

**City of Grant
City Council Agenda
April 3, 2018**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, April 3, 2018, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. CALL TO ORDER

PUBLIC INPUT

Citizen Comments – Individuals may address the City Council about any item not included on the regular agenda. The Mayor will recognize speakers to come to the podium. Speakers will state their name and address and limit their remarks to two (2) minutes with five (5) speakers maximum. Generally, the City Council will not take any official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF REGULAR AGENDA

4. APPROVAL OF CONSENT AGENDA

- A. March 6, 2018 City Council Meeting Minutes
- B. March 2018 Bill List, \$66,473.49
- C. City of Mahtomedi, 1st Quarter Fire Contract, \$34,317.00
- D. Consideration of Resolution No. 2018-09, Commentary Policy

5. STAFF AGENDA ITEMS

A. City Engineer, Brad Reifsteck

- i. Consideration of Resolution No. 2018-04, Support of Application to Request Funding from the Minnesota Department of Transportation, 2018 Corridors of Commerce Solicitation**

B. City Planner, Jennifer Haskamp

- i. Consideration of Resolution No. 2018-06, White Oak Savannah (FOG) Final Plat**
- ii. Consideration of Resolution No. 2018-07, Consideration of Minor Subdivision Application, 11425 & 11335 Grenelefe Avenue N**
- iii. Consideration Resolution No. 2018-08, Consideration of Variance Application, Ordinary High-Water Level Setback for Ground-Mounted Solar System, 11541 Ironwood Avenue N**

C. City Attorney, Dave Snyder (no action items)

6. NEW BUSINESS

- A. Consideration Cooperative Agreement with Washington County for Bold Planning, Administrator/Clerk**

- B. Consideration of City Assessor Contract Extension, Administrator/Clerk**

7. UNFINISHED BUSINESS

8. DISCUSSION ITEMS (no action taken)

- A. Staff Updates (updates from Staff, no action taken)**

- B. City Council Reports/Future Agenda Items**

9. COMMUNITY CALENDAR APRIL 3 THROUGH APRIL 31, 2018:

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

Stillwater Public Schools Board Meeting, Thursday, April 12th, Stillwater City Hall, 7:00 p.m.

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

Annual City Clean Up Day, Saturday, April 21, 2018, 9:00 – Noon, Town Hall

10. CLOSED SESSION TO DISCUSS PENDING LITIGATION (Jane Doe v. Larry Lanoux et. Al).

11. ADJOURNMENT

CITY OF GRANT
MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

DATE : March 6, 2018
TIME STARTED : 7:01 p.m.
TIME ENDED : 8:25 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

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

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

PUBLIC INPUT

(1) Mr. Steve Bohnen, 9224 60th Street N came forward and commented on the great job the Council is doing on the roads, road contractors, plowing and choice of new City Attorney.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lanoux moved to approve the agenda with the addition of 3M Dumpsite and Bellaire Dumpsite. Council Member Sederstrom seconded the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.

City Attorney Snyder reminded the Council proposing agenda items comes under the Council Update section of the agenda. The method of adding agenda items at the meeting is completely ineffective. He also requested Council Members speak one at a time.

Staff noted Item 5Ai, Consideration of Resolution No. 2018-04 and Item 10, Executive Session should be removed from the agenda upon adoption.

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

CONSENT AGENDA

1 February, 2018 Bill List, \$44,611.66

Approved

2
3 **Council Member Lanoux moved to remove the February 5, 2018 Council Meeting Minutes and**
4 **the February 2018 Bill List from the consent agenda. Council Member Sederstrom seconded**
5 **the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.**

6
7 **Council Member Carr moved to approve the consent agenda, as presented. Council Member**
8 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
9 **voting nay.**

10
11 **STAFF AGENDA ITEMS**

12
13 **City Engineer, Brad Reifsteck**

14
15 **Consideration of Resolution No. 2018-04, Support of Application to Request Funding from the**
16 **Minnesota Department of Transportation, 2018 Corridors of Commerce Solicitation – Upon**
17 **adoption of the agenda, this item was removed.**

18
19 **Consideration of Cooperative Agreement Between City of Grant, ISD #832 and County of**
20 **Washington for Maintenance of Traffic Signal at Hwy 12 and Middle School –**

21 City Engineer Reifsteck advised staff is looking for Council approval to authorize the execution of the
22 Cooperative Agreement Between the City of Grant, the Independent School District (ISD) #832 and
23 the County of Washington.

24
25 A cooperative agreement between the City of Grant, ISD #832 (Mahtomedi Middle School) and
26 Washington County is required for this signal. The cooperative agreement establishes the
27 maintenance responsibilities between all parties. The County is accepting all cost responsibilities for
28 this signal. There are no costs to the City.

29
30 **Council Member Kaup moved to approve the Cooperative Agreement Between City of Grant,**
31 **ISD #82 and County of Washington for Maintenance of Traffic Signal at CSAH 12 and Middle**
32 **School, as presented. Council Member Carr seconded the motion. Motion carried**
33 **unanimously.**

34
35 **Consideration of Resolution No. 2018-07, 65th Street Plans, Specifications and Bid Process -**

36 City Engineer Reifsteck advised staff is looking for Council to adopt a resolution approving Plans and
37 Specifications and ordering advertisement for bids for 65th Street Roadway Improvement Project

38
39 The City Council authorized preparation of plans and specifications for the project on August 1, 2017.

40
41 The City Council authorized preparation of a Feasibility Report for the project on June 6th, 2017,
42 received the Feasibility Report on August 1, 2017 and ordered the public improvement for the project
43 following a noticed public hearing held at the September 5, 2017 regular Council meeting.

1 A bid date and time has been proposed for Thursday March 29, 2018. At that time all bids shall be
2 opened, tabulated for mathematical accuracy, and prepared for City Council consideration at the April
3 3, 2018 regular Council meeting.

4
5 **Council Member Lanoux moved to amend the advertising for bid to include an overlay project**
6 **on Keats. Motion failed with no second.**

7
8 **Council Member Carr moved to adopt Resolution No. 2018-07, as presented. Council Member**
9 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
10 **voting nay.**

11
12 **Consideration of Cooperative Agreement Between City of Grant and County of Washington for**
13 **Maintenance of Traffic Signal at CSAH 12 and CSAH 17** – City Engineer Reifsteck advised staff
14 is lookingfor the Council approval to authorize the execution of the Cooperative Agreement Between
15 the City of Grant and the County of Washington.

16
17 A cooperative agreement between the City of Grant and Washington County is required for this
18 signal. The cooperative agreement establishes the maintenance responsibilities between all parties.
19 The County is accepting all cost responsibilities for this signal. There are no costs to the City.

20
21 **Council Member Car moved to approve the Cooperative Agreement Between City of Grant and**
22 **County of Washinton for Maintenance of Traffic Signal as CSAH 12 and CSAH 17, as**
23 **presented. Council Member Lanoux seconded the motion. Motion carried unanimously.**

24
25 **City Planner, Jennifer Swanson**

26
27 **Consideration of Resolution No. 2018-05, Minor Subdivision Application, 6808 117th Street**
28 **North** – City Planner Swanson advised - The Applicant and Owner, Sandra Wegleitner, is requesting
29 permission to subdivide the property located at 6808 117th Street North into two (2) parcels that will
30 include one approximately 10-acre lot that will include the existing homestead and accessory
31 buildings, and an approximately 39-acre parcel that will be vacant. There is an existing homestead
32 located on the property.

33
34 A duly noticed public hearing was held on February 20, 2018 at the Planning Commission’s regular
35 meeting. One member of the public was in attendance and provided public testimony during the
36 public hearing, and voiced concern regarding any future development of the larger vacant parcel with
37 respect to drainage from adjacent parcels and making sure that drainage patterns would be protected.

38
39 After closing the public hearing the planning commission briefly discussed the application and asked
40 staff for clarification regarding drainage. Staff indicated that any future development or construction
41 will be required to follow all setbacks, including those from the wetland and stream/ditch area on site.
42 The planning commission unanimously recommends approval of the minor subdivision to the City
43 Council.

1 The following staff report is as presented, with modifications noted with ~~strike through~~ and underline,
2 to the planning commission for your review and consideration of the subject application.

3
4 **Project Summary:**

Owner & Owner:	Sandra Wegleitner
PID:	0603021110001
Address:	6808 117 th Street North
Zoning & Land Use:	A-1
Request:	Minor Subdivision to create two new lots: 10-Acre Lot (existing home and accessory buildings) 39-Acre Lot (vacant)

6
7 City Planner Swanson advised the Applicant is proposing a Minor Subdivision (lot split) of the
8 existing 49 Acre parcel into two (2) lots; one to include the existing homestead and accessory
9 buildings, and a larger vacant parcel. Based on the application submitted, the larger 39-acre parcel
10 will be vacant, and no new structures are proposed as part of this application. It is unclear from the
11 information submitted whether there is an intent to sell the 39-acre lot for single-family residential
12 uses, or whether there is a different intended purpose of the subdivision. There is an existing
13 homestead located on the subject property that based on the application is intended to remain on the
14 property and is not proposed for any changes, modifications, or alterations as part of this application.

15
16 The City’s subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in
17 Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other
18 zoning considerations are provided for your reference:

- 19 Secs. 12-261
- 20 Secs. 32-184
- 21 Secs. 32-246

22
23 The existing parcel is located north of 117th Street North and is approximately 49 acres. Based on the
24 Applicant’s provided survey (Attachment B), the existing parcel’s southerly property line extends to
25 the southerly right-of-way line of 117th Street North on the south and includes the traveled portion of
26 the roadway with the extents of the property. The property has approximately 1,040-feet of frontage
27 and is generally regular in shape with a small exception parcel located at the southeast corner of the
28 Subject Property. There is an existing homestead on the parcel located approximately 120-feet to the
29 east of the westerly property line and setback approximately 110-feet from the denoted right-of-way
30 line and is approximately 150-feet from the centerline of the traveled roadway. The existing roadway
31 and right-of-way easement along the property’s frontage are fully within the Subject Parcel’s
32 boundary as indicated on the survey provided in Attachment B. There is one (1) accessory building on
33 the site with a total square footage of approximately 2,880 square feet. The existing home and
34 accessory building are accessed by a single driveway which provides a connection to 117th Street
35 North. The Exception parcel is approximately three (3) acres and is not part of this review or

1 application except as noted within the density analysis found in subsequent sections of this staff
 2 report.

3
 4 Based on the attached aerial from Washington County GIS (Attachment D), it appears that
 5 approximately the southerly two-thirds of the property has been used for agricultural production and
 6 that a ditch bisects this area from east to west and extends to adjacent properties. This ditch (or
 7 stream) is identified as a wetland per the National Wetland Inventory database. Approximately the
 8 northern third of the parcel is heavily vegetated and has not been used for agricultural production.
 9 The existing homestead and accessory building are located on the southwesterly corner of the
 10 property. Topographically the site slopes high to low from both the northern and southern edges
 11 which reinforces the drainage ditch/wetland area and extends to adjacent properties as a drainageway.

12
 13 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-1 land use
 14 designation. The proposed minor subdivision/lot line rearrangement of the 49 acres results in one
 15 additional unit. The original 49 included the adjacent Exception parcel, which when considered
 16 collectively would result in three (3) lots on 49 acres, or a proposed gross density of approximately 1
 17 unit per 16 acres. The minor subdivision as proposed meets the density requirements as established in
 18 the Comprehensive Plan. Further, the intent of the A-1 land use designation is to promote rural
 19 residential uses, and the proposed subdivision is consistent with that objective.

20
 21 City Planner Swanson noted the following site and zoning requirements in the A-1 district are defined
 22 as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

24
 25 Lot Area and Lot Width

26 The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed
 27 subdivision would result in newly created Parcel A and Parcel B. The following summary of each
 28 created parcel is identified on the table below:

29 **Lot Tabulation:**

Parcel	Size	Frontage	Lot Width	Lot Depth
Parcel A	10 Acres	310.31'	310.31'	1,370'
Parcel B	39 Acres	733.53'	733.53'	1,690'

30 *As proposed, both created lots meet the city's dimensional standards for size, frontage, lot width*
 31 *and lot depth.*

1 The existing homestead and accessory structures are located on proposed Parcel A, and are subject to
2 the city's setback requirements given the new configuration of the lots. The existing principal
3 structure is setback approximately 110-feet from the right-of-way line of 117th Street North which is a
4 County road (CR-7). However, the City's ordinance requires that the setback be measured from the
5 centerline of the roadway, and the existing home is setback approximately 150-feet from the
6 centerline of the roadway and therefore meets the city's setback requirement. The existing home will
7 be setback approximately 95-feet from the created easterly property line, 120-feet from the westerly
8 property line, and 1,205-feet from the rear property line. ***As proposed the existing home will meet all***
9 ***setback requirements.***

10
11 The accessory building located is setback approximately 25-feet from the proposed easterly property
12 line, 1,045-feet from the northerly property line (rear), and 230-feet from the easterly property line.
13 As proposed, the accessory building will meet all setback requirements.

14
15 In addition to lot line setbacks, the City's ordinances require a buffer strip of 50-feet is required
16 around wetlands, lakes and streams and that an additional 10-foot building setback from the buffer is
17 also required. The existing home and accessory building are setback more than 250-feet from the
18 approximate wetland/ditch are per the NWI, and as such meet the City's setback requirements.

19
20 The potential configuration of new structures and improvements was not identified on Parcel B.
21 Given the extents of Parcel B there is enough area to site a new home, accessory buildings and other
22 improvements outside of all applicable wetland setbacks. However, if future improvements are
23 proposed that may impact or encroach upon the ditch or potential wetland area as identified on the
24 NWI, then a wetland delineation may be required. ***Staff would recommend including a condition***
25 ***that any future improvements on Parcel A or Parcel B may require completion of a wetland***
26 ***delineation prior to site work or a building permit depending on the proposed location of such***
27 ***improvements.***

28
29 ***Since no new structures are proposed as part of this subdivision, staff would recommend including***
30 ***a condition that all future structures and improvements will be subject to the applicable setback***
31 ***rules and regulations in effect at the time of application.***

32
33 City Planner Swanson explained there is an existing driveway that serves home and accessory
34 building on Parcel A, and there is no existing access to proposed Parcel B. As indicated on Survey,
35 there is a proposed new gravel drive to serve any new development on Parcel B that is located
36 approximately 165-feet from the east property line and approximately 570-feet from the proposed
37 west property line. Since the new driveway access and proposed subdivision are located on a County
38 Road, staff forwarded a copy of the proposed application to the County for their review and comment.
39 Washington County reviewed the application and has indicated that they would generally support a
40 new driveway access to proposed Parcel B, and would be required to obtain proper permits for the
41 new driveway. In addition to comment regarding a new driveway access, the County further
42 commented about the potential for Parcel B to subdivide further in the future. While they are
43 generally comfortable with the creation of one new driveway to CR-7, they would not support any
44 additional driveway accesses at this location and would require a shared access solution such as a new
45 city street, shared driveways, etc. (See Attachment C)

1 As previously stated there is one (1) accessory structure on the site which totals approximately 2,880-
2 square feet. The structure will be located on newly created Parcel A, which will be subject to the
3 Accessory Structure standards contained in Section 32-313. On parcels between 9.6 and 14.99 acres,
4 a combined square footage not to exceed 3,000 square feet and no more than four (4) buildings are
5 permitted. The existing accessory building meets the requirements for permitted number and square
6 footage.

7
8 The existing home is served by an individual septic system and private well that will continue to
9 support the structures and uses on Parcel A. Since it is unknown whether the existing homestead and
10 accessory building on Parcel A will remain, or is proposed to be redeveloped, **staff would**
11 **recommend including a condition that any redevelopment of the parcel with a new, or substantially**
12 **larger, principal structure may necessitate a new septic system and at such time a septic permit**
13 **must be obtained from Washington County.**

14
15 City Planner Swanson pointed out that no soil borings and a septic report were not submitted with this
16 application. Given the large size of the vacant parcel, and existing conditions of the site, staff
17 believes it is likely that a septic system, homestead and well can be constructed on the parcel and
18 meet all necessary setbacks and other applicable requirements. However, since this information was
19 not submitted, staff cannot determine where or in what configuration a septic system and homesite
20 would be located on the property. Since it is winter, it is difficult to have soil borings completed to
21 demonstrate that a soil type would perc and meet all the requirements of the City and Washington
22 County. To demonstrate the buildability of Parcel B, the Applicant will need to submit septic/soil
23 borings to Washington County for their preliminary review. Since a new home is not currently
24 proposed on Parcel B, the review would be conceptual, since a system would not be designed until a
25 home was constructed. **Staff would request the Planning Commission discuss their comfort level in**
26 **approving the requested lot split without the soil borings given the large size of Parcel B. If the**
27 **Planning Commission is not comfortable moving forward, then before a subdivision will be**
28 **approved the Applicant must submit soil borings and preliminary/conceptual review from**
29 **Washington County Environmental Services supporting the results. If the Planning Commission is**
30 **comfortable moving forward, then Staff would recommend including a condition that a septic**
31 **report and borings are required prior to any site work or building permit being issued from the**
32 **City for Parcel B.**

33
34 There is an existing well on Parcel A that will continue to be used for the property. Since Parcel B is
35 vacant and no home is designed yet the location of a new well has not been identified **Staff would**
36 **recommend including a condition that if and when a new home is proposed on Parcel B that the**
37 **appropriate permits to install a well must be obtained prior to the city issuing a building permit,**
38 **and that such well must be sited to meet all applicable setbacks.**

39
40 The subject property is located on 117th Street North which is County Road 7, and therefore is subject
41 to Washington County's review and comment.

42
43 Additionally, as previously discussed, if and when development or redevelopment of the lots occur
44 proper permits for installation of wells, septic systems, or driveways will be subject to review and
45 approval of the appropriate permitting authorities.

1 Staff has prepared a draft resolution of approval for Council consideration as recommended by the
 2 Planning Commission.

3
 4 **Council Member Lanoux moved to adopt Resolution No. 2018-05, as presented. Council**
 5 **Member Sederstrom seconded the motion. Motion carried unanimously.**
 6

7 **Consideration of Resolution No. 2018-06, White Oak Savannah (FOG) Final Plat** - City Planner
 8 Swanson advised the Applicant, Streetcar Holdings, LLC, has applied for a Final Plat of Phase I for
 9 the major subdivision that will be known as White Oaks Savanna. The Applicant was granted
 10 Preliminary Plat approval of the Project on March 8th, 2017 with conditions as noted within
 11 Resolution number 2017-08. During the Preliminary Plat process the proposed subdivision was
 12 named The Farms of Grant. Since preliminary review, the Applicant has proposed a different name
 13 for the plat, and the subdivision will be known as White Oaks Savanna. For purposes of this review,
 14 the Subdivision will be described as “White Oaks Savanna”, though it should be noted that all
 15 preliminary plat materials remain labeled and named as The Farms of Grant. The following memo
 16 identifies the conditions as identified within the Preliminary Plat, the Applicant’s response to those
 17 conditions, and any additional information as submitted and necessary to adequately review and
 18 approve the Final Plat Application.
 19

20 City Planner Swanson noted that per the City’s ordinances, the Final Plat does not require a public
 21 hearing or review by the planning commission. The Final Plat is subject to a 60-day review period.
 22

23 **Project Summary**

24
 25 The following summary regarding the Final Plat, and conditions of Preliminary Plat are provided for
 26 consideration:

Applicant: Streetcar Holdings, LLC	Site Size: 317.28 Acres
Zoning & Land Use: A-1	Proposed Plat: White Oaks Savanna (fka The Farms of Grant)
General Location: East of CR-17 (Lake Elmo Avenue) and south of CSAH-12 (75 th Street North)	Request: <ul style="list-style-type: none"> • <i>Final Plat Phase I: White Oaks Savanna</i> to plat 19 lots, right-of-way and Outlots C, D, E, F for future phases (See Exhibits B and C). Outlots A and B to be considered collectively with no future subdivision. • Review Preliminary Plat of 31-lots for compliance with conditions of resolution

27 The proposed Subdivision will ultimately create 31 new lots on 317.28 acres located just south of 75th
 28 Street North (CSAH-12) and east of Lake Elmo Avenue (CR-17). The existing properties currently
 29 make up two farms that have historically been known as the Carlson Farm and the Masterman Farm,
 30 and it is the intent that a portion of the historic farmsteads will remain in agricultural uses. As noted,
 31 the Applicant has received Preliminary Plat approval for the entire subdivision with conditions as
 32 noted. The following staff report will review and consider the consistency of the Final Plat with the

1 Preliminary Plat, provide review and analysis of changes to the Preliminary Plat since the approval,
2 and review the Subdivision and Final Plat for consistency with the City’s adopted ordinances.

3 The following summary of the proposed Subdivision, changes since the Preliminary Plat and Final
4 Plat of Phase I are provided for your information and consideration:

5 General Subdivision Summary:

- 6 • The subdivision will ultimately create 31 new lots; 30 of the created lots will range in size
7 between 5.01 Acres and 7.73 Acres, and 1 of the lots will contain 115.36 acres which is
8 denoted as Outlot A and Outlot B on the Final Plat (See Exhibit B).

- 9 • There is an existing homestead on Outlot A that is proposed to remain and will not be
10 redeveloped as part of this subdivision. Outlot B is vacant. A restrictive covenant will be
11 recorded against both Outlots that allows only one principal structure on Outlot A and Outlot
12 B collectively.
 - 13 ○ The existing homestead (Outlot A and Outlot B) will not be subject to the HOA or its
14 covenants. The right to continue agricultural uses will be protected within the
15 restrictive covenants, the HOA Covenants and will also be declared within the
16 Development Agreement and recorded against the subject properties.

- 17 • The 30 “rural residential” lots ultimately created will be a part of a homeowners’ association
18 (HOA) and will be subject to a set of restrictive covenants. The Applicant and Owner
19 indicated that the HOA documents and Covenants would be developed prior to Final Plat
20 approval. A draft of the HOA documents and/or covenants was not provided for this initial
21 review of the Final Plat.

- 22 • The Applicant is proposing to phase the subdivision, and this application is for Final Plat of
23 Phase I. The remaining lots as denoted within the Preliminary Plat are designated as Outlot C
24 and Outlot D. (See Exhibits B and C).

- 25 • The Applicant is proposing to phase the construction of the new roadway concurrent to
26 platting of adjacent lots. Initially, the new roadway would be constructed to the eastern edge
27 of Block 1 Lot 10, and Block 2 Lot 9 and a temporary cul-de-sac will be constructed to
28 provide a staging area for construction traffic and future homeowners until such time as future
29 phases are constructed. The road will be completed in full as shown on the Final Plat in
30 accordance with subsequent phases of the subdivision.

31 Final Plat Summary:

- 1 • The Final Plat of Phase I will include the full platting of the new road right-of-way. The new
2 curvilinear roadway will connect Lake Elmo Avenue North on the southwestern corner of the
3 site to County Road 12 (75th Street North) on the northeastern corner.

- 4 • Additional ROW on Lake Elmo Avenue North and CR-12 were required per Washington
5 County which has been adequately denoted on the Final Plat.

- 6 • The Final Plat includes the following:
 - 7 ○ Outlot A, Outlot B: Large Acreage, agricultural parcels that will have one building
8 entitlement collectively
 - 9 ○ Lots 1-10, Block 1: Rural Residential lots on north side of White Oaks Trail
 - 10 ○ Lots 1-9, Block 2: Rural Residential lots on south side of White Oaks Trail
 - 11 ○ Outlot C and Outlot D: Future phases of White Oaks Savanna
 - 12 ○ Outlot E and Outlot F: Stormwater and landscape areas to serve With Oaks Savanna

13 Preliminary Plat Changes - Summary:

- 14 • The proposed White Oaks Trail roadway has been shifted slightly north internal to the site due
15 to requirements of the Browns Creek Watershed District. The shift in the roadway resulted in
16 some of the drainfields being shifted and/or moved. New borings have been submitted where
17 proposed locations were shifted out of similar soil classifications.

- 18 • All 31 lots would be served with individual wells and individual septic systems. The
19 Preliminary Plat has identified primary and secondary drainfield locations associated with
20 each of the 30-rural residential lots, which excludes the existing system serving the homestead
21 on Outlot A. The revised updated Preliminary Plat identifies the new drainfield locations,
22 where applicable.

- 23 • The existing properties are bordered by Lake Elmo Avenue North (CR 17) on the western
24 property line, and 75th Street North (CSAH 12) on the northern property line. Both roadways
25 are County Roads and access permits for the new roadway must be coordinated with
26 Washington County. As part of the preliminary plat review process Washington County
27 requested a dedicated right and left turn lane on CR-17 (Lake Elmo Avenue North) to be
28 completed as part of this project and additional ROW as necessary to complete the
29 improvement.

- 30 • During the initial review, the Applicant proposed two large agricultural homestead lots as part
31 of The Farms of Grant preliminary plat. The revised Preliminary Plat now combines the two
32 lots into one large agricultural homestead lot identified on the updated Preliminary Plat as Lot
33 1, Block 1 (approximately 115-acres). This results in one additional rural residential lot but

1 does not alter the density. The 115-acres will be restricted from further
2 development/subdivision.

3 City Planner Swanson advised Chapter 30, Section 30-77 states that a Final Plat must conform to the
4 approved Preliminary Plat. Any significant modifications to the preliminary plat may require
5 additional review and/or approvals.

6
7 The road design was modified to comply with conditions of the Brown’s Creek Watershed District’s
8 permitting process that required increased wetland buffers throughout the Subdivision. The lots that
9 were largely affected by the buffer increase are Lots 2, 3, and 4 of Block 1 and Lots 3, 4, and 5 of
10 Block 2 (See Preliminary Plat in Exhibit B). The increase in buffers resulted in larger unbuildable
11 areas within the affected lots, which subsequently resulted in modifications within these lot areas to
12 allow for suitable buildable areas on each impacted lot. The road design modification resulted in
13 alterations to lot lines and acreages in both Blocks, but did not substantively change or alter the
14 character of the affected lots. The individual lot acreage alterations can be seen in Exhibit E.

15
16 While not impacting the road alignment, the Applicant has proposed to phase the construction of the
17 new roadway (White Oaks Trail). As proposed, the road will not be fully constructed in Phase I, but
18 will be constructed to provide access to all lots platted in Phase I. Site grading and road base will be
19 constructed in Phase I, but the base course of bituminous will end near the eastern edge of Lot 10,
20 Block 1 and Lot 9, Block 2 where a temporary cul-de-sac will be constructed. The final wear course
21 of Phase I will not be completed until at least a base course is constructed on the full roadway length.
22 The phasing of the roadway construction is addressed in the draft Development Agreement which is
23 provided in Exhibit H. Additional review and recommendations regarding the roadway are provided
24 by the City Engineer in Exhibit G.

25
26 The increase in the wetland buffers as required by the BCWD also affected the proposed location of
27 several drainfields that would serve the new homes and lots (See Exhibits B and D). As denoted on
28 the Preliminary Plat, Lots 2, 3, 4, 5, 6, 10, and 11 of Block 1 and Lots 3, 4, 5, and 12 of Block 2 were
29 required to shift either the primary or secondary drainfield, or both to gain compliance with the
30 BCWD standards while still meeting the City’s standards. The majority of the changes resulted in
31 only minor shifts of the drainfield area within the same soil series or classification types and thus no
32 new soil borings were required (See Exhibit D). However, there were two lots that were impacted
33 more significantly and thus necessitated new soil borings to demonstrate that a system could function
34 properly given the new constraints imposed on the lots. New soil borings were obtained on Lots 2 and
35 5 of Block 1 (Boring #: 900, 901, 902, 903, 904, 905, 906, and 907) to demonstrate compliance with
36 ordinance standards. These new boring results are available electronically upon request.

37
38 As noted in the Preliminary Plat review, the lots are proposed to be generally custom graded and
39 custom homes will be constructed. Staff understands that the drainfield locations may change based
40 on the final housing design and location. However, since the locations as noted within the
41 Preliminary Plat generally comply with the septic systems, the Applicant should protect these sites
42 during construction if no alternate locations have been identified. Additionally, as stated within the
43 previous staff reports, the Applicant will be required to obtain all septic permits from Washington
44 County prior to obtaining a building permit from the City. This condition has been addressed and

1 included within the draft Development Agreement. Additionally, as noted in subsequent sections of
2 this staff report, the Applicant must provide written correspondence from Washington County stating
3 that preliminary review of the soil borings has been completed and that the information provided
4 demonstrates the newly created lots can support primary and secondary drainfields.

5
6 As shown on the updated preliminary plat the lot lines of Lot 15, Block 1 were modified for
7 compliance with the City's subdivision ordinance as required in the preliminary plat approval
8 (Sec.30-107). The northern lot line of Lot 14 of Block 2 was altered, providing a more regular lot
9 shape and now conforms with the subdivision requirements. In the initial application there were two
10 large agricultural lots proposed, that have now been consolidated into one large approximately 115-
11 acre parcel, and a newly created additional rural residential lot. These changes and modifications are
12 shown on the updated Preliminary Plat, as well as the Final Plat (See Exhibit B). In addition to the
13 specific items noted, several lots were slightly modified due to the new roadway shifting north as
14 noted in previous sections. The majority of the impact is due to the increase in required buffer areas
15 which subsequently impacted the buildable area on almost every lot within the subdivision. An
16 updated lot tabulation is found in Exhibit E. While most lots changed slightly, all resulting lots
17 comply with the City's ordinances for lot area, setbacks, buildable area, and dimensions.

18
19 The following summary of the conditions in the Preliminary Plat approval that require action prior to
20 Final Plat approval is provided for your review and consideration:

- 21 ▪ An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans
22 depicting any necessary changes and/or modification shall be submitted for review and
23 approval of city staff within 12-months of Preliminary Plat approval.
 - 24 ○ *Response: The Applicant has submitted a revised and updated Preliminary Plat,*
25 *which includes Grading and Erosion Control Plans. This staff report reviewed and*
26 *considered the updated Preliminary Plat. The City Engineer's staff report is provided*
27 *in Exhibit G.*
- 28 ▪ The Applicant shall obtain all necessary stormwater permits from the BCWD and such
29 permits shall be acquired prior to the City granting any Final Plat of the Project.
 - 30 ○ *Response: The Applicant continues to work with the Browns Creek Watershed District*
31 *(BCWD) to comply with their regulations. A correspondence from the BCWD is*
32 *provided for your review and consideration in Exhibit F.*
- 33 ▪ If the BCWD permitting process results in any substantive changes to the Preliminary Plat
34 then the Applicant may be required to submit a revised Preliminary Plat for review and
35 consideration by both the Planning Commission and City Council.
 - 36 ○ *Response: Staff has reviewed the updated and revised Preliminary Plat that is*
37 *generally in compliance with the conditions of the BCWD permitting process as noted*
38 *within Exhibit F. After review, staff does not believe there are any substantive*
39 *changes that are inconsistent with the approved Preliminary Plat.*
- 40 ▪ The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the
41 Project being granted.

- 1 ○ *Response: The Wetland Delineation Notice of Decision for the site was approved on*
2 *May 16, 2017. A full copy of the wetland delineation is available upon request, and on*
3 *file with this application at the City Office.*
- 4 ▪ If necessary, a wetland mitigation and replacement plan shall be approved prior to any Final
5 Plat of the Project being granted.
- 6 ○ *Response: The Applicant will purchase wetland credits to comply with wetland*
7 *replacement requirements. This should be included as a condition of Final Plat*
8 *approval.*
- 9 ▪ A letter from Washington County Environmental Services shall be provided indicating that
10 the proposed primary and secondary septic sites meet their standards and requirements, and
11 that adequate area exists on each lot to accommodate a septic system. Such letter shall be
12 provided prior to granting any Final Plat of the Project.
- 13 ○ *Response: At the time of this staff report a letter from Washington County*
14 *Environmental Services had not been received. A letter should be obtained prior to*
15 *Final Plat approval.*
- 16 ▪ The Applicant will be required to enter into a Development Agreement prior to the City
17 granting any Final Plat of the Project to ensure that the requirements and conditions as set
18 forth herein are complied with, and ensure the installation of the subdivision infrastructure.
- 19 ○ *Response: A draft Development Agreement is provided in Exhibit H.*
- 20 ▪ The Applicant shall obtain all necessary permits for installation of individual wells serving
21 each lot, and such permits shall be obtained prior to the City issuing any Building Permit for
22 such lot.
- 23 ○ *Response: This condition shall be carried forward as a condition within the*
24 *Development Agreement (Exhibit H).*
- 25 ▪ The City Engineer shall identify a preferred construction route to be used throughout
26 construction of the Project. The route shall be agreed to with the Applicant and identified
27 within the Development Agreement.
- 28 ○ *Response: The City Engineer will provide the appropriate language to the draft*
29 *Development Agreement.*
- 30 ▪ The Applicant shall be allowed to Phase the project as depicted on the exhibit identified as
31 “Phase Plan” and dated 4/10/2017 which shall be incorporated into the Development
32 Agreement.
- 33 ○ *Response: The proposed phasing of the project is addressed within the Development*
34 *Agreement.*
- 35 ▪ The full public right-of-way of Street A shall be dedicated at time of Phase I Final Plat.
- 36 ○ *Response: As denoted on Exhibit B, the full ROW for White Oaks Trail is included*
37 *within Phase I.*
- 38 ▪ The Applicant shall obtain access permits from Washington County prior to the City granting
39 any Final Plat of the Subdivision.

- 1 ○ *Response: Correspondence from Washington County regarding the access has not*
2 *been received at the time of this staff report. Prior to granting final plat approval, a*
3 *formal correspondence from Washington County regarding the proposed access and*
4 *improvements must be submitted for review by the City Engineer (See Exhibit G).*
- 5 ▪ The Applicant shall be required to install all necessary improvements to CR 17 and CSAH 12
6 as agreed to, and conditioned by, Washington County. Such improvements shall be included
7 and addressed within the Development Agreement.
- 8 ○ *Response: The Applicant has identified improvements to CR 17, as required by*
9 *Washington County, on Page T1 of the Turn Lane, Removals & Site Plan section of the*
10 *Plan Set (Exhibit B). The Development Agreement includes requiring the Applicant to*
11 *construct necessary improvements to CR-17 to obtain proper access permits. At the*
12 *time of this staff report formal correspondence from Washington County has not been*
13 *received.*
- 14 ▪ The Development Agreement shall include language regarding the Restrictive Covenants
15 affecting Lots 1 and 14, Block 1 with respect to density allocation, and that such properties
16 may not be further subdivided.
- 17 ○ *Response: Language is provided within the draft Development Agreement. A draft of*
18 *the Restrictive Covenant has not been provided at the time of this staff report.*
- 19 ▪ Site improvements as described within Section 30-194 shall be agreed to and identified within
20 a Development Agreement.
- 21 ○ *Response: Language is provided within the Development Agreement.*
- 22 ▪ The Applicant shall be required to install the trees as identified on the Landscape Screening
23 Plan, and such trees shall be installed with Phase I. The locations of the screening may be
24 coordinated with the adjacent land owner and be placed either on their land or on the Project
25 development site.
- 26 ○ *Response: The screening plan was not included as an exhibit to the submitted*
27 *documents. The Applicant should provide an updated planting plan to be included as*
28 *an attachment to the Development Agreement.*
- 29 ▪ A street name for the proposed Street A shall be provided prior to granting any Final Plat of
30 the Project.
- 31 ○ *Response: A street name has been chosen, "White Oaks Trail", and is shown on the*
32 *Plan Set (Exhibit B).*
- 33 ▪ The Applicant shall prepare the Homeowners Association (HOA) documents which shall be
34 reviewed by the City Attorney, at a minimum, and any necessary modifications made prior to
35 Final Plat approval.
- 36 ○ *Response: A draft of the HOA documents/covenants has not been received at the time*
37 *of this staff report. A draft of the HOA covenants shall be provided for review by staff*
38 *prior to executing the Development Agreement and approval of the Final plat.*

- 1 ▪ The Applicant shall prepare a Restrictive Covenant for Lot 1 and Lot 17, Block 1 indicating
2 that the properties may not be further subdivided. The City Attorney shall review and approve
3 the restrictive Covenant prior to the City granting any Final Plat of the Project.
4 ○ *Response: A draft of the Restrictive Covenant has not been provided for review. The*
5 *Applicant shall provide a copy of this covenant for review by the City Attorney.*
- 6 ▪ The Restrictive Covenants and Development Agreement shall be recorded at Washington
7 County with the Phase I Final Plat.
8 ○ *Response: This condition will be carried forward as a condition of Final Plat*
9 *approval.*
- 10 ▪ The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City
11 issuing any grading permits on the subject property.
12 ○ *Response: This condition is addressed within the Development Agreement.*
- 13 ▪ The Applicant shall be required to obtain all septic permits, based on actual design of a
14 principal structure, prior to the city issuing a building permit.
15 ○ *Response: This condition is addressed within the Development Agreement.*
- 16 ▪ The Applicant shall pay all fees and delinquent escrow balances.
17 ○ *Response: This condition will be carried forward as a condition of Final Plat*
18 *approval.*
- 19 ▪ The Applicant shall submit ten (10) copies of the Final Plat no later than one (1) year after the
20 date of approval of the Preliminary Plat (May 2nd, 2018). If no request for extension is
21 submitted, the Preliminary Plat will be considered void, per Section 30-77.
22 ○ *Response: This Application for Final Plat was made in February 2018.*

23
24 City Planner Swanson stated the submitted Final Plat generally conforms to Preliminary Plat and
25 conditions as identified during the process. The following conditions of Final Plat are provided for
26 your review and considerations:
27

- 28 1. The plat shall comply with the provisions of all state statutes and standard procedures for
29 platting in Washington County.
- 30 2. The Applicants shall obtain Final Plat approval from the Washington County Surveyor.
- 31 3. Prior to the City's execution of the Final Plat, the Applicant must enter into an agreement with
32 the City for the installation of all required improvements, which shall be referred to as the
33 "Development Agreement."
- 34 4. The requirements and conditions of the Development Agreement shall be incorporated as
35 conditions of the City's execution of the Final Plat.
- 36 5. The Final Plat shall be recorded within 120 days of approval or the City's approval shall be
37 deemed null and void.
- 38 6. The Applicant shall pay all fees and delinquent escrow balances.

1 City Planner Swansons explained in summary, the Applicant has provided the information as
2 conditioned within the Preliminary Plat and has submitted a Final Plat that conforms to the approved
3 Preliminary Plat. Prior to approval of the Final Plat and execution of the Development Agreement
4 staff requests the following clarifications and additional information:

5
6 **Outstanding Items and Items Requiring Clarification:**

- 7
- 8 • It is unclear why Outlot A and Outlot B are separate. This creates confusion for purposes of
9 the Restrictive Covenant since only one homestead will be allowed on both Outlots combined.
10 Clarification from the Applicant should be provided.
 - 11 • The screening plan as approved in the initial Preliminary Plat review process shall be provided
12 and included within the plans attached to the Development Agreement.
 - 13 • Correspondence from Washington County Public Works regarding the access design and
14 construction has not been received at the time of this staff report. Prior to granting Final Plat
15 approval and executing the Development Agreement formal correspondence from Washington
16 County must be received indicating that the improvements are consistent with their permitting
17 requirements.
 - 18 • A correspondence, either email or review letter, from Washington County Environmental
19 Services indicating preliminary review of the soil borings as suitable locations for primarily
20 and secondary drainfields on each lot must be provided prior to Final Plat approval and
21 execution of the Development Agreement.
 - 22 • A draft of the HOA covenants must be provided for review by the City Attorney for
23 compliance with city ordinances. The Covenants shall also specifically address permissible
24 agricultural uses on Outlot A and Outlot B as identified on the Final Plat.
 - 25 • A draft of the Restrictive Covenant on Outlot A and Outlot B must be provided for review and
26 approval by the City attorney.
 - 27 • Updated title work has been submitted to the City Attorney and is under review.
- 28

29 City Attorney Snyder advised he did review the Development Agreement and a few details will be
30 added to the final draft.

31
32 This item will be on the regular Council agenda April 3, 2018, 7:00 p.m.

33
34 **City Attorney, Dave Snyder (no action items)**

35
36 **NEW BUSINESS**

37
38 **Consideration of Planning Commission Appointments** – Staff advised three terms are expiring in
39 March. Notice of vacancy and application submittal was posted in the legal newspaper as well as the
40 City website. No applications were submitted. The three Commissioners whose term expires have
41 indicated they would serve another term on the City of Grant Planning Commission.

1 Council Member Carr moved to reappoint Mr. Bob Tufty, Mr. James Drost and Mr. Matt
2 Fritze to City of Grant Planning Commission. Council Member Kaup seconded the motion.

3
4 Council Member Lanoux made a friendly amendment to the motion to table the appointment of
5 Mr. Bub Tufy until after litigation is complete.

6
7 Council Member Carr and Kaup did not accept the amendment.

8
9 Motion carried with Council Member Lanoux and Sederstrom voting nay.

10
11 **UNFINISHED BUSINESS**

12
13 There was no unfinished business.

14
15 **DISCUSSION ITEMS**

16
17 **Staff Updates (updates from Staff, no action taken)**

18
19 Staff requested Council return the staff Performance Reviews and also turn in the requested Audit
20 papers.

21
22 **Council Updates/Future Agenda Items (no action taken)**

23
24 **HydroVac Topic, Council Member Sederstrom** – This item was not put on a future Council
25 agenda.

26
27 **3M Settlement, Council Member Lanoux** – This item was not put on a future Council agenda.

28
29 **COMMUNITY CALENDAR MARCH 7 THROUGH MARCH 31, 2018:**

30 **Mahtomedi Public Schools Board Meeting, Thursday, March 8th and 22nd Mahtomedi District**
31 **Education Center, 7:00 p.m.**

32 **Stillwater Public Schools Board Meeting, Thursday, March 8th, Stillwater City Hall, 7:00 p.m.**

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

34 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION (Jane Doe v. Larry Lanoux**
35 **et. Al).** – Upon adoption of the agenda, this item was removed.

36
37
38
39
40
41
42
43 These minutes were considered and approved at the regular Council Meeting April 3, 2018.

1
2
3
4
5
6
7

Kim Points, Administrator/Clerk

Jeff Huber, Mayor

DRAFT

City of Grant

Disbursements Register

3/27/2018

Fund Name: All Funds

Date Range: 03/01/2018 To 03/27/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/26/2018	Payroll Period Ending 03/31/2018	13687	March2018	N	Clerk Salary	100-41101-100-	\$ 3,736.70
	Total For Check	13687					\$ 3,736.70
03/26/2018	Xcel Energy	13688	Utilities	N	Town Hall Electricity	100-43004-381-	\$ 255.65
		13688			Street Lights	100-43117-381-	\$ 1.10
	Total For Check	13688					\$ 256.75
03/26/2018	AirFresh Industries	13689	PortaPot #29630	N	Town Hall Porta Pot	100-43007-210-	\$ 125.00
	Total For Check	13689					\$ 125.00
03/26/2018	Bay West	13690	EAW-Hockey Rink	N	Escrow	916-49320-301-	\$ 1,000.00
	Total For Check	13690					\$ 1,000.00
03/26/2018	Andrew Hartsock	13691	Video Services	N	Cable Costs	100-41212-301-	\$ 55.00
	Total For Check	13691					\$ 55.00
03/26/2018	Croix Valley Inspector	13692	Building Inspector	N	Building Inspection	100-42004-300-	\$ 5,620.81
	Total For Check	13692					\$ 5,620.81
03/26/2018	Halogen Web	13693	2018 Web Services	N	Web Site Costs	100-41312-301-	\$ 271.98
	Total For Check	13693					\$ 271.98
03/26/2018	CenturyLink	13694	City Phone	N	City Office Telephone	100-41309-321-	\$ 132.88
	Total For Check	13694					\$ 132.88
03/26/2018	Washington County Transportation	13695	Snow and Ice Control - Reissue of Check #13371	N	Snow & Ice Removal	100-43113-210-	\$ 9,524.33
	Total For Check	13695					\$ 9,524.33
03/26/2018	Washington County Assessment/Tax	13696	Truth in Taxation Notice	N	Assessing	100-41550-300-	\$ 445.29
	Total For Check	13696					\$ 445.29
03/26/2018	Washington County Transportation	13697	Snow and Ice Control Inv #136318	N	Snow & Ice Removal	100-43113-210-	\$ 2,055.66
	Total For Check	13697					\$ 2,055.66

Fund Name: All Funds

Date Range: 03/01/2018 To 03/27/2018

Date: 03/26/2018
 Vendor: Todd Smith

Check #
 13698

Description
 Monthly Assessment Services -
 March

Void
 N

Account Name
 Property Assessor

F-A-O-P
 100-41208-300-

Total
 1,991.92

Total For Check 13698

\$ 1,991.92

03/26/2018 Sprint
 Total For Check 13699

\$ 35.12
 \$ 35.12

03/26/2018 KEJ Enterprises
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 13700
 Total For Check 13700

\$ 83.00
 \$ 125.00
 \$ 125.00
 \$ 166.14
 \$ 167.00
 \$ 20.84
 \$ 41.67
 \$ 83.84
 \$ 20.84
 \$ 5,416.67
 \$ 2,250.00
 \$ 500.00
 \$ 9,000.00

03/26/2018 Washington County Property
 Records
 13701
 Total For Check 13701

\$ 35.00

03/26/2018 League of Minnesota Cities
 13702
 Total For Check 13702

\$ 20.00

03/26/2018 Lisa Senopole
 13703
 Total For Check 13703

\$ 49.50
 \$ 49.50

03/26/2018 Waste Management
 13704
 Total For Check 13704

\$ 4,813.50
 \$ 4,813.50

03/26/2018 Press Publications
 13705
 13705
 Total For Check 13705

\$ 41.38
 \$ 41.38
 \$ 82.76

03/26/2018 Charles Lucius
 13706
 Total For Check 13706

\$ 1,475.49
 \$ 1,475.49

Fund Name: All Funds

Date Range: 03/01/2018 To 03/27/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/26/2018	Johnson Turner Legal	13707	January Billing	N	Legal Fees - General	100-41204-301-	\$ 1,679.50
		13707			Legal Fees - Complaints	100-41205-301-	\$ 1,697.00
		13707			Legal Fees - Prosecutions	100-41206-301-	\$ 1,700.00
		13707			Escrow	916-49320-301-	\$ 280.00
		13707				922-49320-301-	\$ 477.50
		13707					\$ 5,834.00
03/26/2018	WSB & Associates	13708	Engineering	N	Engineering Fees - General	100-41203-300-	\$ 3,164.50
		13708			Road Engineering Fees	100-43102-300-	\$ 4,197.00
		13708			MS4	100-43118-300-	\$ 414.00
		13708			Utility/ROW Permits	100-43132-300-	\$ 60.00
		13708			Petitioned - 65th Street	100-43172-300-	\$ 364.00
		13708					\$ 8,199.50
03/26/2018	SHC, LLC	13709	Planning	N	City Planner	100-41209-301-	\$ 990.00
		13709			Escrow	922-49320-301-	\$ 1,262.50
		13709				938-49320-301-	\$ 372.50
		13709				939-49320-301-	\$ 1,364.55
		13709				940-49320-301-	\$ 1,184.42
		13709					\$ 5,173.97
03/26/2018	PERA	13710	PERA	N	Clerk PERA	100-41102-120-	\$ 376.77
		13710			Clerk PERA Withholding	100-41108-100-	\$ 326.53
		13710					\$ 703.30
03/26/2018	Ronald Gillaspay	13711	Escrow Refund	N	Escrow	937-49320-810-	\$ 1,739.40
		13711					\$ 1,739.40
03/26/2018	Sandra Wegleitner	13712	Escrow Refund	N	Escrow	938-49320-810-	\$ 1,974.00
		13712					\$ 1,974.00
03/26/2018	Stephanie Hansen	13713	Escrow Refund	N	Escrow	931-49320-810-	\$ 928.13
		13713					\$ 928.13
03/26/2018	IRS	EFT100	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 384.30
		EFT100			Clerk Medicare	100-41105-100-	\$ 72.84
		EFT100			Federal Withholding	100-41107-100-	\$ 374.90
		EFT100			Social Security Expens	100-41109-100-	\$ 311.46
		EFT100					\$ 1,143.50
03/27/2018	Forest Crocker	13714	Mailbox Replacement	N	Miscellaneous Expenses	100-41306-430-	\$ 50.00

Fund Name: All Funds

Date Range: 03/01/2018 To 03/27/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check					50.00
03/27/2018	City of Mahtomedi	13715	1stQuarter Fire Contract	N	Fire - Mahtomedi	100-42002-300-	34,317.00
		Total For Check					34,317.00
	Total For Selected Checks						100,790.49



January 8, 2018

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

Dear Kim,

Please remit a check in the amount of \$34,317.00 for the
1st quarter fire contract. Please pay April 1, 2018.

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

Thank you,

Jerene Rogers
Account Clerk

RESOLUTION NO. 2018-09

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION OF THE CITY OF GRANT, MINNESOTA RELATING TO
COMMENTARY**

WHEREAS, the Grant City Council desires to bolster its elected officials governing City Council meetings; and

WHEREAS, specifically, the City seeks to work to make its meetings more orderly, to more directly adhere to principles avoiding interruption, failure to be recognized by the presiding officer at meetings before speaking and to otherwise ensure civility and orderliness to meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF GRANT:

1. That the City Council of the City of Grant declares that the procedure set forth below are applicable to the Grant City Council:
 - a. All speakers shall first request to be recognized and await recognition by the presiding officer before issuing declarations, questions or statements.
 - b. All speakers shall direct their comments to the presiding officer.
 - c. All speakers shall respond to any request from the presiding officer for clarification as to the subject and nature of their proposed remarks to avoid redundancy.
 - d. Any ad hominem remarks or comments not in compliance herewith shall disqualify any request made by its proponent.

2. Be it further resolved that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this Resolution.

Passed and adopted by the City Council for the City of Grant this ____ day of _____, 2018.

Jeff Huber, Mayor

Kim Points, Administrator/Clerk



Building a legacy – your legacy.

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

Memorandum

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

From: *Brad Reifsteck, PE, City Engineer
WSB & Associates, Inc.*

Date: *March 26, 2018*

Re: *Washington County Resolution of Support - TH 36 & CSAH 15 Interchange Funding*

Actions to be considered:

To adopt a resolution supporting Washington County's application for funding of the 2018 Corridors of Commerce Solicitation.

Facts:

The County is in the process of studying improvements for a new grade separated Interchange at the Intersection of TH 36 & CSAH 15.

Washington County is seeking local support from the City of Grant as part of the application submittal to MnDOT for funding through the 2018 Corridors of Commerce Solicitation process.

Action: Discussion. Adopt Resolution

Attachments:
Resolution

**CITY OF GRANT
RESOLUTION NO. 2018-04**

**RESOLUTION SUPPORTING SUBMITTAL OF AN APPLICATION TO REQUEST FUNDING
FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION THROUGH THE 2018
CORRIDORS OF COMMERCE SOLICITATION**

WHEREAS, the Minnesota Department of Transportation (MnDOT) is currently accepting candidate projects for the 2018 Corridors of Commerce Solicitation; and

WHEREAS, Washington County is proposing an application for the construction of a grade separation of TH 36 and CSAH 15; and

WHEREAS; the intersection of County State Aid Highway 15 (CSAH 15) and Trunk Highway 36 (TH 36) is partially located the City of Grant; and

WHEREAS; this intersection provides access to the primary residential, business, commercial, and recreational areas of Grant, Lake Elmo, Stillwater and Stillwater Township; and

WHEREAS; the TH 36 corridor is continuing to experience a growth in traffic and congestion; and

WHEREAS; the current intersection is insufficient to meet capacity demands today and the growth anticipation in the future; and

WHEREAS; the upgrade of this interchange is essential to the economic health and welfare of the region; and

WHEREAS; this project will protect and enhance mobility and safety,

WHEREAS; the project will be of mutual benefit to MnDOT, Washington County, and the cities of Grant, Lake Elmo, Stillwater and Stillwater Township; and

NOW THEREFORE BE IT RESOLVED, that the City of Grant supports Washington County's application for funding as part of the 2018 Corridors of Commerce Solicitation.

ADOPTED this 3rd day of April, 2018.

Jeff Huber, Mayor

Attest:

Kim Points, City Clerk



STAFF REPORT

TO: Mayor & City Council Members
Kim Points, City Clerk
Dave Snyder, City Attorney

Date: March 23, 2018

RE: Final Plat – White Oaks Savana
(Formerly known as Farms of Grant)

From: Jennifer Haskamp

Background & Update

At the regular March meeting staff presented a full review regarding the requested Final Plat of the White Oaks Savana major subdivision. At the meeting, Staff identified a few outstanding items that the Developer needed to address before the regular April City Council meeting, most of which were related to the Development Agreement, and Restrictive Covenants (HOA as well as development restrictions of Outlot A and Outlot B).

Since the few items that remain did not affect the plan set, staff has not provided a full review of the Final Plat in this staff report. If the City Council would like to review any information regarding the Final Plat plan set, please refer to the staff report, and plan set provided for the March 2018 City Council Meeting.

The following summary of the Final Plat is provided for your refence:

Final Plat Summary:

- The Final Plat of Phase I will include the full platting of the new road right-of-way. The new curvilinear roadway will connect Lake Elmo Avenue North on the southwestern corner of the site to County Road 12 (75th Street North) on the northeastern corner.
- Additional ROW on Lake Elmo Avenue North and CR-12 were required per Washington County which has been adequately denoted on the Final Plat.
- The Final Plat includes the following:
 - Outlot A, Outlot B: Large Acreage, agricultural parcels that will have one building entitlement collectively
 - Lots 1-10, Block 1: Rural Residential lots on north side of White Oaks Trail
 - Lots 1-9, Block 2: Rural Residential lots on south side of White Oaks Trail
 - Outlot C and Outlot D: Future phases of Wite Oaks Savanna



- Outlot E and Outlot F: Stormwater and landscape areas to serve With Oaks Savanna

Development Agreement

A draft Development Agreement (DA) was provided to the City Council in March, and City Staff continues to work through the agreement with the Developer and the Developer's Attorney. Staff believes we are close to a final draft but have a few more items to work through with the Developer. A final draft of the DA is anticipated to be complete by the end of this week (March 30, 2018). Once a final draft, acceptable to the City Attorney, is complete it will be emailed to the City Council for review. Hard copies of the agreement will be brought to the City Council meeting on Tuesday.

Response Regarding Outstanding Items

Since the March meeting, staff has been working with the Applicant to address the items identified in the March Staff report as "Outstanding Items." The following summary is provided to the City Council to assist with your review and consideration:

- It is unclear why Outlot A and Outlot B are separate. This creates confusion for purposes of the Restrictive Covenant since only one homestead will be allowed on both Outlots combined. Clarification from the Applicant should be provided.

The City Attorney is working with the Developer's Attorney to clarify the purpose of having the two individual Outlots. Information regarding this item will be forwarded to the City Council by end the end of the week, or March 30, 2018. At this time, staff does not have any concerns regarding this item provided the restrictive covenant clearly defines the entitlement of Outlot A and Outlot B.

- The screening plan as approved in the initial Preliminary Plat review process shall be provided and included within the plans attached to the Development Agreement.

The Developer has provided a copy of this Exhibit for inclusion in the Plan Set.

- Correspondence from Washington County Public Works regarding the access design and construction has not been received at the time of this staff report. Prior to granting Final Plat approval and executing the Development Agreement formal correspondence from Washington County must be received indicating that the improvements are consistent with their permitting requirements.

Washington County has communicated that they will continue to work with the Applicant/Developer for permitting of the access. They have stated that it appears that adequate ROW has been dedicated as requested; but that design review should be handled outside of the Final Plat process (their comments from the Preliminary Plat are their formal response). As a result, staff would recommend including a condition



that proper access permits must be obtained from Washington County prior to the commencement of any site work.

- A correspondence, either email or review letter, from Washington County Environmental Services indicating preliminary review of the soil borings as suitable locations for primarily and secondary drainfields on each lot must be provided prior to Final Plat approval and execution of the Development Agreement.

This has been provided, and all lots preliminary borings have been reviewed.

- A draft of the HOA covenants must be provided for review by the City Attorney for compliance with city ordinances. The Covenants shall also specifically address permissible agricultural uses on Outlot A and Outlot B as identified on the Final Plat.

The City Attorney continues to work through this item with the Developer's Attorney. A draft of the HOA covenants have been provided and are under review. Staff will provide a verbal update at the City Council meeting, but at this time staff does not believe there are any concerns regarding the covenants.

- A draft of the Restrictive Covenant on Outlot A and Outlot B must be provided for review and approval by the City attorney.

A draft of the Restrictive Covenant has not be provided. The City Attorney continues to work with the Developer's Attorney to provide an acceptable covenant that can be recorded against the subject Outlots. Staff will provide an update at the City Council meeting regarding this item.

- Updated title work has been submitted to the City Attorney and is under review.
The City Attorney continues to review the updated title work.

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2018-06**

**RESOLUTION APPROVING A FINAL PLAT FOR
WHITE OAKS SAVANA**

WHEREAS, the city of grant (the “City”) is a municipal corporation, organized and existing under the laws of Minnesota; and

WHEREAS, Streetcar Holdings, Inc. (“Developer”) has submitted an application for a Final Plat of a major subdivision containing approximately 317-acres in the City (the “Property”) generally located at the southeast intersection of Lake Elmo Avenue North (CSAH 17) and 75th Street North (CSAH 12) which is legally described in Exhibit A; and

WHEREAS, on March 8, 2017, City Council adopted Resolution 2017-08, granting preliminary approval to Streetcar Holdings, Inc. (“Applicant” and “Developer”) and David Washburn (Owner) for a major subdivision with twenty-nine (29) Rural Residential Lots and two (2) large-lot agricultural parcels; and

WHEREAS, the City Council may hear requests for Final Plat approval pursuant to Chapter 30, Sec. 30-77 which provides that a Final Plat must conform to the approved Preliminary Plat and any required modifications as determined through the Preliminary Plat process; and

WHEREAS, the Applicant has made an application for Final Plat approval for the plat, the name of which has now been changed from “The Farms of Grant” to “White Oaks Savana”; and

WHEREAS, the Developer intends to develop the Property in phases with the proposed first phase including 19 of the lots; and

WHEREAS, Outlots C and D are intended to be replatted in future phases to include the remaining 11 residential lots; and

WHEREAS, the City Council reviewed the Final Plat at the March 6, 2018 and April 3, 2018 regular meetings; and

WHEREAS, upon review of the Final Plat the City Council finds that subject to certain terms and conditions, the plat is substantially consistent with the approved preliminary plat and the terms and conditions thereof, the requirements of the City's subdivision regulations, the requirements, terms and conditions of the A-1 zoning district.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Streetcar Holdings, Inc. for Final Plat approval.

FURTHER BE IT RESOLVED, that the following conditions of Final Plat shall be met:

1. The plat shall comply with the provisions of all state statutes and standard procedures for platting in Washington County.
2. The Applicants shall obtain Final Plat approval from the Washington County Surveyor.
3. Prior to the City's execution of the Final Plat, the Applicant must enter into an agreement with the City for the installation of all required improvements, which shall be referred to as the "Development Agreement."
4. The requirements and conditions of the Development Agreement shall be incorporated as conditions of the City's execution of the Final Plat.
5. A restrictive covenant shall be recorded against Outlot A and Outlot B restricting further subdivision, and shall be filed prior to the City's execution of the Final Plan.
6. The Final Plat shall be recorded within 120 days of approval or the City's approval shall be deemed null and void.
7. The Applicant shall pay all fees and delinquent escrow balances.

Adopted by the Grant City Council this 3rd day of April, 2018.

Jeff Huber, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2018 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2018.

Kim Points
Clerk
City of Grant

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



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	2/14/18
Fee: \$400	Escrow \$4,000

check # 1521 \$4,400.00

MINOR SUBDIVISIONS

A minor subdivision is any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property.

PARCEL IDENTIFICATION NO (PIN): 0603021410001, 0603021420005 LEGAL DESCRIPTION: Northridge Acres Lot 4 and 7, Block 3		ZONING DISTRICT & COMP PLAN LAND USE: A1 & A2 LOT SIZE: Before: Lot 4 = 57.27 Acres, Lot 7 = 6.61 Acres After: Lot 4 = 42.99 Acres, Lot 7 = 20.88 Acres
PROJECT ADDRESS: 11425 & 11335 Grenelefe Ave N Grant, MN 55110	OWNER: Steve & Barb Cossack, Stephan R Cossack 2011 Irrevocable Family Trust Address: 5 High Point rd City, State: Dellwood, MN 55110 Phone: Barb 651-398-5979 Email: bcossack@comcast.net	APPLICANT (IF DIFFERENT THAN OWNER): Matt Owen Facilities & Property Manager for Mr. Cossack Address: 11335 Grenelefe ave N Grant, MN 55110 Cell: 651-248-3017 Email: matt.owen@priority.com
DESCRIPTION OF REQUEST: Lot line adjustment. Taking 14.28 acres from 11425 and adding it to 11335. No physical changes are being made to the lots.		
EXISTING SITE CONDITIONS: 11425: Asphalt driveway, well, and electrical service. (no structures, just grass and trees) 11335: Asphalt driveway, single family home, out garage, well, new septic system, gas and electrical service		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 30; Section 30-9		

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
----	----	-----------

<input type="checkbox"/>	<input type="checkbox"/>	<p>Site Plan: Technical drawing demonstrating existing conditions and proposed changes (Full scale plan sets shall be at a scale not less than 1:100)</p> <ul style="list-style-type: none"> ③ North arrow and scale ③ Name, address, phone number for owner, developer, surveyor, engineer ③ Streets within and adjacent to the parcel(s) including driveway access points ③ Topographic data at two (2) foot contour intervals and steep slopes ③ Proposed lot sizes (with dimensions) indicating setbacks for newly created lots ③ Buildable area with acres and square footage identified ③ Wetland limits (delineation) ③ Drainage plans ③ Soil tests for the installation of an on-site septic system
--------------------------	--------------------------	---

Application for: **MINOR SUBDIVISION**
City of Grant

<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> ③ Septic system and well location ③ Building locations and dimensions with setbacks ③ Vegetation and landscaping ③ Wetland Delineation ③ Shoreland classifications: waterbodies, Ordinance High Water Level, 100 year flood elevation, and bluff line ③ Name of subdivision with lot and block numbers of property, if platted <p>COPIES: 20 copies (4 sets at 22" x 34" and 16 at 11" x 17" format)</p>
<input type="checkbox"/>	<input type="checkbox"/>	A <u>certificate of survey</u> , by a registered land surveyor for each parcel will be required. The survey must show newly created lots and the original lot, limits of any wetland, one acre of buildable area, and elevation of the building site above any lake, stream, wetland, etc.
<input type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.
<input type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within 1,320 feet, contact Washington County Surveyor's Office: (651) 430-6875
<input type="checkbox"/>	<input type="checkbox"/>	Minor Subdivision submittal form completed and signed by all necessary parties
<input type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$4,000

Review and Recommendation by the Planning Commission. The Planning Commission shall consider oral or written statements from the applicant, the public, City Staff, or its own members. It may question the applicant and may recommend approval, disapproval or table by motion the application. The Commission may impose necessary conditions and safeguards in conjunction with their recommendation.

Review and Decision by the City Council. The City Council shall review the application after the Planning Commission has made its recommendation. The City Council is the only body with the authority to make a final determination and either approve or deny the application for minor subdivision.

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.



Signature of Applicant

1-5-2018

Date



Matt Owen

From: Patrick Hughes <PHughes@ricecreek.org>
Sent: Friday, January 19, 2018 1:11 PM
To: Matt Owen
Subject: RE: Minor subdivision

Good Afternoon Matt,

My apologies for such a delayed response to your inquiry. Typically, the District sees a decrease in the amount of applications around the holidays and early winter in general, but that has not been the case so far, this year. The proposed lot line changes do not fall under the District's definition of subdivision, therefore a permit is not required. Please note that the District has a set of regulatory rules that require permits for single-family home subdivision, land disturbance, increase in impervious surface, wetland alteration, etc. If any grading or land development of these parcels becomes planned in the future, please contact the District again to see if a permit will be required for the work.

Thanks and have a great weekend!

Patrick Hughes
Regulatory Assistant
Rice Creek Watershed District
4325 Pheasant Ridge Dr. NE, #611
Blaine, MN 55449-4539
Ph: 763-398-3080
phughes@ricecreek.org



Please consider following the RCWD on Facebook.

From: Matt Owen [mailto:matt.owen@shipwithpriority.com]
Sent: Wednesday, January 17, 2018 12:01 PM
To: Patrick Hughes <PHughes@ricecreek.org>
Subject: Minor subdivision

Please let me know that you are receiving these emails. I have not heard back from you yet...

Hello,

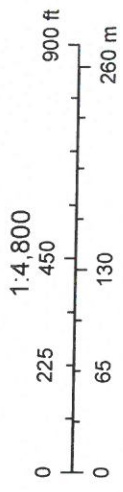
We spoke a few months ago about this Minor Subdivision Application that I am submitting to the city of grant. I sent you the survey drawing with the proposed lot line changes... I need a statement from you (Rice Creek WS), acknowledging that I have contacted you and that you have no objections to this lot line change. Please email me back with any questions.

Thank you!
Matt Owen

Cossack Minor Subdivision



March 13, 2018



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



STAFF REPORT

TO: Mayor and City Council
Kim Points, City Administrator/Clerk

Date: March 26, 2018

RE: Application for Minor Subdivision
11425 & 11335 Grenelefe Avenue
North, Grant, MN

CC: Dave Snyder, City Attorney

From: Jennifer Haskamp, Consulting City Planner

Background

The Applicant Matt Owen on behalf of the Owners, Steve and Barb Cossack, is requesting a lot line rearrangement of the properties located at 11425 and 11335 Grenelefe Avenue North. The requested arrangement will transfer approximately 14.28 acres of land from 11425 to 11335 Grenelefe Avenue and will **not create any additional lots.**

Public Hearing and Planning Commission Recommendation

The Planning Commission held a duly noticed public hearing on March 20, 2018. Several members of the public provided testimony regarding minor subdivision, and most voiced opposition to the request. Their comments are summarized as follows:

- Concern regarding increasing the number of lots in the subdivision; this should not be permitted.
- There are covenants that control the Northridge Acres subdivision, and the Applicant and/or Owner should follow the process established within the Covenants

After public testimony, staff presentation and comments from the Applicant the Planning Commission discussed the subject request. After deliberation, the Planning Commission recommended unanimous approval of the proposed subdivision.

Response to Comments at Public Hearing

- The proposed lot line rearrangement does **not** create additional lots. The configuration of two existing lots is changed, but no new principal building entitlement is created. Additionally, there is no change to the density of the two lots or the overall Northridge Acres subdivision.
- The covenants associated with the Northridge Acres subdivision are private homeowner restrictions, and the City is not a party to them nor can we enforce their terms. The City is required to process the request according to our subdivision and zoning standards.

The following staff report is generally as presented to the Planning Commission, and is provided for your review and consideration of the subject application



Project Summary

Applicant & Owner:	Matt Owen (Applicant on behalf of Owners) Steve & Barb Cossack (Owners)
PID:	0603021410001, 0603021420005
Address:	11425 & 11335 Grenelefe Avenue North
Zoning & Land Use:	A-1 & A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to transfer approximately 14.28 acres from Parcel B creating a larger Parcel A. (see survey)

The Applicant is proposing a lot line rearrangement that will transfer approximately 14.28 acres of land from Parcel B (11425 Grenelefe) to Parcel A (11335 Grenelefe) result in two lots each in excess of 20-acres (See attached survey). No description was provided with respect to the intent or reason for the lot line rearrangement, and no details were provided within respect to any proposed improvements to either lot. There are no new structures included or proposed as part of this application; however, based on previous discussions with the Applicant the intent is to eventually build a principal residential structure on Parcel B which is currently vacant. There is an existing home located on Parcel A that at this time is proposed to remain in its current configuration but may be subject to redevelopment in the future.

Review Criteria

The City’s subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

Secs. 32-246

Section 30-10 specifically regulates resubdivision and rearrangement applications, particularly as they relate to land which has already been platted. The proposed lot line rearrangement is of land contained within the Northridge Acres plat, and therefore staff would recommend review of this section prior to the meeting.

Existing Site Conditions

Parcel A

Parcel A is described as Lot 7, Block 3 of Northridge Acres and is located on the south curve of Grenelefe Avenue North before the roadway transitions to Granada Avenue. The existing parcel A is bordered by Grenelefe Avenue North on the west and contains approximately 390-feet of frontage. There is an existing home on Parcel A setback approximately 210-feet from the road (westerly property line), 166-feet from the northeasterly property line (side), 415-feet from the southeasterly property line (rear) and 200-feet from the southwesterly property line. The existing lot configuration is irregular in shape, and primary access is from the southerly curve in Grenelefe Avenue N. There is one accessory building, which is noted as a garage, on



Parcel A with a total square footage of approximately 1,320 square feet. The existing home and detached garage are accessed by a single driveway that is approximately 225-feet from the roadway. The topography of the site generally slopes from north to south through Parcel A. A freshwater pond classified in the National Wetland Inventory is located approximately 115-feet south of the existing principal structure. Trees line both the northern property line, partially southern property line, and many are dispersed around the existing home.

Parcel B

Parcel B is described as Lot 4, Block 3, Northridge Acres, is irregular in shape and is in a configuration often referred to as a “flag” lot. The Parcel extends to Grenlefe Avenue North with approximately 355-feet of frontage, with the majority of the parcel’s acreage located to the east of 11335 and 11365 Grenlefe Avenue N. The majority of Parcel B is vacant, with only a primary access and associated landscaping present. There are no existing structures on Parcel B, but there is a path/road improvement that appears to be gravel which loops through the property. The land is relatively flat with a general slope of north to south and the site is sparsely vegetated and appears to have some agricultural use based on aerials obtained on Washington County GIS (see attached). There appears to be a wetland present in the north eastern corner of the Parcel B per the National Wetland Inventory.

Comprehensive Plan Review

The proposed minor subdivision/lot line rearrangement of the total 63.88 acres results in no additional units. Parcels designated as A-1 and A-2 may be subdivided with a maximum of 1 dwelling unit per 10 acres. The proposed rearrangement does not affect density and exceeds the permitted density ranges of both land use designations. Further, the intent of the A-1 & A-2 land use designation is to promote rural residential and agricultural uses. The proposed lot line rearrangement is consistent with those objectives.

Zoning/Site Review

Dimensional Standards

The following site and zoning requirements in the A-1 and A-2 districts are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

Lot Area and Lot Width

The proposed subdivision is depicted on Attachment A. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:

Lot Tabulation:



Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	20.88 Acres	390.96'	~1,144'
Parcel B	42.99 Acres	355.0'	1753.32'

As proposed, both created lots meet the city’s dimensional standards for size, frontage/lot width and lot depth.

Setbacks

The existing homestead and accessory structures are located on Parcel A, are subject to the city’s setback requirements because of the proposed rearrangement. The existing principal structure is setback approximately 210-feet from the right-of-way line of Grenelefe Avenue North and exceeds the City’s minimum setback from a roadway. The created lot lines will extend the bounds of Parcel A resulting in greater setbacks from the rear yard lot line, and as identified in the Existing Conditions, the existing home and accessory building in the current configuration meet the City’s setback standards. Given that the area to be transferred to Parcel A is located at the rear of the lot and will effectively extend the area, it is assumed that the Applicant may propose to construct an accessory building on this portion of the property. *While there are no building plans provided or submitted as part of this application, staff would recommend including a condition that all future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.*

Access & Driveways

No new access or driveways are proposed as part of this application. There is an existing driveway that serves the existing home on Parcel A, and a driveway that provides access to Parcel B.

Accessory Structures

As previously stated there is one (1) accessory structure on the Parcel A which is approximately 1,320-square feet. As proposed in the lot line rearrangement, Parcel A and Parcel B will both be greater than 20 acres. Per section 32-313, parcels greater than 20-acres are permitted an unlimited number of accessory buildings and there is no restriction of total allowable square footage. It should be noted that other regulations, such as impervious surface coverage, setbacks, watershed district standards, along with any other regulatory standards will still be applicable, and proper permitting will be required for any new structure.

Utilities (Septic & Well)

Septic System – Soil Borings

The existing home on parcel A is currently served by a septic system that will continue to be used for the existing homestead. Both the septic system and well are located on Parcel A. *Staff would recommend including a condition that any redevelopment of Parcel A with a new, or substantially larger, principal structure may necessitate a new septic system and at such time a septic permit must be obtained from Washington County.* The Applicant did not provide or submit soil borings for Parcel B. The resulting vacant Parcel B is in excess of 20-acres, and when considered in conjunction with the provided information and aerial data appears to contain adequate area on which a septic system could be constructed. *Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel B.*



Wells

There is an existing well on Parcel A that will continue to be used for the property. Since Parcel B is vacant and no home is designed yet for the lot no well has been installed. *Staff would recommend including a condition that if and when a new home is proposed on Parcel B that the appropriate permits to install a well must be obtained prior to the city issuing a building permit.*

Subdivision Standards

The Applicant is proposing to rearrange/re-subdivide the lots into a new configuration. As stated within Section 30-10 resubdivision of lots that have been platted is permitted provided that the right to do so was established within Sec. 30-10 (c). A copy of the Final Plat for Northridge Acres Block 3 was not provided, or a copy of a Development Agreement, which must be submitted to demonstrate that the rearrangement is permitted. *Staff would recommend that a condition be added that evidence/documentation in a form acceptable to the City as detailed within Section 30-10 (c) be submitted prior to approval of any subdivision.*

Additionally, the Applicant is proposing to rearrange the subject properties and will not re-plat the resulting lots. As such, some of the requirements such as substantially straight lot lines, etc., are not considered in this staff report. The Planning Commission and City Council must determine if the proposed transfer by metes and bounds, and the irregular shape of the rearrangement is acceptable. This discretion is provided for within Section 30-9 (1) which states the following, "In the case of a subdivision resulting in two or less parcels situated in a locality where conditions are well defined, the city council may exempt the subdivider from complying with some of the requirements of this section."

Other Agency Review

As previously discussed, if and when development or redevelopment of Parcel A and Parcel occurs proper permits for installation of wells, septic systems, or driveways will be subject to review and approval of the appropriate permitting authorities.

Requested Action

Staff has prepared a draft resolution of approval consistent with the recommendation of the planning commission for your review and consideration.

Attachments:

Attachment A: Application, dated 2/14/18

Attachment B: Minor Subdivision exhibit, dated 1/23/2018

Attachment C: Correspondence Email from RCWD, dated 1/19/2018

Attachment D: Resolution 2018-07

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2018-07**

**RESOLUTION APPROVING A REQUEST FOR MINOR SUBDIVISION AT
11425 AND 11335 GRENELEFE AVENUE NORTH**

WHEREAS, Matt Owen (“Applicant”) on behalf of Steve and Barb Cossack (“Owner”) submitted an application for a Lot Line Rearrangement – Minor Subdivision of the property located at 11425 and 11335 Grenelefe Avenue North (“Property”), which is legally described in Exhibit A, in the City of Grant, Minnesota; and

WHEREAS, the proposed subdivision will create two new lots described as Parcel A and Parcel B on the submitted survey dated January 23, 2018; and

WHEREAS, proposed Parcel A is approximately 20.89 acres and contains an existing principal structure and one accessory structure; and

WHEREAS, proposed Parcel B is approximately 42.99 acres and is vacant; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on March 20, 2018; and

WHEREAS, on March 20, 2018 the Planning Commission unanimously recommended approval of the Minor Subdivision subject to certain conditions; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission and the Applicant’s request at a regular City Council meeting which took place on April 3, 2018.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Matt Owen (Applicant) and Steve and Barb Cossack (Owner) for a Minor Subdivision as described in Chapter 30, based upon the following findings pursuant to Section

30-4 of the City's Subdivision Ordinance. The City Council's Findings relating to the standards are as follows:

- The lot line rearrangement (minor subdivision) and combination will not negatively affect the physical characteristics of the lots or the neighborhood.
- The proposed minor subdivision conforms to the city's comprehensive plan.
- The lot line rearrangement results in two lots Parcel A 20.89 acres and Parcel B 42.99 acres, and complies with the density requirements of the guided A-1 and A-2 land use designations.
- The lot line rearrangement creates Parcel A and Parcel B and both resulting lots comply with the A-1 and A-2 zoning districts.
- The minor subdivision will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.

FURTHER BE IT RESOLVED that the following conditions of approval of the Minor Subdivision shall be met:

1. The Applicant shall provide acceptable verification in the form of a Final Plat or Development Agreement of Northridge Acres that the platted lots are permitted to be rearranged.
2. All future structures and improvements, accessory and principal, must comply with the city's wetland buffer setback requirements for Parcel A and Parcel B.
3. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application for both parcels.
4. Any redevelopment of Parcel A with a new, or substantially larger, principal structure may necessitate a new septic system and at such time a septic permit must be obtained from Washington County prior to the City issuing a building permit.
5. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel B.
6. If and when a new home is proposed on Parcel B the appropriate permits to install a well must be obtained prior to the city issuing a building permit.
7. The City Attorney shall review and stamp the deeds associated with the created parcels.
8. All escrow amounts shall be brought up to date and kept current.

Adopted by the Grant City Council this 3rd day of April 2018.

Jeff Huber, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2018 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ____ day of _____, 2018.

Kim Points
Clerk
City of Grant

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



Phone: 651.426.3383
 Fax: 651.429.1998
 Email: clerk@cityofgrant.com

Application Date:	2/7/18
Fee: \$400	Escrow: \$3,000

Pol Check # 12270/12221
 \$3,400.00

VARIANCE REQUEST

In certain cases a variance from the strict enforcement and adherence to the zoning ordinance may not be possible due to practical difficulties associated with a property. A practical difficulty means that the proposed use of the property and associated structures in question cannot be established under the conditions allowed by the zoning ordinance and that no other reasonable alternate use exists. The following application is provided for such circumstances and will be determined by the Board of Adjustment for the City of Grant.

PARCEL IDENTIFICATION NO (PIN): 0403021240003		ZONING DISTRICT & COMP PLAN LAND USE:
LEGAL DESCRIPTION: Section 04 Township 030 Range 021 PT SW1/4-NE1/4 & SE 1/4-NW1/4 DESC AS FOLL COM AT NW COR OF S1/2-NW1/4 SD SEC THN N88DEG32'52"E BRG WACO COOR SYS CZ ALG N LN SD S1/2-NW1/4 DIST 1562.70FT THN S06DEG10' 57"E DIST 269.61FT THN S09DEG 33'53"E DIST 157.50FT THN S12 DEG13'38"E DIST 370.66FT TO POB THN		LOT SIZE: 28.12 ACRES / 1225011 SQFT
PROJECT ADDRESS: 11541 IRONWOOD AVE N STILLWATER, MN 55082	OWNER: Name: ANNA M FIRSHMAN Address: 11541 IRONWOOD AVE N City, State: STILLWATER, MN 55082 Phone: (612) 578-0938 Email: afirshman@gmail.com	APPLICANT (IF DIFFERENT THAN OWNER): ALL ENERGY SOLAR 1642 CARROLL AVE ST. PAUL, MN 55104 651-888-4173 kristensaes@gmail.com
BRIEF DESCRIPTION OF REQUEST: Request for a 36' variance to the 150' OHW setback from a natural body of water for a ground-mounted solar PV system.		
EXISTING SITE CONDITIONS: Existing topography includes waterbodies, natural swales, mature vegetation.		
APPLICABLE ZONING CODE SECTION(S): Zoning Code Section 12-260, Sec. a., 1 Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Chapter 32, Sec. 32-60. Variances.		

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> ▪ Property dimensions ▪ Area in acres and square feet ▪ Setbacks ▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines) ▪ Location of current and proposed curb cuts, driveways and access roads ▪ Sanitary sewer (septic) and water utility plans ▪ Location of well and septic systems on adjacent properties ▪ Location of wetlands and other natural features ▪ Existing and proposed parking (if applicable) ▪ Off-street loading areas (if applicable) ▪ Existing and proposed sidewalks and trails <p>COPIES: 1 plan at 22"x34", 12 plans at 11"x17" (half scale)</p>

Application for: **VARIANCE**
City of Grant

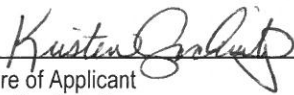
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Architectural/Building Plan (if Applicable): All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> ▪ Location of proposed buildings and their size including dimensions and total square footage ▪ Proposed floor plans ▪ Proposed elevations ▪ Description of building use <p>COPIES: 1 plan set 22"x34", 12 plan sets 11"x17" (half scale)</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Written Narrative: Describe your request and the practical difficulties that are present on the site and why a Variance is sought.</p> <p>COPIES: 15</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have jurisdiction over your project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet). Contact Washington County to obtain list/labels.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000

MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER

<input type="checkbox"/>	<input type="checkbox"/>	<p>Survey of the property: An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" format.</p>
		<p>Wetland Delineation: A wetland delineation may be necessary depending on the reason for the variance, and stated site constraints.</p>
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

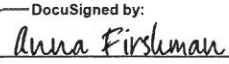
We, the undersigned, have read and understand the above.



Signature of Applicant

2/5/18

Date

DocuSigned by:


Signature of Owner (if different than applicant)

2/5/2018

Date



REQUEST FOR VARIANCE APPLICATION CHECKLIST

CITY OF GRANT

Mailing Address: P.O. Box 577
Willernie, Minnesota 55090
Town Hall: 111 Wildwood Road
Phone: (651) 426-3383 Fax: (651) 429-1998
E-mail: cityclrk@visi.com

What is a hardship?

According to the City of Grant's Zoning Ordinance (Ordinance 50), Section 301(176), a variance is "a modification or variation of the strict provisions of this Ordinance as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon the property by this Ordinance. A variance shall normally be limited to height, bulk, density, and yard requirements."

Variations may be granted in cases of exceptional circumstances, when the strict enforcement of the Ordinance would cause unnecessary hardship.

"Hardship" as used in connection with the granting of a Variance means:

1. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the Zoning Ordinance or its amendments and no other reasonable alternate use exists.
2. The plight of the landowner must be due to physical conditions unique to the land, structure, or buildings involved and are not applicable to other lands, structures, or buildings in the same zoning district.
3. These unique conditions of the site cannot be caused or accepted by the landowner after the effective date of the Zoning Ordinance or its amendments.
4. Economic considerations alone shall not constitute a hardship.

City of Grant Zoning Ordinance (Ordinance 50), Section 503.01(2), Paragraph 2 - 3.

The variance, if granted, shall not alter the essential character of the locality.

Those applying for a Variance must describe the specific circumstances which would constitute a hardship. The application must include a written statement that describes the Variance request and addresses the three factors – reasonable use, unique circumstances, and essential character of the locality – of hardship.

Circumstances which normally constitute a hardship relate to lot size, setbacks, steep slopes and wetlands but cannot be created by the landowner, or a previous landowner. It is incumbent upon the applicant to explain the case for a hardship, which will form the basis for granting or denying the Variance request.



REQUEST FOR VARIANCE APPLICATION CHECKLIST

CITY OF GRANT

Mailing Address: P.O. Box 577
 Willernie, Minnesota 55090
 Town Hall: 111 Wildwood Road
 Phone: (651) 426-3383 Fax: (651) 429-1998
 E-mail: cityclrk@visi.com

Receipt No.

ESCROW: _____

FEE: _____

Makes checks payable to City of Grant.

GENERAL REQUIREMENTS:

1. Application Form
2. Fees
3. Escrow
4. Complete legal description
5. A letter describing the request and the hardship (see second page)
6. Public Hearing mailing list of property owners within 1,320 feet of the property boundaries. Contact Washington County Surveyor's Office: (651) 430-6875.
7. Site Plan
 - 4 plan sets, 22" x 34"
 - 15 plan sets, 11" x 17"

Plan Sheet Requirements:

- Title block
- Name, address, phone number for owner, developer, surveyor, engineer
- Date of preparation and revision dates
- North Arrow
- Graphic scale not less than 1:100

INCLUDED IN SUBMITTAL

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |

SITE PLAN REQUIREMENTS

EXISTING AND PROPOSED:

1. Show location of all lot lines and dimensions. Include area in acres and square feet. Provide a survey map, if available.
2. Show all adjacent roads, driveways and present building locations to scale. Indicate footage from lot lines, etc.
3. Show locations of existing wells, septic systems, ponds, streams, steep grades, and other pertinent topographic features.
4. Show to scale locations of proposed structures, wells, sanitary facilities, and septic systems, landscaping, driveways, parking areas, and other information that may apply to the specific proposal.
5. Show locations of neighbors' property and exact distance of neighbor's buildings and structures along with dimensions, wells, septic systems, driveways, ponding areas, and general topographic information.
6. Show plans of professional quality of your proposed structures, drawn to scale. (Check to verify setback requirements.)
7. Setbacks
8. Buildable area
9. Vegetation and landscaping
10. Wetland delineation
11. Waterbodies and Ordinary High Water Level and 100 year flood elevation
12. Bluff line
13. Additional information relevant to the request

INCLUDED IN SUBMITTAL

- | | |
|------------------------------|-----------------------------|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |



1642 Carroll Ave
St. Paul, MN 55104
www.allenergysolar.com

City of Grant Planning Commission
City of Grant
111 Wildwood Road
Willernie, MN 55090

02/5/2018

All Energy Solar hereby requests a 36' variance to the City of Grant's Zoning Code Section 12-260, Sec. a., 1, structure setback from the ordinary high-water level based on the following examples of practical difficulty:

1. **Roof-mounted Option:** The roof is not at an ideal tilt angle and orientation, which would result in lower energy production if mounted on the roof. Energy production is directly related to the solar panel's tilt angle from the horizontal plane as well as the panel face's direction to due south. Direct sun access is the best with the proposed ground mount.
2. **Visibility of Panels:** The proposed location of the ground mount is less visible than if it were placed in an alternate location. Alternate locations would either make the ground mount visible from the public right-of-way or more visible when viewed from neighboring properties.
3. **Other Ground-mounted Location Options:** After analyzing locations for a ground-mounted solar system on the property, it was determined that the proposed ground mount location would provide for the most adequate access to sunlight. Other locations would require excessive removal of existing vegetation and alteration of the ground. Also, existing underground obstructions limit the placement of a ground mount in alternate locations within the setback requirement.
4. **Topography:** The topography of the property limit alternative locations based on the natural swale of the yard just south of the house and the floodplain zone north of the house due to the waterbodies abutting the property.
5. **Minnesota Made Solar incentive:** The homeowners have been awarded a rebate from the Minnesota Department of Commerce: Made in Minnesota Solar Rebate program that covers a portion of the cost of installing solar. This rebate is difficult to receive and makes the return on investment into a solar energy system more attainable. The rebate amount is based on the actual, real-time production of the solar array and a more efficient system will result in the best rebate amount possible. A system that is roof-mounted would be 8% less productive due to lack of adequate sunlight. The difference equates to a solar energy system warranted for 25 years that pays for itself in 6 years versus one that pays for itself in 18 years.
6. **Minnesota Statute 462.357 Subdivision 6 Paragraph 2** states that "Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems." A roof-mounted system or an alternate ground mount location would not provide the most adequate access to sunlight, when compared to the sunlight access achieved via a ground-mounted system placed at the proposed location.

The variance request is in harmony with the general intent and purpose of the Ordinance. Also, solar energy systems are consistent with the city's comprehensive plans, Goal 4, "*Assure adequate solar access for residents.*" The variance, if granted will not alter the essential character of the neighborhood and follows the city's values of individual responsibility and encouragement "*to accommodate the use of passive and active solar energy systems with special attention given to street, lot, and building orientation.*" The proposed solar system will be mostly screened from the public right-of-way, disturb the least amount of existing vegetation. The granting of such variance will not merely serve as a convenience to the homeowner, but is necessary to alleviate demonstrable difficulty. The granting of the proposed variance will provide the best access to direct sunlight attainable within the property.

For these reasons we ask the Planning Commission to approve our application for a variance and allow the homeowners to install a ground-mounted solar PV system on their property as proposed.



STAFF REPORT

TO: Mayor and City Council
 Kim Points, City Clerk
 Dave Snyder, City Attorney

From: Jennifer Haskamp

Date: March 26, 2018

RE: Variance from ordinary high-water level from a natural body of water setbacks to install a PV solar system

Background

The Applicant (“Applicant”), All Energy Solar, on behalf of the Owner Anna Firshman (“Owner”) has requested a variance from the required ordinary high-water level (“OHWL”) setback on a natural environment lake for installation of a new ground-mounted solar PV system on the property located at 11541 Ironwood Avenue North, Stillwater, MN 55082. The proposed system is a residential ground-mounted system and would be located south of the existing principal structure and north of Mann Lake. The Applicant has indicated after studying the existing site, that the proposed location would achieve the most adequate conditions for solar collection, and as a result has requested this variance.

Public Hearing & Planning Commission Recommendation:

On March 20, 2018 the Planning Commission held a duly noticed public hearing regarding the subject application. Public testimony was provided by a few neighboring property owners that spoke out against the requested variance. Members of the public were not necessarily opposed to the ground mount solar energy system but expressed concern about approving a variance from the City’s setback requirements.

After presentation by staff and the Applicant, the Planning Commission considered public testimony and discussed the application. After discussion, the Planning Commission unanimously recommended denial of the proposed variance with the conditions as noted by staff.

The following staff report summarizes the requested variance, and existing conditions of the site, and is generally as presented at the Planning Commission meeting. Any changes are denoted with additions as underlined, and deletions ~~strikethrough~~.

Project Summary

Applicant: All Energy Solar Owner: Anna M Firshman	Site Size: 28.12 Acres Location: 11541 Ironwood Avenue North, Stillwater, MN 55082 Zoning & Land Use: A-1
---	---



Request: Variance from setback requirements to construct a ground mounted solar PV system within the required 200-foot setback from a natural environment lake.

The Applicant, on behalf of the Owner, is requesting a variance from the required setback from Mann Lake, which is classified as a natural environment lake. A summary of the Applicant's narrative and submitted application is provided as follows:

- The proposed project would construct and install a new ground-mounted solar PV system on the subject parcel.
- The current property is used as a principal resident, and there is an existing home and an accessory structure on site.
- The site is naturally constrained by Mann Lake which is located to the south of the existing home and accessory building, and there are additional wetland areas on the northern portion of the property.
- The Applicant has stated that they have performed various analysis and concluded that the proposed location would result in the most adequate location for solar collection on the property.
- The Owner has been awarded a rebate from the Minnesota Solar Rebate program, and the Applicant states that rebates are based on the amount of "actual, real time production of the solar array and a more efficient system will result in the best rebate amount possible..."
- After site evaluation, the Applicant contends that the best location for the ground-mounted solar array is within the required setback. The Applicant's materials identify that the proposed system would encroach into the required setback from the Ordinary High Water Level (OHWL) approximately 36-feet given a 150-foot setback. However, based on the City's ordinances the required structural setback is 200-feet, thus resulting in an encroachment of approximately 86-feet into the required setback. The Applicant submitted a revised site plan showing the 200-foot setback on the day of the Planning Commission meeting, and denoting that the encroachment would be approximately 86-feet with the extended setback area. The site plan was generally reviewed with the Planning Commission, and is provided as an attachment to this staff report.

The following staff report is provided for your review and consideration:

Review Criteria

City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicant 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.

Existing Site Conditions

The subject property is located on the east side of Ironwood Avenue North and is on the north side of Mann Lake. The existing home and accessory building are accessed by a single driveway from Ironwood Avenue North, which appears to be a shared driveway with the property directly west of the subject site. The site is sparsely vegetated with planted/landscaped trees primarily along the property lines and shorelines, offering some buffering and privacy from adjacent homes and roadways. Per the Applicant’s narrative topographical conditions include natural swales and a highpoint where the homesite is located. Based on the National Wetlands Inventory (NWI) the shoreline of Mann Lake is designated as a likely wetland area, which extends northwest into the property on the eastern half of the lot (See Attachment B). Mann Lake is listed on the Public Waters Inventory (PWI) as protected water #82-121 and is classified as a natural environment lake. There is an existing principal structure and accessory building which are generally located near the center of the subject property. As indicated on an aerial view, the majority of the site appears to be mowed or in some type of low ground cover with intermittent manicured vegetation. In addition to Mann Lake, the northeastern portion of the property is designated within the FEMA flood zone or is within a wetland.

Zoning Standards

Recently the city amended its ordinances to allow for residential solar systems provided certain conditions were met. To address residential solar energy systems Chapter 32 was amended to add in Division 5 which provided definitions and regulations of both roof-mounted and ground-mounted residential solar installations. The following zoning review is provided for the proposed ground mounted system for consistency with **Section 32-457 Residential Solar Energy Systems subsection (c) *Ground Mounted – solar equipment*** establishes criteria for siting a ground mounted system and the sections which are applicable to the requested variance are the following:

- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
There is an existing principal structure on the property, and the proposed ground-mounted system will be accessory to the principal use. This criterion is met.

- (2) Solar energy systems shall be set back a minimum of 100 feet from a property line with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.



The location of the proposed ground mounted system is setback approximately 150-feet from the westerly property line, which is adjacent to a neighboring residential use. The proposed location meets this ordinance requirement.

- (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.

Lake (shoreland) and wetland setbacks are regulated in Chapter 12 Section 12-260. The ordinance provides that structures must be setback 200-feet from a natural environment lake. As proposed this criterion is not met, and therefore the Applicant has requested a variance. Further analysis regarding the variance from the setback standards can be found in subsequent sections of this report.

- (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.

The proposed ground mount system includes approximately 569 square-feet of solar panels configured in a ground mount array. As proposed, this criterion is met.

- (5) The equipment or device may not exceed a height of 15 feet.

As shown in the submitted plan set it appears that the maximum height of the system is 12'10". The Applicant should confirm that this is the maximum tilt and represents the maximum height.

- (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.

This criterion is not evaluated because the Applicant's narrative suggests that the system will not be visible from adjacent properties or public right of way. Further evidence of this statement, which may include cross sections or other topographic analysis, should be provided to determine appropriate screening if an acceptable location for the system is identified.

- (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.

The Applicant provided evidence from an engineer that the system will be constructed according to building and electrical codes.

- (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.

This is a general standard that staff would recommend be included as a condition of approval, if approval is recommended.

- (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.



The Applicant stated that the installation will not be visible from adjacent properties. As noted in item #6, further evidence that the installation is not visible should be provided.

- (10) The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

To be determined after evaluation, and necessary conditions identified in the review process.

As noted in Item #3, the proposed ground mounted solar array will encroach into the OHWL setback of Mann Lake. The structure setbacks from natural environments are established in Chapter 12 of the City’s Code, Section 12-260 subsection (a)(1) which breaks down the applicable standards for public waters by type, unclassified and classified water bodies.

The following description of the variance and standard is identified in the following table:

Classes of Public Waters	Required	Description
Natural Environment	200’	Lake, natural environment, means generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high-water tables, exposed bedrock, and unsuitable soils.

Requested Variance

The following review is provided for consideration of the requested variance. There are four (4) criteria established to define a ‘hardship’ or ‘practical difficulty’ within the ordinance, as provided in previous sections of this report, that must be evaluated when considering a variance request. For purposes of this report, the following criteria area numbered, and referenced in the remaining sections of this report.

1. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the Zoning Ordinance or its amendments and no other reasonable alternate use exists.
2. The plight of the landowner must be due to physical conditions unique to the land, structure, or buildings involved and are not applicable to other lands, structures, or buildings in the same zoning district.
3. These unique conditions of the site cannot be caused or accepted by the landowner after the effective date of the Zoning Ordinance or its amendments.
4. Economic considerations along shall not constitute a hardship.

Summary:

Standard	Required	Proposed	Variance	Description
----------	----------	----------	----------	-------------



OHWL	200' (structures)	114' +/-	86' +/-	The Applicant's <u>revised</u> site plan identifies the OHWL which is denoted with a red dotted line. It is unclear the source of the information to determine the OHWL. Additionally, the Applicant identified a 150-foot setback which is denoted with a yellow dashed line. The City's ordinance identifies a 200-foot setback, so this line would need to be adjusted and resubmitted for evaluation.
------	----------------------	----------	---------	--

The Applicant states that the proposed location of the ground-mounted solar array is the best based on several conditions which is summarized as the following:

- (1) A roof-mounted system would not provide an ideal tilt angle and orientation, resulting in lower energy production compared with the current proposed location.

Response: While the roof-mounted system is stated as not 'ideal', it does not eliminate it as a viable solution. Based on Criteria #1, a hardship is not established based on the narrative and materials submitted.

- (2) It is less visible from the right of way or neighboring parties compared with other ground-mounted locations.

Response: Section 32-457(c)(2) and (6) identify visual impact of neighboring properties as a consideration. However, the ordinance allows for screening through vegetation and other means. Further, no evidence was provided to support this statement as no other alternate locations were identified in the submitted materials. Based on Criteria #1, a hardship is not established based on the materials submitted.

- (3) The current proposed ground-mounted location provides the most adequate access to sunlight and other locations would require excessive removal of existing vegetation and alterations of the ground.

Response: The Applicant stated that other locations were evaluated, and that the proposed location is far superior in generating adequate access to sunlight. The aerials and submitted materials do not demonstrate significant vegetation on-site so it is unclear what vegetation would need to be removed. Further the majority of the vegetation appears to be planted and heavily landscaped. If alternate locations had been identified a more thorough review of this statement could be made. Based on Criteria #1 and #3, a hardship is not established based on the materials submitted.

- (4) Topographical conditions including; the natural swale south of the house and the floodplain to the north limit alternative locations.

Response: Staff agrees that there are significant site constraints on the property which limit the area on which a ground-mounted system could be located. However, the materials submitted lack the detail to be able to confirm this statement. No topographical data was provided to confirm that there would



not be adequate area to site the system in alternate locations outside of applicable setbacks. Additionally, based on the materials submitted the Applicant acknowledges that there are alternate locations, they are just not their preferred locations. Based on Criteria #1 and #2, a hardship is not established based on the materials submitted.

- (5) A roof mounted system would be 8% less productive due to the lack of adequate sunlight and furthermore, effects the owner's ability to receive a rebate from the Minnesota Department of Commerce: Made in Minnesota Solar Rebate Program. According to the applicant the difference equates to a system warranted for 25 years that pays for itself in six years compared to one that pays for itself in 18 years. The time in which a solar system pays for its self is directly related to how much solar radiation it receives daily and that is directly attributed to the location and tilt angle of the solar PV system.

Response: While staff understands the desire to install the most efficient system possible, the Criteria for a variance explicitly states that economic considerations alone do not constitute a hardship. Further, the statement confirms that other locations are available, that would still be productive, just not as productive as the selected location. Based on Criteria #4, a hardship is not established based on the materials submitted. However, staff does believe this is a reasonable basis to support the variance request provided other practical difficulties could be demonstrated.

- (6) An excerpt from Minnesota Statute 462.357, Subd. 6, Paragraph 2 stating that "practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems".

Response: Preceding this statement within the statutes is also a statement that a variance request on this basis must also be in harmony with the City's ordinances. Ironically Section 12-255 Shoreland Zoning and Protection provides a list of reasons why the ordinance is established, and the most applicable based on information submitted and provided, are to (2) Regulate the alteration of shorelands of public waters; and to (3) Regulate alterations of the natural vegetation and the natural topography along shorelands. There is no information provided by the Applicant that would suggest installing the system within the shoreland setback area would not be in opposition to the intent and purpose of the ordinance. Based on information provided, the Applicant does not demonstrate how the proposed variance would be in harmony with the city's ordinances.

Additional Considerations:

Setbacks and Buildable Area

Based on the information submitted, it is difficult to determine whether there are additional/alternate site locations that could support the proposed structure outside of applicable setbacks because the site plan does not denote the setback accurately. Additionally, no source was provided to the OHWL, and it is unclear what information was used to establish the boundary. As such, staff would recommend that an updated site plan be prepared if the Planning Commission considers recommendation of the variance to accurately



demonstrate the encroachment. Regardless of the site plan, the lot is approximately 28 acres and based on the scale of the proposed solar array as shown on the site plan there appears to be enough area outside of setbacks where the ground mounted solar system could be constructed. To provide additional clarity, staff researched the FEMA flood zone areas as well as the National Wetland Inventory to determine the extent of the impact on the site based on those data sources (See Attachments B and C). As shown on the maps, there appears to be significant areas outside of the designated floodplain and wetland area. In addition, the Applicant noted the presence of underground systems/utilities which staff assumes is the septic system and drainfields. While this does occupy a significant portion of the upland/buildable area, staff believes there still remains area outside of setbacks that would not conflict with the septic system. Since this analysis is completed without the benefit of an updated site plan, if the Applicant can demonstrate that this analysis is inaccurate then staff would recommend an exhibit be prepared that demonstrates the constraints and provides proper source data so that the information can be verified.

Visual Impact

As written, the Applicant acknowledges that the proposed location would be the most 'adequate' but does not discount that there are likely other areas on site where the system could be constructed. Several of the points of justification provided by the Applicant reference topography and visual access as part of the justification for siting the system in the proposed location. However, a topographic map and any supporting visual study were not submitted with the application to demonstrate the visual impact (or potential impact created in alternate locations). If this constraint is a reasonable justification from the perspective of the Planning Commission, then staff would recommend that an exhibit(s) be prepared demonstrating how the visual impact is reduced given the current location. The topographical and vegetation removal conditions are described as limiting factors but do not completely disallow the installation of the system in alternate locations. If topographical conditions are a limiting condition, then a map or figure should be provided that demonstrates this constraint.

Other Agency Review

The proposed location of the solar PV system is within the buffer pertaining to Mann Lake, which is listed on the Minnesota Department of Natural Resources Public Waters Inventory as (#82-121). If the planning commission and city council recommend approval of the variance then staff would recommend a condition that prior to construction the MNDNR will need to review installation of the proposed system and obtain all necessary permits.

Recommendation and Action requested:



Staff is seeking a recommendation from the City Council regarding the application. Based on the information submitted Staff recommends denial of the variance. Staff has prepared the attached draft resolution consistent with the Recommendation of the Planning Commission, for your review and consideration.

Attachments

Attachment A: Application and Applicant's Narrative dated 2/7/2018

Attachment B: National Wetlands Inventory Wetlands Map

Attachment C: FEMA National Flood Hazard Map

Attachment D: Updated Site Plan, revision dated 03/20/2018

Attachment E: Draft Resolution 2018-08

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2018-08**

**RESOLUTION DENYING A VARIANCE FROM STRUCTURAL SETBACK FROM A
NATURAL ENVIRONMENT LAKE TO CONSTRUCT A GROUND MOUNT SOLAR
PV ARRAY AT 11541 IRONWOOD AVENUE NORTH, GRANT, MN**

WHEREAS, All Energy Solar (“Applicant”) on behalf of Anna Firshman (“Owner”) has submitted an application for a variance from the required natural environment lake setback to construct a ground mounted solar PV array located at 11541 Ironwood Avenue North, in the City of Grant, Minnesota; and

WHEREAS, the parcel is irregular in shape, and contains lakeshore on Mann Lake which is classified as a Natural Environment Lake; and

WHEREAS, the subject parcel contains wetland area and Floodplain area; and

WHEREAS, the Applicant provided a narrative which described various alternatives considered for installation of a residential solar array; and

WHEREAS, the area available outside of all applicable setbacks to construct a solar array is constrained, but as demonstrated in the Applicant’s narrative and Site Plan there are areas where the proposed solar array PV system could be constructed and meet the required setbacks; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on March 20, 2018, and subsequently recommended that the City Council deny the Applicant’s requested variance.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby deny the request of All Energy Solar, based upon the following findings pursuant to Section 32-59 and 32-60 of the City’s Zoning Ordinance which provides that a Variance may be granted if a hardship is demonstrated. The City Council’s Findings relating to the standards are as follows:

- The submitted materials do not demonstrate a hardship based on the City’s criteria for consideration and evaluation.
- The Applicant acknowledges that alternate locations are available to site either a ground-mounted solar array or to install a roof-mounted system that would meet the City’s setbacks.
- No supporting visual analysis was provided to support the Applicant’s statement regarding reduced visual impact at the proposed location, or of alternate locations.
- Limited details regarding topography of the site was provided, and therefore statements within the Applicant’s narrative regarding prohibitive conditions cannot be verified.
- The existing site improvements, such as landscaping, cannot be used as justification as the site constraints cannot be self-created as established within the criteria.
- The proposed encroachment into the shoreland setback on a natural environment lake is not in harmony with the intent and purpose of the city’s ordinances.
- The efficiency of the system and economic impact cannot be considered alone as justification for a hardship based on the City’s criteria, and the Applicant did not demonstrate a hardship based on the remaining criteria.

Adopted by the Grant City Council this 3rd day of April 2018.

Jeff Huber, Mayor

State of Minnesota)
) ss.
 County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2018 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ____ day of _____, 2018.

Kim Points
 Clerk
 City of Grant

AGENDA ITEM 6A

STAFF ORIGINATOR	Administrator/Clerk
MEETING DATE	April 3, 2018
TOPIC	BOLD Planning
VOTE REQUIRED	Simple Majority

BACKGROUND

The Washington County Board of Commissioners approved an agreement with BOLDplanning for continued use of business continuity software Feb. 27, which will also be shared with the county's cities and townships. Washington County signed an agreement with BOLDplanning in 2015 to provide software for the county's business continuity planning needs, which the County Board agreed to extend for another five years at a cost of \$115,250. The agreement allows cities and townships access to the same software and services as Washington County for up to five years, on-site training for county employees, and on-site training to get cities and townships familiar with the software. The Washington County Sheriff's Office has federal grant funding to allow interested cities and townships within the county to use BOLDplanning software to create and access their emergency operations and continuity of operations plans. The cities and townships will be asked to sign a cooperative agreement with the county to use the software.

There is no cost to the City to participate in the program. The attached agreement outlines the County responsibility and well as the City's responsibility. The City Attorney reviewed the agreement and had no revisions.

STAFF RECOMMENDATION

Council prerogative.

WASHINGTON COUNTY
Contract # 11607
Dept Sheriff
Term 7/27/18 - 12/31/40

COOPERATIVE AGREEMENT BETWEEN WASHINGTON COUNTY AND VARIOUS MUNICIPALITIES WITHIN THE COUNTY FOR THE PURPOSE OF ALLOWING SAID MUNICIPALITIES ACCESS TO AND UTILIZATION OF BOLDPLANNING SOFTWARE

This Cooperative Agreement is entered into by and between the County of Washington, State of Minnesota (hereinafter "County") and the undersigned cities and towns in the County (hereinafter "municipality or municipalities") in order for the County to provide access to BoldPlanning software to the municipalities.

WHEREAS, the County has a contract with BoldPlanning to utilize their software for hosting the Washington County Continuity of Operations Plan (COOP) and the Emergency Operations Plan (EOP); and

WHEREAS, the County contract with BoldPlanning lists thirty-one cities and townships in Washington County in order to provide an opportunity for the cities and townships listed to host their Continuity of Operations Plans (COOP) and Emergency Operations Plans (EOP) within the software; and

WHEREAS, the use of the software by the municipalities will enhance the health, safety and welfare of its residents and, therefore, serves a public purpose; and

WHEREAS, the undersigned cities and towns in Washington County wish to avail themselves of said software; and

NOW, THEREFORE, the County and Municipalities (hereinafter "Parties") agree as follows:

I. PURPOSE

A. The purpose of the Cooperative Agreement is to allow municipalities within Washington County the ability to utilize the BoldPlanning software while Washington County pays for the annual fees associated with that access.

II. TERM OF AGREEMENT

A. Notwithstanding any provision to the contrary, the County may terminate this Agreement by giving the municipalities 30 day written notice if one or more of the following events occur:

1) If the county is terminating the Agreement, notice will be sent to the City Administrator in the case of the Cities and Town Board Supervisor in case of the towns.

2) If a municipality withdraws, the dated withdrawal letter or email shall be sent to the Washington County Emergency Services Manager, or designee.

B. This Agreement shall commence on March __, 2018 notwithstanding the date of any of the municipalities signature and shall terminate pursuant to section VII.A. and shall terminate pursuant to paragraph VI.A. of this Agreement.

III. COUNTY RESPONSIBILITIES

The County will assume the following responsibilities:

A. The County shall through its contract with BoldPlanning provide each individual Municipality a subscription to BOLDplanning's EOP and COOP software and services in order that each Municipality may upload and/or enter data relevant to its jurisdiction's COOP and/or EOP.

B. The County shall provide a designated Emergency Manager for each Municipality with at least "Viewer" access to the Washington County EOP.

- C. The County shall ensure at least one representative from each Municipality has “Admin” level access to the Municipality’s specific COOP and/or EOP site.
- D. The County shall ensure that technical assistance is provided through BoldPlanning by identifying this as part of BoldPlanning’s contract with the County.

IV. MUNICIPALITIES RESPONSIBILITIES

Each municipality shall be responsible for the following under this agreement:

- A. Each municipality shall provide a current primary contact person’s name and contact information for the County. This individual shall be available to answer questions regarding each municipality’s plans and use of the BoldPlanning site.
- B. Each municipality shall provide the following County staff positions with, at minimum, “User” level access to their jurisdiction’s information within BoldPlanning: Emergency Management Director, Emergency Management Deputy Director, Emergency Management Specialist, a designated acting County EOC Manager, and the County’s BoldPlanning Site Administrator and backup Site Administrator.
- C. Each municipality shall certify by January 31st of each year that the plan(s) located within the BoldPlanning software are being kept up-to-date.
- D. Each municipality shall be responsible for entering the applicable information for their Continuity of Operations Plan (COOP) and/or Emergency Operations Plan (EOP) and making any applicable changes to their plans annually, as needed.

- E. Each municipality shall send at least one representative to an introductory training session regarding BoldPlanning's COOP and EOP software.

V. LEGAL REPRESENTATION

The County shall not be responsible to provide the City with legal advice concerning questions of documents within BoldPlanning, and the City will seek such legal advice from its City Attorney.

- A. The County Attorney shall advise and represent the County in its performance of this Agreement.

VI. COST

The County through the Washington County Sheriff's Office - Emergency Management will utilize FEMA Urban Area Security Initiative (UASI) funds to pay BoldPlanning under its contract with BoldPlanning that portion of the County's total annual cost which relates to the municipalities utilization of the BoldPlanning system.

- A. As a condition subsequent to this Agreement, this Agreement may terminate should any one or more of the following events occur:
 - 1. If the UASI funding allocated to Washington County is reduced to \$100,000 or less;
 - 2. If the Washington County Emergency Management Director finds that the number of communities actively utilizing the BoldPlanning software is such that it does not warrant the continuing use of FEMA grant funding to pay the annual BoldPlanning fees. This may be determined by the population served or the number of communities utilizing the BoldPlanning software, or

3. If for any reason, the County contract with BoldPlanning is terminated.
- B. The County will utilize FEMA Urban Area Security Initiative (UASI) funds to pay BoldPlanning to provide related training once in 2018 or 2019. If after this aforementioned training is provided, additional cities or townships choose to participate in this joint powers endeavor, Washington County will not be obligated to pay for additional training through BoldPlanning.

VII. TERMINATION

Upon termination of this Agreement, all property held pursuant to the Agreement shall be distributed to the Party providing the property.

VIII. DATA PRACTICES

All data created, collected, received, maintained or disseminated for any purpose in the course of this Agreement is governed by the Minnesota Data Practices Act, MINN. STAT. CHAPT. 13, or any rules adopted to implement the Act, and any other applicable state or federal law relating to data privacy.

IX. INDEMNIFICATION

The parties; total liability under this cooperative agreement shall be governed by Minnesota Statute 471.59, subd. 1a.

- A. Each party agrees that it will be responsible for the acts or omissions of its officials, agents, and employees, and the results thereof, in carrying out the terms of this agreement, to the extent authorized by law and shall not be responsible for the acts/omissions of the other parties and the results thereof. For the purposes of determining total liability for damages, the participating governmental units are considered to be a single governmental unit, the total

liability of which shall not exceed the limits for a single governmental unit as provided in Minnesota Statute 466.04, subd. 1.

X. ENTIRE AGREEMENT

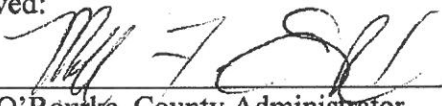
It is understood and agreed that the entire agreement of the Parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the Parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have subscribed their names as of the date first written above.

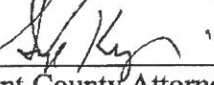
WASHINGTON COUNTY

By: 

Gary Kriesel, Chair
Washington County Board of Commissioners

Approved:
By: 

Molly O'Rourke, County Administrator

By: 

Assistant County Attorney

Recommended:
By: _____
Sheriff, Washington County Sheriff's Office

IN WITNESS WHEREOF, the parties have subscribed their names as of the date first written above.

CITY OF _____

By: _____
Mayor

By: _____
City Administrator

AGENDA ITEM 6B

STAFF ORIGINATOR	Administrator/Clerk
MEETING DATE	April 3, 2018
TOPIC	City Assessor Contract Extension
VOTE REQUIRED	Simple Majority

BACKGROUND

The City Assessor, Mr. Todd Smith, has a current contract with the City that expires at the end of May, 2018.

Mr. Smith has agreed to a two-year extension to the contract. The only contract revisions are the effective dates.

STAFF RECOMMENDATION

Extend City Assessor Contract as presented.

MUNICIPAL ASSESSMENT SERVICES AGREEMENT

THIS MUNICIPAL ASSESSMENT AGREEMENT ("Agreement") is entered into this 1st day of June 2018, by and between the City of Grant, a Minnesota municipal corporation ("City") and Todd Walter Smith d/b/a Smith Appraisal Service ("Smith").

RECITALS

- A. Smith is a Certified Residential Assessor licensed by the State of Minnesota Board of Assessors;
- B. Smith's license number is 1857;
- C. The City has 2,173 parcels of property subject to tax assessment;
- D. The City desires to engage Smith for the purpose of providing municipal assessment services;
- E. The City desires to appoint Smith to act as its City Assessor subject to the following terms and conditions.

NOW THEREFORE, the City and Smith hereby agree as follows:

AGREEMENT

1. Smith is appointed to serve as the City Assessor for the City of Grant and shall perform all assessment services required by State law and the City of Grant.
2. Smith is deemed to be an independent contractor for the purposes of this appointment. Smith acknowledges and agrees that he is not an employee of the City. The City will not withhold any taxes, social security, FICA, or any other withholdings from its payments to Smith, Smith shall be solely responsible for calculating and paying all state and federal income taxes, social security, FICA, and any other taxes or withholdings. City shall not pay, and Smith shall not be entitled to any health insurance, life insurance, pensions, retirement accounts, or any other fringe benefits not enumerated herein.
3. Smith's appointment as City Assessor shall commence on June 1, 2018 and shall run for a term of two (2) year(s) until June, 2020.
4. Smith shall be compensated by the City at a rate of \$ 11.00 per parcel, for a total annual contract price of \$23,903.04. There shall be no increase in the contract rate unless expressly approved by the City. There shall be no charge for new construction permits or exempt properties.

5. Smith's services shall be billed monthly starting June 1, 2018. Smith agrees to submit an invoice requesting payment at least thirty (30) days prior to the payment date.
6. Smith shall maintain insurance in the amount of One Million Dollars (\$1,000,000.00), and shall maintain vehicle and property coverage as approved by the City. Smith shall name the City as an additional insured on these policies and shall provide to the City copies of all proofs of insurance. Smith shall direct the insurer to remit any changes in coverage to the City.
7. Smith shall provide the contracted services in accordance with industry accepted appraisal standards and shall maintain necessary licensures and certifications with the State of Minnesota. Failure to maintain necessary licensures and certifications shall be deemed a default of this Agreement subjecting the Agreement to termination by the City in its sole discretion.
8. Smith represents and certifies that he is experienced and knowledgeable about Washington County's mass appraisal systems, shall provide his services in a competent manner, and agrees that failure to comply with or complete the assessment in accordance with the requirements of Washington County shall be deemed a default of this Agreement subjecting the Agreement to termination by the City in its sole discretion.
9. Smith shall be responsible for physically inspecting and determining the valuation of every parcel of assessable property in the City. The inspections shall be conducted on a five-year rotation with twenty percent (20%) of the properties physically inspected each year. The five year rotation shall not obligate or otherwise compel or require the City to extend the term of this Agreement beyond the term as stated herein.
10. Smith shall not assign or delegate contracted work to another assessor, employee or subcontractor without the express prior approval of the City, with the exception of clerical work not requiring a Minnesota Certified Residential Assessor's license. All clerical work shall be performed by an employee of Smith.
11. Smith shall attend and conduct the annual Board of Appeals meeting; conduct property reviews recommended by the Board of Appeals; attend the annual County Board of Equalization meeting; testify on behalf of the City at Court appearances, hearing or judicial or quasi-judicial hearings; and any other such activity required to accurately assess all of the parcels located within the City. Such services shall be included in the annual fee and shall not be subject to additional cost to the City.
12. This Agreement may be terminated as provided for by this Agreement or by either party upon thirty (30) days written notice to the other.

13. The City shall be authorized to terminate this Agreement immediately in the event Smith fails to properly perform the required functions as stated in this Agreement, or engages in malpractice, theft, illegal activity, or other misconduct related to the performance of his duties. Smith may terminate this Agreement in the event the city fails to timely pay Smith for his services as set forth in this Agreement.
14. The City shall be entitled to recover all reasonable costs, including attorney's fees, incurred in the enforcement of this Agreement.
15. This Agreement constitutes the entire agreement between the parties and may only be modified in writing and upon execution by both parties. The Agreement shall be construed in accordance with the laws of the State of Minnesota.

CITY OF GRANT,
a Minnesota municipal corporation.

TODD W. SMITH
d/b/a Smith Appraisal Service

By: Jeff Huber
Its: Mayor

By: Todd W. Smith

ATTEST:

By: Kim Points
Its: City Clerk