

**OAK GROVE COUNCIL  
Regular Meeting Minutes  
Monday, June 26, 2023**

The Regular Meeting of the Oak Grove City Council was called to order by Mayor Rolf at 6:00 p.m. on Monday, June 26, 2023. Pledge of Allegiance was said, and roll call taken.

Present:	Weston Rolf, Mayor Angie Bray Johnson, Council Member Paul Tradewell, Council Member	John West, Council Member Mike Wylie, Council Member
Also Present:	Loren Wickham, City Administrator Jerry Auge, Assistant County Engineer Joe Sathe, City Attorney	Chuck Schwartz, City Engineer Michelle Pritchard, Anoka County Design Engineer Brad Johnson, Planning Commission Chair

**1. PUBLIC FORUM**

**2. ANNOUNCEMENTS**

Mayor Rolf noted Night to Unite would be on August 1, 2023 and you can register with the Anoka County Sherriff's office. Mayor Rolf, Council Member West, Council Member Tradewell, Councilmember Bray Johnson, and Park Commissioner West attended the Heart Safe training course.

**3. SETTING OF REGULAR AGENDA**

Administrator Wickham mentioned Resolution 23-081, Appointing Deputy Clerk, should be included in the Consent Agenda as Item G.

**MOTION MADE BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER WYLIE TO APPROVE THE REGULAR AGENDA AS REVISED ABOVE. All in favor.**

**4. APPROVAL OF COUNCIL MINUTES**

- A. Regular Meeting June 12, 2023
- B. Work Session June 12, 2023

**MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER WEST TO APPROVE THE REGULAR MEETING AND WORK SESSION MINUTES. All in favor.**

**5. ACKNOWLEDGE RECEIPT OF COMMISSION AND COMMITTEE MINUTES**

- A. Parks Commission minutes for June 21, 2023

The Council acknowledged receipt of commission minutes.

**6. PETITIONS, INDIVIDUALS, PRESENTATIONS, AND INQUIRIES**

- A. Lake George Improvement District (LGID) Update – Juanita Reed-Boniface

Chair of the Lake George Improvement District Juanita Reed-Boniface reviewed the taxing authority of the LGID, and the board of directors. She explained what the LGID has done to address the aquatic plant control, lake levels, other in-lake studies, and services relating to Lake George. She added that the LGID works in partnership with the Anoka Conservation District, the Rum River Watershed District, Minnesota Department of Natural Resources, Anoka County Parks, Lake George Conservation Club, and the City of Oak Grove.

Ms. Reed-Boniface explained how curly leaf pondweed would be managed and treated. Boat inspections are a large educational resource for boaters. Anoka County Parks has begun day camps at Lake George and the Lake George Conservation Club has donated \$500 towards the camp supplies.

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B. Request for support from LGID for Aquatic Invasive Species (AIS) Treatment on Lake George  
Ms. Reed-Boniface asked the Council to renew the annual commitment of \$3,000 to be applied to the treatment of aquatic invasive species.

Ms. Reed-Boniface mentioned the LGID annual meeting would be held on August 15, 2023 at 6 p.m. at City Hall.

Council Member West stated he would be in favor of the renewal.

Council Member Bray Johnson asked how often the boat landing was staffed. Mr. Reed-Boniface replied the boat landing is opened from Memorial Day until Labor Day. Council Member Wylie added that it is not staffed during the weekend and seems to have less staff.

Council Member Bray Johnson asked if the staff members were hired by the Parks Department. Council Member Wylie explained that staff works under a grant program. Ms. Reed-Boniface noted the Parks Department is in charge of hiring.

Council Member Bray Johnson asked who potential applicants for the boat landing job to contact. Ms. Reed-Boniface stated the Anoka County Parks Department.

Mayor Rolf asked what the grant amount was that was received from Anoka County. Mr. Reed-Boniface did not know but added that she would follow-up.

**MOTION BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER WYLIE TO APPROVE RESOLUTION 23-082 DONATING \$3,000 FROM THE PUBLIC BENEFIT FUND TO THE LAKE GEORGE IMPROVEMENT DISTRICT TO TREAT AQUATIC INVASIVE SPECIES ON LAKE GEORGE. All in favor.**

## **7. CONSENT AGENDA**

*The Consent Agenda contains several items, which are acted upon by the Council in one motion. Upon request by any one Councilmember, City staff, or the public a consent agenda item may be removed and put on the regular agenda for discussion and consideration.*

Council Member West requested to pull item A.

### ~~A. Claims and Accounts~~

- B. Resolution 23-075 Accepting Donation of Lot 3 Block 5, Menkveld's Riverdale Estates from Westphal Construction Co. Inc
- C. Resolution 23-076 Interim Use Permit Renewal -Atchison
- D. Resolution 23-077 Accepting Resignation of City Clerk
- E. Resolution 23-078 Accepting Resignation of Street Maintenance Worker
- F. Resolution 23-079 Interim Use Permit Renewal – Wahlstrom
- G. Resolution 23-081 Appointing Deputy City Clerk

**MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER BRAY JOHNSON TO APPROVE THE CONSENT AGENDA ITEMS B-G. All in favor.**

### **7A. Claims and Accounts**

Council Member West noted he would abstain from the vote as the claims include an invoice from his company for Fire Station #2 upgrades for access to the control system.

Administrator Wickham stated a payment of \$425 to PC2 Solutions has been added to the claims.

**MOTION BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER BRAY JOHNSON TO APPROVE THE CLAIMS AND ACCOUNTS. Motion carried 4 ayes, 0 nays, 1 abstain. Council Member West abstained.**

## **8. CONSULTING ENGINEER**

A. Resolution 23-080 Partial Pay Request #1 for 2023 Street Improvements Project  
Engineer Schwartz presented the request to approve partial payment of \$391,725.81 for the 2023 Street Improvement Project which includes the overlay work at the Refuge, the Fern Hills neighborhood, the Curtis Addition, 204<sup>th</sup> Street, and Eidelweiss Street NW.

Council Member asked how much surplus would cover if the contract was not fulfilled. Engineer Schwartz replied it is a 5% retain of \$21,000.

Mayor Rolf noted moving forward, the cleanup could be better. Engineer Schwartz agreed and made a note of it.

**MOTION MADE BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER TRADEWELL TO ADOPT RESOLUTION 23-080 PARTIAL PAY REQUEST #1 FOR 2023 STREET IMPROVEMENTS PROJECT. All in favor.**

B. Anoka County JPA for Construction Projects

Engineer Schwartz stated there are two JPAs for construction. The first JPA project is for the roundabout at CSAH 7 and CSAH 22 and the second JPA is for the bridge project. He explained ongoing costs include future maintenance of the trail, the center line in the roundabout and street lights. The total estimated cost for the roundabout is projected to be at \$2.8 million, the federal portion is \$1.35 million with the City's portion at \$179,176.51. The City's portion will be covered by Municipal State Aid Funds.

Council Member Tradewell asked if it was typical for the City to pay for the lighting even on a County road. Administrator Wickham stated it is typical to pay for ongoing electrical expenses.

Assistant County Engineer Jerry Auge replied it is a common practice for Anoka County to have cities pay for ongoing electrical expenses.

Council Member West asked what the projected cost would be for lighting. Anoka County Design Engineer Michelle Pritchard stated she did not know. Mr. Auge added the lights that are used are LED which are more cost effective. Administrator Wickham noted he would get an estimate.

Engineer Schwartz stated the bridge project is \$7 million with the City and JPA portion estimated at \$55,000.

Mayor Rolf expressed his desire for additional information regarding what the City portion would entail so the Council is more informed. Council Member West agreed.

Council Member Tradewell asked Mr. Auge if there would be two lanes and a roundabout up to County Road 22. Mr. Auge replied that the County is still looking at the section and submitted for additional funding.

Mayor Rolf asked if there was an update on the railroad crossings. Mr. Auge replied the closure of the rail road track crossing will occur on July 10 and will be closed for 10 working days.

C. Engineer Update

Engineer Schwartz explained there was project management team meeting for the intersection study for Nightingale Street NW, Flamingo Street NW, and Tamarack Street NW and would include minutes at an upcoming meeting.

**9. CITY ATTORNEY**

A. Attorney Updates – Overview of Options to Regulate Adult Use Cannabis

Attorney Sathe gave an update on the cannabis law. He explained the City could have an 18-month cannabis business moratorium which would establish a temporary pause on the establishment or operation of any business that deals with cannabis products. This would allow time for the State to establish its framework before licenses are already permitted. If the Council agreed to this, the moratorium would be valid until January 1, 2025.

Attorney Sathe explained the City has a moratorium on hemp products currently and will expire September 9, 2023 and does not have a way to extend it. The options are to let it expire and let the products be sold without regulation or enact a licensing framework which could include zoning. If zoning is enacted with regulations on the City licenses, City Staff will be able to inform the Council if there is an opportunity to enact the same zoning regulations on the State licenses. Attorney Sathe recommended using the Tabaco code as an example for regulations.

Council Member Tradewell asked if there were any guidelines on permit costs in order to sell cannabis products. Attorney Sathe replied there are guidelines for the maximum fees that can be charged for registration. He believed it was \$500 or \$5,000 for the license but would follow-up on the correct amount.

Mayor Rolf mentioned he would like to move forward with zoning regulations.

Attorney Sathe asked the Council if they would like to do licensing regulations as well. The Council agreed they would like to.

Council Member Wylie asked if there were business distancing regulations from youth buildings. Attorney Sathe explained the current regulations are 1,000 feet from schools and 500 feet from day cares, State license mental health facility or a park with a feature that attracts children including a playground or sports field.

Planning Commission Chair Johnson stated the Planning Commission has discussed the potential of an ordinance for zoning regulations and asked the City Staff to task the Planning Commission for their July meeting to continue to work on the ordinance so a public hearing could occur in August and the Council could vote on it in September. By having the vote in September, there would be no gap when the moratorium expires in September. He explained the Planning Commission has discussed having the fines and enforcement higher than alcohol businesses since there are currently no tests for intoxication levels.

Attorney Sathe pointed out that the Planning Commission meetings and City Council meetings did not line up to have a vote before the moratorium expires in September. Mr. Johnson stated he would work with Administrator Wickham to arrange the Planning Commission meetings in order to get information to the City Council sooner. He asked the Council to provide guidance on the direction they desired to go.

Council Member Wylie explained he would like to have the maximum distance from churches and daycares and signage limitations.

Council Member West suggested beginning at looking at existing commercial property.

Mr. Johnson mentioned the City would need to factor in the agricultural aspect of cannabis in the area and consider including something in the zoning ordinance.

Mayor Rolf asked if liquor stores are able to sell THC. Attorney Sathe replied that liquor stores can sell gummies, and beverages.

Mr. Johnson suggested considering if the zoning ordinance would be from the parcel line or from the address point.

Attorney Sathe explained cities are not allowed to regulate the content in signage ordinance but would look into the possibilities of what the City can do.

Council Member Tradewell asked if the same guidelines would apply to home businesses (IUP) as commercial businesses. Mr. Johnson stated the IUPs are restrictive with egress activities.

Council Member Bray Johnson asked if someone could have an online business selling cannabis products. Attorney Sathe replied there are delivery licenses but for the City licenses the Council would be able to decide to prohibit online sales or not. However, there is no licensing authority on what is brought into the City when it comes to online purchases.

## **10. FIRE DEPARTMENT**

Administrator Wickham gave an update on the Fire Department and explained the City applied for a grant through Center Point Energy and were awarded \$2,500 for a Community Safety Grant for water rescuing equipment.

## **11. PUBLIC WORKS DEPARTMENT**

Administrator Wickham stated there was nothing new to report regarding the Public Works Department.

Council Member Tradewell asked if it was a full-time employee that left. Administrator Wickham replied it was.

Council Member Wylie asked if all of the Lion's benches were installed. Administrator Wickham stated not all of them were installed yet.

## **12. PARKS**

Council Member Wylie gave an update on the Parks Commission. He noted the Parks Commission is getting quotes for a floating dock to cross the wetlands at Dunlop Park and asked the Parks Commission Chair to add more.

Parks Commission Chair Jerry Tri explained there is a trail that walks down to the cattail swamp and are working with a company in Center City to build a 150 foot dock bridge. If the dock was installed it would create an additional loop for the trail. The Park Commission is anticipating the bid will come in July or August and will take a day to install if approved.

Council Member Wylie explained the money for the benches came from the Oak Grove Lion's after it was disbanded last year.

## **13. PLANNING DEPARTMENT**

### **A. Interim Use Permit Revocation – Thull**

Administrator Wickham reviewed the history of the Interim Use Permit (IUP) and stated it was issued in 2019 and had issues with compliance. There was a Public Hearing to revoke the permit in October 2022 and ultimately decided to work with the property owner to give the owner time to come into compliance. The Planning Commission decided to table the item until May 2023 to give the property owner time to install a fence to enclose the business activity on the property. The property owner has two gaps in the fence to install custom gates but has had supply chain issues. The Planning Commission voted 5-1 to recommend to revoke the Interim Use Permit if it is not in compliance by June 26, 2023. The property owner was working to have a temporary solution and planned to have the custom gates finished by August 15. Staff recommends to work with the property owner since there has been progress.

Council Member Wylie stated the City zones lots residential instead of business which allows property owners to conduct business from their homes. He expressed that he felt torn on the issue.

Council Member West explained at some point the rules need to be enforced and would not be in favor for allowing the property owner more time.

Council Member Tradewell asked if the gates were required to be installed on June 26, 2023. Mr. Johnson replied the property owner was to come into compliance with the Interim Use Permit and provided additional guidance on how to come into complete compliance including having complete screening. He added that they gave the property owner sufficient time to come into compliance.

Mayor Rolf asked when the first complaint was made. Administrator Wickham noted there have been a number of complaints but a complaint in 2022 generated the notice letter to the property owner. He added that he was not able to view the property today to know if it was in compliance on June 26, 2023.

Council Member Bray Johnson noted the property owner spent \$10,000 for the fence and included additional trees to provide screening and agreed that the property owner is trying but did not make an effort to attend the City Council.

Mayor Rolf explained he personally has an Interim Use Permit and follows the regulations in order to keep the permit. He added if he was not in full compliance but was working to get there, he would make an effort to attend the Council meeting in order to explain how he is going to come into compliance. Resources and time of Staff are being wasted waiting for the property owner to come into compliance.

Council Member Wylie asked if the property owner could apply for the Interim Use Permit again when he is in compliance. Administrator Wickham replied he did not believe the code addressed that.

The Council discussed how they need to enforce the rules, that it is a privilege to have the permit and the amount of time the property owner had to come into compliance.

Council Member Bray Johnson asked how much it would cost to revoke the permit and have the property owner reapply. Administrator Wickham explained the cost cannot be calculated at the moment.

Administrator Wickham noted there was no resolution but could draft one after verifying the findings.

**MOTION BY COUNCIL MEMBER WEST, SECOND BY WYLIE TO DIRECT STAFF TO DRAFT A RESOLUTION WITH FINDINGS TO REVOKE THE INTERIM USE PERMIT FOR THE CITY COUNCIL TO CONSIDER AT THE JULY 10, 2023 CITY COUNCIL MEETING. All in favor.**

Council Member Bray Johnson gave an update on the Planning Commission and noted the next meeting would be on July 20, 2023.

**14. CITY ADMINISTRATOR UPDATES & DISCUSSION ITEMS**

**A. Administrator Updates**

Administrator Wickham noted there was discussion about closing City Hall one Friday a month during the summer months. The dates City Hall will be closed are June 30, July 14, and August 25.

Administrator Wickham stated there are almost 30 applicants for the Administrative Assistant position and hopes to have a recommendation during the next Council meeting on July 10.

Administrator Wickham asked the Council for newsletter content so it can be sent out mid-July.

Administrator Wickham noted a service was typing the City Council and Planning Commission minutes for the interim and was doing a good job. Council Member West asked if the service would be able to type the minutes for the Upper Rum River WMO. Administrator Wickham replied that he would follow up.

Administrator Wickham mentioned that Council Member Bray Johnson brought up the discussion of changing the size and lot size for accessory buildings and asked the Council to provide more direction for Staff.

Council Member Bray Johnson stated she posted on the Community page and received over 100 likes of people who were in support of making a change to the size requirements for accessory buildings. Out of 71 comments, there were a few negative comments regarding controlling regulations.

Council Member Wylie explained he was not in favor of it because when the regulations were originally created, it was due to many lots becoming residential. He added that he has not heard from any residents regarding the issue. By changing the lot sizes, it could create complications down the road on finding the size that would please everyone. Council Member West agreed and added the desire is for the building to not become bigger than the home.

Council Member Tradewell stated he did not like that a developer can average out the lots, which can create inconsistencies on who can build a pole barn on the property. He suggested getting rid of the average so everyone has the 2.5 acres to build on, require the builders to have 2.5 acre lots, or change the lot size regulations for accessory buildings.

Council Member Wylie explained he was in favor of not allowing developers to average out the lots and to require them to do lots 2.5 acres or more.



Council Member Bray Johnson noted there were property owners who came to the Planning Commission for variances who had 2.3 acre lots and were turned down and asked Administrator Wickham for additional information. Administrator Wickham stated since he has been here no one has applied for variance to exceed the maximum square footage for a lot, but if the Planning Commission was inclined to grant such a variance, they should consider changing the code.

Mr. Johnson added the Planning Commission uses the Practical Difficulties Test to determine if variance would be granted. There could be some tightening up on how the Planning Commission calculates the average and median lot sizes and would need direction from the Council.

Mayor Rolf stated he was not in support of the proposed changes because it was originally set as a regulation for a reason, and City Staff have too much on their plate to include looking into changing the regulations. He agreed with Council Member Tradewell's comments regarding developers averaging lot sizes and believes it should be a standard of 2.5 acres per lot.

The Council discussed the benefits of having a standard for developers to have 2.5 acre lots.

## **15. MAYOR/COUNCIL REQUESTS/UPDATES**

Mayor Rolf asked if the roof leak at Station 2 has been resolved. Administrator Wickham stated replied that he was not aware of it but would follow-up.

Mayor Rolf mentioned he would like to continue the discussion to make a decision about constructing a new fire station. Administrator Wickham added that the Council could do a work session to discuss.

Ted Thull, 21540 Linnet Street NW, stated he was at the meeting to discuss the IUP. He noted his focus is contracting such as roofing, siding and additions. Complaints should decrease as he continues to move in the direction of enclosing the area. Mayor Rolf explained that the Council passed a motion to have Staff draft a resolution to revoke the IUP. He stated the Council is willing to listen but it has been going on for too long.

Mr. Thull explained he provided more fencing than what was required which cost him \$9,000. He moved to the City in order to have a home based business and is working hard to meet the requirements.

The Council explained he still had the opportunity to apply for an IUP if he continued the work.

Council Member Bray Johnson asked if the gate was up yet. Mr. Thull stated it was not and had not planned on it since it was discussed at the previous meeting.

Mayor Rolf noted Mr. Thull could reapply once he is in compliance and added that the City has been working with him for years but compliance is not moving along fast enough. He mentioned it was not fair for the neighbors to have to deal with it. Mr. Thull explained that his next door neighbor had positive remarks for him.

***The next Regular Meeting is scheduled for Monday, July 10, 2023, at 6:00 p.m.***

## **16. ADJOURNMENT**

**MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER BRAY JOHNSON TO ADJOURN. Motion carried 4-1. Council Member West opposed. The meeting was adjourned at 8:21 p.m.**

Respectfully Submitted,

Loren Wickham  
City Administrator