

CITY OF GRANT
MINUTES

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DATE : February 7, 2017
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:30 p.m.
MEMBERS PRESENT : Councilmember Sederstrom, Lanoux, Carr,
Kaup and Mayor Huber
MEMBERS ABSENT : None

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

CALL TO ORDER

The meeting was called to order at 7:00 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

January 3, 2017 City Council Meeting Minutes	Approved
January 2017 Bill List, \$35,343.03	Approved
Washington County Sheriff Department, July-December 2016 Services, \$59,555.17	Approved

Council Member Lanoux moved to approve the consent agenda with moving the January 3, 2017 City Council Meeting Minutes to Item 7C, New Business. Council Member Sederstrom seconded the motion.

Mayor Huber confirmed with the Clerk corrections to the minutes were made per Council Member Lanoux’s request.

Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.

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 and Sederstrom
3 voting nay.

4
5 **STILLWATER DRIVE/75TH STREET PROJECT UPDATE, KEVIN PETERSON,**
6 **WASHINGTON COUNTY**

7
8 Mr. Kevin Peterson, County Engineer presented an overview of the Stillwater Drive/75th Street
9 project. He reviewed the three phases of the project and potential future City action and cost shares.
10 He noted a public open house will be held on February 22, 2017 from 4:00 p.m. to 6:00 p.m.

11
12 Council Member Lanoux stated the traffic on that road is at unacceptable levels now and it is because
13 the City is getting a piece meal with School District projects.

14
15 Mr. Peterson stated the County has no jurisdiction over school entrances. A stop light is being
16 installed there which will be very beneficial. A corridor study has been done and traffic studies will
17 be conducted at the open house.

18
19 Council Member Sederstrom stated the exit at Jamaca is a problem and should be addressed.

20
21 Mr. Fran Miron, County Commissioner, came forward and stated the project is in the planning stages
22 but input is desired. The County has been working with the School District on this project for quite
23 some time. The County has an aggressive Capital Improvement program and is very happy to bring
24 these projects to the communities.

25
26 Mr. Peterson advised 1200 notices have been sent out to citizens to gather information from the actual
27 users.

28
29 Council Member Lanoux asked what the City can do to get their roads taken care of.

30
31 Commission Miron stated the County is fortunate to get a wheelage tax for County road projects.
32 Cities are limited in raising funds. The City of Grant is not unique in not having the funding for
33 roads. The City can't tax people out of their homes. The Legislature has recognized the need for
34 small cities and road funding.

35
36 **STAFF AGENDA ITEMS**

37
38 **City Engineer, Brad Reifsteck (no action items)**

39
40 **City Planner, Jennifer Haskamp**

41
42 **Consideration of Resolution No. 2017-02, Application for a Minor Subdivision located at 10450**
43 **Dellwood Road North** – City Planner Haskamp advised the Applicant, William (Bill) David, with
44 the Owner, John Moore, are proposing a minor subdivision of the property located at 10450 Dellwood
45 Road. The Owner has agreed to sell approximately four (4) acres of the subject property to the

1 Applicant who owns the adjacent property located at 9131 Keswick Avenue. To effectuate the sale, a
 2 minor subdivision is necessary so that the 4-acre parcel can be legally described and
 3 transferred/deeded to the Applicant.
 4

5 On December 20, 2016, a pre-application meeting was held with the Applicant and the Owner where
 6 they explained their desired objectives related to the subdivision. During that meeting, the Applicant
 7 explained that he would like to purchase approximately 4-acres of property from the Owner, but
 8 would like the parcel to retain its own property identification number for tax purposes. The Applicant
 9 also explained that at some point in the future he may wish to the subdivide his property, but at this
 10 time that is not his objective. He also stated that there would be no proposed construction associated
 11 with this subdivision request. Staff indicated to the Applicant and Owner that to achieve their
 12 objectives a minor subdivision of the property would be necessary, and that a Development
 13 Agreement would be required to ensure that the created parcel is recorded as unbuildable and that for
 14 purposes of zoning and land use the created parcel must be considered concurrently with the property
 15 at 9131 Keswick Avenue.
 16

17 City Planner Haskamp advised the Planning Commission held a duly noticed public hearing on
 18 January 17, 2017. After public testimony and discussion, the Planning Commission unanimously
 19 recommended approval of the minor subdivision request to the City Council.
 20

21 **Project Summary**

Owner: John Moore	PID: 1403021340001 (Moore Parcel – to be subdivided) Road ROW (Dellwood Rd.)	14.0 Acres 1.0 Acres
Applicant: Bill David	PID: 1403021340003 (David Parcel – Principal Structure) PID: 1403021310008 (David Parcel – Vacant) PID: 1403021340002 (DNR Parcel – Gateway Trail) Road ROW (Keswick & Dellwood Rd.)	20.4 Acres 3.8 Acres 5.19 Acres 2.4 Acres
Address:	10450 Dellwood Road	
Zoning & Land Use:	A-2	
Request:	Minor subdivision of PID 1403021340001 to allow approximately 4-acres to be deeded from Owner to Applicant	

- 22
- 23 • The Applicant would like to achieve the following objectives through the minor subdivision
 - 24 process:
 - 25
 - 26 • Purchase Proposed Parcel 1 from the Owner (See Exhibit 2: Parcel Line Adjustment dated
 - 27 12/16/2016).
 - 28 • Acquire a new Property Identification Number (PID) for Proposed Parcel 1, and retain as
 - 29 separate parcel.

- 1 • Allow for all three PIDs owned by the Applicant (1403021340003, 1403021310008 and
2 created for Parcel 1) to be considered as one parcel for purposes of zoning and land use
3 decisions.
4

5 City Planner Haskamp reviewed the staff analysis of the application and provided the following
6 Findings relating to the standards:
7

- 8 • The created Parcel 1 is permitted to obtain an individual PID after subdivision, and is not
9 required to be with PID 1403021340003 because the created lot is non-contiguous due to the
10 existence of the Gateway Trail.
- 11 • The minor subdivision and combination will not negatively affect the physical characteristics
12 of the lots or the neighborhood.
- 13 • The proposed minor subdivision conforms to the city's comprehensive plan.
- 14 • The minor subdivision does not create any new buildable lots, and complies with the density
15 requirements of the A-2 land use designation.
- 16 • The minor subdivision will not be detrimental to or endanger the public health, safety or
17 general welfare of the city, its residents, or the existing neighborhood

18 City Planner Haskamp recommended the following conditions of approval of the Minor Subdivision:

- 19 • Any future subdivision of the David Parcels (PID 1403021340003, 1403021310008 and
20 Proposed Parcel 1) shall be subject to rules and regulations related to the zoning and
21 subdivision ordinances in effect at time of subdivision.
- 22 • The Applicant shall be required to enter into a Development Agreement with the City that
23 shall be recorded against all properties owned by the Applicant, including the created
24 Proposed Parcel 1.
- 25 • The Development Agreement shall stipulate that the minor subdivision process did not
26 evaluate the buildability of the resulting lots in the current configuration, and that the created
27 Parcel 1 is substandard and is not buildable.
- 28 • The Development Agreement shall clearly state that for purposes of zoning and land use
29 review all three PIDs (1403021340003, 1403021310008 and Parcel 1) shall be considered
30 collectively.
- 31 • The City Attorney shall review and stamp the deeds associated with the created parcels.
- 32 • All escrow amounts shall be brought up to date and kept current.
- 33

1 Mayor Huber inquired about the Gateway Trail easement as it relates to the application. City Planner
2 Haskamp explained a very detailed title project would be required to determine what the railroad did
3 previously regarding the easement. In this case, it makes sense to keep a separate PID due to that
4 easement. A development agreement will be attached to all three of the PID's.

5
6 Council Member Lanoux stated he was at the Planning Commission meeting and what was not
7 addressed relating to this application was combining all of the PID's. With those PID's combined he
8 asked if the applicant would be allowed to have a supper club noting he heard the applicant wants to
9 open an RV park.

10
11 Mayor Huber stated the Planner has done a great job with the analysis of the application. Whether or
12 not the applicant wants to come back for a specific use is not relevant. The Council at that time
13 would take a look at the specific use. The Council at this time does not have the authority to ask the
14 applicant what they may or may not do in the future. The Council is currently look at a minor
15 subdivision.

16
17 City Planner Haskamp referred to page 2 on the staff report regarding the acreage of the current
18 properties noting the applicant already has 20 acres. The application is for a minor subdivision and
19 that is what the City is look at.. If another application comes in at some point in the future, the
20 Council will addrss it then. It is the City's duty to review all applications. She explained that the
21 application is creating an unbuildable non-conforming lot but when it is considering with all the
22 PID's there may be the potential for a subdivision. Land use has to do with guiding of the code
23 and/or density. If a density analysis is done at some point in the future the right-of-way is also
24 considered for density purposes.

25
26 **Council Member Carr moved to adopt Resolution No. 2017-02, as presented. Council Member**
27 **Kaup seconded the motion. Motion carried unanimously.**

28
29 **Consideration of Resolution No. 2017-03, Application for a Conditional Use Permit for Land**
30 **Alteration for Pavement Reconstruction of Parking Lot Located at 8000 75th Street N – City**
31 Planner Haskamp advised the Applicant, Anderson-Johnson Associates, on behalf of the Owner,
32 Mahtomedi Public Schools, is requesting a Conditional Use Permit (CUP) for land disturbance
33 activities associated with improvements to the parking lots and drives located at the Mahtomedi High
34 School and Mahtomedi Middle School ("School Campus"). Most of the proposed improvements are
35 located within the City of Grant, however, some of the improvements extend into the City of
36 Mahtomedi as demonstrated by the submitted Plan Set (Exhibit B). The improvements in Mahtomedi
37 will be reviewed by the City of Mahtomedi and will be subject to their rules and regulations with
38 respect to permitting and approvals. The operations of the High School, Middle School, and
39 associated athletic facilities located in the City of Grant are governed by existing CUPs that will
40 remain in effect, and will not be altered and/or modified by this process. The Applicant has applied

1 for a new CUP to simplify the review process and to focus the discussion on the proposed
 2 improvements, which are grading and/or land disturbance activities and pavement reconstruction.

3
 4 The Planning Commission heard the Applicant’s request for a CUP at their regular meeting on
 5 January 17, 2017 and held a duly noticed public hearing. The Planning Commission discussed the
 6 application and addressed questions to the Applicant regarding traffic flow, access, and storm water
 7 management. *After commencement of the public hearing and discussion, the Planning*
 8 *Commission recommended approval of the CUP for Land Alteration Activities (6-0) to the City*
 9 *Council with the draft findings and conditions as presented by staff.*

10
 11 A duly noticed public hearing was held January 17, 2017 at the Planning Commission’s regular
 12 meeting. Letters were mailed to property owners within ¼-mile of the subject project informing them
 13 of the application request and public hearing.

14
 15 **Project Summary**

Applicant: Anderson-Johnson Associates	Site Size: 69.68 Acres (Total)
Owner: Mahtomedi Public Schools	Request: Conditional Use Permit (CUP)
Zoning & Land Use: A-1 & A-2	PIDs: 2803021230001 (39.68 Acres) 2803021240002 (30 Acres)
Address: 8000 75 th Street N	

16
 17 City Planner Haskamp stated the Applicant is applying for a CUP to allow for improvements to the
 18 drives and parking lots at the High School and the Middle School. The existing CUPs for the High
 19 School and Middle School were done many years ago when the facilities were first constructed, and
 20 primarily address operations of the facilities rather than site development activities. While the
 21 permits are still valid with respect to the school operations, they do not adequately address the
 22 proposed reconstruction and other land disturbance activities associated with the project. As a result,
 23 a new CUP is necessary to allow the Owner and Applicant to perform these improvements. The
 24 purpose of this review process is not to review the existing CUPs, rather it is intended to focus
 25 specifically on the grading and land disturbance activities as required by the City’s Ordinances.
 26 City Planner Haskamp reviewed the staff analysis of the application and provided the following
 27 Findings relating to the standards:

- 28
 29 • Land Alteration activities do not change or modify the existing use of the site for a school
 30 campus and conforms to the City’s Comprehensive Plan.
 31 ▪ Land Disturbance and Alteration exceeding 5,000 cubic yards is a conditionally permitted use
 32 per the City’s zoning code.
 33 ▪ The use will not be detrimental to or endanger the public health, safety or general welfare of
 34 the city, its residents, or the existing neighborhood if conditions of the permit are met.
 35 ▪ The use meets conditions or standards adopted by the city (through resolutions or other
 36 ordinances).
 37 ▪ The use will not create additional requirements for facilities and services at public cost beyond
 38 the city’s normal low density residential and agricultural uses.

- 1 ▪ The use will not result in the destruction, loss or damage of natural, scenic, or historic features
2 of importance.
- 3 ▪ The use will not increase flood potential or create additional water runoff onto surrounding
4 properties.

5
6 City Planner Haskamp recommended the following conditions of approval of the Minor Subdivision:

- 7
8 1. The Applicant shall meet and comply with all conditions stated within the Conditional Use
9 Permit dated February 7, 2017 (the "Permit").
- 10 2. The Permit shall be reviewed in compliance with the City's CUP review process, which may
11 be on an annual basis.
- 12 3. Any violation of the conditions of the Permit may result in the revocation of said Permit.
- 13 4. All escrow amounts shall be brought up to date and kept current.
- 14 5. The Owner shall obtain any necessary permits from Washington County, Rice Creek
15 Watershed District, the MPCA or any other regulatory agency having jurisdiction over the
16 proposed use, which are necessary in carrying out its operations on the premises which may
17 include a building permit and/or grading permit.

18
19 Mayor Huber thanked the Planning Commission for the work they did on the application.

20
21 Council Member Lanoux stated he was unable to comment at the Planning Commission meeting. He
22 stated there are contaminated soils on site, high mercury levels and nothing should be run through the
23 contaminated soil.

24
25 Council Member Carr noted the application is about a parking lot. He asked if it is common to have
26 separate CUP's on a property. City Planner Haskamp stated typically there are not separate CUP's on
27 a property but in this case it is a new CUP because there are many different uses on the site. The City
28 previously had to update the MS4 Ordinance so this application is a part of this because the threshold
29 for the amount of dirt being moved was met. The City of Grant utilizes CUP's while other cities use
30 an interim use permit. She noted she is not aware of any City costs as part of the application.

31
32 Council Member Sederstrom inquired about the tanks being stored under the parking lot.

33
34 Mr. Dave Rey, Civil Engineer, came forward and stated all the tanks on the site are similar and have a
35 liner and storage. He explained the tank process for the water and storage underground noting the
36 pipe that leaves the area is smaller than pipe going in to slow down the flow of the water.

37
38 Council Member Lanoux stated the warranty deed is a problem and the seals should not be broken as
39 the contaminated water will be forced into Lost Lake.

40

1 Mr. Rey advised the site will maintain the same drainage rates and patterns and will improve the
2 water quality.

3
4 **Council Member Carr moved to adopt Resolution No. 2017-03, as presented. Council Member**
5 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
6 **voting nay.**

7
8 **Consideration of Ordinance No. 2017-50, Amendment to Chapter 24, Section 24-22 (e)** – City
9 Planner Haskamp advised in late 2015/early 2016 the City Council adopted a policy manual to guide
10 the activities of the Planning Commission. The policy manual, *Rules of Procedure, City of Grant,*
11 *Planning Commission* provides a clear set of procedures with respect to conducting meetings,
12 reviewing land use applications, the roles and responsibilities of staff, consultants and the planning
13 commission members. In 2016 the Planning Commission was reconvened and operated successfully
14 under this policy directive.

15
16 Earlier in 2017, Councilman Lanoux brought it to the attention of the City Council that **Chapter 24,**
17 **Planning, Section 24-22 Composition (e)** of the City’s Code references that the Planning
18 Commission must conduct its meetings according to Robert’s Rules of Order which is not stated
19 within the planning commission manual. While the Planning Commission has always used elements
20 of Roberts Rules, and in fact the *Rules of Procedure* manual also incorporates elements of Roberts
21 Rules, it has not used Roberts Rules in its entirety. As described by the League of Minnesota Cities
22 “Roberts Rules of Order, Newly Revised is designed for meetings of large bodies.” (See attached
23 excerpt from LMC handbook).

24
25 Given the cumbersome nature of Roberts Rules, and the small scale of the Planning Commission,
26 staff is recommending that the City Code be amended to reference the *Rules of Procedure* manual for
27 conducting meetings, rather than Roberts Rules for conducting meetings.

28
29 **Council Member Lanoux moved to table Ordinance No. 2017-50 until a public hearing is held.**
30 **Council Member Sederstrom seconded the motion.**

31
32 City Attorney Sandstrom stated a public hearing is not required for this ordinance amendment. A
33 public hearing is required for zoning amendments.

34
35 **Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**

36
37 **Council Member Carr moved to approve Ordinance No. 2017-50, as presented. Council**
38 **Member Kaup seconded the motion. Motion carried with Council Member Lanoux and**
39 **Sederstrom voting nay.**

40
41 **Consideration of Resolution No. 2017-04, Summary Publication of Ordinance No. 2017-50 (4/5**
42 **Vote Required)** – Resolution No. 2017-04 authorizes summary publication of Ordinance No. 2017-
43 50.

1 **Council Member Carr moved to adopt Resolution No. 2017-04, as presented. Council Member**
2 **Kaup seconded the motion. Motion failed with Council Member Lanoux and Sederstrom**
3 **voting nay.**

4
5 Mayor Huber stated the Ordinance has already passed. Publishing a summary publication does save
6 City dollars but a 4/5 vote is required. The ordinance will now have to be published in its entirety.

7
8 **City Attorney, Nick Vivian (no action items)**

9
10 **NEW BUSINESS**

11
12 **Planning Commission Appointment – Council Member Lanoux moved to appoint Matthew**
13 **Fritze to the Planning Commission. Council Member Sederstrom seconded the motion.**

14
15 Council Member Carr stated there were two very good applicants for the Planning Commission. Mr.
16 Helander did apply last time. He stated he really liked both the applicants and would like to appoint
17 both of them if he could.

18
19 Mayor Huber stated Mr. Fritze was very impressive. There will be other openings coming up and he
20 encouraged Mr. Fritze to apply again.

21
22 Council Member Lanoux stated it is time to get a fresh new face out here.

23
24 Council Member Sederstrom stated the City doesn't need someone that has been around for years. A
25 young face with a fresh perspective would be beneficial.

26
27 **Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**

28
29 **Mayor Huber moved to appoint Jerry Helander to the Planning Commission. Council Member**
30 **Carr seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
31 **voting nay.**

32
33 **Consideration of Resolution No. 2017-05, Resolution Supporting Dedicated State Funding for**
34 **City Streets –** The League of Minnesota Cities is asking support from cities for securing new funding
35 for city streets as that support will be critical to its success in the legislative process.

36
37 **Mayor Huber moved to adopt Resolution No. 2017-05, as presented. Council Member Carr**
38 **seconded the motion. Motion carried unanimously.**

39
40 **UNFINISHED BUSINESS**

41
42 There was no unfinished business.

43
44 **DISCUSSION ITEMS**

45

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

2
3 **LMC Consent Agenda, Council Member Sederstrom** – Council Member Sederstrom referred to a
4 handout from the League regarding consent agendas. Transparency in government is important and
5 the voice of the minority needs to be heard. Things are being hidden in the consent agenda.

6
7 Mayor Huber stated the consent agenda is for routine items and the City is being transparent. He also
8 stated any resident can get a full copy of the consent agenda items monthly and Council Members
9 have a week between meetings to ask questions regarding the consent agenda; all documents are
10 publicly available.

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

13
14 **Valley Branch Watershed District Grant Application** – City Engineer Reifsteck advised in 2016,
15 five homeowners expressed interest in implementing permanent barrier systems to reduce the risk of
16 flooding to their homes. Valley Branch Watershed District has assisted the homeowners in identifying
17 a conceptual flood risk reduction plan for the individual properties.

18
19 The City of Grant was approached by the VBWD to submit a Notice of Interest to the Homeland
20 Security and Emergency Management (HSEM). HSEM will determine if the project meets Hazard
21 Mitigation Assistance Program and eligibility for potential funding.

22
23 If eligible, the City of Grant will be invited to submit a full application. Prior to submitting a full
24 application, a memorandum of understanding or similar document would be created between the City
25 and VBWD to insure the City has no long term maintenance responsibilities or other obligations.

26
27 If the grant is awarded, VBWD would administer the grant, provide project implementation, and
28 cover the required matching funds.

29
30 **Annual Performance Reviews** – 2016 Performance Review sheets were distributed to the Council
31 with a request to return them at the March Council meeting. It was noted all Council Members did
32 participate in the performance reviews last year.

33
34 **City Legal Overview** – City Attorney Sandstrom outlined the City's legal process relating to general
35 services, prosecutions and zoning complaints.

36
37 **Ordinance Update** – City Planner Haskamp requested Council direction relating to the City's tower
38 ordinance.

39
40 Council directed staff to move forward with tower ordinance revisions.

41
42 Council Member Lanoux requested the City newsletter be discussed on the next Council agenda.

43
44 Council directed staff to include the City newsletter on the March meeting agenda for discussion.

45

1 **COMMUNITY CALENDAR FEBRUARY 8 THROUGH FEBRUARY 28, 2017:**
2

3 **Mahtomedi Public Schools Board Meeting, Thursday, February 9th and 23rd, Mahtomedi**
4 **District Education Center, 7:00 p.m.**

5 **Stillwater Public Schools Board Meeting, Thursday, February 9th, Stillwater City Hall, 7:00**
6 **p.m.**

7 **City Office Closed, Monday, February 20th, 2017, Presidents' Day**
8

9 **EAW Open House, Proposed Ice Aren, Thursday, February 23, 2017, 6:00 -8:00 p.m.,**
10 **Woodbury Lutheran Church –Oak Hill Campus, 9050 60th Street N, Stillwater, MN 55082**

11 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
12

13 **ADJOURN**

14 **Council Member Carr moved to adjourn at 9:30 p.m. Council Member Kaup seconded the**
15 **motion. Motion carried unanimously.**

16

17

18

19 These minutes were considered and approved at the regular Council Meeting March 6, 2017.

20

21

22

23

24 _____
Kim Points, Administrator/Clerk

Jeff Huber, Mayor

25

26