner whatsoever.

ASSIGNMENT

The City shall not assign any services contemplated under this agreement.

RECORD DISCLOSURES/MONITORING

Pursuant to Minn. Statute 16C.05 SUBD. 5, the books, records, documents and accounting procedures and practices of the contractor relevant to the contract are subject to examination by the County and either the legislative auditor or the state auditor, as appropriate. The contractor agrees to maintain and make available these records for a period of six years from the date of termination of this agreement.

INDEMNIFICATION

- a. The City agrees it will defend, indemnify and hold harmless the Provider, its officers and employees against any and all liability, loss, costs, damages, and expenses which the Provider, its officers, or employees may hereafter sustain, incur, or be required to pay arising out of the negligent or willful acts or omissions of the City in the performance of this agreement.
- b. The liability of the parties under this agreement shall be governed by Minnesota Statutes section 471.59 subdivision 1a. Each party to this agreement shall be liable for its own acts or omissions and shall not be liable for the acts or omissions of any other party to this agreement.

INSURANCE REQUIREMENTS

The City agrees that in order to protect itself, as well as the Provider, under the indemnity provisions set forth above, it will at all times during the term of this Agreement, keep in force the following insurance protection in the limits specified:

1. Maintain membership and participation in the Minnesota League of Cities Trust or Commercial General liability Insurance with contractual liability coverage in the amount of the City's and Provider's tort liability limits set forth in Minnesota Statute Section 466.04 and as amended from time to time.
2. Automobile coverage in the amount of the City's and Provider's tort liability limits set forth in Minnesota Statute Section 466.04 and as amended from time to time.
3. Worker's Compensation in statutory amount.

Prior to the effective date of this Agreement, the City will furnish the Provider, with certificates of insurance as proof of insurance. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed, or not renewed without thirty days notice thereof to the Provider.

DATA PRACTICES

All data collected, created, received, maintained, or disseminated for any purposes by the activities of the contractor, because of this agreement, is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as federal regulations on data privacy.

TERMINATION

- a. Provider may cancel this Agreement with or without cause at any time upon giving a 30 days written notice to the City Administrator or designee. The City may cancel this Agreement with or without cause at anytime upon giving a 30 days notice to the Washington County Sheriff or designee. No monies paid will be refunded to the City upon termination of this contract.
- b. During the initial or subsequent term if the City does not want to exercise the automatic one year renewal, it must provide written notice of such to Provider at least 90 days prior to December 31st of the current year.
- c. If Provider does not renew its contract with Emergency Communication Network for 150,000 minutes of the Code Red Mass Notification System for years 2013 and or 2014, the Provider will notify the City 30 days prior to December 31st 2012 or December 31st 2013 respectively.

WASHINGTON COUNTY

GRANT

BY: _____
County Board Chair

DATE: _____

BY: _____ DATE: _____

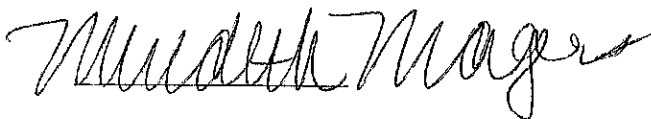
BY: _____
County Administrator

DATE: _____

BY: _____
Sheriff

DATE: _____

Approved to as form:



Asst County Attorney

The City of Grant Open Government Initiative seeks to:

Create better relationships between the local city government and the public.
Enable better understanding of public need for services and more responsiveness to these needs and increase the rate of innovation by leveraging public knowledge and participation.

This is just one step toward making local government and the City Council more transparent, participatory and collaborative. As Grant is a rural community a significant portion of our community has no access to cable television so that local government channels do not reach a large percentage of our population.

PROPOSAL:

The City of Grant Open Government Initiative seeks to promote public knowledge and input into Council activities through a structured set of publication obligations whenever the Council considers changing ordinances and schedules workshops or other meetings outside of normal council meetings for the purpose of public input. This ordinance will mandate publication standards for all informational meetings, workshops and other venues where public input is desired.

1. All meetings, workshops or meetings separate from normal and scheduled Council meetings where changes to Grant ordinances, tax levels or other organizational aspects of city government are being considered must be properly publicized.
2. Whenever a Council quorum is present for the purpose of soliciting public input a notice of meeting must be placed in the cities newspaper of record.
3. This notice of meeting is to be placed in the newspaper of record in the manner proscribed: A notice is to be placed in the Calendar section of the newspaper noting date, time, location and purpose of meeting stating the Cities desire for public input on the change.

AGENDA ITEM 10B

STAFF ORIGINATOR	Kim Points
MEETING DATE	November 1, 2011
TOPIC	Other Discussion Items

Line Item in Budget – As an informational item for the City Council, a line item has been added to the City’s accounting program. The purpose of the addition is to accommodate investment transfers into the City’s general fund.

The City’s Investment Advisor transfers funds into the City’s Checking account every month to accommodate the monthly bills.

City Council Pay Forms – Attached in the Council packets are the annual pay form, including mileage and extra meeting payment.

Below is a list of additional City meetings in 2011. Individual Council Members may have attended additional meetings.

- 1) Newly Elected Officials Training – February 25 & 26
- 2) School District Meeting – February 9
- 3) Special Council Meeting – March 10
- 4) Special Council Meeting – April 21
- 5) Local Board of Appeal – May 3
- 6) Performance Review – June 28
- 7) Budget Meeting – September 14
- 8) Road Informational Meetings – October 13, 24, 27

Please submit Council pay forms to the City office by November 18, 2011.