

CITY OF GRANT
MINUTES

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DATE : January 2, 2018
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:57 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Dave Snyder; 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 7:00 p.m.

PUBLIC INPUT

(1) Mr. John Wallard, Rice Creek Watershed District, came forward and commented on the City’s storm water plan and taxes that are paid to the Watershed District.

(2) Mr. Bob Tufty, 6365 Jasmine, came forward and stated residents do not require burn permits as there are three inches of snow on the ground and requested those that are burning to contact their Fire Department.

(3) Mr. James Drost, 8682 Jamaca Ave N, came forward and commented on harassment and the use of brut force.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

- December 5, 2017 City Council Meeting Minutes Approved
- December 2017 Bill List, \$44,611.66 Approved
- H & R Construction, Guard Rail, \$34,305.75 Approved
- 2018 Tort Liability, City DOES NOT Waive

1 Monetary Limits Approved

2
3 2018 Clerk Pay per Approved 2018 Budget Approved

4
5 **Council Member Lanoux moved to remove December 5, 2017 Meeting Minutes, 2018 Tort**
6 **Liability and 2018 Clerk Pay from the consent agenda. Council Member Sederstrom seconded**
7 **the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**

8
9 **Council Member Carr moved to approve the consent agenda, as presented. Council Member**
10 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
11 **voting nay.**

12
13 City Attorney Snyder advised the Council should be asking routine questions prior to the meeting and
14 all Council Members should look at their approach for discussion. Voices get raised and attacks are
15 made. Council Members should speak one at a time and not interrupt each other. There is a better
16 way for discussion.

17
18 **STAFF AGENDA ITEMS**

19
20 **City Engineer, Brad Reifsteck (no action items)**

21
22 **City Planner, Jennifer Swanson**

23
24 **Consideration of Resolution No. 2018-01, Variance Request for Wetland Setbacks, 8636**
25 **Kimbrow Lane North** – City Planner Swanson The Applicant and Owner (“Applicant”), Ronald
26 Gillaspay, has requested a variance from wetland setbacks for installation of a new mound septic
27 system on the property located at 8635 Kimbro Lane North. The existing septic system which serves
28 the property has failed, and therefore the system must be replaced to safely serve the home. The
29 Applicant has been working with a septic designer that identified the only suitable location on the lot
30 given lot dimensions and presence of wetlands. The septic designer informed the Applicant that a
31 variance from wetland setback would be needed from the City and that such application should be
32 made as soon as possible given the failing system and season (winter).

33
34 A duly noticed public hearing was held at the regular Planning Commission meeting on December 19,
35 2017 at 6:30 PM. Individual property owners within ¼-mile of the subject application were sent a
36 letter informing them of the public hearing and a notice was placed in the official newspaper. There
37 were no members of the public in attendance, and no written or verbal testimony was given on the
38 subject application. After a brief presentation by staff, and discussion by the Planning Commission,
39 the Planning Commission unanimously recommended approval of the requested variance with draft
40 conditions to the City Council for consideration at the January meeting.

41
42 The staff report is generally as presented to the Planning Commission in December. The draft
43 conditions as recommended by the Planning Commission are included within the draft resolution
44 attached to this staff report.

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<p>Applicant & Owner: Ronald T. Gillaspay</p>	<p>Site Size: 1.25 Acres, and vacant lot – 1.79 Acres (3.04 Acres Total) Location: 8635 Kimbro Lane North (also own, and part of application, 2303021130008) Existing Home: Constructed in 1963 Zoning & Land Use: R-1</p>
<p>Request: Variance from wetland setbacks and grading buffer to install a replacement subsurface sewage treatment system (ISTS) at the existing home</p>	

As referenced above, the Applicants have requested the following variance:

- Request for variance from wetland setback requirements to allow for installation of a replacement septic system on the subject property.

The Applicants have stated that the existing sewage treatment system that served the home is failing (failed) and must be replaced which is supported by the Septic Designer’s memo contained within the Applicant’s submittal. According to the Applicant’s narrative the only location on site that the septic designer could find that would adequately support a replacement system is the proposed location which encroaches into both the sewage treatment setback from a wetland and the no-build wetland buffer.

City Planner Swanson advised City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicants to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) describing how, “the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district...Economic considerations alone shall not constitute a hardship.” The Applicant’s statement can be found in Attachment A.

The subject property is located in the Glen Oak Terrace subdivision which was platted in the early 1960s. All of the lots within the subdivision range in size between approximately 1.0 and 3.0 acres, and are all oriented around a loop road (Kimbro Lane). The subject parcel(s) are oriented to the northeast of the northerly curve of Kimbro Lane with primary frontage along the southerly boundary of the subject parcel(s). Per GIS records, the existing homestead is setback approximately 70’ from Kimbro Lane, and 17.5’ from the northerly property line. The lot containing the home is heavily vegetated and includes wetland and ponding areas south of the existing home and northeast of the home according to GIS records. The vacant lot north of the subject lot is currently vacant with no structures. The lot includes a large wetland complex covering the entire southeastern corner of the property and is heavily vegetated along the western edge of the property.

1 The wetland setbacks are established in Chapter 12 of the City’s Code, which breaks down the
 2 applicable standards for wetland by type, unclassified and classified water bodies. The following
 3 description of the variance and standard is identified in the following table (See Attachment B for
 4 Certificate of Survey):

5

Standard	Required	Proposed	Variance	Description
Wetland	75’	50’ +/-	25’ +/-	There is a large wetland and ponding area that is on both the subject lot and the adjacent vacant parcel where the proposed new septic system will be located. Given the extents of the wetland and ponding area, the only available location for a new septic system will encroach in the required wetland setback.
Wetland Buffer	50’	45’ +/-	5-10’ +/-	The no-grade/no-touch buffer is measured from the wetland edge. While the proposed system will be setback the full 50’ from the estimated wetland edge, staff believes that the slope of the mound may encroach into the buffer, and some encroachment may also occur during construction. Staff provided an estimate of anticipated encroachment assuming normal construction activities.

6
 7 Lot Size/Constraints
 8 The Applicants’ lot was created in the 1960s and the existing home was constructed in 1963. At the
 9 time, the lot and home complied with the adopted lot standards. Since the 1970s lot size and area
 10 standards have changed and as a result the lot is now considered a legal non-conforming lot with
 11 respect to size, area and dimensions. Given that the existing lot area and dimensions are significantly
 12 smaller than those that regulate lots today, it would be impossible to site a replacement septic system
 13 on the property and meet all the current setback requirements even when considering the lot in
 14 conjunction with the adjacent parcel (Parcels considered collectively are 3.04 Acres). The lot is
 15 naturally constrained not only by natural features on the property (wetlands and hydric soils) but also
 16 by the non-conforming nature of the lot area and dimensions. Staff believes the proposed location of
 17 the replacement system is reasonable and is properly located based upon topography and other natural
 18 site limiting factors, and that the variance requested has been minimized to the extent possible.
 19 Additionally, the Applicant must remedy the situation to comply with new standards for septic
 20 systems as identified by Washington County.

21
 22 The Applicant did not provide correspondence from Washington County’s Environmental Services
 23 staff; however, the Applicant’s septic designer did identify why the proposed location is the only
 24 available area on the site to construct the new system. Staff will contact Washington County for their
 25 review/comment prior to the Planning Commission meeting, and if available will provide a verbal
 26 update to the planning commission at the meeting.

1 The Applicant has provided a copy of the soil borings and testing completed for design and
2 installation of the new system. A copy of this information is available at the City Offices for review
3 and consideration. The Applicant will submit this information to Washington County for review and
4 approval since they are the permitting authority for the City for new septic systems.
5

6 City Planner Swanson noted the site is located in the Browns Creek Watershed District, and the
7 Applicant indicated in their narrative that they have contacted them for their comment and review. It
8 is the Applicant's responsibility to obtain any required BCWD permits prior to construction and
9 installation of the new system. As referenced previously, the Applicants must obtain a permit from the
10 Washington County Department of Public Health and Environment prior to installation of the system,
11 as they are the permitting authority for new and replacement septic systems in the City.
12

13 As recommended by the Planning Commission, staff has prepared the attached draft resolution of
14 approval with conditions of the requested variance for your review and consideration.
15

16 **Council Member Lanoux moved to adopt Resolution No. 2018-01, as presented. Council**
17 **Member Sederstrom seconded the motion. Motion carried unanimously.**
18

19 **Consideration of Ordinance No. 2017-56, Lot Frontage** – City Planner Swanson stated at the
20 regular November City Council meeting, the City Council considered an application for a variance
21 from frontage for an Existing Lot of Record. Through the course of the discussion, the Council
22 determined that the codified ordinance language was not clear, and did not reflect the intent of the
23 originally adopted ordinance language contained within Ordinance 50. Based on the discussion, the
24 City Council directed the Staff to develop a draft revision of the ordinance, and to introduce and
25 review the proposed language at a Planning Commission meeting where a duly noticed public hearing
26 would be held. Staff understood the City Council's direction regarding draft amended language to
27 include revisions to Section 32-246 (b) of the following:
28

- 29 ▪ **Frontage** – The City Council generally agreed that the intent of subsection (b) was to include
30 an exception for lot frontage provided that the existing lot of record in question could meet the
31 other lot dimensional requirements of section 32-246 (i.e. is a minimum of 2.5 acres, has
32 adequate area for a septic system, setbacks, etc.) as previously stated in Ordinance 50. Since
33 the codified language is silent on frontage, the City Council directed staff to draft an
34 amendment to the code language to include an exception for frontage.
- 35 ▪ **Clean up references to subsections** – The codified language has errors in subsection b(2) and
36 did not correctly codify the ordinance; this should be corrected.
37

38 The Planning Commission considered the draft ordinance reflecting the above stated amendments,
39 and held a duly noticed public hearing on December 19, 2017 at 6:30 PM. There were no members of
40 the public in attendance at the meeting, and no written testimony was received. After a brief
41 presentation by staff, and discussion by the Planning Commission they unanimously recommended
42 approval of the draft ordinance as amended to include a reference to lot depth.
43

1 City Planner Swanson advised staff has prepared the attached Draft Ordinance 2017-56 which amends
2 Chapter 32 for your review and consideration.

3 City Planner Swanson clarified that the draft ordinance is a direct result of the previous variance
4 application. There are two 5-acre parcels that are lots of record and did comply with the ordinance at
5 that time. This ordinance revisions does not come into play with new subdivisions. There will be a
6 private driveway easemeny for the property associated with the previous variance application. The
7 City's driveway ordinance also needs clarification but the City is required to allow access to lots of
8 record

9
10 **Council Member Kaup[moved to approve Ordinance No. 2017-56, as presented. Council**
11 **Member Carr seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
12 **voting nay.**

13
14 **Consideration of Resolution No. 2018-02, Summary Publication of Ordinance No. 2017-56 –**
15 **City Planner Swanson stated Resolution 2018-02 provides approval of a summary publication of**
16 **Ordinance 2017-56.**

17
18 **Council Member Carr moved to adopt Resolution No. 2018-02, as presented. Council Member**
19 **Kaup seconded the motion. Motion failed with Council Member Lanoux and Sederstrom**
20 **voting nay.**

21
22 City Attorney Snyder advised publishing a summary ordinance is efficient and saves tax dollars. He
23 requested the Council that doesn't support summary publications consider it be noted they object to
24 the ordinance but do allow the summary publication.

25
26 **City Attorney, Dave Snyder (no action items)**

27
28 **NEW BUSINESS**

29
30 **Consideration of Resolution No. 2017-22, Summary Publication of Ordinance No. 2017-55 –**
31 **Staff advised Resolution No. 2017-22 authorizes a summary publication of Ordinance No. 2017-55.**

32
33 **Council Member Carr moved to adopt Resolution No. 2017-22, as presented. Council Member**
34 **Kaup seconded the motion. Motion passed with Council Member Lanoux voting nay.**

35
36 **Consideration of Ordinance No. 2018-57, 2018 Fee Schedule –** Staff advised the City's fee
37 schedule is adopted annually by ordinance and requires publication. No major fee changes to the City
38 applications or escrows are being recommended at this time.

39
40 Staff is recommending a language change to the grading permit escrow to state that the escrow is
41 required. The escrow will be in place to cover any inspection costs and/or enforcement issues. The
42 amount of the required escrow will be determined by the City Engineer per the actual grading project.

43
44

1 **Council Member Carr moved to approve Ordinance No. 2018-57, as presented. Council**
2 **Member Kaup seconded the motion. Motion carried unanimously.**

3
4 **Consideration of Resolution No. 2018-03, Summary Publication of Ordinance No. 2018-57 –**
5 **Resolution No. 2018-03 authorizes summary publication of Ordinance No. 2018-57.**

6
7 **Council Member Carr moved to adopt Resolution No. 2018-03, as presented. Council Member**
8 **Kaup seconded the motion. Motion failed with Council Member Lanoux and Sederstrom**
9 **voting nay.**

10
11 **Consideration of 2018 City Council Meeting Schedule – A 2018 City Council Meeting Schedule**
12 **was included in the Council packets. It was noted meeting dates are subject to change.**

13
14 **Council Member Carr moved to approve the 2018 City Council Meeting Schedule, as presented.**
15 **Council Member Kaup seconded the motion. Motion carried unanimously.**

16
17 **Consideration of Johnson Turner Contract, Legal Services – Staff advised In November 2017, the**
18 **City Council chose to go out for Requests for Proposals (RFP) for City legal services. The City**
19 **received proposals, interviews were held and Johnson/Turner Law Firm was selected for a three year**
20 **term.**

21
22 **Attached are contract extensions for the City consultants, including the new Law Firm. The contracts**
23 **outline fee increases for a three period and services to be rendered.**

24
25 **Staff will note the actual budget line items for these services are a separate matter and are reviewed**
26 **annually at the budget meeting. The contract extensions have no impact on the 2018 budget line**
27 **items for engineer, planning or legals. All contract extensions include a 30-day out clause for the City.**

28
29 **Council Member Kaup moved to approve Johnson Turner Legal Services Contract, as**
30 **presented. Council Member Carr seconded the motion. Motion carried unanimously.**

31
32 **Consideration of Extended Contract, WSB Engineering – Council Member Kaup moved to**
33 **approve WSB Engineering Contract, as presented. Council Member Carr seconded the**
34 **motion. Motion carried with Council Member Lanoux voting nay.**

35
36 **Consieration of Extended Contract, SHC Planning Services – Council Member Kaup moved to**
37 **approve SHC Planning Services Contract, as presented. Council Member Carr seconded the**
38 **motion.**

39
40 **Council Member Lanoux made a friendly amendment to the motion that the SHC Planning**
41 **Contract be tabled until the City looks into a Planner/Engineer from one firm. Council**
42 **Member Kaup and Carr did not accept the amendment.**

43
44 **Motion carried with Council Member Lanoux voting nay.**

45

1 **Consideration of 2018 Appointment List** – The 2017 Appointment List was included in the Council
2 packets for review. The Council action for consideration is to approve a 2018 Appointment List.
3 Staff noted Andrew Hartsock should be added to the Video Technician appointment.
4

5 **Council Member Lanoux moved to look at each appointment individually, specifically the City**
6 **Newsletter, City Clerk, City newspaper, Deputy Mayor, Cable Commissioner and Snow**
7 **Plowing Contractor. Council Member Sederstrom seconded the motion. Motion failed with**
8 **Council Member Carr, Kaup and Mayor Huber voting nay.**
9

10 **Council Member Lanoux moved to appoint Council Member Sederstrom as Deputy Mayor.**
11 **Council Member Sederstrom seconded the motion. Motion failed with Council Member Carr,**
12 **Kaup voting nay and Mayor Huber abstaining.**
13

14 **Council Member Kaup moved to approve the 2018 Appointment List, as revised with**
15 **additional Video Technician Appointment. Council Member Carr seconded the motion.**
16 **Motion carried with Council Member Lanoux voting nay.**
17

18 **UNFINISHED BUSINESS**

19
20 There was no unfinished business.
21

22 **DISCUSSION ITEMS**

23 **Staff Updates (updates from Staff, no action taken)**

24
25
26 **Ordinance Revision** – Staff advised wetland setbacks are established in Chapter 12 of the City’s
27 Code, which breaks down the applicable standards for wetland by type, unclassified and classified
28 water bodies. The City’s current wetland setback/buffer is 75 feet, typically more than the watershed
29 districts setback requirements.
30

31 The City has received many variance applications for replacement of septic systems that cannot meet
32 the current setback.
33

34 Staff is requesting Council direction relating to an ordinance amendment that would revise the City
35 setback to meet the watershed district setback. The ordinance amendment process would include staff
36 providing a draft ordinance for review and discussion, notice of public hearing as well as Planning
37 Commission review and recommendation.
38

39 It was the consensus of the Council to have staff move forward with potential wetland setback
40 ordinance revisions.
41

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

43
44 **Ordinance Revision to Prohibit Hydro Vac Dumping, Council Member Sederstrom** – This item
45 was not put on a future agenda.

1
2 **Public Comment Portion of Council Meeting, Council Member Lanoux**– This item was not put
3 on a future agenda.

4
5 **COMMUNITY CALENDAR JANUARY 3 THROUGH JANUARY 30, 2018:**
6

7 **Mahtomedi Public Schools Board Meeting, Thursday, January 12th and 26th, Mahtomedi**
8 **District Education Center, 7:00 p.m.**

9 **Stillwater Public Schools Board Meeting, Thursday, January 12th, Stillwater City Hall, 7:00**
10 **p.m.**

11 **City Office Closed, Monday, January 16, 2017, Martin Luther King Jr. Day**

12 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
13

14 **ADJOURN**

15
16 **Council Member Carr moved to adjourn at 8:57 p.m. Council Member Kaup seconded the**
17 **motion. Motion carried unanimously.**

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22 These minutes were considered and approved at the regular Council Meeting February 6, 2018.
23
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25

26
27 _____
28 Kim Points, Administrator/Clerk
29

26
27 _____
28 Jeff Huber, Mayor
29