

**City of Grant  
City Council Agenda  
October 2, 2012**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, October 2, 2012, 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. September 4, 2012 City Council Meeting Minutes**
  - B. Bill List, \$31,217.43**
  - C. City of Hugo, Goodview Avenue Project, \$21,380.27**
  - D. Kline Bros., Road Maintenance, \$16,970.00**
  - E. Envirotech Services, Dust Control, \$14,896.81**
  - F. City of Mahtomedi, 3<sup>rd</sup> Quarter Fire Contract, \$28,739.50**
  - G. Resolution No. 2012-10, Complaint Protocol and Communications Process**
  - H. Resolution No. 2012-11, Data Practices Policy**
- 5. PUBLIC COMMENT**
- 6. STAFF REPORTS**
  - A. City Engineer, Phil Olson**
    - i. Jamaca Avenue Roadway Repair Project Bids**
    - ii. September Staff Report**
  - B. City Planner, Breanne Rothstein**
    - i. Long Lake Discussion**
    - ii. September Staff Report**
  - C. City Attorney, Nick Vivian**
    - i. September Staff Report**
  - D. Building Inspector, Jack Kramer (report for September building activities)**
- 7. NEW BUSINESS**

8. OLD BUSINESS

A. Website Items

9. DISCUSSION ITEMS

A. Public Comment Inquires, Mayor Carr

B. City Council Reports (any updates from Council)

C. Staff Reports (any updates from Staff)

10. COMMUNITY CALENDAR OCTOBER 3 THROUGH OCTOBER 31, 2012:

Candidate Forum, Wednesday, October 10, 2012, Mahtomedi High School, Black Box Theater, 7:00p.m.

Planning Commission Meeting, Monday, October 15, 2012, Town Hall, 7:00 p.m.

11. ADJOURNMENT

**ADDRESSING THE CITY COUNCIL**

Persons wishing to address the Council on a subject which appears on the agenda must wait until the item is discussed by the Council. The procedure for consideration of an agenda item is (1) staff presentation; (2) presentations by petitioner or advisory bodies (if required); (3) Council motion and seconded to place the matter on the floor; (4) Council questions of staff and/or advisory body reports and discussion; (5) presentations from the audience; and (6) Council decision.

**Guidelines for Conduct at the City of Grant City Council Meetings**  
**(Per 2007 Meeting Agendas)**

The City of Grant welcomes the public to attend all public meetings, workshops, and hearings and you are encouraged to express your opinion during these meetings. To keep the agenda moving smoothly, the City uses the following basic guidelines for presentations made before the Council:

1. Public comment will be addressed as time allows and individuals must be recognized by the Mayor prior to making comment
2. Any individual addressing the Council will approach the microphone and clearly state both their name and address.
3. Comments shall be addressed to the City Council only and shall be confined to the agenda item under discussion.
4. Comments and reading of written statements shall be limited to 2 minutes and speakers will not be recognized to speak again until everyone who wishes to address the City

**Council has been heard. You are encouraged not to be repetitious of comments made by any previous speakers.**

- 5. The number of individual presentations may be limited by the City Council to accommodate the scheduled agenda items.**
- 6. Speakers shall respect the dignity of others being addressed directly or indirectly.**

CITY OF GRANT  
MINUTES

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**DATE** : September 4, 2012  
**TIME STARTED** : 7:04 p.m.  
**TIME ENDED** : 10:55 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, Breanne Rothstein; and City Clerk, Kim Points

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

**Council Member Huber moved to approve the agenda as presented. Council Member Potter seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

|  |          |
|--|----------|
| August 7, 2012, City Council Meeting Minutes     | Approved |
| Bill List, \$57,355.59                           | Approved |
| Pearson Bros., Inc., 2012 Seal Coat, \$49,308.48 | Approved |

**Council Member Potter moved to approve the Consent Agenda, as presented. Council Member Huber seconded the motion. Motion carried unanimously.**

**PUBLIC COMMENT**

Mr. Robert Hill, 450 Emerald Lane, came forward and stated he lives on Long Lake. He distributed information regarding what happens when a lake is mismanaged. The lake is becoming a bog. The City of Grant, Dellwood and Mahtomedi need to address this issue. Property values are going down and he would like this on the next Council agenda.

1 Mr. Merrill Osterrich, 8861 Ideal, came forward and stated he is concerned with the lake and what is  
2 happening to it. It used to be a recreational lake and can no longer be used in that way.

3 Ms. Lisa Paddock, 10025 Keswick, came forward and extended an invitation to everyone to the third  
4 annual tractor parade hosted by the Grant Restoration Project on Saturday, September 8 from noon to  
5 3:00 p.m. She stated the parade starts at the Gasthaus, goes to Town Hall and then back to the  
6 Gashaus and is a community event. The GRP encourages the Council to attend and it is a perfect time  
7 for a meet and greet as there will be a special tent for the Council. She stated she hopes everyone can  
8 join them.

9 Mr. Larry Lanoux, Keswick Avenue, came forward and referred to an article in the St. Paul Pioneer  
10 Press regarding water quality, tanks on the school site and critics not being intellectually honest. He  
11 referred to a picture of a sign of Mr. Tom Carr that is out at the ball field. He stated there was a lot of  
12 dirt that had to be hauled out of state and the Mayor never asked why it was being hauled to other  
13 sites. He read a resolution approved by the City Council regarding this issue. The Met Council  
14 decided to bring in sewer and water. He asked why all of this had to be approved in one night. He  
15 stated it was rubber stamped by a majority of the Council and engineering wasn't even brought in on  
16 the plans. The Mayor did not allow public input on this issue and he has documentation that the site  
17 is in fact a super fund site.

18 Mr. Bob Zick came forward and raised four issues. He stated residents are saying they fear exercising  
19 their rights to get information at City Hall. The Mayor and Council Member Huber need to stop using  
20 their positions to slander Mr. Sederstrom and Mr. Lanoux who are running against them. The Mayor  
21 and Council Member Huber need to recluse themselves from voting on a political attack on Mr.  
22 Sederstrom, Mr. David and Mr. Lanoux, as they should have done with the grazable acres issue. The  
23 City Council needs to listen to its citizens.

24 Mr. John Wycoff, City of Maplewood, came forward and stated it is not being intellectually honest to  
25 bring up two men and remove them from the premises for providing information from the School  
26 District.

27 Mr. Loren Sederstrom, 107<sup>th</sup> Street, came forward and stated he would like to further clarify issues  
28 that were brought up at the last Council meeting. The EPA inventoried all dump sits in the state. He  
29 has the documentation from the dump site and the v-wrap program. The site was labeled under the  
30 umbrella of a super fund site.

31 Mr. Bob Englehart, Joliet Avenue, came forward and stated the Mahtomedi School District is  
32 troubling him. They can't run the City or tell the City who to empower within the City. He suggested  
33 the City give them the property so they have the liability. It is ridiculous to have them here as they  
34 should go by what that City wants and the CUP.

35 Mr. Mark Wojcik, 110<sup>th</sup> Street, came forward and stated the Planning Commission has seven people  
36 and it is a good credible group. He stated he does not believe the Council always respects the PC.  
37 The PC looked at the grading permit process and had watershed districts present. The PC wanted  
38 residents to go to the watershed districts first. The concern then was liability with the City. Mr.  
39 Lanoux addressed that with the group. That did not make it into the minutes and he believes it should  
40 have. The website does have Council minutes posted but not PC minutes. He asked why the PC is  
41 being excluded from that.

1 Mr. Bill David, Keswick Avenue, came forward and stated he and the Mayor had a conversation  
2 about the tractor parade poster being on the website. The Mayor said it could not be posted due to the  
3 advertisement. The White Bear paper has two pictures of the parade in it. He added the City is  
4 apparently responsible for bringing sewer and water to the City with the school, thanks to the current  
5 Council.

6 Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and stated she has been a 4H leader in the County for  
7 many many years. The new leaders do not want anything to do with the City of Grant because of the  
8 banner problems. 4-H will have a float in the parade but she only got help from a couple of previous  
9 members. The current leaders are very upset with the current Council and have no allegiance to Grant  
10 at all. She stated the new leaders want her to step down and split the group but she won't let that  
11 happen. 4-H will not do the flower beds anymore and that is why you don't see 4-H members around  
12 anymore.

13 Mr. Jerry Helander, Jasmine Avenue, came forward and stated he keeps hearing the tractor parade is  
14 not political but three founders of the GRP are running for City office and they want the current City  
15 Council at the parade. It is nothing a political ploy to get current officials out of office.

## 16 17 STAFF REPORTS

### 18 19 **City Engineer, Phil Olson**

20  
21 **Justen Trail Neighborhood Overlay Notification Process** – City Engineer Olson provided the  
22 background and reviewed the proposed changes discussed at the last Council meeting. He distributed  
23 another draft and highlighted the language that was added relating to assessments.

24  
25 **Council Member Bohnen moved to send out the Justen Trail Neighborhood Overlay**  
26 **Notification letter, as amended. Council Member Fogelson seconded the motion.**

27  
28 Council Member Huber asked if there is a system to bring other neighborhoods in on potential  
29 projects. City Engineer Olson stated staff can go out and investigate other areas that may coordinate  
30 with the original project area.

31  
32 Council Member Bohnen stated he would be comfortable taking out the statement relating to the  
33 economy of scale and potential for projects costs to be reduced if other neighborhoods are combined.

34  
35 The Council agreed to omit that statement.

36  
37 **Motion carried unanimously.**

38  
39 **Mahtomedi Elementary School Site** - City Engineer Olson stated that as requested, he has reviewed  
40 the current and past status of the Bellaire Transfer Station #2 in the City of Grant related to  
41 whether or not it was listed as a Superfund site. Information from the EPA and the PCA was  
42 reviewed. Based on this review, staff found the following information:

- 43
- The site is not currently listed as a Superfund site.

- 1       • The site was not historically listed as a Superfund site. It was previously placed on the  
2 CERCLIS list. The CERCLIS list is a database to track activities under the Superfund  
3 program. Being placed on the CERCLIS list does not mean that a site is a Superfund site. Three  
4 options exist for sites that are on the CERCLIS list. They can either be determined that a) no  
5 further action is needed, b) sampling is needed, or c) that emergency removal of the  
6 contamination is needed. The site subsequently entered into the MPCA Volunteer  
7 Investigation and Cleanup (VIC) Program and was ultimately removed from the CERCLIS list  
8 because of the actions the site underwent through the VIC program.

9 City Engineer Olson confirmed that CERCLIS is a federal program and the entire site was looked at.  
10

11 **Staff Report** – City Engineer Olson reviewed the August staff report relating to engineering  
12 activities.  
13

14 **City Planner, Breanne Rothstein**  
15

16 City Planner Rothstein introduced herself and stated she is happy to be in Grant. She requested  
17 Council direction regarding City meetings.  
18

19 It was the consensus of the Council that the City Planner would attend City meetings as needed or  
20 when there is a specific agenda item.  
21

22 **Masterman Lake Clear Cut Enforcement Issue** – City Planner Rothstein advised the Masterman  
23 Lake Clear Cut issue is being worked and is being resolved.  
24

25 City Attorney Vivian advised the City does not have an administrative fine system in place. The  
26 Deputy can issue criminal violations or citations. In this case, the issue goes to the Planner to try and  
27 resolve the issue. If not resolved, it may come to the City Council for enforcement action.  
28

29 **Complaint Protocol and Communications Process** – City Planner Rothstein provided the  
30 background on this item noting the most significant change to the proposed policy is the removal of  
31 timelines leaving it up to staff's discretion. She stated this is formalization of the current policy.  
32

33 **Council Member Potter moved to adopt the Complaint Protocol and Communication Process,**  
34 **as presented and direct staff to prepare a resolution. Council Member Huber seconded the**  
35 **motion. Motion carried unanimously.**  
36

37 **Staff Report** – A report from City Planner Rothstein was provided for August 2012 planning  
38 activities to be placed on file.  
39

40 **City Attorney, Nick Vivian**  
41

42 **Data Practices Policy Revision** – City Attorney Vivian reviewed a draft of a proposed Data Practices  
43 Policy. He advised it would be prudent to update and revise the current policy as the City is receiving  
44 so many data practices requests. It is also important to refresh the current requirements and note that

1 the City Clerk is the responsible authority for data practices. Some costs may also be recovered. The  
2 last policy was adopted in 1996. He reviewed the changes in the proposed policy.

3  
4 City Attorney Vivian advised the new policy conforms specifically to the state law that requires  
5 someone be designated as the responsible authority and fees can be charged. It refers to the specific  
6 state law as it is written today. The goal is for the public to understand how the process works. He  
7 noted he is unaware of any escrow requirements that have been tested in Grant. There are larger cities  
8 that do charge escrows. The language in the proposed revision gives the City the authority to an  
9 escrow and it is also standard practice.

10  
11 Council Member Huber requested the Clerk's specific name be removed from the draft.

12  
13 **Mayor Carr moved to approve the Data Practices Policy Revision, as amended. Council**  
14 **Member Huber seconded the motion. Motion carried unanimously.**

15  
16 **Ordinance No. 2012-27, Adjustment of Fee Schedule for Grading Permit Revision – City**  
17 **Attorney Vivian advised Ordinance No. 2012-27 is authorization to amend the fee schedule relating**  
18 **to the grading permit revision.**

19  
20 **Council Member Potter moved to approve Ordinance No. 2012-27, as presented. Council**  
21 **Member Fogelson seconded the motion. Motion carried unanimously.**

22  
23 **Resolution No. 2012-07, Summary Publication of Ordinance No. 2012-27 – City Attorney Vivian**  
24 **advised Resolution No. 2012-07 authorizes a summary publication of Ordinance No. 2012-27.**

25  
26 **Council Member Huber moved to adopt Resolution No. 2012-07, as presented. Council**  
27 **Member Fogelson seconded the motion. Motion carried unanimously.**

28  
29 **Staff Report – A report from City Attorney Vivian was provided for August 2012 to be placed on file**  
30 **for review.**

31  
32 **Building Inspector, Jack Kramer – A report was from Building Inspector Kramer was provided for**  
33 **August 2012 to be placed on file for review.**

34  
35 **NEW BUSINESS**

36  
37 **Resolution No. 2012-08, 2013 Levy Certification, Sharon Schwarze – City Treasurer Schwarze**  
38 **advised the Council has had two budget meetings. There is a proposed small increase in the levy.**  
39 **The City's levy is about 13% as compared to other cities that are at 30% and 40%. The preliminary**  
40 **levy has to be recorded at the County by September 15. A final levy will be approved in December.**  
41 **The levy can be decreased but not increased.**

42  
43 **Council Member Huber moved to adopt Resolution No. 2012-08, as presented. Council**  
44 **Member Potter seconded the motion. Motion carried unanimously.**



1 **Resolution No. 2012-09, 2013 Preliminary Budget, Sharon Schwarze** – City Treasurer Schwarze  
2 advised Resolution No. 2012-09 finalizes the City’s preliminary budget.

3  
4 **Council Member Bohnen moved to adopt Resolution No. 2012-09, as presented. Council**  
5 **Member Fogelson seconded the motion. Motion carried unanimously.**

6  
7 **Charter Form of Government, Jack Smith** – Mr. Jack Smith came forward and stated he  
8 appreciated the opportunity to address the Council regarding the Charter Form of Government. He  
9 provided a presentation that outlined the advantages and disadvantages of the Charter Form of  
10 Government. A handout was provided regarding this issue. He stated he believes there may be a  
11 better way to do things and the Home Rule Charter is an option. The features of this form of  
12 government are that citizens write the Charter and citizens are in control. He noted there is no cost  
13 issue with being a Charter City. He explained the process of becoming a Charter City and how the  
14 Charter Commission is appointed.

15  
16 Council Member Potter expressed concern regarding one person, that being a judge, appointing the  
17 initial commission.

18  
19 City Attorney Vivian stated the Charter Form of Government is significantly different from what the  
20 City has now. There are idfferent rules and an different ordinance process. There may be many  
21 current ordinances that would have to be revised, although that would depend on the Charter itself.

22  
23 Mr. Smith added there would not be a vote every month or every year relating to the Charter. A  
24 Charter provides incentive for the Council to do the best they can for the community. Citizens can  
25 put issues on the ballot and don’t need the Council to do that. There is a formula for that and it is  
26 done by petition.

27  
28 Mayor Carr called for a five minutes recess at 8:37 p.m.

29  
30 Mayor Carr called the meeting back to order at 8:45 p.m.

31  
32 **Performance Review for Planning Commissionr Larry Lanoux, Loren Sederstrom and Bill**  
33 **David** – City Attorney Vivian provided the background on this issue noting this was scheduled last  
34 month but he had to leave the meeting. This performance review is designed to make sure everyone  
35 is on board relating to the Planning Commission and their authority as City Officials. Each of the  
36 Planning Commissioners did want this discussion to be held in open session.

37  
38 City Attorney Vivian advised the Council did receive a brief memo providing basic information on  
39 concerns occuring in the last several months. He stated he wants to make it clear that the Planning  
40 Commissioners were not directed by the City Council to meet with the League of Minnesota Cities  
41 Officials. He noted there were complaints made about the City Clerk at the League and that is  
42 concerning. In April there was an incident at the City office that included staying there an excess  
43 amount of time and making demands. The Clerk is responsible for the day to day operations of the  
44 City. He made the point that Mr. Sederstrom is not participating in the verbal abuse or harrassment as  
45 Mr. David and Mr. Lanoux have. They are making the duties of the Clerk very difficult to carry out.

1 The Clerk has conveyed this to him and the Mayor. A meeting was held with the intent to bring the  
2 concerns to the Council and then meet with the individuals privately. Letters have been received from  
3 the School District outlining concerns that the school is being added as an agenda item at Planning  
4 Commission meetings without the School District being notified. In July, the City received another  
5 letter about Mr. Lanoux and Mr. Sederstrom's conduct at a meeting held by the City Engineer and the  
6 disruption at that meeting. There was another incident at a meeting in Fridley where Mr. Lanoux and  
7 Mr. Sederstrom spoke as PC members and that is a concern for the City.

8  
9 City Attorney Vivian advised there are three specific concerns: 1) League of Minnesota Cities  
10 incident; 2) harassment of the City Clerk; and 3) School District matter that continues to play out.  
11 From a legal perspective, government needs to operate and function. The Planning Commission  
12 serves at the direction of the City Council. Planning Commission members have to be objective in  
13 looking at all application and other matters. Each member is required to look at facts and can't view  
14 applications at their own will. There is a line that can be crossed and they always have to be  
15 objective. Planning Commissioners are officials of the City and can create liability to the City. The  
16 City has to make sure they are functioning in their role. He advised the Council to provide direction  
17 to the PC members. The City Clerk is a key component to the Council and Planning Commission. If  
18 the Planning Commission cannot function within that framework there is a problem. He stated he  
19 would like everyone to be on the same page so there are not future issues. He stated the Council  
20 should allow the PC members to address the Council. He noted there are implications to the City  
21 when individuals are acting in the capacity of a City official.

22  
23 Ms. Diana Longire, Attorney for Mr. Sederstrom, came forward and asked if this type of performance  
24 evaluation has ever been done before. She asked if there was a resolution passed to put this on the  
25 agenda. As a procedural issue, it would be appropriate to pass a resolution or at least take a vote on it.  
26 She stated views this as charges being made against the individuals. She advised Mr. Sederstrom was  
27 on the phone most of the time and was outside when the incident took place at the office. She also  
28 offered verification of that. She stated it appears as though there has been a "cut and paste" type of  
29 approach with her client. There was not a dispute with her client regarding the incident at the League  
30 of Minnesota Cities. The LMC does encourage City officials to gather information and Mr.  
31 Sederstrom told the League he was a PC member. She referred to the issue with the Mahtomedi  
32 School District and said the letter from them is a strong one. Mr. Sederstrom did write a letter back to  
33 them. She read parts of the letter noting Mr. Sederstrom was invited by the property owner and he  
34 was not trespassing. Mr. Sederstrom has indicated he has been on school property twice. She stated  
35 she wanted the letter dated August 13 entered into the record, phone records would be provided if the  
36 Council requests them as well as any documents requested from public records that show Mr.  
37 Sederstrom expresses himself as an individual and not as Planning Commissioner.

38  
39 Mr. Larry Lanoux came forward and advised he did go to the LMC to get information on job  
40 descriptions and he did not state he was on the Planning Commission. The purpose was that the  
41 Planner was writing her own job description and charging the City for that. He stated he did get bids  
42 for the siren and did not say he was on the PC. He stated the Clerk got a call from LMC and then  
43 made a call to the City Attorney. A lot of dollars are being spent on this sort of thing. He stated he  
44 did get an apology letter from the City Attorney and that is proof. He stated he has called the school  
45 site a super fund site and he has proof that it is. He has yet to see proof from the School District that

1 he has trespassed on their property. He indicated he has not been on the construction site. He stated  
2 the school is running our City. The site does come under the umbrella of a super fund site. He noted  
3 he has that number for the site and he did not make it up. If the School District wants to cite him for  
4 trespassing then he encourages them to do so. He stated he has objected to the school all along and he  
5 would not send his kids there. The Mayor had met with the school for a year secretly to get the school  
6 approved. There was not a good public process and the school let seniors out of class to vote. The  
7 vote itself was not publicized. He stated he opposes it very much and objected to plans going out to  
8 advertise for bids. It was out on their website and it was an illegal bid process.

9  
10 City Attorney Vivian stated no one disputes Mr. Lanoux's position on the school. As a member of the  
11 Planning Commission, the concern is objectivity when it comes to them. Mr. Lanoux serves on the  
12 PC and is very involved in the opposition to the school and that may be a liability to the City.

13  
14 Mr. Lanoux stated someone made the decision to bring the Met Council into the City of Grant.  
15 Where did the PC review well and sewer? The Mayor and Council Members Huber and Fogelson  
16 voted to bring sewer into the City of Grant. He stated he did not bid on the grading plan. The City  
17 will be in a lawsuit with the first child gets sick. He stated he is working on legislation to stop  
18 schools from being put on dump sites. No testing has been done on the soil there. He stated he has  
19 been to the City office to get documents on the school, although he still hasn't seen the spec book.  
20 The school is not 600 feet away, it is 350 feet. Where is the fire count for the school? He stated he  
21 has never been given that answer. The rough estimate he does have is 975 total enrollment. There are  
22 plans to expand and bring the elementary school there. The City called an emergency meeting for the  
23 school. The Mayor never wrote a statement calling for an emergency meeting. The meeting was held  
24 and no public comment was allowed and the Sheriff threw him out. Grant should annex the site to the  
25 City of Mahtomedi. Landmark was hired but they custom their reports to needs of the customer and  
26 environmental issues. The MPC do not warrant the site for this type of use. Why didn't the Council  
27 have the MPC come to a meeting? He requested a document from the MPC relating to testing. He  
28 added that he has been to the City office and brought issues to the Clerk to bring forward to the City  
29 Council.

30  
31 Mayor Carr stated that PC members are held to a different standard, as is the Council. The MPC has  
32 been out to the site for testing. He stated he cares about the City's liability and as a PC member some  
33 of these things may be inappropriate. He noted he appreciates Mr. Lanoux's passion and he has a  
34 right to his opinion.

35  
36 Mr. Lanoux stated he has been doing very well on the PC. A complaint policy was put together and  
37 the grading permit has been revised. A parade has been put together. He encouraged the Council to  
38 remove him from the PC if they don't agree with that. He added that he will hold the School District  
39 accountable because the City is not.

40  
41 Mr. Bill David, Keswick Avenue, came forward and stated they were at City Hall asking for help with  
42 the tractor parade and the Clerk was very helpful. He stated the Clerk may just be frustrated because  
43 she made a mistake and he called her out on that. The City Attorney is frustrated maybe because  
44 there are no more staff meetings. He stated he sees the City Attorney as political and fueling the fire.

1 He noted the letter from Peter Coyle does not refer to him but the City Attorney's staff report refers to  
2 him. He asked why his name is on the staff report.

3  
4 City Attorney Vivian advised an outline of the performance evaluations has been stated for the record.

5  
6 Mr. David stated he does not voice his opinion about the School District very often because he has a  
7 vested interest in the plowing contract. He stated he has been slandered and doesn't believe this is  
8 how we want the City represented as well as City officials represented in this manner.

9  
10 Council Member Huber stated he has reviewed some of the records that he has that supports the  
11 concerns. He stated he does not understand why the LMC would make these things up. He read why  
12 the City of St. Paul Attorney did not pursue the case. He stated the City is not having a trial this  
13 evening but the Council has to look at the facts and make sure the PC is functioning properly. When  
14 several incidents occur one loses credibility. Several things that have been said tonight lead to the  
15 question of PC members being able to look at applications objectively. The City Clerk had no other  
16 choice but to give potential criminal activity to the City Attorney. There may be axgrinding going on  
17 here and you can disagree but you are creating a liability and that affects everyone and the City  
18 budget. He implored the PC members to use better methods one example would be going to the  
19 School District Board with your issues and concerns. If there is something the City can do about the  
20 issues then the Council does want to hear about it.

21  
22 Mr. Lanoux stated he did and does have an electrical license. The State Inspector indicated he did not  
23 and all the Clerk had to do was call. Instead she held onto it for eight days and then brought it to a  
24 Council meeting and showed everyone. There is a pattern here and he never got any apology. Part of  
25 the problem is City staff.

26  
27 Mayor Carr stated that when these things happen it is very difficult for the City Clerk to call you.  
28 You have a right to way what you want but you are a Planning Commissioner. Can you have a bit  
29 more discretion? The City now has liability issues and they have to be addressed. He noted he hopes  
30 the City does not get any more letters from the School District.

31  
32 Mayor Carr asked the Council if there was any action they would like to take. No action was taken.

33  
34 Mr. Terry Derosier, Chair of the Planning Commission, came forward and stated he would vouch for  
35 the three members of the PC. He stated he has found every one of them very beneficial on fact  
36 finding. He stated he hopes the City won't vote to remove them and the PC will continue to get  
37 better.

38  
39 City Attorney Vivian stated that in reference to evaluation performance, Mr. David's name is not  
40 referenced in the letter from the School District's Attorney. The reference is a result of a conversation  
41 held with Mayor Carr and Council Member Bohnen.

42  
43 Mr. Bob Englehart, Joliet, came forward and stated he is happy all of this came to a head from the  
44 problems at the City office. He stated he is still waiting for an apology from Council Member Huber  
45 relating to him causing problems. All three of the PC members have not brought issues from the

1 school up at PC meetings. It was citizens at those meetings that brought them up. Not everything can  
2 be thrown on those three people. You are using your own political agenda.

3  
4 Council Member Bohnen stated that if he were as passionate as Mr. Lanoux he would have a hard  
5 time voting on any school issue. He asked if Mr. Lanoux is objective enough to be impartial.

6  
7 Mr. Lanoux stated that based on the facts, yest he would. However, he would explore the facts. He  
8 stated he brought the facts to the Council but they did not investigate. The City did not need to put  
9 these kids at risk needlessly.

10  
11 Council Member Potter stated that these are process issues and politics of the Council. Everyone  
12 needs to work as a family. The question is what can the Council do to work better together. The  
13 Council has talked about workshops with the PC and Council to review expectations and be clear  
14 about those expectations. The Council needs to take action on those.

15  
16 Mr. Gary Baumann, 10036 Joliet, came forward and stated he went to most of the School District  
17 meetings. The School District told him he did not know what he was talking about. The School  
18 District is bullying the City.

19  
20 Council Member Fogelson stated he suggested a joint meeting with the PC and Council at two  
21 meetings. He indicated he believes that should be done to go over expectations and talk about a plan  
22 to work better together. He suggested a joint meeting be held at the next PC meetings.

23  
24 Council Member Potter stated the City has the opportunity to use the new Planner to better define  
25 expectations.

26  
27 Mr. Mark Wojcik came forward and stated there should always be a point to talking. He stated he  
28 thinks Grant is great and he would like to make it better. It seems at times that the Council wants the  
29 PC to go away. Until the Council looks at the PC as positive having a meeting is a waste of time.

30  
31 Mr. Jack Smith came forward and stated this was not a typical human resource management  
32 experience. Typically all individuals are called in and a discussion is held. This was not a discussion.

33  
34 Mr. Terry Derosier, Chair of the Planning Commission, came forward and stated it may be beneficial  
35 to wait until after the election to schedule a joint work session.

### 36 37 OLD BUSINESS

38  
39 **May 21, 2012 Planning Commission Minutes** – Mayor Carr advised Chair Derosier has indicated  
40 the minutes will be taken care of at the next Planning Commission meeting.

### 41 42 DISCUSSION ITEMS

43  
44 **Public Comment Inquires, Mayor Carr** – Council Member Bohnen requested Long Lake be on the  
45 next agenda.

1  
2 **City Council Reports** – Council Member Fogelson advised he will get the newsletter to the Clerk  
3 and she will send it out to everyone.  
4 Council Member Potter advised the Met Council is asking for participation in a new program. There  
5 is a meeting in September in Stillwater. He requested the information be posted on the website.  
6  
7 Council Member Fogelson suggested steps be located in the back of the Town Hall building.  
8  
9 The Council directed the Clerk to get some steps installed.  
10  
11 Mr. Gary Baumann came forward and inquired about a discussion relating to Jamaca and Jeffrey  
12 Avenue.  
13  
14 Mayor Carr sated he has had communication relating to that issue and will be going to the meeting.  
15  
16 **Staff Reports (any updates from Staff)** – City Planner Rothstein advised she would be tracking the  
17 progress of the Met Council and will report back. The listening sessions at this point are about  
18 regional goals.  
19  
20 Mayor Carr advised when the meetings get to the point that the City needs to be represented the  
21 Council would like the City Planner to attend those meetings.  
22  
23

24 **COMMUNITY CALENDAR SEPTEMBER 5 THROUGH SEPTEMBER 30, 2012:**

25  
26 **Planning Commission Meeting, Monday, September 17, 2012, Town Hall, 7:00 p.m.**

27  
28 **ADJOURN**

29  
30 **There being no further business, Council Member Potter moved to adjourn at 10:52 p.m.**  
31 **Council Member Fogelson seconded the motion. Motion carried unanimously.**  
32  
33

34 These minutes were considered and approved at the regular Council Meeting October 2, 2012.  
35  
36  
37

38  
39 \_\_\_\_\_  
40 Kim Points, City Clerk

40 \_\_\_\_\_  
41 Tom Carr, Mayor

City of Grant

Disbursements List

09/25/2012

Date range: 09/01/2012 to 09/25/2012

| Vendor                           | Date       | Check # | Total       | Description                    | Void | Account #                      | Detail                 |
|----------------------------------|------------|---------|-------------|--------------------------------|------|--------------------------------|------------------------|
| Payroll Period Ending 09/24/2012 | 09/24/2012 | 11847   | \$2,651.06  |                                | No   | 100-41101-100                  | \$2,651.06             |
| Lyle Signs, Inc.                 | 09/24/2012 | 11848   | \$3,625.01  | Sign Replacement               | No   | 100-43110-330                  | \$3,625.01             |
| Envirotech Services              | 09/24/2012 | 11849   | \$14,896.81 | Dust Control                   | No   | 100-43107-210                  | \$14,896.81            |
| Xcel Energy                      | 09/24/2012 | 11850   | \$111.33    | Utilities                      | No   | 100-43004-381<br>100-43010-381 | \$101.06<br>\$10.27    |
| City of Hugo                     | 09/24/2012 | 11851   | \$21,380.27 | Goodview Ave Project           | No   | 100-43128-330                  | \$21,380.27            |
| Brochman Blacktopping Co.        | 09/24/2012 | 11852   | \$1,080.00  | Roads/Pothole Repair           | No   | 100-43109-300                  | \$1,080.00             |
| Kline Bros Excavating            | 09/24/2012 | 11853   | \$16,970.00 | Road Maintenance               | No   | 100-43101-300<br>100-43106-300 | \$5,881.25<br>\$900.00 |
| Mike Perron                      | 09/24/2012 | 11854   | \$1,371.20  | Brushing/Sales Use Tax         | No   | 100-43115-300                  | \$1,371.20             |
| Croix Valley Inspector           | 09/24/2012 | 11855   | \$5,000.82  | Building Inspector             | No   | 100-42004-300                  | \$5,000.82             |
| Rick Vanzwol                     | 09/24/2012 | 11856   | \$115.32    | Road Counter Mileage 3/12-9/12 | No   | 100-43116-331                  | \$115.32               |
| CenturyLink                      | 09/24/2012 | 11857   | \$162.94    | City Phone                     | No   | 100-41309-321                  | \$162.94               |
| Maroney's                        | 09/24/2012 | 11858   | \$38.63     | Roadside Garbage/Clean Up Day  | No   | 100-43105-384                  | \$38.63                |
| Countryman                       | 09/24/2012 | 11859   | \$350.00    | Surge Protector/Town Hall      | No   | 100-43002-220                  | \$350.00               |
| Sherrill Reid Animal Control     | 09/24/2012 | 11860   | \$180.00    | Animal Control/Inv2012-4       | No   | 100-42006-300                  | \$180.00               |
| Waste Management                 | 09/24/2012 | 11861   | \$4,347.38  | Recycling                      | No   | 100-43011-384                  | \$4,347.38             |
| AirFresh Industries              | 09/24/2012 | 11862   | \$133.91    | Portable Restroom              | No   | 100-43007-210                  | \$133.91               |
| Ken Ronnan                       | 09/24/2012 | 11863   | \$137.75    | Video Services                 | No   | 100-41318-300                  | \$137.75               |
| League of Minnesota Cities       | 09/24/2012 | 11864   | \$3,887.00  | Dues                           | No   | 100-41304-300                  | \$3,887.00             |
| Affordable Comfort Mechanical    | 09/24/2012 | 11865   | \$89.00     | Labor/Town Hall                | No   | 100-43002-220                  | \$89.00                |
| City of Mahtomedi                | 09/24/2012 | 11866   | \$28,739.50 | 3rd Quarter Fire Contract      | No   | 100-42002-300                  | \$28,739.50            |
| Press Publications               | 09/24/2012 | 11867   | \$43.10     | legals                         | No   |                                |                        |

**City of Grant**

**Disbursements List**

**09/25/2012**

| <u>Vendor</u>    | <u>Date</u> | <u>Check #</u> | <u>Total Description</u>    | <u>Void</u> | <u>Account #</u> | <u>Detail</u> |
|------------------|-------------|----------------|-----------------------------|-------------|------------------|---------------|
| WSB & Associates | 09/24/2012  | 11868          | \$2,849.75 Engineering      | No          | 100-41308-300    | \$43.10       |
|                  |             |                |                             |             | 100-41203-300    | \$80.00       |
|                  |             |                |                             |             | 100-41209-300    | \$2,212.75    |
|                  |             |                |                             |             | 100-43102-300    | \$62.00       |
|                  |             |                |                             |             | 809-49310-300    | \$495.00      |
| Eckberg Lammers  | 09/24/2012  | 11869          | \$3,714.18 Legal Services   | No          | 100-41204-300    | \$1,277.35    |
|                  |             |                |                             |             | 100-41205-300    | \$754.61      |
|                  |             |                |                             |             | 100-41206-300    | \$1,547.22    |
|                  |             |                |                             |             | 809-49310-300    | \$135.00      |
| PERA             | 09/24/2012  | 11870          | \$481.14 PERA               | No          | 100-41102-120    | \$258.39      |
|                  |             |                |                             |             | 100-41113-100    | \$222.75      |
| IRS              | 09/24/2012  | EFT27          | \$817.34 Payroll Taxes June | No          | 100-41103-100    | \$272.65      |
|                  |             |                |                             |             | 100-41107-100    | \$343.32      |
|                  |             |                |                             |             | 100-41110-100    | \$149.69      |
|                  |             |                |                             |             | 100-41112-100    | \$51.68       |
| Sprint           | 09/25/2012  | 11871          | \$30.57 City Cell Phone     | No          | 100-43116-321    | \$30.57       |

**Total For Selected Checks**

**\$113,204.01**

**\$113,204.01**



# *City of Hugo*

*14669 Fitzgerald Avenue North*

*Hugo, MN 55038*

PHONE: (651) 762-6300 FAX: (651) 426-2859 EMAIL: [info@ci.hugo.mn.us](mailto:info@ci.hugo.mn.us)

## INVOICE

Date: September 17, 2012

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

Goodview Avenue Paving Project

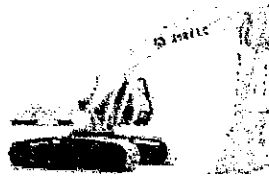
Amount: **\$21,380.27**

Due Upon Receipt

Description: 2012 Goodview Ave paving project. 25% of total project costs. Please see attached pages with cost breakdown.

Please Remit to: City of Hugo  
14669 Fitzgerald Avenue N  
Hugo, MN 55038

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



# Invoice

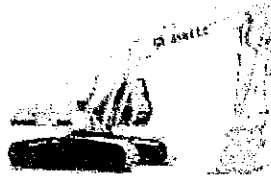
|         |           |
|---------|-----------|
| DATE    | INVOICE # |
| 9/19/12 | 2264      |

|   |              |
|---|--------------|
| BILL TO   | JOB ADDRESS  |
| CITY OF GRANT<br>111 WILDWOOD RD<br>WILLERNIE, MN 55090 | ROAD GRADING |

|          |
|----------|
| DUE DATE |
| 9/29/12  |

| DESCRIPTION   | QTY          | UNIT COST | AMOUNT   |
|---|--------------|-----------|----------|
| 8-23-12 770BH   | 4.5          | 75.00     | 337.50   |
| 8-23-12 T500  | 6            | 65.00     | 390.00   |
| 8-27-12 770BH   | 2.5          | 75.00     | 187.50   |
| 8-28-12 770BH   | 1            | 75.00     | 75.00    |
| 8-31-12 770BH   | 4            | 75.00     | 300.00   |
| 8-31-12 T500  | 3            | 65.00     | 195.00   |
| 9-04-12 770BH   | 2.5          | 75.00     | 187.50   |
| 9-04-12 T500  | 3            | 65.00     | 195.00   |
| 9-06-12 770BH   | 3.75         | 75.00     | 281.25   |
| 9-06-12 T500  | 2            | 65.00     | 130.00   |
| 9-07-12 770BH   | 7            | 75.00     | 525.00   |
| 9-07-12 T500  | 7.5          | 65.00     | 487.50   |
| 9-11-12 770BH   | 6            | 75.00     | 450.00   |
| 9-11-12 T500  | 8.5          | 65.00     | 552.50   |
| 9-12-12 770BH   | 9.5          | 75.00     | 712.50   |
| 9-12-12 T500  | 6            | 65.00     | 390.00   |
| 9-17-12 770BH   | 3            | 75.00     | 225.00   |
| 9-17-12 T500  | 4            | 65.00     | 260.00   |
| AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE | <b>Total</b> |           | 5,881.25 |

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



# Invoice

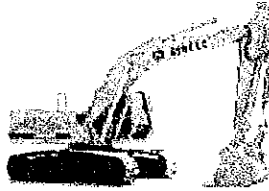
|         |           |
|---------|-----------|
| DATE    | INVOICE # |
| 9/19/12 | 2268      |

| BILL TO   | JOB ADDRESS         |
|---|---------------------|
| CITY OF GRANT<br>111 WILDWOOD RD<br>WILLERNIE, MN 55090 | GRAVEL<br>100-43106 |

|          |
|----------|
| DUE DATE |
| 9/29/12  |

| DESCRIPTION  | QTY | UNIT COST | AMOUNT        |
|--|-----|-----------|---------------|
| 9-06-12 HAUL 6 LOADS OF CLAY FOR IRONWOOD AND 6 LOADS OF CLAY FOR JAMACA |     |           | 0.00          |
| 9-06-12 LNT9000  | 6   | 75.00     | 450.00        |
| 9-06-12 T600   | 6   | 75.00     | 450.00        |
| AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE        |     |           |               |
| <b>Total</b>   |     |           | <b>900.00</b> |

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



# Invoice

|         |           |
|---------|-----------|
| DATE    | INVOICE # |
| 9/19/12 | 2267      |

| BILL TO   | JOB ADDRESS |
|---|-------------|
| CITY OF GRANT<br>111 WILDWOOD RD<br>WILLERNIE, MN 55090 | DITCHING    |

|          |
|----------|
| DUE DATE |
| 9/29/12  |

| DESCRIPTION   | QTY          | UNIT COST | AMOUNT          |
|---|--------------|-----------|-----------------|
| 8-30-12 9010 DITCH ALONG 110TH ST SOUTH SIDE BETWEEN 10750 & 10833 APPROX 500 FT              | 5.5          | 100.00    | 550.00          |
| 8-30-12 550G " "  | 5.5          | 100.00    | 550.00          |
| 9-05-12 CUT EDGES OFF ROAD ON 101ST ST EAST OF 99TH ST & FILL TO REDUCE EROSION RUTTS         |              |           | 0.00            |
| 9-05-12 9010  | 3            | 100.00    | 300.00          |
| 9-05-12 1845C   | 3.5          | 85.00     | 297.50          |
| 9-05-12 HAUL 8 LOADS OF FILL HAULED IN  | 8            | 100.00    | 800.00          |
| 9-10-12 CLEAN DITCH OUT ON LANSING (SOUTH OF 110TH ST) & HAUL AWAY CONCRETE CHUNKS FROM DITCH |              |           | 0.00            |
| 9-10-12 9010  | 5            | 100.00    | 500.00          |
| 9-10-12 1845C   | 5            | 85.00     | 425.00          |
| 9-10-12 LNT 9000 (HAUL 2 LOADS AWAY)  | 2            | 75.00     | 150.00          |
| 9-18-12 1845C GRADE DITCHES FOR EROSION MATT AND SEEDING                                      | 3            | 85.00     | 255.00          |
| 9-18-12 EROSION MATT INSTALLATIOIN AND SEEDING  | 9            | 45.00     | 405.00          |
| 9-18-12 EROSION MATT & SEED   |              |           | 470.00          |
| 9-18-12 HAUL 1 LOAD OF FILL OUT   | 1            | 75.00     | 75.00           |
| 9-19-12 CLEAN OUT DITCH WEST OF 10750 110TH ST & GRADE AND SEED EAST DITCH ALSO               |              |           | 0.00            |
| 9-19-12 9010  | 3            | 100.00    | 300.00          |
| 9-19-12 1845C   | 4            | 85.00     | 340.00          |
| 9-19-12 POTHOLE UTILITIES, INSTALL EROSION MATT AND SEED                                      | 6            | 45.00     | 270.00          |
| 9-19-12 T600 HAUL 1 LOAD AWAY   | 1            | 75.00     | 75.00           |
| 9-19-12 EROSION MATT & SEED   |              |           | 230.00          |
| AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONHTLY SERV CHARGE                             | <b>Total</b> |           | <b>5,992.50</b> |

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



# Invoice

|         |           |
|---------|-----------|
| DATE    | INVOICE # |
| 9/19/12 | 2266      |

| BILL TO   | JOB ADDRESS                           |
|---|---------------------------------------|
| CITY OF GRANT<br>111 WILDWOOD RD<br>WILLERNIE, MN 55090 | ASPHALT REPAIR - POTHOLE<br>100-43109 |

|          |
|----------|
| DUE DATE |
| 9/29/12  |

| DESCRIPTION   | QTY | UNIT COST | AMOUNT   |
|---|-----|-----------|----------|
| 9-14-12 TEAR OUT APPROX. 4400 SQ FT OF ASPHALT, HAUL AWAY AND REPLACE WITH MOD C-5 ON KIMBRO CT N |     |           | 2,000.00 |
| AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE                                 |     |           |          |
| <b>Total</b>  |     |           | 2,000.00 |

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



# Invoice

|         |           |
|---------|-----------|
| DATE    | INVOICE # |
| 9/19/12 | 2265      |

| BILL TO   | JOB ADDRESS                           |
|---|---------------------------------------|
| CITY OF GRANT<br>111 WILDWOOD RD<br>WILLERNIE, MN 55090 | ASPHALT ROAD SHOULDERING<br>100-43108 |

|          |
|----------|
| DUE DATE |
| 9/29/12  |

| DESCRIPTION   | QTY          | UNIT COST | AMOUNT   |
|---|--------------|-----------|----------|
| PULL SHOULDERS IN ON MCKUSICK RD                                  |              |           | 0.00     |
| 8-28-12 770BH   | 6.25         | 75.00     | 468.75   |
| 8-28-12 1845C   | 6.5          | 85.00     | 552.50   |
| CUT SHOULDERS OFF KIMBRO CT & HAUL AWAY                           |              |           | 0.00     |
| 9-13-12 1845C   | 5            | 85.00     | 425.00   |
| 9-13-12 T600  | 5            | 75.00     | 375.00   |
| 9-13-12 LNT9000   | 5            | 75.00     | 375.00   |
| AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE | <b>Total</b> |           | 2,196.25 |



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

**Collective Invoice**

**ORIGINAL**

Invoice Date 09/19/2012  
 Invoice Number CD201218131  
 Customer Number 13555

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

Due Date  
 10/04/2012  
 Terms of Payment  
 15 Days Net

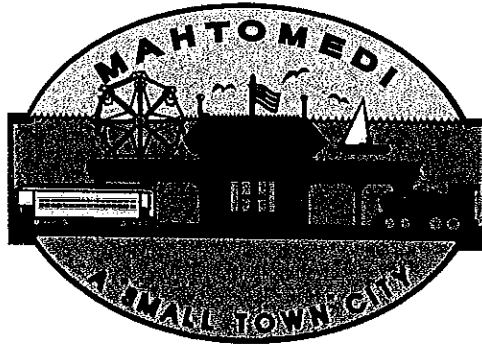
Order Number K6136      Your Reference steve      Customer City of Grant  
 Purchase Order Number verbal

| DO #         | Pos               | Part No  | Taxabl | Sales    | Quantity | Unit   | Sale Unit Price | Disc. % | Discount Amount | Net Amount |
|--------------|-------------------|----------|--------|----------|----------|--------|-----------------|---------|-----------------|------------|
| Receipt Ref: | Description       |          | Price  | Quantity | Unit     |        |                 | Tax %   |                 | USD        |
| 249739       | 1                 | 1000-APP |        | 4,505.00 | gal      | 0.7090 | 0%              | 0.00    | 3,194.05        |            |
| r1550        | RoadSaver-Applied |          |        | 4,505.00 | gal      |        | %               |         |                 |            |
| 249740       | 1                 | 1000-APP |        | 4,701.00 | gal      | 0.7090 | 0%              | 0.00    | 3,333.01        |            |
| r1552        | RoadSaver-Applied |          |        | 4,701.00 | gal      |        | %               |         |                 |            |
| 249741       | 1                 | 1000-APP |        | 4,803.00 | gal      | 0.7090 | 0%              | 0.00    | 3,405.33        |            |
| r1553        | RoadSaver-Applied |          |        | 4,803.00 | gal      |        | %               |         |                 |            |
| 249742       | 1                 | 1000-APP |        | 4,501.00 | gal      | 0.7090 | 0%              | 0.00    | 3,191.21        |            |
| r1554        | RoadSaver-Applied |          |        | 4,501.00 | gal      |        | %               |         |                 |            |
| 249743       | 1                 | 1000-APP |        | 2,501.00 | gal      | 0.7090 | 0%              | 0.00    | 1,773.21        |            |
| r1555        | RoadSaver-Applied |          |        | 2,501.00 | gal      |        | %               |         |                 |            |

Order Sub Total Amount 14,896.81  
 Order Total Exclusive Tax 14,896.81  
 Tax 0.00  
 Order Total 14,896.81

Invoice No: CD201218131  
 Due Date: 10/04/2012  
 Total Invoice: 14,896.81

Past due invoices accrue finance charges at 1.5% per month



December 21, 2011

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

Dear Kim,

Please remit a check in the amount of \$28,739.50 for the 4th quarter fire contract. Please pay October 1, 2012.

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

Thank you,

A handwritten signature in cursive script that reads "Jerene Rogers".

Jerene Rogers  
Account Clerk



## **Resolution No. 2012-10**

### **RESOLUTION APPROVING CITY OF GRANT COMPLAINT POLICY**

The Grant City Council resolves as follows:

#### **CITY of GRANT COMPLAINT POLICY**

1. **COMPLAINT-** a written letter from an individual, group, or governmental agency stating that they have a complaint or that they are making the City of Grant aware of a situation must be submitted to the Clerk at the City of Grant offices through hand delivery, postal mail or e-mail. This letter must include complainants name, address and phone number and must be signed. All complaints must be submitted in writing. Staff may also report complaints.
2. **INSPECTION:**  
Appropriate staff visits the property if needed, to conduct an inspection to verify that there is an actual violation. If there is a violation, notification is given.
3. **NOTIFICATION:**  
The Grant City staff contacts the people or entities involved in the complaint or situation and explains the problem and how to resolve it. This first contact will be attempted by telephone if the phone numbers are available and followed up with a letter by postal mail to the property owner and the other parties involved including the tenant if applicable. The owner/tenant will be given a period of time "correction window" determined by appropriate staff to resolve the violation.
4. **RE-INSPECTION:**  
After the expiration of the correction window, City staff will re-inspect the property. If the violation is resolved, the case is closed the owner/tenant will be informed that another complaint within a year may result in a citation or other action. If violation still exists, final notice will be given.
- 5, **FINAL NOTICE:** The property owner /tenant will again be notified of the problem and what must be done to resolve it. First by telephone if available and followed up with a postal letter. The owner/tenant is given a second correction window to resolve it before the City takes action,

6. CITY ACTION: **If** the violation remains unresolved after the second correction window, the City may initiate the legal process.
7. REOCCURANCE : If substantially the same violation happens again within one year, the City of Grant may take appropriate actions as directed by the Grant City Council.

Dated: October 2, 2012

---

Tom Carr, Mayor

---

Kim Points, City Clerk

**Resolution No. 2012-11**

**RESOLUTION APPOINTING A RESPONSIBLE AUTHORITY UNDER THE  
MINNESOTA DATA PRACTICES ACT AND ASSIGNED DUTIES**

The Grant City Council resolves as follows:

**WHEREAS**, Minnesota Statutes, Section 13.02, Subdivision 16, as amended, requires the City of Grant appoint one person as the Responsible authority to administer the requirements for collection, storage, use and dissemination of data on individuals, within the City, and

**WHEREAS**, the Grant City Council shares the Legislature's concern on the responsible use of all City data and desires to satisfy this concern by immediately appointing an administratively qualified Responsible Authority as required under the statute.

**RESOLVED**, that the Grant City Council appoints the Grant City Clerk, as the Responsible Authority to meet all requirements of the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, and the rules promulgated by the Commissioner of Administration or its successor.

**FURTHER RESOLVED**, that upon request, the Responsible Authority shall permit a person to inspect and copy public government data at reasonable times and places and inform the person of the data's meaning.

**FURTHER RESOLVED**, that the Responsible Authority shall not assess a charge or fee for mere access to or inspection of public data or for the cost of retrieving and compiling documents for inspection.

**FURTHER RESOLVED**, that the Responsible Authority may assess a charge in accordance With Minn. Stat. §13.03, Subd. 3(c), if a person requests copies or electronic transmittal of the data to the person, reflecting the actual costs of searching for, and retrieving government data, including the costs of employee time, and for making, certifying, and electronically transmitting the copies of the data, or the data, but may not charge for separating public from non-public data.

**BE IT FURTHER RESOLVED, THE CITY OF GRANT ADOPTS THE FOLLOWING  
PROCEDURES TO OBTAIN CITY OF GRANT RECORDS:**

The general public shall have access to the City of Grant records that are not considered private data and may retrieve information in the following ways.

1. Request information to be viewed at City Hall during regular office hours at 111 Wildwood Road, Willemie, Minnesota, 55090.
2. Request specific information in written form to the Office of the City Clerk, 111 Wildwood

Road, Willemie, Minnesota, 55090.

Dated: October 2, 2012

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Tom Carr, Mayor

---

Kim Points, City Clerk

## 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:** *September 24, 2012*

**Re:** *September Staff Report - Engineering*

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### A. Agenda Items

- i. **Jamaca Avenue Roadway Repair:** This project was initiated to address the increasing pavement and drainage issues on Jamaca Avenue. The pavement repair is approximately 900 feet in length and it extends from Country Road 12 through the intersection of Jamaca Lane North.

Below is a list of items included with this plan:

- Reclamation of existing pavement
- Grading roadway for proper drainage
- Installation of 3 inches of bituminous pavement
- Approximately 400 feet of bituminous curb to prevent erosion issues

A Request for Quotes was sent to T.A. Schifsky & Sons, Inc., Hardrives, Inc., and Brochman Blacktopping Company. Quotes will be received by Friday, September 28, 2012. Due to the timing of this project, the quotes will be tabulated when received and the results will be presented at the council meeting.

**Action:** Review quotes and award project.

ii. **Staff Report/Council Update:**

- a. **Mahtomedi Elementary School:** At the request of the school district, staff met with representatives from the Mahtomedi School District and Anderson-Johnson Associates, Inc. to review the school's CUP requirements. The school district requested this meeting to better understand the specific details of their CUP. They also wanted to verify when each of the CUP items was required to be completed. No City action is necessary.
- b. **Justen Trail Overlay Memo:** At the last City Council meeting, staff was directed to mail out the final version of the Justen Trail Overlay memo. On September 18, 2012, the memo was mailed to residents with driveway access

on Justen Trail. To date, we are not aware of any resident comments in response to the memo. A copy of the final memo has been filed at the City.

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

ROBERT HILL LAW, LTD.

ATTORNEYS AT LAW

145 NEW ENGLAND PLACE, SUITE 200  
STILLWATER, MINNESOTA 55082  
E-MAIL: [boh@roberthilllaw.com](mailto:boh@roberthilllaw.com)

GENERAL TELEPHONE: 952-426-7373

ROBERT A. HILL\*  
\*Also Admitted in Virginia  
Also Admitted in District of Columbia

September 24, 2012

Members of the Grant City Council  
c/o Grant City Clerk  
City of Grant  
111 Wildwood Road  
Willernie, MN 55090

Re: Request for permit to harvest or destroy invasive aquatic plants

Dear Council Members:

This firm has been retained by several landowners in the City of Grant with respect to devising a lake management plan to restore the eastern third of Long Lake that falls within the City of Grant's jurisdiction. The attached packet sets forth the statutory authority the City has to devise such a plan on behalf of its homeowners. After you have had an opportunity to review the attachments, I look forward to answering any questions you may have as to how the City---in conjunction with its landowners and applicable state and local agencies---can accomplish this goal.

At the upcoming City Council meeting, I will be requesting a resolution from the City Council authorizing the appropriate City officials to approach the DNR to work in conjunction with that agency to permit the harvesting and/or destruction of the various invasive species that are currently threatening Long Lake. I will also be available to discuss the attached Lake Management Proposal I received earlier this summer that would accomplish our goal of restoring Long Lake in an efficient and cost-effective manner. If you would like to arrange a time to meet with me to discuss the options going forward prior to the next City Council meeting please let me know.

In the meantime, I hope you take the time to observe that, pursuant to Minn. Stat. 103G.325, the City---and its landowners---has the right to request a permit to "destroy harmful or undesirable aquatic vegetation or organisms," such that arranging a meeting with DNR officials seems to be the prudent thing to do at this point. Thank you for time and your consideration.

Very truly yours,



Robert A. Hill

## Robert Hill

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**From:** James Johnson – Freshwater Scientific Services [james@freshwatersci.com]  
**Sent:** Wednesday, July 18, 2012 2:12 PM  
**To:** Robert Hill  
**Subject:** Re: Lake Management Plan for Long Lake  
**Attachments:** Long Lake (Mahtomedi) Proposal 2012.pdf; ATT00001.c

Bob,

Thanks again for contacting me about your lake. As requested, I have attached a proposal detailing the development of a Long Lake Management Plan. Based upon our conversation on Monday, my proposal is for a comprehensive lake management plan that will cover many aspects of your lake – including: water quality, aquatic plants, invasive species, watershed runoff, shoreline management, and reducing impairment of lake uses. Given your need to work with other agencies, I think that the best approach will be to show them that you are serious about managing your lake to protect its overall ecological health while also improving its recreational quality. My proposal would go a long way toward achieving this by developing a management plan based upon sound science, clearly-defined goals, and stakeholder input. Please take a look at my proposal and feel free to contact me with any questions. I look forward to hearing from you.

Sincerely,

James A. Johnson  
Aquatic Ecologist  
Freshwater Scientific Services, LLC  
[james@freshwatersci.com](mailto:james@freshwatersci.com)

18029 83rd Ave N  
Maple Grove, MN 55311  
Ph: (651) 336-8696  
Fx: (800) 858-5374  
[www.fixmylake.com](http://www.fixmylake.com)



July 18, 2012

**Re: Management Plan for Improving Long Lake**

Robert Hill  
450 Emerald Lane  
Mahtomedi, MN 55115

Dear Mr. Hill,

Thank you once again for your interest in my services. After meeting with you and kayaking around your lake this past Monday, I think there is a lot we can do to address the problems in your lake. The attached proposal describes some specific projects that I think would be very valuable in moving your lake plans forward. As discussed during our meeting, I have found that lake management planning is most effective when it is based upon the following progression:

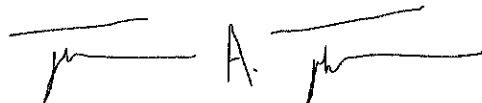
- 1) What do we know about the lake: Lake use, water clarity, aquatic plants, invasive species, etc.
- 2) What do we want: Assess what issues are impairing lake uses; set realistic goals for lake use
- 3) How do we get there: Develop an action plan based upon scientific data and defined goals

This approach streamlines the process of developing an improvement plan for your lake, prevents following dead-end strategies that will not likely lead to the desired results, and provides scientific data to support your planned actions. Moreover, this process leads to a management plan that can be easily built upon as lake needs change in the future.

As a next step, I would like to set up a meeting with you and any other interested homeowners to get a better idea of past work on your lake, how the lake is currently used, and homeowner goals for improving the lake. At this meeting, I would be happy to discuss my project recommendations in greater detail and answer any questions.

Please review the attached proposal and let me know if you are interested in proceeding. If so, contact me to set up a date to meet. In the mean time, feel free to contact me with any questions regarding the enclosed materials. I look forward to hearing from you.

Sincerely,



James A. Johnson, M.S.  
Aquatic Ecologist  
Freshwater Scientific Services, LLC

## PROPOSAL

### 1 PROJECT Long Lake Management Planning Long Lake – Mahtomedi, MN (#82-0130) Client: Robert Hill

### 2 PROPOSED SERVICES Develop a Lake Management Plan for Long Lake

|        |  |
|--------|--|
| Step 1 | Curate Existing Lake Data and Identify Data Needs          |
| Step 2 | Evaluate Lake Use, Identify Problems, and Prioritize Goals |
| Step 3 | Evaluate Management Options to Reach Identified Goals      |
| Step 4 | Develop a Lake Management Action Plan                      |

#### Step 1 – Curate Existing Lake Data and Identify Data Needs

During this step, Freshwater Scientific Services will assemble and summarize any relevant lake data. This will include information collected by the Minnesota DNR (MDNR), Minnesota Pollution Control Agency (MPCA), local units of government, and your lakeshore homeowners. Having all of this information compiled in one place will provide a clearer picture of past and current conditions in your lake and will identify areas where additional information may be needed before making management decisions.

|                               | Est. Hours | Rate       | Est. Price |
|-------------------------------|------------|------------|------------|
| Step 1                        | 20         | \$120/hr   | \$ 2,400   |
| Anticipated Monitoring Needs  |            |            |            |
| - Aquatic plant survey        |            |            | \$ 2,250   |
| - Stormwater pond assessments |            | \$250/pond | \$ 1,250   |

#### Step 2 – Evaluate Lake Use, Identify Problems, and Define Goals

If this plan is to be successful, it must be streamlined, realistic, and acceptable to all stakeholders (homeowners, local units of government, MPCA, MDNR). To achieve this, our planning must be based upon hard data and driven by a solid understanding of how the lake is used and how current conditions and policies may impair or threaten those lake uses. At the end of Step 2, we will have a strong understanding of how the lake is used, what conditions threaten those uses, and a prioritized list of lake management goals that address identified impairments.

|        | Est. Hours | Rate     | Est. Price |
|--------|------------|----------|------------|
| Step 2 | 20         | \$120/hr | \$ 2,400   |

### Step 3 – Evaluate Management Options to Reach Identified Goals

Using the summarized data and prioritized list of goals developed in steps 1 and 2, we will identify and evaluate several management strategies for each goal. In evaluating each strategy, we will consider anticipated costs and benefits, feasibility, and the likely duration of effectiveness. This will also help to guide discussions with institutional stakeholders like local units of government, and the MPCA and MDNR.

|        | Est. Hours | Rate     | Est. Price |
|--------|------------|----------|------------|
| Step 3 | 30         | \$120/hr | \$ 3,600   |

### Step 4 – Develop a Lake Management Action Plan

Using what we have learned in the first three steps, we will develop a cohesive management plan that lays out a clear and realistic plan for implementing the selected lake management projects.

|        | Est. Hours | Rate     | Est. Price |
|--------|------------|----------|------------|
| Step 4 | 20         | \$120/hr | \$ 2,400   |

## 3 PRELIMINARY SCHEDULE

The 4-step process proposed here will require a substantial amount of time to complete. I will be able to begin this process in August, but I will not have time to complete Steps 3 and 4 until later this fall. Accordingly, the plan would not be completed in time to conduct management activities in 2012. I would be happy to discuss this schedule with you further if desired.

## 4 PRICE QUOTE

The following is a summary of the "not to exceed" pricing listed above. If you decide to proceed, I would bill you monthly for the actual hours worked. If desired, you may reduce the amount of time allotted for each step to reduce cost; however, this may reduce the quality of the management plan.

| Item  | Est. Price       |
|---|------------------|
| Step 1 – Curate Existing Data & Identify Data Needs | \$ 2,400         |
| – Anticipated Monitoring                            | \$ 3,500         |
| Step 2 – Evaluate Lake Uses & Define Goals          | \$ 2,400         |
| Step 3 – Evaluate Management Options                | \$ 3,600         |
| Step 4 – Develop a Lake Management Action Plan      | \$ 2,400         |
| Additional Correspondence/Meetings                  | \$ 600           |
| Overhead (insurance, benefits, equipment)           | \$ 900           |
| <b>Total</b>  | <b>\$ 15,800</b> |

## 5 CONTACT

James A. Johnson, M.S.  
Aquatic Ecologist – Freshwater Scientific Services, LLC  
(651) 336-8696  
[james@freshwatersci.com](mailto:james@freshwatersci.com)

# Water Laws in Minnesota



## Questions and Answers about Minnesota Water Laws

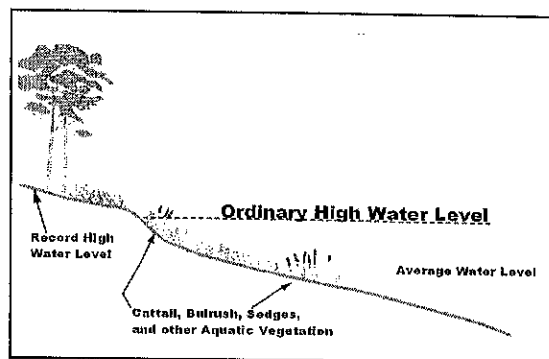
### Basic Water Laws

#### Who owns the bed of a lake, marsh, or watercourse?

When a waterbasin or watercourse is *navigable* under the federal test, the State of Minnesota owns the bed below the natural ordinary low water level [see Minnesota Statute 84-032; *Lamprey v. State*, 52 Minn. 1981, 53 N.W. 1139 (1983) and *United States v. Holt State Bank*, 270 U.S. 49 (1926)]. The federal test used for navigability is “when they are used, or are susceptible of being used, in their natural and ordinary condition, as highways for commerce, over which trade or travel are or may be conducted.” [See *State v. Longyear Holding Co.*, 224 Minn. 451, 29 N.W. 2d 657 (1947).] If a court has found that a lake is non-navigable and meandered, the shoreland owners own the bed of the lake in severalty. [See *Schmidt v. Marschel*, 211 Minn. 543, 2d 121 (1942).] If a stream is non-navigable but has been meandered, the shoreland owners own to the thread (centerline) of the stream. If a lake or stream is non-navigable and not meandered, ownership of the bed is as indicated on individual property deeds.

#### What is the ordinary high water level?

The ordinary high water level is an elevation that marks the boundary of the lake, marsh, or stream bed. It is the highest level at which the water has remained long enough to leave its mark upon the landscape. [See *Lake Minnetonka Improvement*, 56 Minn. 513, 58 N.W. 295 (1894), and Minnesota Statutes, Section 103G.005, subd. 14.] Generally, it is the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.



#### What are riparian rights?

Riparian rights are property rights arising from owning property abutting water. They include the right to wharf out to a navigable depth; to take water for domestic and agricultural purposes; to use land added by accretion or exposed by reliction; to take ice; to fish, boat, hunt, swim; and to such other uses as water bodies are normally put [see *Sanborn v. People's Ice Co.*, 82 Minn. 43, 84 N.W. 641 (1900) and *Lamprey v. State*, 52 Minn. 181, 53 N.W. 1139 (1893)]. The riparian owner has the right to use the water over its entire surface [see *Johnson v. Seifert*, 257 Minn. 159, 100 N.W. 2d 689 (1960)].

#### What are riparian duties?

It is the duty of the riparian owners to exercise their rights reasonably, so as not to unreasonably interfere with the riparian rights of others [see *Petraborg v. Zontelli*, 217 Minn. 536, 15 N.W. 2d 174 (1944)]. They cannot dike off and drain, or fence off, their part of the waterbody [see *Johnson v. Seifert*, 257 Minn. 159, 100 N.W. 2d 689 (1960)]. It is a public nuisance and a misdemeanor to “interfere with, obstruct, or render dangerous for passage waters used by the public” [see Public Nuisance Law, Minnesota Statutes 609.74].

#### What are public rights?

Where the public is a riparian landowner, such as a public road abutting the water or at a public access, the public has riparian rights. [See *Flynn v. Beisel*, 257 Minn. 531, 102 N.W. 2d 284 (1960).]

#### What is considered trespassing when the public seeks access to a water body?

The belief that the state owns a strip of land around all Minnesota lakes for public use is false. Riparian property (property abutting a lake, river, or wetland) is either privately or publicly owned. The general public can access water bodies or watercourses via public property, but not through private property. Individuals entering private property without permission from the landowner are trespassing and may be prosecuted under the state trespass laws. It is illegal to trespass on private property in order to gain access to a water body or watercourse without first obtaining the verbal or written permission from a landowner. A person who has legally gained access to a water body may use its entire surface for recreation, such as boating, swimming, or fishing. Using the underlying bed of the lake or river, if access was gained legally, is called “incidental use”; the use of the bed or bottom is incidental to the water body’s primary use. Examples include poling or anchoring a boat, wading on the bed to swim or fish, and anchoring decoys or traps.

# Water Laws in Minnesota

## Regulation and Water Use

### What are waters of the state?

Waters of the state are *any* surface waters or underground waters, except those surface waters that are not confined but are spread and diffused over the land [see Minnesota Statutes, Section 103G.005, subd. 17]. This includes *all* lakes, ponds, marshes, rivers, streams, ditches, springs, and waters from underground aquifers regardless of their size or location.

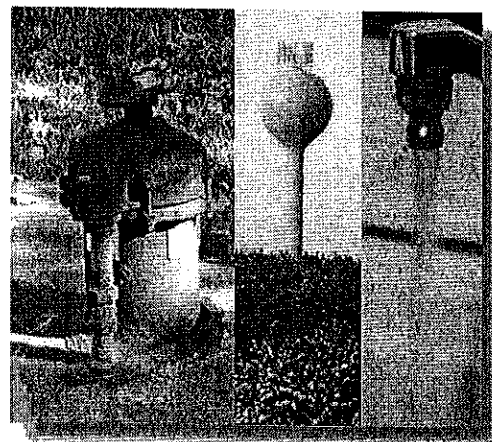
### When is a DNR permit needed to appropriate or use water?

A water appropriation permit from the Minnesota Department of Natural Resources (DNR) is needed to appropriate or use waters of the state for any use that exceeds 10,000 gallons in any one day or 1,000,000 gallons in a year except for domestic use serving less than 25 persons. [See Minnesota Statutes, Section 103A.201 and Section 103G.271, subd. 1, and Minnesota Rules, Part 6115.0600.]

### What priorities are set for water use?

If there is not enough water for everyone, Minnesota law sets general priorities for which users can appropriate waters of the state. [See Minnesota Statutes, Section 103G.261.] These priorities, from highest priority to lowest priority, are as follows:

1. Domestic water supplies and power production with contingency water use plans
2. Uses of water consuming less than 10,000 gallons per day
3. Agricultural irrigation and processing of agricultural products
4. Power production without contingency water use plans
5. Uses, other than agricultural irrigation, processing of agricultural products, and power production
6. Nonessential uses of water



### What are the limitations on the use of ground water?

DNR is responsible for protecting ground water supplies and has authority to establish water appropriation limits. Limitations are based on information that may be required from those applying for water use permits, including: well drilling records, pumping rates and volumes, an inventory of existing wells in the vicinity of a proposed appropriation, and the results of aquifer testing. Applications for water appropriation proposals must show that the use will be sustainable now and into the future; and that the proposed use will not harm ecosystems, degrade water quality, or reduce water levels beyond the reach of public water supply and private domestic wells. If aquifer test results show that pumping draws down water below the reach of nearby domestic wells, the applicant must develop a solution with those affected well owners before a permit will be issued. [See Minnesota Statutes, Section 103G.287.]

### What are the limitations on the use of surface water?

Minnesota law sets water use limits for waterbasins and watercourses and discourages taking water from waterbasins of less than 500 acres. [See Minnesota Statutes, Section 103G.285 and 103G.261.] On any waterbasin, the total of all withdrawals cannot be more than one-half acre-foot per acre per year (6 inches of water taken off the surface of the waterbasin).

The DNR can also establish minimum *protection elevations* for waterbasins and *protected flows* for watercourses. Surface water withdrawals within a watershed may be suspended when water levels fall below minimum protection levels at indicator sites.

\*[See Minnesota Statutes, Section 103G.285, subds. 2 and 3.]

## Regulation of Public Waters and Public Waters Wetlands

### What are public waters and public waters wetlands?

*Public waters* are all waterbasins and watercourses that meet the criteria set forth in Minnesota Statutes, Section 103G.005, subd. 15, and are designated on the DNR's public waters inventory maps. *Public waters wetlands* include all type 3, 4, and 5 wetlands (as defined in U.S. Fish and Wildlife Service Circular No. 39, 1971 ed.) that, at the time of designation, were 10 or more acres

# Water Laws in Minnesota

in rural areas and 2½ or more acres within cities and are designated on the DNR's public waters inventory. [See Minnesota Statutes, Section 103G.005, subd. 18.]

## When is a DNR permit needed?

A DNR *public waters work permit* is needed to do any work that will change or diminish the course, current, or cross section of any lake, wetland, or watercourse that is designated as *public waters* or *public waters wetland* on the DNR's public waters inventory maps. Any work done below the ordinary high water level of public waters or public waters wetlands requires a permit. Examples of such work include draining; filling; dredging; channelizing; constructing dams, harbors, or permanent offshore structures; and placement of bridges and culverts. [See Minnesota Statutes, Section 103G.245, subd. 1, and Minnesota Rules, Part 6115.0150.]

## What is the Public Waters Inventory (PWI)?

This is a map and list prepared by the DNR showing all public waters and public waters wetlands. [See Minnesota Statutes, Section 103G.201.] These maps can be viewed at all DNR offices, local soil and water conservation district offices, local watershed district offices, and many county offices, as well as on the DNR web site ([www.dnr.state.mn.us/waters/watermgmt\\_section/pwi/maps.html](http://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html)). Until the original scanned PWI paper maps are replaced with updated GIS-based PWI maps, the paper maps will continue to be available from the Minnesota Bookstore located at 660 Olive Street, St. Paul, MN 55155, telephone 651-297-3000 (metro area) or 1-800-657-3757 (statewide).

## Is the state's regulation of public waters and public waters wetlands constitutional?

The Minnesota Supreme Court has held that DNR's inventory of public waters and public waters wetlands, and the DNR's regulation of work that changes the course, current, or cross section of public waters and public water wetlands are clearly constitutional. [See *State v. Kuluvar*, 266 Minn. 408, 418, 123 N.W. 2d 699, 706-707 (1963); *State v. Olsen*, 275 N.W. 2d 585 (Minn. 1979); and Minnesota Supreme Court file number C5-86-332, decided on December 24, 1987.]

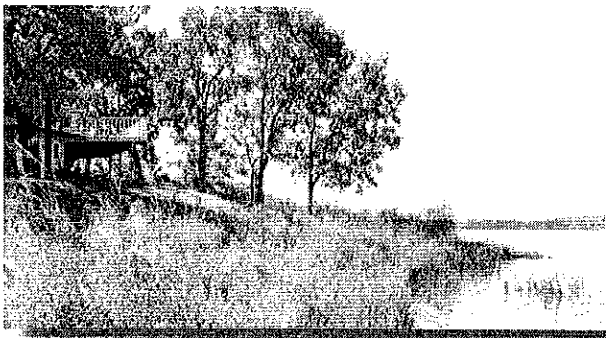
## Regulation of Lands Adjoining Public Waters and Public Waters Wetlands

### What are the DNR's land use programs?

The DNR oversees four programs regulating the use of the shores of waterbasins and watercourses: the Shoreland Management program, the Floodplain Management program, the state Wild and Scenic Rivers program, and the Mississippi River Critical Area. Under each program, the DNR establishes minimum land use standards, which local units of government must adopt and enforce through their zoning ordinances. Administration of these ordinances, which must be approved by the DNR, is locally controlled, except for DNR approval of planned cluster developments along wild and scenic rivers. Always check with local zoning officials to learn what ordinance provisions apply to your property.

### How does shoreland management apply to local zoning?

Shoreland zoning incorporates ordinances that apply to all land within 1,000 feet of the ordinary high water level of a public water, lake, pond or flowage (or sometimes a public waters wetland designated by a local unit of government), and within 300 feet of a public waters watercourse or to the landward extent of a designated floodplain on a public waters watercourse (where the floodplain is wider than 300 feet). The DNR classifies each waterbody as either *natural environment*, *recreational development*, or *general development*. The DNR also classifies river reaches as either *remote*, *forested*, *transition*, *agriculture*, *urban*, or *tributary*. The allowable use(s) of land, lot sizes, lot widths, structure setbacks, and sanitary system setbacks are different for each class. The state's minimum shoreland development standards last underwent a major revision in 1989, focusing on additional issues, such as stormwater management, wetland alterations, best management practices for forestry and agriculture, upgrading of nonconforming sewage systems, and protection of (nearshore) shore impact zones. Eighty-five Minnesota counties and about 160 cities have a shoreland zoning ordinance. [See Minnesota Statutes, Section 103F.201-103F.221, and Minnesota Rules, Parts 6120.2500-6120.3900.] The DNR is currently



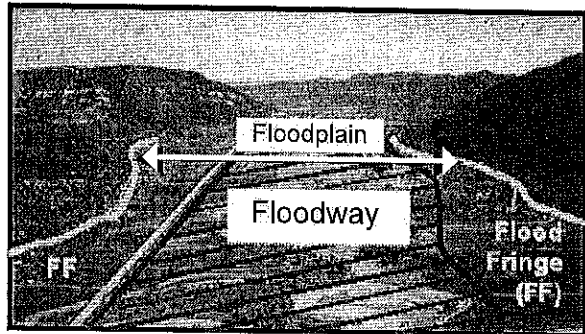
# Water Laws in Minnesota

updating the shoreland development standards to address emerging trends and issues. See the following web site for information on the process and standards:

[http://mndnr.gov/waters/watermgmt\\_section/shoreland/shoreland\\_rules\\_update\\_project.html](http://mndnr.gov/waters/watermgmt_section/shoreland/shoreland_rules_update_project.html).

## What is floodplain zoning?

Land within the floodplain is divided into zones, and local ordinances specify the uses permitted in each zone. Floodplain zoning ordinances apply to lakes, as well as streams, and cover all land inundated by the 100-year flood (the flood having a 1-percent chance of being equaled or exceeded in any single year). The *floodway* is that part of the floodplain necessary to allow passage of 100-year flood waters without increasing the water surface more than a designated height. Only minimal encroachments and very limited construction are allowed in the floodway. The area of the floodplain outside the floodway is called the *flood fringe*. Development conforming to the community's floodplain zoning and building standards is generally allowed in the flood fringe, but it must be placed on fill or floodproofed high enough to keep it dry during a 100-year flood. The emphasis of the program is to minimize flood damage by promoting nonstructural remedies instead of construction of costly levees, dikes, or dams. [See Minnesota Statutes, Section 103F.101-103F.155, and Minnesota Rules, Parts 6120.5000-6120.6200.]



## What is Wild and Scenic Rivers zoning?

Wild and Scenic River zoning is the ordinances that apply to those rivers and adjacent lands that have been designated under the Minnesota Wild and Scenic Rivers Act or the Lower St. Croix Wild and Scenic River Act. These are the St. Croix River from the Taylors Falls dam to the Mississippi River, the Kettle River in Pine County, the Mississippi River from the city of St. Cloud to the cities of Ramsey and Dayton, the North Fork of the Crow River in Meeker County, the Minnesota River from the Lac qui Parle dam to the city of Franklin, the Rum River from Ogechie Lake to the city of Anoka, and the Cannon River from the city of Faribault to the Mississippi River. The district boundary established at the designation hearing could not include more than 320 acres of land per river mile on both sides of the river. The boundary generally follows a government land survey line or road and includes areas that are visible from the river or are environmentally sensitive. River segments are classified as *wild*, *scenic*, or *recreational* (*urban* or *rural* for the Lower St. Croix) and have associated dimensional standards, land uses, and alteration standards. [See Minnesota Statutes, Sections 103F.301-103F.351, and Minnesota Rules, Chapter 6105.]

## What is Mississippi River Critical Area zoning?

The Mississippi River Critical Area zoning is the ordinances for a 72-mile section of the Mississippi River, including an adjacent corridor of land, extending from the cities of Dayton and Ramsey downstream to the City of Hastings. The Mississippi River Critical Area was established through executive order and was permanently designated in Minnesota Statutes 116G. The Mississippi River Critical Area boundary coincides with the boundary of the Mississippi National River and Recreation Area, a unit of the National Park Service. All communities along the corridor were required to adopt plans and ordinances to meet the minimum standards and guidelines contained in Executive Order 79-19. The DNR must approve any Critical Area plan or ordinance amendments. The DNR is currently developing rules to establish new zoning districts and development standards. See the rulemaking project website at:

[http://mndnr.gov/waters/watermgmt\\_section/critical\\_area/rulemaking.html](http://mndnr.gov/waters/watermgmt_section/critical_area/rulemaking.html). [See Minnesota Statutes 116G, Minnesota Rules parts 4410.8100 to 4410.9910, and Executive Order 79-19, available on the DNR's web site].

## DNR Contact Information



DNR website and a listing of Area Hydrologists: <http://mndnr.gov/waters>

DNR Ecological and Water Resources  
500 Lafayette Road, Box 32  
St. Paul, MN 55155  
(651) 259-5700

*This information is available in an alternative format on request.*

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## DNR Information Center

Twin Cities: (651) 296-6157  
Minnesota toll free: 1-888-646-6367  
Telecommunication device for the deaf (TDD): (651) 296-5484  
TDD toll free: 1-800-657-3929

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available regardless of race, color, national origin, sex, sexual orientation, marital status, status with regard to public assistance, age, or disability. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

## **2010 Minnesota Statutes**

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### **103F.201 REGULATORY PURPOSE OF SHORELAND DEVELOPMENT.**

To promote the policies in section 103A.201 and chapter 116, it is in the interest of the public health, safety, and welfare to:

- (1) provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters;
- (2) preserve the economic and natural environmental values of shorelands; and
- (3) provide for the wise use of water and related land resources of the state.

**History:** 1990 c 391 art 6 s 25



## 2010 Minnesota Statutes

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### 103G.625 MUNICIPAL CONTROL OF AQUATIC VEGETATION AND ORGANISMS.

Subdivision 1. **Authority.** The governing body of a municipality or town may expend funds for the control or destruction of harmful or undesirable aquatic vegetation or organisms in public waters and may cooperate with other governing bodies and landowners in the control or destruction.

Subd. 2. **Permit required.** The control or destruction of the aquatic vegetation or organisms may not be started unless a permit has been obtained from the commissioner under section 103G.615 and the work is done in accordance with the terms and conditions of the permit.

Subd. 3. **Funding.** (a) The governing body of a municipality or town may use any available funds and may levy a tax on all taxable property in the municipality or town to implement this section.

(b) To provide funds in advance of collection of the tax levies, the governing body may, at any time after the tax has been levied and certified to the county auditor for collection, issue certificates of indebtedness in anticipation of the collection and payment of the tax. The total amount of the certificates, including principal and interest, may not exceed 90 percent of the amount of the levy and must become payable from the proceeds of the levy not later than two years from the date of issuance. The certificates shall be issued on terms and conditions as the governing body may determine and sold as provided in section 475.60.

(c) If the governing body determines that an emergency exists, it may make appropriations from the proceeds of the certificates for authorized purposes without complying with statutory or charter provisions requiring that expenditures be based on a prior budget authorization or other budgeting requirement.

(d) The proceeds of a tax levied or an issue of certificates of indebtedness must be deposited in a separate fund and expended only for purposes authorized by this section. If a disbursement is not made from the fund for a period of five years, money remaining in the fund may be transferred to the general fund.

**History:** 1990 c 391 art 7 s 65; 1994 c 505 art 3 s 3

## **2010 Minnesota Statutes**

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### **103G.615 PERMITS TO HARVEST OR DESTROY AQUATIC PLANTS.**

Subdivision 1. **Authorization.** (a) The commissioner may issue permits, with or without a fee, to:

- (1) gather or harvest aquatic plants, or plant parts, other than wild rice from public waters;
- (2) transplant aquatic plants into public waters;

(3) destroy harmful or undesirable aquatic vegetation or organisms in public waters under prescribed conditions to protect the waters, desirable species of fish, vegetation, other forms of aquatic life, and the public.

(b) Application for a permit must be accompanied by a permit fee, if required.

Subd. 2. **Fees.** (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply, but the rule must not take effect until 45 legislative days after it has been reported to the legislature. The fees shall be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) A fee for a permit for the control of rooted aquatic vegetation for each contiguous parcel of shoreline owned by an owner may be charged. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) A fee for a permit for the control of rooted aquatic vegetation in a public water basin that is 20 acres or less in size shall be one-half of the fee established under paragraph (a).

(e) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the water recreation account.

Subd. 3. **Permit standards.** The commissioner shall, by rule, prescribe standards to issue and deny permits under this section. The standards must ensure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans.

Subd. 4. **Enforcement authority and restoration requirements.** (a) The commissioner may make findings and issue an order to a person to stop the illegal gathering, harvesting, planting or transplanting, or destroying of aquatic vegetation or organisms in public waters.

(b) In the same or a separate findings and order, the commissioner may require restoration or replacement of any emergent or floating leaf aquatic vegetation lost as a result of the illegal activities, to the condition existing before the illegal activities were undertaken. An order for restoration or replacement must state with specificity the work that is necessary to comply with the order and must specify a date by which the work must be completed.

(c) The person or entity to whom the order is issued may request a review of the order by the commissioner within 30 days of receipt of written notice by filing a written request for review. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The commissioner shall review the request and supporting evidence and render a decision within 60 days of the request for review.

(d) If the person or entity wishes to appeal the decision of the commissioner after review under paragraph (c), a written request must be filed with the commissioner within 30 days for a contested case hearing under chapter 14. A bond, as provided in subdivision 5, must accompany the demand for a hearing. The bond and demand for hearing must be filed 30 days after the person is served with a copy of the decision of the commissioner on review.

(e) If the person or entity to whom the decision of the commissioner on review is addressed does not demand a contested case hearing under chapter 14 or demands a hearing but fails to file the required bond:

(1) the commissioner's order becomes final at the end of 30 days after the person is served with the decision of the commissioner on review; and

(2) the person may not appeal the order.

**Subd. 5. Bond for demanding public hearing.** (a) A person or entity filing a demand for a public hearing, under subdivision 4, must execute and file a corporate surety bond or equivalent security to the state of Minnesota, to be approved by the commissioner and in an amount and form determined by the commissioner. The bond or security must be conditioned to pay the costs of the hearing to the extent described in subdivision 6 if the commissioner's findings and order are affirmed without material modification.

(b) A bond or security is not required of a public authority that demands a public hearing.

(c) The commissioner may waive the requirement for a bond or other security.

**Subd. 6. Hearing costs.** (a) Except as provided in paragraph (b), the costs of a hearing must be paid as prescribed by chapter 14 and the chief administrative law judge.

(b) If the commissioner's order is affirmed without material modification, the appellant must pay the following costs, up to \$750:

(1) costs of the stenographic record and transcript; and

(2) rental costs, if any, of the place where the hearing is held.

**Subd. 7. Misdemeanor.** A violation of an order issued under this section is a misdemeanor.

**History:** 1990 c 391 art 7 s 62; 1992 c 462 s 18; 1993 c 235 s 4; 2002 c 351 s 25-28; 2003 c 128 art 1 s 119; 2004 c 255 s 42; 1Sp2005 c 1 art 2 s 123; 2008 c 363 art 5 s 22; 2010 c 361 art 4 s 60

## **2010 Minnesota Statutes**

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### **103F.221 MUNICIPAL SHORELAND MANAGEMENT.**

Subdivision 1. **Commissioner's review of ordinances.** (a) A municipality having shoreland within its corporate boundaries must submit ordinances or rules affecting the use and development of its shorelands to the commissioner for review. The commissioner must review the ordinances or rules and:

(1) determine whether the rules and ordinances are in substantial compliance with municipal shoreland management standards and criteria under section 103F.211; and

(2) consider any feature unique to the municipal shoreland in question, including the characteristics of the waters that may be affected by development, storm sewer facilities, and sanitary and waste disposal facilities in existence at the time of the commissioner's review.

(b) If the commissioner determines that the ordinances or rules of a municipality do not substantially comply with the state standards and criteria for municipal shoreland management, the commissioner must notify the municipality. The notice must state the changes that are necessary to bring the ordinances or rules into substantial compliance with the standards and criteria. By one year after receiving the notice from the commissioner, the municipality must make changes necessary to bring the ordinances or rules into substantial compliance with state standards and criteria.

Subd. 2. **Commissioner's adoption of ordinance for municipality.** (a) The commissioner may adopt an ordinance or rules for the municipality if:

(1) a municipality does not have an ordinance or rule affecting the use and development of shoreland;

(2) the corporate boundaries of the municipality are expanded to include shorelands not previously included within the municipal boundaries and the municipality fails to adopt an ordinance within one year after including the shorelands within its municipal boundaries; or

(3) the commissioner determines that a municipal shoreland management ordinance does not substantially comply with the standards and criteria for municipal shoreland management and that the municipality has failed to make the necessary changes within one year after receiving notice of noncompliance.

(b) The ordinance or rules for the municipality must be adopted as provided in this paragraph. The commissioner must hold at least one public hearing on the proposed ordinance or rules in the manner provided in section 462.357, after giving notice under section 462.357. The ordinance or rules are effective for the municipality on the date and in accordance with rules prescribed by the commissioner relating to compliance.

(c) The ordinance must be enforced as provided in section 462.362. The penalties in section 462.362 apply to violations of the ordinances or rules adopted for the municipality by the commissioner.

Subd. 3. **Commissioner's cost of adopting ordinances.** The costs incurred by the commissioner in adopting the ordinances or rules for the municipality must be paid by the municipality and

collected from the municipality in the same manner as costs are paid by a county and collected from a county under section 103F.215, subdivision 4.

Subd. 4. **Municipal use of land other than shoreland.** Municipal planning and land use controls for land other than shoreland in the vicinity of shoreland must be, to the maximum extent practical, compatible with planning and land use controls for shoreland adopted under subdivision 1.

Subd. 5. **Municipal ordinance may be more restrictive.** A municipality may adopt and enforce ordinances or rules affecting the use and development of shoreland that are more restrictive than the standards and criteria adopted by the commissioner.

**History:** 1990 c 391 art 6 s 29; 1992 c 511 art 5 s 4; 1995 c 218 s 2

## **2010 Minnesota Statutes**

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### **103G.005 DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

Subd. 2. **Abandon.** "Abandon" means to give up the use and maintenance of structures or improvements to realty and to surrender them to deterioration. Abandon does not refer to intent to surrender or relinquish title to or a possessory interest in the real property where the structures or improvements are located.

Subd. 2a. **Agricultural land.** "Agricultural land" means: land used for horticultural, row, close grown, pasture, and hayland crops; growing nursery stocks; animal feedlots; farm yards; associated building sites; and public and private drainage systems and field roads located on any of the foregoing.

Subd. 3. **Altered natural watercourse.** "Altered natural watercourse" means a former natural watercourse that has been affected by artificial changes to straighten, deepen, narrow, or widen the original channel.

Subd. 4. **Appropriating.** "Appropriating" means withdrawal, removal, or transfer of water from its source regardless of how the water is used.

Subd. 5. **Artificial watercourse.** "Artificial watercourse" means a watercourse artificially constructed by human beings where a natural watercourse was not previously located.

Subd. 6. **Basin of origin.** "Basin of origin" means the drainage basin of the Great Lakes, the Red River of the North, the Mississippi River, or the Missouri River.

Subd. 6a. **Board.** "Board" means the Board of Water and Soil Resources.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subd. 8. **Consumptive use.** "Consumptive use" means water that is withdrawn from its source for immediate further use in the area of the source and is not directly returned to the source.

Subd. 9. **Director.** "Director" means the director of the Division of Waters of the Department of Natural Resources.

Subd. 10. **Division.** "Division" means the Division of Waters of the Department of Natural Resources.

Subd. 10a. MS 1994 [Renumbered subd 10e]

Subd. 10a. **50 to 80 percent area.** "50 to 80 percent area" means a county or watershed with at least 50 but less than 80 percent of the presettlement wetland acreage intact.

Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a county or watershed where 80 percent or more of the presettlement wetland acreage is intact and:

- (1) ten percent or more of the current total land area is wetland; or
- (2) 50 percent or more of the current total land area is state or federal land.

Subd. 10c. **Hayland.** "Hayland" means an area that was mechanically harvested or that was planted with annually seeded crops in a crop rotation seeding of grasses or legumes in six of the last ten years prior to January 1, 1991.

Subd. 10d. **Less than 50 percent area.** "Less than 50 percent area" means a county or watershed with less than 50 percent of the presettlement wetland acreage intact or any county or watershed not defined as a "greater than 80 percent area" or "50 to 80 percent area."

Subd. 10e. **Local government unit.** "Local government unit" means:

(1) outside of the seven-county metropolitan area, a city council, county board of commissioners, or a soil and water conservation district or their delegate;

(2) in the seven-county metropolitan area, a city council, a town board under section 368.01, a watershed management organization under section 103B.211, or a soil and water conservation district or their delegate; and

(3) on state land, the agency with administrative responsibility for the land.

Subd. 11. **Meandered lake.** "Meandered lake" means a body of water except streams located within the meander lines shown on plats made by the United States General Land Office.

Subd. 12. **Municipality.** "Municipality" means a home rule charter or statutory city.

Subd. 13. **Natural watercourse.** "Natural watercourse" means a natural channel that has definable beds and banks capable of conducting confined runoff from adjacent land.

Subd. 13a. **Once-through system.** "Once-through system" means a space heating, ventilating, air conditioning (HVAC), or refrigeration system used for any type of temperature or humidity control application, utilizing groundwater, that circulates through the system and is then discharged without reusing it for a higher priority purpose.

Subd. 14. **Ordinary high water level.** "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

(1) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

(2) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

(3) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Subd. 14a. MS 1994 [Renumbered subd 14b]

Subd. 14a. **Pasture.** "Pasture" means an area that was grazed by domesticated livestock or that was planted with annually seeded crops in a crop rotation seeding of grasses or legumes in six of the last ten years prior to January 1, 1991.

Subd. 14b. **Political subdivision.** "Political subdivision" means a county, city, town, school district, or other local government jurisdiction to which the state provides state aids or on which the state imposes state mandates.

Subd. 14c. **Presettlement wetland.** "Presettlement wetland" means a wetland or public waters wetland that existed in this state at the time of statehood in 1858.

Subd. 14d. **Project.** "Project" means a specific plan, contiguous activity, proposal, or design necessary to accomplish a goal as defined by the local government unit. As used in this chapter, a

project may not be split into components or phases for the sole purpose of gaining additional exemptions.

**Subd. 15. Public waters.** (a) "Public waters" means:

- (1) water basins assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;
- (2) waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
- (3) meandered lakes, excluding lakes that have been legally drained;
- (4) water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
- (5) water basins designated as scientific and natural areas under section 84.033;
- (6) water basins located within and totally surrounded by publicly owned lands;
- (7) water basins where the state of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
- (8) water basins where there is a publicly owned and controlled access that is intended to provide for public access to the water basin;
- (9) natural and altered watercourses with a total drainage area greater than two square miles;
- (10) natural and altered watercourses designated by the commissioner as trout streams; and
- (11) public waters wetlands, unless the statute expressly states otherwise.

(b) Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

**Subd. 15a. Public waters wetlands.** "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

**Subd. 15b. Shoreland wetland protection zone.** "Shoreland wetland protection-zone" means:

- (1) for local government units that have a shoreland management ordinance approved under sections 103F.201 to 103F.221, the shoreland wetland protection zone is:
  - (i) 1,000 feet from the ordinary high water level of a water basin that is a public water identified in the shoreland management ordinance or the shoreland area approved by the commissioner as provided in the shoreland management rules adopted under section 103F.211, whichever is less; or
  - (ii) 300 feet from the ordinary high water level of a watercourse identified in the shoreland management ordinance or the shoreland area approved by the commissioner as provided in the shoreland management rules adopted under section 103F.211, whichever is less; and



(2) for local government units that do not have a shoreland management ordinance approved under sections 103F.201 to 103F.221, the shoreland wetland protection zone is:

(i) 1,000 feet from the ordinary high water level of a water basin that is a public water that is at least ten acres in size within municipalities and at least 25 acres in size in unincorporated areas; or

(ii) 300 feet from the ordinary high water level of a watercourse identified by the public waters inventory under section 103G.201.

Subd. 15c. **Silviculture.** "Silviculture" means the management of forest trees.

Subd. 15d. **Utility.** "Utility" means a sanitary sewer, storm sewer, potable water distribution, and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications.

Subd. 16. **Water basin.** "Water basin" means an enclosed natural depression with definable banks, capable of containing water, that may be partly filled with waters of the state and is discernible on aerial photographs.

Subd. 17. **Waters of the state.** "Waters of the state" means surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state includes boundary and inland waters.

Subd. 17a. **Watershed.** "Watershed" means the 81 major watershed units delineated by the map, "State of Minnesota Watershed Boundaries - 1979."

Subd. 17b. **Wetland type.** "Wetland type" means a wetland type classified according to Wetlands of the United States, U.S. Fish and Wildlife Service Circular 39 (1971 edition), as summarized in this subdivision.

(1) "Type 1 wetlands" are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.

(2) "Type 2 wetlands" are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.

(3) "Type 3 wetlands" are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.

(4) "Type 4 wetlands" are inland deep fresh marshes in which soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes cattails,

reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.

(5) "Type 5 wetlands" are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.

(6) "Type 6 wetlands" are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp-privet. This type occurs mostly along sluggish streams and occasionally on floodplains.

(7) "Type 7 wetlands" are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.

(8) "Type 8 wetlands" are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

Subd. 18.[Renumbered subd 15a]

Subd. 19. **Wetlands.** (a) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

(1) have a predominance of hydric soils;

(2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) under normal circumstances support a prevalence of such vegetation.

(b) For the purposes of regulation under this chapter, the term wetlands does not include public waters wetlands as defined in subdivision 15a.

**History:** 1990 c 391 art 7 s 2; 1990 c 597 s 62; 1991 c 354 art 6 s 1-6; *art 10 s 4*; 1994 c 643 s 49; 1995 c 218 s 3; 1996 c 462 s 10-22,43; 1997 c 2 s 8; 2000 c 382 s 1,2; 2003 c 128 art 1 s 111

## **2010 Minnesota Statutes**

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### **103F.205 DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 103F.201 to 103F.227.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subd. 3. **Municipality.** "Municipality" means a statutory or home rule charter city.

Subd. 4. **Shoreland.** "Shoreland" means land located within the following distances from the ordinary high water elevation of public waters:

- (1) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and
- (2) land within 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on the river or stream, whichever is greater.

**History:** 1990 c 391 art 6 s 26; 2002 c 393 s 44; 2006 c 212 art 3 s 6; 2007 c 92 s 1

# Long Lake (82-0130) with Stormsewers



- Stormsewer
- Stormsewer Structure
- - - Parcels

## **2010 Minnesota Statutes**

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### **103F.211 MODEL STANDARDS AND CRITERIA.**

Subdivision 1. **Adoption.** The commissioner shall adopt model standards and criteria for the subdivision, use, and development of shoreland in municipalities and areas outside of a municipality. The standards and criteria must include:

- (1) the area of a lot and length of water frontage suitable for a building site;
- (2) the placement of structures in relation to shorelines and roads;
- (3) the placement and construction of sanitary and waste disposal facilities;
- (4) designation of types of land uses;
- (5) changes in bottom contours of adjacent public waters;
- (6) preservation of natural shorelands through the restriction of land uses;
- (7) variances from the minimum standards and criteria; and
- (8) for areas outside of a municipality only, a model ordinance.

Subd. 2. **Intergovernmental advice.** The state Departments of Agriculture, Health, and Employment and Economic Development; the State Planning and Pollution Control Agencies; the Board of Water and Soil Resources; and the Minnesota Historical Society shall provide information and advice necessary to prepare or amend the standards and criteria.

Subd. 3. **Approval of commissioners of health and Pollution Control Agency.** In addition to other requirements of chapter 14, the model standards and ordinance adopted under this section, or amendments to them must not be finally adopted unless approved by the commissioners of health and of the Pollution Control Agency.

**History:** 1990 c 391 art 6 s 27; 1Sp2003 c 4 s 1

## **2010 Minnesota Statutes**

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### **103F.215 MODEL ORDINANCE AS COUNTY ORDINANCE.**




Subdivision 1. **County ordinance failing to meet standards.** The commissioner shall adapt the model ordinance to a county if, after notice and hearing as provided in section 103G.311, the commissioner finds that a county has failed to adopt a shoreland conservation ordinance or that a county has adopted a shoreland conservation ordinance that fails to meet the minimum standards established under section 103F.211.

Subd. 2. **Hearing.** The commissioner shall hold at least one public hearing on the proposed ordinance in the manner provided in section 394.26, after giving notice as provided in section 394.26. The ordinance is effective for the county on the date and in accordance with any rules the commissioner prescribes, by order, relating to compliance.

Subd. 3. **Enforcement.** The ordinance must be enforced as provided in section 394.37. The penalties provided in section 394.37 apply to violations of the commissioner's model ordinance for the county.

Subd. 4. **Commissioner's costs.** The cost incurred by the commissioner in adapting the model ordinance to a county under this section must be paid by the county after the commissioner submits an itemized statement of the costs to the county. If the county fails to pay the costs within 90 days after the commissioner's statement is received, the commissioner may file a copy of the statement of the costs for collection by special tax levy with the county auditor. The county auditor, upon receiving a statement from the commissioner, shall include the amount of the state's claim in the tax levy for general revenue purposes of the county. On completion of the tax settlement following this levy, the county treasurer must pay the amount due to the state to the commissioner for deposit in the state treasury.

**History:** 1990 c 391 art 6 s 28; 1991 c 199 art 1 s 17; 1995 c 218 s 1

 Parcels  
 Stormwater Struc  
 Stormsewer



Long Lake (82-0130)  
 with Stormsewers





## Memorandum

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

**From:** *Breanne Rothstein, City Planner  
WSB & Associates, Inc.*

**Date:** *September 25, 2012*

**Re:** *October Staff Report – Planning and Zoning*

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### A. **Agenda Items**

Long Lake Request- A resident has come forward with a concern about the floating vegetation on Long Lake. Staff has directed them to apply for a permit through the DNR, which permits vegetation removal in lakes.

#### i. **Staff Report/Council Update:**

- a. **Sprint CUP Application:** A CUP application was submitted for the site at 11900 Manning Trail. Staff is planning to present this to the Planning and Zoning Commission at their meeting on October 15<sup>th</sup>.
- b. **Harmony Horse Farm CUP Application:** A letter of code violation has been sent to the property owner, outlining that city code does not allow accessory apartments or dwelling units in accessory buildings.
- c. **Mass Vegetative Site Clearing at Masterman Lake:** Staff at the city and the Washington Conservation District have been working with the property owner to review and approve a re-vegetation plan for the cleared site. The property owner has been co-operative and responsive to staff comments.
- d. **Mahtomedi Elementary School:** Phil Olson, City Engineer, and I met with representatives of the school district and contractor to review the terms and conditions of the Conditional Use Permit, specifically a zoning interpretation of the definition of height. The contractor will be submitting a change order to reduce the overall building height to no more than 35 feet in all locations.

If you have any questions, please contact me at 763-231-4863.



## City Council Report for September 2012

To: Honorable Mayor & City Council Members

From: Jack Kramer Build & Code Enforcement Official

### Zoning Enforcement:

1. Harmony Horse Farms at Victoria Station 9250 Dellwood Rd. N. Violation of Conditional; Use Permit and Building & Fire Codes.

a. The City Planner has sent a letter indicating that the conditional use permit issued to the property cannot be amended... The owner of the property has not currently responded

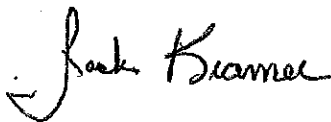
2. Mr. Steve LeVahn 9007 Joliet Ave. N. Violation of the City of Grant Zoning Ordinance Section 32-348 Vegetative cutting (A) Clear Cutting.

a. Mr. LeVahn is currently working with the planner and a landscape contractor to develop a plan for restoration.

### Building Permit Activity:

1. (18) Eighteen building permits were issued for this time period with a total valuation of \$ 323,916.83.

Respectfully submitted,



Jack Kramer

Building & Code Enforcement Official

**Grant Master Form**

|               |                     |            |                       |           |               |             |             |             |           |
|---------------|---------------------|------------|-----------------------|-----------|---------------|-------------|-------------|-------------|-----------|
| 2012-109      | Garage              | O'Fallell  | 11780 Great Oak Trail | 8/20/2012 | \$ 50,000.00  | \$ 643.75   | \$ 482.81   | \$ 418.43   | \$ 25.00  |
| 2012-110      | Re-Siding           | Bradt      | 11698 Irish Ave.      | 8/21/2012 | \$ 27,000.00  | \$ 411.95   | \$ 308.96   | \$ -        | \$ 13.50  |
| 2012-111      | HVAC Permit         | TLT Enters | 10331 Dellwood Rd. N. | 8/22/2012 | \$ -          | \$ 80.00    | \$ 60.00    | \$ -        | \$ 5.00   |
| 2012-112      | Plumbing            | Schulties  | 9007 Joliet Ave. N.   | 8/22/2012 | \$ -          | \$ 80.00    | \$ 60.00    | \$ -        | \$ 5.00   |
| 2012-113      | Deck                | Borrelli   | 10940- 105th. St.N.   | 8/30/2012 | \$ 8,160.00   | \$ 167.25   | \$ 125.43   | \$ 108.71   | \$ 4.08   |
| 2012-114      | Re-Roof             | Washburn   | 8252 Jamaca Ave. N.   | 9/4/2012  | \$ 7,000.00   | \$ 139.25   | \$ 104.43   | \$ -        | \$ 3.50   |
| 2012-115      | Garage              | Tasted     | 11846 Irish Ave. N.   | 9/5/2012  | \$ 60,000.00  | \$ 713.75   | \$ 525.31   | \$ 463.93   | \$ 30.00  |
| 2012-116      | Re-Siding           | Schmidt    | 6425 Jasmine Ave. N.  | 9/5/2012  | \$ 14,624.83  | \$ 251.25   | \$ 188.43   | \$ -        | \$ 7.31   |
| 2012-117      | Windows             | Bryant     | 10170 Jody Ave.N.     | 9/5/2012  | \$ 18,057.00  | \$ 307.25   | \$ 230.43   | \$ -        | \$ 9.02   |
| 2012-118      | Windows             | Auvin      | 8237-80th. St. N.     | 9/6/2012  | \$ 39,275.00  | \$ 543.25   | \$ 407.43   | \$ -        | \$ 19.63  |
| 2012-119      | Re-Roof             | Kellner    | 8521 Kimbro Ave. N.   | 9/6/2012  | \$ 3,500.00   | \$ 97.25    | \$ 72.93    | \$ -        | \$ 1.75   |
| 2012-120      | Re-Siding           | Brown      | 8160 Jamaca Ave. N.   | 9/6/2012  | \$ 8,000.00   | \$ 153.25   | \$ 114.93   | \$ -        | \$ 4.00   |
| 2012-121      | HVAC Permit         | Zawadski H | 9007 Joliet Ave. N.   | 9/13/2012 | \$ 0.00       | \$ 240.00   | \$ 180.00   | \$ -        | \$ 5.00   |
| 2012-122      | HVAC Permit         | Zawadski H | 9007 Joliet Ave.N.    | 9/13/2012 | \$ -          | \$ 80.00    | \$ 60.00    | \$ -        | \$ 5.00   |
| 2012-123      | Deck                | Bruggemat  | 9260 Jeffrey Ave. N.  | 9/14/2012 | \$ 6,800.00   | \$ 139.25   | \$ 104.43   | \$ 90.51    | \$ 3.40   |
| 2012-124      | Garage              | Bruggemat  | 9260 Jeffrey Ave. N.  | 9/14/2012 | \$ 60,000.00  | \$ 713.75   | \$ 535.31   | \$ 228.40   | \$ 30.00  |
| 2012-125      | Entryway            | Zink       | 7555 99th. St N.      | 9/14/2012 | \$ 3,500.00   | \$ 97.25    | \$ 72.93    | \$ 63.21    | \$ 1.75   |
| 2012-126      | Cell Tower McSprint | McSprint   | 11900 Mannin g Ave.N  | 9/14,2012 | \$ 18,000.00  | \$ 293.25   | \$ 219.93   | \$ 190.61   | \$ 9.00   |
| Monthly total |                     |            |                       |           | \$ 323,916.83 | \$ 5,151.70 | \$ 3,853.69 | \$ 1,563.80 | \$ 181.94 |