

CITY OF GRANT
MINUTES

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DATE : August 1, 2017
TIME STARTED : 7:05 p.m.
TIME ENDED : 8:22 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

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

CALL TO ORDER

The meeting was called to order at 7:05 p.m.

PUBLIC INPUT

There was no public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

June 29, 2017 City Council Meeting Minutes	Approved
July 2017 Bill List, \$58,061.89	Approved
Kline Bros. Excavating, Road Work, \$17,906.50	Approved
Envirotech, 2017 Dust Control, No. 1, \$39,564.14	Approved
Brochman Blacktopping, 2017 Seal Coat Project Patching, \$25,014.00	Approved

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

3
4 **STAFF AGENDA ITEMS**

5
6 **City Engineer, Brad Reifsteck**

7
8 **Consideration of Resolution No. 2017-16, Receiving Feasibility Report, Ordering Preparation of**
9 **Plans and Specifications and Calling Public Hearing on Road Improvements, 65th Street North**
10 – City Engineer Reifsteck advised the Council to authorize by resolution the receipt by City Council
11 of a Feasibility Report, Preparation of Plans and Specifications, and scheduling Public Improvement
12 Hearing to order the public improvements for the 65th Street Improvement Project. He noted the
13 following:

- 14
- 15
- 16 • The project includes 65th Street just east of Keats Avenue.
- 17 • The Council authorized preparation of the Feasibility Report on June 6, 2017.
- 18 • Two neighborhood meetings were held with resident to discuss project details.
- 19 • The total project cost is estimated at \$62,500, including construction, engineering, legal and
- 20 administrative costs.
- 21 • The project is anticipated to be funded 100% through special assessments in accordance with
- 22 City’s special assessment policy. A preliminary assessment roll is included in the Feasibility
- 23 Report that identifies assessment amounts for the benefitting properties.
- 24 • Staff is recommending the Public Hearing considering the 65th Street Improvements be held at
- 25 the September 5th Council meeting.
- 26

27 City Engineer Reifsteck stated the petition that was submitted is sufficient for the overlay and all
28 neighbors are in favor of the project. Included in the project costs will be the sealcoat dollars that
29 were allocated this year.

30
31 Council Member Carr requested some patching dollars also be included in the City allocated portion
32 for the project.

33
34 City Engineer Reifsteck indicated he will look at those dollars as well and ensure that it is
35 proportionate with past projects. A total reclaim on the roadway would cost much more. The
36 roadway should last 10-15 years with the overlay. The City will do maintenance on the road
37 including crack sealing.

38
39 Council Member Lanoux stated for \$10,000 more a complete overlay could be done.

40
41 City Engineer Reifsteck advised the overlay project is what the residents chose to move forward with.
42 An overlay could potentially work on McKusick. There is typically at least three inches of
43 bituminous on roads. It was surprising that 65th Street had a lower thickness although the base coat
44 thickness can vary depending on the expected life of the road. A wear course will be applied to the
45 top of this roadway.

1 **Council Member Sederstrom moved to adopt Resolution No. 2017-16 as presented. Council**
2 **Member Lanoux seconded the motion. Motion carried unanimously.**

3
4 **Consideration of Pump House Improvement** – City Engineer Reifsteck advised the City received
5 one quote for the work related to the Grant Pump House near Pine Tree Lake. The request for quotes
6 were sent to 2 contractors, Killmer Electric Co, Inc., and Taylor Electric Co, Inc. but Killmer Electric
7 Co, Inc. was the only contractor to submit a bid. Killmer Electric Co, Inc. is a reputable local
8 contractor and the quoted amount is consistent with discussions had with other contractors. Killmer
9 Electric Co, Inc’s quote is attached and listed below.

10
11 Killmer Electric Co, Inc..... **\$2,620**

12
13 The pump house work consists of installing a removable mounted high/low pump shutoff and a new
14 starter with HOA and run indicator light. A map of the pump house location is attached.

15
16 All work is scheduled to be completed prior to November 30, 2017.

17
18 Council Member Lanoux stated a float system is not meant to be frozen. Other systems wouldn’t
19 require that maintenance.

20
21 City Engineer Reifsteck stated the floats would have to be removed every fall and put back in.

22
23 Mayor Huber stated he does need technical data on these types of quotes. The Council redirected
24 staff to determine a better system that does not required the maintenance piece.

25
26 **Council Member Lanoux moved to table Consideration of Pump House Improvement. Council**
27 **Member Sederstrom seconded the motion. Motion carried unanimously.**

28
29 **City Planner, Jennifer Swanson**

30
31 City Attorney Sandstrom advised the Council Member who is also the applicant for the next item
32 should step down from the Council table due to a conflict of interest and will not be able to vote on
33 the item.

34
35 **Consideration of Resolution No. 2017-15, Consideration of Conditional Use Permit for Horse**
36 **Boarding, 971 Keswick Avenue North** – City Planner Swanson advised the Applicants Lawrence and
37 Maureen Lanoux, along with their daughters Julie Brady and Jamie Moeller (“Applicant”) are
38 requesting a Conditional Use Permit (CUP) for a horse boarding and training facility on their property
39 located at 9711 Keswick Avenue North. The Applicants are proposing to continue use of the existing
40 accessory buildings including a large main barn, smaller accessory building and outdoor riding arena
41 for operations that would allow up to 65 equines on the property. The Applicants submitted their
42 application in July of 2016, at which time staff determined the application was Incomplete for review
43 and staff identified the information that was needed to process the application. Since the initial
44 application, the Applicants have been working to submit the additional and incomplete information as
45 requested by staff so that the application could be presented to the Planning Commission, and

1 subsequently the City Council for review and consideration. In June of 2017 staff finally received a
2 scalable site plan, prepared by a licensed surveyor which subsequently allows for processing the
3 requested application as complete per Minnesota Statute 15.99.

4
5 City Planner Swanson stated on July 18, 2017, the Planning Commission held a duly noticed public
6 hearing regarding the subject application. Prior to opening the public hearing, City Staff provided a
7 brief presentation and overview of the application, answered Planning Commissioner's questions and
8 the Applicant provided additional clarification and answered questions. During the public hearing,
9 several members of the public provided testimony. A summary of the public testimony is provided as
10 follows:

- 11
- 12 • Several neighbors provided testimony that the operations and maintenance of the facility were
13 well maintained and that they had no objection to the continued use of the property for a
14 horse boarding and training facility.
- 15 • A couple neighbors expressed concern over a perceived significant increase in the number of
16 horses that would be permitted on the property compared to the request.
- 17 • Several 'users' or customers of Lanoux Stables provided comments on the benefit of the
18 existing facility on their lives, or that of their children, and their desire to ensure that the
19 business be kept in operations.
- 20 • A few contractors of the Lanoux Stables provided testimony on the cleanliness and
21 maintenance of the facility as a high-quality operation; and one indicated that they had cared
22 for up to 50-or so horses on the property over the years.
- 23 • One neighbor expressed concern over the manure management, namely, potential runoff from
24 the compost/manure piles and potential odor (increased nuisance if the number of horses
25 doubles onsite); and also asked questions about the feedlot registration from the MPCA.
- 26 • One neighbor expressed that there have been times when the horses have gotten out of the
27 pasture area, and ended up on their property. This is not a common occurrence, but it has
28 happened, so there is concern if the number of horses increases significantly.

29
30 In response, the Applicant provided the following answers and/or clarifications:

- 31
- 32 • There will not be a doubling of horses from what is onsite now. Lanoux Stables has
33 frequently, and regularly had 50 to 60 horses onsite at a time. This number fluctuates, but it is
34 not uncommon for the operations to have 60 horses. Therefore, they are asking only to be
35 allowed a minimal increase, up to 65 equines permitted.
- 36 • The "compost" pile referenced by the neighbor on the north-east property line is not a compost
37 pile, rather it is a black dirt pile. The Compost Piles are at the rear of the Main Barn.
- 38 • The fence line is properly secured, and one of the best in the area.

39
40 The public hearing was closed, and the Planning Commission discussed some of the concerns and
41 issues raised through public testimony. After discussion, the Planning Commission unanimously

1 recommended approval of the CUP for Horse Boarding and Training with draft conditions, as
 2 amended to address public testimony.

3
 4 The following staff report is generally as presented to the Planning Commission on July 18, 2017; but
 5 has been updated to reflect some of the information obtained by staff since its original drafting.

6
 7 **Project Summary**

8

Applicants & Owners: Lawrence and Maureen Lanoux, Julie Brady, Jamie Moeller	Site Size: 29.64 Acres (Total)
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9711 Keswick Avenue N.	PIDs: 1403021240001 (9.88 Ac. – Parcel 3) 1403021210003 (9.88 Ac. – Parcel 2) 1403021210004 (9.88 Ac. – Parcel 1)

9 The Property Owners and Applicants (hereafter referred to as “Applicants”) are proposing to operate a
 10 horse boarding, training and breeding facility from the subject property. The properties associated
 11 with the subject CUP include three separate PIDs and comprise approximately 29.64 acres as denoted
 12 on the submitted site plan (see Attachment B). The following summary of the existing site
 13 improvements as well as business operations as described within the Applicant’s narrative
 14 (Attachment A) are provided:

15
 16 *Existing Homestead:* There is an existing homestead located on the property which is the residence of
 17 Mr. Lawrence and Maureen Lanoux. The existing home is located in front of what appears to be an
 18 outdoor riding arena (area shown aerial), Main Barn, and Small AG Building as described by the
 19 Applicants.

20
 21 *Main Barn:* There is an existing large barn approximately 84’ x 161.9’ for a total of 13,593 Square
 22 Feet located to the northeast of the principal structure. The Main Barn includes storage areas,
 23 grooming areas, an arena, and shop area as shown on the submitted floor plan. There are also 10
 24 small individual areas that are assumed to be horse stalls, but are not identified/labeled on the floor
 25 plan. Additionally, the narrative describes that there is a lounge, gathering area and groomsmen’s
 26 quarters/live-in efficiency apartment in the Main Barn; however, these areas are not identified on the
 27 submitted floor plan so it is unclear where and how large these uses are within the structure.

28 *Small AG Building:* There is a small agricultural building located directly east of the principal
 29 structure and behind the outdoor riding arena. As identified on the floor plan, there are two loafing
 30 areas, a tack/storage area and what appears to be three (3) addition horse stalls (not labeled, only
 31 numbered, see Attachment C).

32
 33 *Outdoor Riding Arena/Areas:* There appear to be two (2) outdoor riding areas that are fenced in per
 34 the submitted site plan, though these areas are not labeled. The larger riding arena area is
 35 approximately 17,000 square feet, and is located to the east of the principal structure and in front of
 36 (west) of the Small AG Building. There also appears to be a small riding area located just north east
 37 of the Main Barn and is approximately 2,000 square feet.

1
2 *Main Access and Parking:* There is one gravel driveway which provides access to the principal
3 structure, and the accessory uses from Keswick Avenue North. The gravel driveway splits
4 approximately 230-feet from the right-of-way to provide separate accesses to the homestead and the
5 Horse Boarding and Training operations. There is an expanded gravel area to the west of the Main
6 Barn and then a large gravel area between the Main Barn and the Small AG Building. This area, as
7 stated within the Applicant's narrative, provides parking for the Horse Boarding and Training
8 operations, and can accommodate up to 15 customer vehicles.

9
10 *Utilities:* The existing homestead is currently served by a private well and individual septic system.
11 It is unclear if the existing well is used for the current Horse Boarding and Training operations.

12 *Operations:* The Applicants' narrative with an updated date of June 9, 2017 describes the operations
13 of the Horse Boarding and Training facility. The following summary of the materials is provided:

- 14
- 15 • Business Operation: The Applicants describe the operations as a "family horse farm, operating
16 a horse boarding, training and breeding business." They currently have 60 equines on the
17 property, and would like to allow for keeping up to 65 equines. According to the Applicants
18 the number of equines can fluctuate depending on boarders' showing and competition
19 activities, breeding and sales. Approximately 26 acres of the subject property is fenced and
20 used as seasonal pasture for grazing or containing horses. There are two accessory buildings
21 that are used to support the horse boarding and training business activities including a Main
22 Barn and a Small AG Buildings (as identified on the submitted floor plans found in
23 Attachment C).
 - 24 • Number of Employees: As stated within the narrative there are no current employees of the
25 operation, and the business is currently run by the Applicants. However, the Applicants would
26 like the CUP to reflect the potential for employees/barn staff in the future. The number of
27 employees could include up to five (5) barn staff, and they would also like the potential for the
28 groomsmen quarters to be occupied; however, it is unclear if an occupant would be
29 included/reflected within the 5 employees.
 - 30 • Hours of Operations (Horse Boarding/Training/Breeding): The Applicants propose the barn to
31 be open generally from 6:00 a.m. to 10:00 p.m. However, depending on equine needs, there
32 are times when the operations are 24-hours.
 - 33 • Events: No events onsite are proposed as part of the operations.
 - 34 • Traffic/Parking: It is unclear from the materials submitted the frequency of visitors or
35 customers to the site, and the number of visitors that may be present at any time. The
36 narrative states that up to 15 customer vehicles can be accommodated onsite, and it is not clear
37 as to whether this number reflects anticipated traffic flows. Also, it is assumed that there
38 would be large trailers and other large vehicles accessing the site to move the equines for
39 competitions, etc. These activities were not described in the narrative.

- 1 • According to the City Code, Conditional Use Permits are subject to the process and review
2 criteria stated in City Code Section 32-152. The City Code further states the following for
3 consideration when reviewing a Conditional Use Permit (32-141):
- 4 • “(d) In determining whether or not a conditional use may be allowed, the City will consider
5 the nature of the nearby lands or buildings, the effect upon traffic into and from the premises
6 and on adjoining roads, and all other relevant factors as the City shall deem reasonable
7 prerequisite of consideration in determining the effect of the use on the general welfare, public
8 health and safety.”
- 9 • (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a
10 conditional use permit, and a periodic review of said permit may be required.”
- 11 • Further Section 32-146 lays out nine specific standards to consider when reviewing a request
12 for a conditional use permit.
- 13 • Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide
14 additional criteria when considering CUPs for the proposed use.
- 15 • There are no site improvements proposed or considered as part of this application. The
16 existing facilities, access driveway and gravel areas are proposed to be used for the operation.
17 Since no site improvements to the site, the City Engineer does not have any additional
18 comments.

19
20 City Planner Swanson stated the Applicants have registered the feedlot for the Horse Boarding and
21 Training operations from the MPCA which attached to this staff report. The feedlot registration also
22 provided a copy to the Washington County Soil and Water Conservation District, which in some
23 cases also have review authority. The property is located within the Brown’s Creek Watershed
24 District (BCWD), and the Applicants have stated that they have contacted the BCWD and no permits
25 are required to continue operations at the facility. ***Staff would recommend including a condition
26 that all permits from other agencies having regulatory authority over the operations are the
27 responsibility of the Applicant to obtain and maintain, as applicable.***

28
29 As recommended by the Planning Commission, Staff has prepared a draft Resolution of Approval and
30 draft Conditional Use Permit for your review and consideration.

31
32 Ms. Allison Ecklund, Attorney for the Applicant, came forward and suggested revised language to
33 condition 14 relating to manure management.

34
35 City Attorney Sandstrom advised he would prefer the language in the draft CUP as that language does
36 address the concerns that were raised by residents at the public hearing.

37
38 Ms. Ecklund disagreed and stated it is important the the applicant comply with the law.

39
40 City Attorney Sandstrom stated a permit would be very short if applicants just have to comply with
41 the law. Reasonable conditions are a part of Conditional Use Permits.

42
43 City Planner Swansons explained the langague and manure management plan that was submitted as
44 part of the application noting it is clear there is an existing plan in place and that is what was
45 recommended for approval.

1 Mr. Larry Lanoux, Applicant stated the concern a neighbor had was that her pond was green and that
2 has nothing to do with the manure. The manure is governed by the watershed district.

3
4 Mayor Huber stated two years ago when elected officials were sworn in it was clear everyone has to
5 follow the same ordinances. The Council does get a report every month on zoning violations. A CUP
6 is very valuable to a property and the City should not have had to spend \$40,000 to get a Council
7 Member into compliance.

8
9 **Mayor Huber moved to adopt Resolution No. 2017 – 15, as presented. Council Member Kaup**
10 **seconded the motion. Motion carried unanimously with a 4-0 vote.**

11
12 **City Attorney, Kevin Sandstrom (no action items)**

13
14 **NEW BUSINESS**

15
16 There was no new business.

17
18 **UNFINISHED BUSINESS**

19
20 There was no unfinished business.

21
22 **DISCUSSION ITEMS**

23
24 **City Council Reports/Future Agenda Items (no action taken):**

25
26 Town Hall Air Conditioning – Council Member Sederstrom asked the Council to consider air
27 conditioning installation at the Town Hall.

28
29 Council Member Lanoux stated it would be easy enough to do and at a minimal cost. He suggested
30 an air conditioning/heating system as one be installed.

31
32 Mayor Huber stated the City did just install new windows at Town Hall and dollars from town hall
33 improvements may be needed for the elections. He noted the equipment room is air conditioned and
34 that does protect the video equipment.

35
36 Council Member Carr stated there has never been air conditioning and the musty smell might get
37 worse. He noted it is only a few meetings a year when it is hot.

38
39 Council Member Sederstrom stated it is hot more than three meetings a year and more residents might
40 attend if there was air conditioning.

41
42 Council Member Lanoux asked the City Administrator to publish the formation of a citizen
43 committee to draft the Comprehensive plan. The City has always allowed citizens to participate in
44 the Comprehensive Plan.

1 City Planner Haskamp stated the Planning Commission is responsible for the updates to the plan.
2 There will be multiple opportunities for public input as the Planning Commission goes through the
3 process.

4 Mayor Huber added the Planning Commission are citizen volunteers.
5

6 Council Member Lanoux stated he could have just applied for a CUP and been a lot less expensive
7 for the City but he was fighting for grandfather rights and the rights of the citizens with home
8 occupation that moved to the City which are instrumental to keeping Grant Rural.
9

10 **Staff Updates (no action taken):**
11

12 Administrator/Clerk updated the Council on the 2017 CUP review noting it appears as a few of the
13 CUP are no longer in existence. A public hearing must be published to vacate those CUP's. A letter
14 will go to those addresses notifying them of a potential vacate. The City does not intend on vacating
15 any CUP's that are still in existence or being utilized. The purpose is to get those CUP's off the
16 City's books if they in fact no longer exist.
17

18 **COMMUNITY CALENDAR AUGUST 2 THROUGH AUGUST 31, 2017:**
19

20 **Mahtomedi Public Schools Board Meeting, Thursday, August 10th and 24th, Mahtomedi District**
21 **Education Center, 7:00 p.m.**

22 **Stillwater Public Schools Board Meeting, Thursday, August 24th, Stillwater City Hall, 7:00**
23 **p.m.**

24 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
25

26 **ADJOURN**
27

28 **Council Member Carr moved to adjourn at 8:22 p.m. Council Member Lanoux seconded the**
29 **motion. Motion carried unanimously.**
30
31
32

33 These minutes were considered and approved at the regular Council Meeting September 5, 2017.
34
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37

38 _____
39 Kim Points, Administrator/Clerk

38 _____
39 Jeff Huber, Mayor