

**City of Grant
City Council Agenda
February 5, 2019**

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday February 5, 2019, 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. January Bill List, \$85,952.52

B. Amendment to City of Grant Policy and Procedures

5. CONCEPT PLAN REVIEW, 21 ROOTS FARM, 10361 110TH STREET

6. STAFF AGENDA ITEMS

A. City Engineer, Brad Reifsteck (no action items)

B. City Planner, Jennifer Haskamp

i. Consideration of Resolution No. 2019- 05, Consideration of The Gateway Final Plat Submission

C. City Attorney, Dave Snyder

7. NEW BUSINESS

i. Consideration of Planning Commission Appointments

ii. Consideration of January 2, 2019 City Council Meeting Minutes (Council Member Giefer and Rog Abstain)

8. UNFINISHED BUSINESS

i. Consideration of Resolution No. 2018- 25, US Solar Text Amendment Application, City Planner

ii. Consideration of Resolution No. 2019 - 01, Amended CUP Application for Construction and Operation of Ice Arena, Mahtomedi School Campus, 8678 7th Street North, City Planner

9. DISCUSSION ITEMS (no action taken)

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

i. Consideration of Amending Policy for Special Assessments, City Engineer

B. City Council Reports/Future Agenda Items (no action taken)

10. COMMUNITY CALENDAR FEBRUARY 6 THROUGH FEBRUARY 28 , 2019:

Mahtomedi Public Schools Board Meeting, Thursday, February 14th and 28th , Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, February 14th, Stillwater City Hall, 7:00 p.m.

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

City Office Closed, Presidents' Day, Monday, February 18, 2019

11. ADJOURNMENT

Fund Name:	All Funds									
Date	Vendor	Date	Check #	Description	Void	Account Name	F-A-O-P	Total		
01/24/2019	Payroll Period Ending 01/31/2019	01/01/2019 To 01/31/2019	13970	Jan2019	N	Clerk Salary	100-41101-100-	\$ 3,845.27		
	Total For Check		13970					\$ 3,845.27		
01/24/2019	League of MN Cities Insurance Trust		13971	Insurance Premium - Workmans Comp	N	Insurance	100-41302-361-	\$ 41.00		
	Total For Check		13971					\$ 41.00		
01/24/2019	Washington County Property Records		13972	2019 Automark	N	Election Expenses	100-41303-210-	\$ 830.00		
	Total For Check		13972					\$ 830.00		
01/24/2019	Halogen Web		13973	2019 Email Accounts/Site Updates/Site Hosting	N	Web Site Costs	100-41312-210-	\$ 436.86		
	Total For Check		13973					\$ 436.86		
01/24/2019	Croix Valley Inspector		13974	Building Inspector	N	Building Inspection	100-42004-300-	\$ 28,198.20		
	Total For Check		13974					\$ 28,198.20		
01/24/2019	MN Department of Labor & Industry		13975	4th Quarter Building Permit Surcharge	N	Building Permit Surcharge	100-42005-210-	\$ 920.70		
	Total For Check		13975					\$ 920.70		
01/24/2019	Lisa Senopole		13976	Town Hall Video Supplies	N	Town Hall Supplies	100-43001-200-	\$ 29.53		
	Total For Check		13976					\$ 29.53		
01/24/2019	Washington County Property Records		13977	2019 Truth in Taxation	N	Property Assessor	100-41208-351-	\$ 451.72		
	Total For Check		13977					\$ 451.72		
01/24/2019	Washington County Transportation		13978	Snow and Ice Control Inv #150742	N	Snow & Ice Removal	100-43113-210-	\$ 5,972.97		
	Total For Check		13978					\$ 5,972.97		
01/24/2019	Lisa Senopole		13979	Video Tech	N	Cable Costs	100-41212-100-	\$ 235.00		
	Total For Check		13979					\$ 235.00		
01/24/2019	CenturyLink		13980	City Phone	N	City Office Telephone	100-41309-321-	\$ 138.66		
	Total For Check		13980					\$ 138.66		

Fund Name: All Funds

Date Range: 01/01/2019 To 01/31/2019

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
01/24/2019	Washington Conservation District	13981	4th Quarter Billing	N	MS4	100-43118-301-	\$ 162.50
	Total For Check	13981					\$ 162.50
01/24/2019	Washington County Sheriff	13982	2019 Code Red Fee	N	Police	100-42001-301-	\$ 321.94
	Total For Check	13982					\$ 321.94
01/24/2019	Todd Smith	13983	Monthly Assessment Services - January	N	Property Assessor	100-41208-300-	\$ 1,991.92
	Total For Check	13983					\$ 1,991.92
01/24/2019	Waste Management	13984	Recycling	N	Recycling	100-43011-384-	\$ 4,813.50
	Total For Check	13984					\$ 4,813.50
01/24/2019	Washington County Property Records	13985	2018 JPA Election Cost	N	Election Judges	100-41301-304-	\$ 8,768.00
	Total For Check	13985					\$ 8,768.00
01/24/2019	AirFresh Industries	13986	PortaPot #33069	N	Town Hall Porta Pot	100-43007-210-	\$ 125.00
	Total For Check	13986					\$ 125.00
01/24/2019	City of Willernie	13987	July-Dec 2018 Rent	N	Rental City Office	909-41316-210-	\$ 2,649.07
	Total For Check	13987					\$ 2,649.07
01/24/2019	Press Publications	13988	Publishing	N	Publishing Costs	100-41308-351-	\$ 141.51
		13988			Escrow	958-49320-351-	\$ 31.59
	Total For Check	13988					\$ 173.10
01/24/2019	KEJ Enterprises	13989	Jan 2019 Road Contractor	N	Animal Control	100-42006-300-	\$ 83.00
		13989			Town Hall Mowing	100-43006-300-	\$ 125.00
		13989			Ball Field Maintenance	100-43009-300-	\$ 125.00
		13989			Road Engineering Fees	100-43102-300-	\$ 166.14
		13989			Road Garbage Removal	100-43105-300-	\$ 167.00
		13989			Gravel Road Costs	100-43106-300-	\$ 20.84
		13989			Magnesium Chloride	100-43107-300-	\$ 41.67
		13989			Road Sign Replacement	100-43110-300-	\$ 83.84
		13989			Culvert Repair	100-43111-300-	\$ 20.84
		13989			Snow & Ice Removal	100-43113-300-	\$ 5,416.67
		13989			Road Brushing	100-43114-300-	\$ 2,250.00
		13989			Road Side Mowing	100-43115-300-	\$ 500.00
	Total For Check	13989					\$ 9,000.00
01/24/2019	Sprint	13990	City Cell Phone	N	Road Expenses - Other	100-43116-321-	\$ 32.00

Fund Name: All Funds

Date Range: 01/01/2019 To 01/31/2019

<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					\$ 32.00
01/24/2019	PERA	13991	PERA	N	Council PERA	100-41007-120-	\$ 388.07
		13991			Clerk PERA Withholding	100-41108-100-	\$ 336.33
		13991					\$ 724.40
01/24/2019	IRS	EFT111	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 395.83
		EFT111			Clerk Medicare	100-41105-100-	\$ 75.03
		EFT111			Federal Withholding	100-41107-100-	\$ 388.22
		EFT111			Social Security Expens	100-41109-100-	\$ 320.80
		EFT111					\$ 1,179.88
01/28/2019	Johnson Turner Legal	13992	December Billing	N	Legal Fees - General	100-41204-301-	\$ 2,119.00
		13992			Legal Fees - Complaints	100-41205-301-	\$ 440.00
		13992			Legal Fees - Prosecutions	100-41206-301-	\$ 1,730.00
		13992			Escrow	956-49320-301-	\$ 240.00
		13992					\$ 4,529.00
01/28/2019	WSB & Associates	13993	Engineering - September	N	Engineering Fees - General	100-41203-300-	\$ 2,012.65
		13993			Special Road Projects	100-43128-300-	\$ 991.90
		13993			Utility/ROW Permits	100-43132-300-	\$ 564.00
		13993			Comprehensive Plan	100-43173-300-	\$ 708.25
		13993			Escrow	922-49320-300-	\$ 864.00
		13993					\$ 5,140.80
01/28/2019	Xcel Energy	13994	Utilities	N	Town Hall Electricity	100-43004-381-	\$ 224.88
		13994			Well House Electricity	100-43010-381-	\$ 11.36
		13994			Street Lights	100-43117-381-	\$ 49.52
		13994					\$ 285.76
01/28/2019	SHC, LLC	13995	Planning	N	City Planner	100-41209-301-	\$ 1,321.25
		13995			Pre-App	100-41319-301-	\$ 300.00
		13995			Escrow	955-49320-301-	\$ 762.00
		13995				957-49320-301-	\$ 480.00
		13995				958-49320-301-	\$ 1,612.49
		13995					\$ 4,475.74
01/28/2019	Andy Lamarucciola	13996	COC Escrow Refund	N	Escrow	957-49320-810-	\$ 470.00
		13996					\$ 470.00
		Total For Selected Checks					\$ 85,942.52

IVERSON REUVERS CONDON
ATTORNEYS AT LAW



DATE: January 23, 2019
TO: Mayor and City Council of the City of Grant
CC: Kim Points, City Administrator/Clerk
David Snyder, City Attorney
FROM: Paul D. Reuvers
RE: *Amendment to the Rules of Procedure for City Council Meetings*

As you know, the district court dismissed all but one of Plaintiffs' claims in the litigation entitled *Lanoux/Sederstrom v. City of Grant, et al.*, Wash. Cnty. Dist. Ct. File No. 82-CV-18-352.

With respect to special meetings, the district court determined the City's requirement that a quorum be available to schedule a special meeting was in conflict with Minn. Stat. § 412.191. In order to adhere to district court's decision, I recommend you amend these two paragraphs of the Rules of Procedure for special meetings as follows:

The Mayor or any two members of the Council by writing filed with the Administrator/Clerk may call a special meeting. A special meeting is a meeting that is held at a time or location different from that of a regular meeting. ~~Two Council Members may request a special meeting and if a quorum of the Council is available a meeting will be scheduled.~~

The City will post written notice of a special meeting on the principal bulletin board, located at the entrance of the City office. The notice will state the date, time place and purpose of the meeting. The Administrator/Clerk shall mail or e-mail notice to all members of the time and place of the special meeting at least one day before the meeting.

Thank you for your consideration of this matter.

MARK J. CONDON (1949-2016)
JON K. IVERSON
PAUL D. REUVERS
JASON J. KUBOUSHEK
JASON M. HIVELEY
SUSAN M. TINDAL
STEPHANIE A. ANGOLKAR
MEGAN C. KELLY
ANDREW WOLF
FRANCINE M. KUPLIC

PAUL D. REUVERS
DIRECT: (952) 548-7205
PAUL@IRC-LAW.COM

The City will post written notice of a special meeting on the principal bulletin board, located at the entrance of the City office. The notice will state the date, time place and purpose of the meeting. The Administrator/Clerk shall mail or e-mail notice to all members of the time and place of the special meeting at least one day before the meeting.

In calculating the number of days for providing notice, the first day that the notice is given will not be counted and the last of the notice will be counted. If the last day is a Saturday, Sunday or legal holiday, that day is omitted from the calculation and the following day is considered the last day, unless it happens again to be a Saturday, Sunday or a legal holiday.

Business transacted at a special meeting shall be limited to that mentioned in the posting for the special meeting.

C. Emergency

An “emergency meeting” is a special meeting to deal with a matter that requires immediate consideration of the City Council. A posted notice of an emergency meeting is not required. However, the City must make a good faith effort to notify each news medium and resident that has filed a written request for notice. The notice must include the subject of the meeting. The Mayor or Administrator/Clerk may call an emergency meeting.

D. Place

All meeting shall be held at Town Hall in Grant unless there is a notice designating another location.

E. Presiding Officers

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both, the Council Members shall elect one of their members as temporary chairperson. It is the duty of the presiding officer to preserve strict order

Amended:

12/1/15 09/04/18

4/5/16

1/3/17

11/6/17

02/06/18

05/01/18



MEMO

To: Mayor and City Council

CC: Kim Points, City Administrator/Clerk
David Snyder, City Attorney

From: Jennifer Haskamp, City Planner

RE: Concept Plan Review – 21 Roots Farm

Mayor and Council Members, typically City Staff does not provide written comments regarding Concept Plan review but instead provides verbal background and context during the Applicant's presentation at the Council meeting. Unfortunately, I have a commitment during the beginning of the meeting and will be late and might miss the discussion related to this Concept Plan. Since I will miss, at a minimum, the beginning of your discussion I thought it may be helpful for you to have a summary of staff's pre-application meeting with representative of 21 Roots Farm, as well as some questions from staff based on the provided materials.

- Staff met with representatives from 21 Roots Farm on December 20, 2018 for a pre-application meeting where the concept, generally as outlined in the materials, was presented.
- During the meeting staff indicated that the proposed use as described does not 'fit' nicely into our use table, instead it has components of various uses on the table. A summary of staff's preliminary review is as follows:
 - The hobby farm use, and associated farming activities, are Permitted. They would not require a CUP.
 - The "related enrichment activities and experiential learning," and "related activities in the pole barn that could include music, arts and crafts, nature walks and exercise, snowshoeing, and other life skills" as well as, "other activities would include celebrations and events for the benefit of those participating on or supporting the farm" are the uses that do not fit into a typical hobby farm use. Some of these activities are similar to school or educational uses, while 'events,' depending on the scale and size, may be similar to rural event facility uses.
- Because the proposed use does not fit nicely into the table of uses, staff suggested that representatives from 21 Roots Farm present the idea and concept to the City Council to get your feedback. Based on the submitted materials from 21 Roots Farm, staff provides the following additional questions for your consideration:
 - How many people would arrive day, on average? How would they travel to the site? Would it be at regular times (i.e. all morning drop-off with evening pick-up, etc.)



- What types of 'events' would be held? Fundraising? Large scale? Catered, etc.? How many events would be anticipated each year?
- What does "finished and up to code" mean? Is it a commercial building use? Climate controlled? Etc.?

Staff is open to the concept proposed but would like some feedback from the City Council as well as some additional information regarding intensity of the proposed use.

Concept Plan Review
21 Roots Farm
10361 - 110th Street

Summary - 21 Roots Farm is committed to transforming the lives of people impacted by disabilities through cultivating independence by incorporating nature and agriculture into their daily lives.

Property - 21 ac farm. Previous owners had boarded up to 20 horses before operating as a hobby farm. Farm is bounded by 110th, Kimbro, & 107th street. Farm has rolling hills, a prairie, apple orchard, and grazing land. The property is lined by trees and a berm on the south and trees on the east. Property has a smaller home, 80'x50' pole barn, an older 86'x32' barn, silo, and a couple storage sheds. Property purchased in October 2018.

Intended Use - Operated by a nonprofit (21 Roots Farm) as a farm. Property taxes will continue to be paid. The home will be occupied by two employees/caretakers. The farm would employ 3 full-time employees as well as part-time or seasonal employees, including employees with disabilities. In addition, people with disabilities (primarily young adults) would arrive each day and engage in farming and related enrichment activities and experiential learning (they will not live on the farm). The farm will include an apple orchard (existing), apiary, berries, corn, herbs, and other crops and vegetables, as well as various farm animals (cows, goats, chickens, etc). Products produced on the farm will be sold at several outlets including farmer's markets. We will also provide enrichment related activities in the pole barn that could include music, arts and crafts, nature walks and exercise, snowshoeing, and other life skills. Other activities would include celebrations and events for the benefit of those participating on or supporting the farm.

21 Roots Farm is a place where young adults with disabilities can go each week for 7 or more hours per day. They can engage in meaningful farm related activities working with crops, plants, animals, and farm related production of goods to bring to market. Each person will become an expert in the areas in which they focus their time. Having access to nature and a healthy environment helps them achieve their full potential. 21 Roots Farm will be an asset to the disability community, City of Grant, its neighbors, and surrounding community.

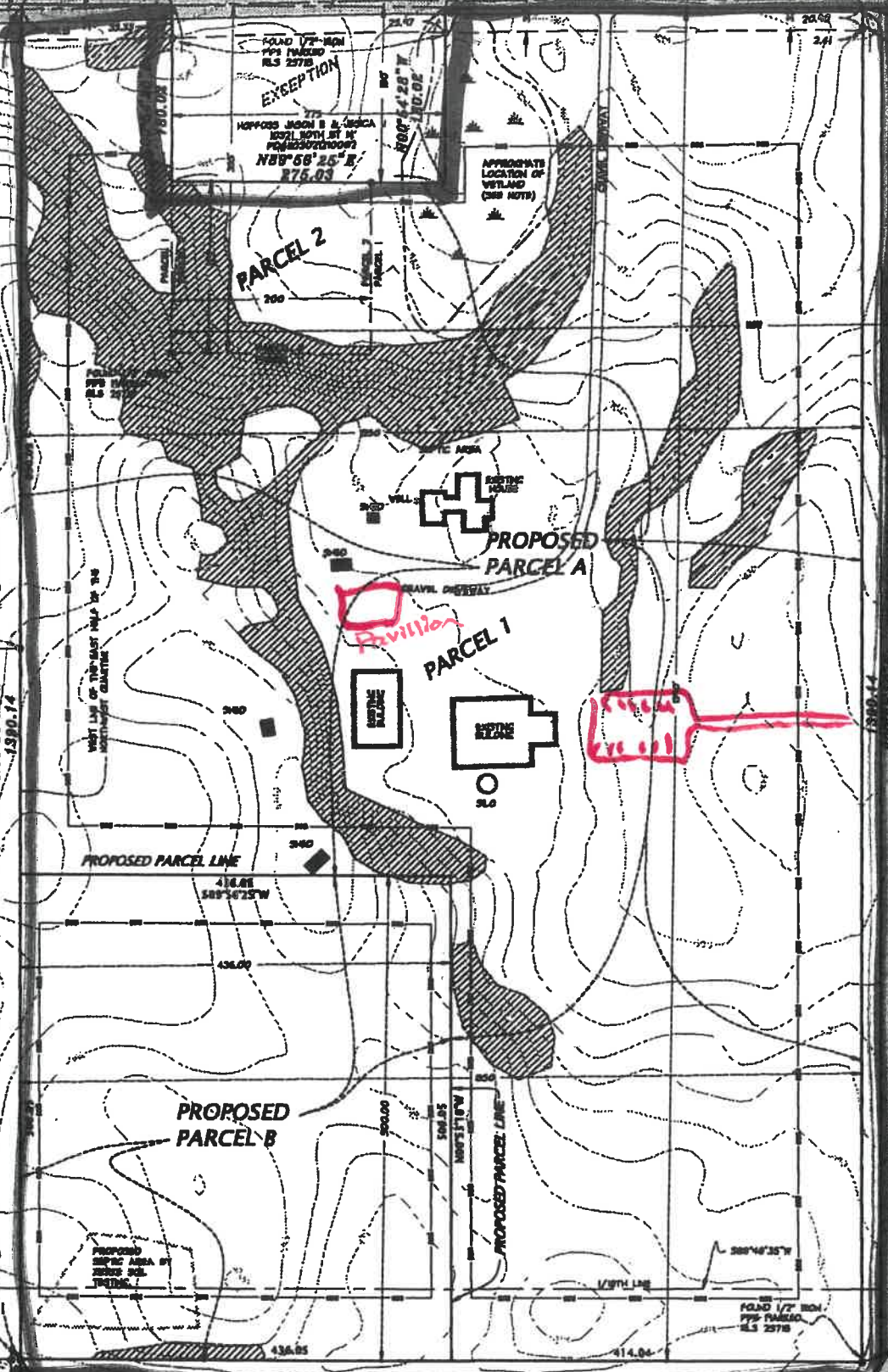
We intend to keep the property as a farm with a rural look, consistent with the goals of the city's comprehensive plan.

Capital improvements - Future investments anticipated include a driveway and parking area, picnic shelter, playground equipment, and potentially a greenhouse. The interior of the pole barn would be finished and up to code. The large barn would be improved and brought up to code so it could be used for storage of farm equipment and used for activities and gatherings.

Our plan is to determine if a conditional use permit is required, and if so, apply for a permit. We will operate it as a farm. We met with the City Planner to discuss our plans. We are seeking input from the Council to determine whether a CUP is required and to seek your input before we continue to move forward. We would be happy to address any questions you may have.

CENTRAL OF PUBLIC UTILITY ROAD AS TRAVELLED
N89°56'25"E
154.67

N89°56'25"E
420.48
110TH STREET NORTH



PARCEL 2

PROPOSED PARCEL A

PARCEL 1

PROPOSED PARCEL B



AVIATION

PUBLIC GRAVEL ROAD 107TH STREET NORTH PUBLIC GRAVEL ROAD

850.09
S89°56'25"W

EXCEPTION
HOPKINS JOHN B & DEBRA
1971 NORTH 21 N
P0423220007
N89°56'25"E
275.03

APPROXIMATE LOCATION OF WETLAND (SEE NOTE)

FOUND 1/2" IRON PIPE MARKED RLS 2278 NORTH 1/4 CORNER C 30, RANGE 21, FOUND EAST IRON MARKING.

UNPLATTED

UNPLATTED
LAWRENCE FRANKLY A.C. & MURPHY B.C.
1971 NORTH 21 N
P0423220007

KIMBRO AVE. CT. N.

LOT 2
BLOCK 1

PAT LAKE ESTATES

HAUT EXHA & SANDER
1971 NORTH 21 N
P0423220007

FOUND 1/2" IRON PIPE MARKED RLS 2278

GRANT ESTATES
LOT 1
BLOCK 2

UNPLATTED
LAWRENCE FRANKLY A.C. & MURPHY B.C.
1971 NORTH 21 N
P0423220007

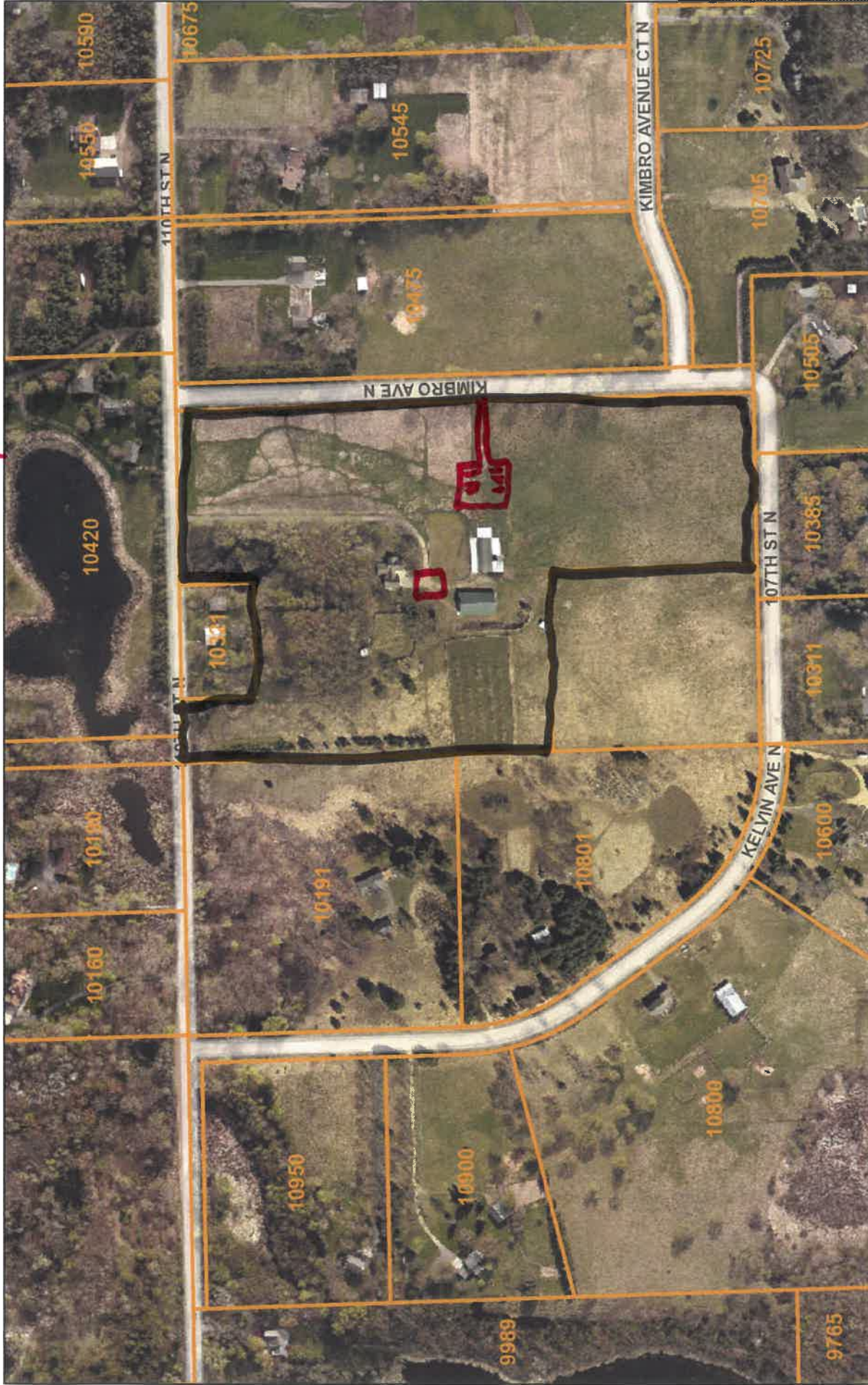
FOUND 1/2" IRON PIPE MARKED RLS 2278

PROPOSED SPECIFIC AREA BY SERVICE DISTRICT

FOUND 1/2" IRON PIPE MARKED RLS 2278

Washington County, MN

27



December 28, 2018

1:4,000
0 187.5 375 750 ft
0 55 110 220 m

E



SW



W



N





5 →



STAFF REPORT

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

Date: January 29, 2019

RE: Final Plat – The Gateway

CC: Brad Reifsteck, PE, City Engineer
David Snyder, City Attorney

From: Jennifer Haskamp
Consulting City Planner

Summary of Request & Background

The Applicant TEGLF Gateway, LLC is applying for a Final Plat of the major subdivision known as The Gateway. Prior to filing the application, the Applicant TEGLF Gateway, LLC an entity associated with The Excelsior Group closed on the property from Premier Bank after obtaining preliminary plat approval. As a The Applicant was granted preliminary plat and a variance from maximum length of a cul-de-sac with conditions as noted within Resolution 2018-26.

Several of the conditions noted in the preliminary plat were required to be completed prior to granting of the Final Plat. The following staff report summarizes the conditions as noted in the Resolution, and identifies any outstanding items needed from the Applicant prior to 1) being able to record the Final Plat; or 2) commencing site work.

Final Plat Review Process

Per the City's ordinances, the Final Plat does not require a public hearing or review by the planning commission. The Final Plat is subject to a 60-day review period. Since the proposed subdivision has received Preliminary Plat approval the purpose of the Final Plat review is to 1) review and evaluate the Final Plat for consistency with he Preliminary Plat and 2) to evaluate whether the applicable conditions of preliminary plat have be met, and 3) to identify any outstanding conditions that must be met prior to work commencing on site.

Project Summary

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



Applicant: TEGLF Gateway, LLC	Site Size: 165.12 Acres
Zoning & Land Use: A-2	Request: Final Plat of Major Subdivision
Proposed Plat Name: The Gateway	16-Lots, 5.0 to approximately 29-acres
	PIDs: 2803021420003 (Parcel A) 3303021210002 (Parcel B) 2803021310003 (Parcel C) 2803021310002 (Parcel D) 2803021340001 (Parcel E)

TEGLF Gateway, LLC is requesting Final Plat approval of the subject properties to create a rural residential single-family subdivision. A summary of the proposed project is as follows:

- The proposed Project will create 16 new lots ranging in size between 5.00 and 29 acres. The lots lot sizes and general configuration is consistent with the approved preliminary plat.
- The rural residential lots will be a part of a homeowner’s association (“HOA”) that will govern the proposed subdivision. Draft covenants, bylaws and declarations have been reviewed by City Staff for consistency with the City’s ordinances.
- The proposed subdivision will be platted in one phase, and subsequent phases are not contemplated or reviewed as part of this Project.
- The Applicant will dedicate Outlot A as part of the Final Plat to the HOA to provide trail access to the Gateway Trail. The trail corridor connects the southern terminus of the cul-de-sac to the Gateway Trail between Lot 10 and Lot 11 in the proposed subdivision. The proposed trail is private and will be maintained by the HOA.
- All 16 lots will be served with individual wells and individual septic systems. The Preliminary Plat identified primary and secondary drainfields associated with each lot, and septic reports/boring logs for each lot. There is an existing septic system and well located on existing Parcel C. As stated during the preliminary plat process, a demolition plan for the existing structures on site, including a plan to address the existing well and septic system will be required prior to any site work commencing. Due to the time of year (winter) a full review of the septic sites could not be performed. As such, staff has included a draft condition within the Resolution, and has carried this item over to the Development Agreement for review and consideration.
- The existing property is irregular in shape and is bordered by 75th Street North (CSAH 12) on the northern property line, the Gateway Trail along the east-southeast property line, and existing rural-residential lots along the westerly property line. CSAH 12 is a County Road and the proposed access requires an access permit. The Applicant, in coordination with the City, will obtain all necessary access permit approvals from Washington County prior to any site work commencing.



- The lots in the proposed Project will be accessed from two cul-de-sacs with one access proposed onto CSAH 12. The cul-de-sac length of both cul-de-sacs exceed the City's standards and were granted a variance from the City's ordinance standards during the preliminary plat process.
- The rural residential lot sizes can accommodate a variety of housing styles and plans. As such the Applicant anticipates all homes in the subdivision will be custom built, and that lots will be custom graded once house plans are developed.

Final Plat Summary:

As summarized above, there are three objectives related to the Final Plat review 1) to determine if the proposed Final Plat is substantially consistent with the Preliminary Plat; 2) to determine if the applicable conditions of preliminary plat have been met; and 3) to identify any required conditions of Final Plat approval prior to recording or site work commencing.

Final Plat Consistency with Preliminary Plat

- As presented the Final Plat lot and block configuration, lot sizes, road layout and access locations are consistent with the Preliminary Plat and there are no significant changes. Minor adjustments have been completed to meet the conditions of preliminary plat.

The following conditions of preliminary plat are identified, and comments and/or response regarding the condition are provided in italics.

1. An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans depicting any necessary changes and/or modification shall be submitted for review and approval of city staff within 12-months of Preliminary Plat approval.

Lot line configurations and other conditions of the preliminary plat have been revised as shown on the Final Plat. The City Engineer has reviewed the submitted plans and has issued a grading permit (January 25, 2019).

Washington County requested that a driveway easement be provided to the adjacent easterly property. This was not shown on an updated preliminary plat, and no easement is shown on the Final Plat. Staff would request that the driveway easement be granted and shown on the Final Plat to comply with the County's request. Staff has included this as a condition in the draft Resolution attached for your review and consideration.

2. The Applicant shall obtain all necessary stormwater permits from the VBWD and such permits shall be acquired prior to the City granting any Final Plat of the Project.



The Applicant received approval from the VBWD and was issued a permit on November 16, 2018 identified as permit number 2018-36.

3. The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the Project being granted.

The Applicant prepared a wetland delineation in September 2018 which was submitted to the VBWD and City of Grant for review. A Notice of Decision (NOD) approving the wetland delineation was issued on November 21, 2018,

4. If necessary, a wetland mitigation and replacement plan shall be approved prior to any Final Plat of the Project being granted.

The Applicant shall be aware that a wetland mitigation and replacement plan may be required, particularly as lots are developed and final placement of homes and/or accessory building are designed. It is the Applicant's responsibility to ensure future homeowners and/or builders are aware of the wetlands on site and that appropriate permits and approvals are obtained in the future, if applicable.

5. A letter from Washington County Environmental Services shall be provided indicating that the proposed primary and secondary septic sites meet their standards and requirements, and that adequate area exists on each lot to accommodate a septic system. Such letter shall be provided prior to granting any Final Plat of the Project.

Staff exchanged emails with Washington County Environmental Services and was informed that their process for subdivision review has changed in the last two years with staff changes. Based on their correspondence, the Applicant is required to apply for a subdivision review application with the County at which time they will go out to the property and inspect the proposed septic locations. Unfortunately, given the time of year this cannot be completed easily until spring. Staff has reviewed the septic reports that are consistent with previous results for standard systems, but the onsite inspection cannot be completed and therefore a final determination cannot be made. Staff suggests that this be addressed both in the Final Plat and in the Development Agreement to state that if it is determined that a primary and secondary site cannot be located on an individual lot, that such lot must be combined with an adjacent lot and may not be sold separately as a buildable lot.

6. The Applicant will be required to enter into a Development Agreement prior to the City granting any Final Plat of the Project to ensure that the requirements and conditions as set forth herein are complied with and ensure the installation of the subdivision infrastructure.



Staff is working on the draft Development Agreement that will be submitted to the City Council and the Applicant under separate cover prior to the City Council meeting. Staff will work with the Applicant to determine appropriate cost and fee estimates to install in the public improvements. The estimates may not be available prior to the City Council meeting but must be estimated and included in the Development Agreement prior to its execution.

7. The Applicant shall obtain all necessary permits for installation of individual wells serving each lot, and such permits shall be obtained prior to the City issuing any Building Permit for such lot.

This condition is included as a condition of Final Plat approval and will also be included within the Development Agreement.

8. The full public right-of-way of both cul-de-sacs shall be dedicated at time of Phase I Final Plat.

The Final Plat shows the full right-of-way of both cul-de-sacs as required. Washington County requested additional right-of-way be dedicated along CSAH 12 which has been provided and is shown on the Final Plat.

9. The Applicant shall obtain access permits from Washington County prior to the City granting any Final Plat of the Project.

The Applicant is working with City to apply for the access permit from Washington County. This condition is carried forward as a condition to be met prior to recording of the Final Plat and is also included in the draft Development Agreement.

10. The Applicant shall be required to install all necessary improvements to CSAH 12 as agreed to, and conditioned by, Washington County. Such improvements shall be included and addressed within the Development Agreement.

This requirement is addressed within the Development Agreement, and staff recommends including this requirement as a condition of Final Plat.

11. Site improvements as described within Section 30-194 shall be agreed to and identified within a Development Agreement.

This condition is addressed in the draft Development Agreement.

12. A street name for the proposed cul-de-sac shall be provided prior to granting any Final Plat of the Project.



The Applicant has identified the north-south cul-de-sac as Inwood Way, and the east-west cul-de-sac as 73rd Court. Both proposed road names are consistent with the Washington County road naming policy.

13. The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City issuing any grading permits on the subject property.

This condition is addressed in the draft Development Agreement, and staff recommends revising the condition slightly to state that the septic drainfield areas shall be roped off prior to any site work commencing.

14. The Applicant shall be required to obtain all septic permits, based on actual design of a principal structure, prior to the city issuing a building permit.

This condition is addressed in the draft Development Agreement and is also a draft condition included within the Final Plat resolution.

15. Review of the cul-de-sac length from the Fire Chief shall be obtained to ensure that there are no issues regarding access to each of the created lots.

The Applicant submitted the cul-de-sac design to the Fire Chief who has stated that provided that the cul-de-sac design meets the City's specifications (adequate right-of-way, terminus, etc.) that the length of the cul-de-sac is acceptable. An email correspondence from the Fire Chief was submitted to meet this condition.

16. The Applicant shall pay all fees and delinquent escrow balances.

The Applicant's fees and escrow balances are current. Staff has also included estimated fees to cover administrative costs including planning, engineering and attorney's fees within the Development Agreement.

Action requested:

Staff has attached a draft resolution of approval of the Final Plat of The Gateway subdivision for your review and consideration.

Attachments

Exhibit A: Final Plat

Draft Development Agreement – Separate Cover



MAJOR SUBDIVISION - FINAL PLAT SUBMISSION APPLICATION FORM

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

Proposed Name of the Subdivision: The Gateway		
Zoning District: A-2	Type of Subdivision: (Circle One) Standard Lot Average	Area in Acres: 165 Acres

FINAL PLAT REQUIREMENTS CHECKLIST / REQUIRED ATTACHMENTS:

INCLUDED IN SUBMITTAL

- | | | |
|--|------------------------------|-----------------------------|
| 1. Preliminary Plat Approval from City. Date: <u>12/04/2018</u> | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Final Plat prepared by licensed land surveyor to standards described in City of Grant Ordinances | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Approval of Final Drainage and Grading Plans | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Approval of Final Street and Utility Plans | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Approval of Erosion and Sediment Control Plan | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Opinion of Title, Current Title Insurance Policy, or Commitment Certificates within 30 days of Submission of Final Plat | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Financial Guarantees (Section 12) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Escrow fees for Engineer, Planner and Attorney Services; Fees associated with Concept Plan and Preliminary Plat; Escrow checks for road or stormwater improvements; and Escrow checks for other improvements, i.e. tree planting, amenities, etc. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 9. Developer's Agreement | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. 10 copies of the Final Plat (3 large and 7 on 11 x 17 paper) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

ADDITIONAL INFORMATION TO BE PROVIDED:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Are there any separate easements proposed for this development?
Specify type and acres. Type: _____ Acres: _____ | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Are there any trail easements associated with this development? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Will this development have a joint sewer system? If so, what type? _____ | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Will this development have a joint water system? If so, what type? _____ | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Will this development have a homeowner's association? If yes, attach by-laws of the homeowner's association. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Are there any covenants proposed for this subdivision? If so, attach a copy of the covenants. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Was City Preliminary Plat Approval contingent on conditions? If so, are all conditions satisfied? (If not, explain) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Has the Watershed District approved the Preliminary Plat? Have all conditions been satisfied? (Attach letter) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 9. Are there any outstanding (unresolved) boundary disputes? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 10. Is the Final Plat a staged part of a bigger Preliminary Plat? When would additional phases be completed? _____ | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 11. If lots are abutting a water body, is the lowest floor elevation shown on the Final Plat? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 12. If applicable, is a Landscaping Plan provided? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 13. If requested by City Engineer, has a Traffic Study been provided? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 14. If severe soil limitations are noted in the Washington County Soil Survey, is a Soil Conservation Plan provided? | <input type="checkbox"/> YES | <input type="checkbox"/> NO |



MAJOR SUBDIVISION - FINAL PLAT SUBMISSION APPLICATION FORM

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

IMPROVEMENTS REQUIRED.

Prior to approval of the plat by the City, the Developer shall agree to install in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Survey Monuments | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Grading | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Pavement | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Curb and Gutter | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Sidewalks | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Trails | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Drainage Facilities | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Miscellaneous Facilities (tree planting, street signs, entrance monuments, traffic control signs, pedestrian ways or other improvements)
Specify Improvements. _____ | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

PERMITS / APPROVALS / AGREEMENTS FROM OTHER AGENCIES / ENTITIES:

- | | | |
|--|------------------------------|-----------------------------|
| 1. MPCA or Washington County for septic system/joint sewer system | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. MPCA for air, water, or noise pollution control permits, if applicable. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Washington County Department of Health for water system | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. NPDES Permit | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Washington County Department of Public Works, if driveway access permit is required | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Mn/DOT, if access from MN and US routes; Review by Mn/DOT if property abuts a State Highway | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Army Corps of Engineers, if any wetlands will be filled | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Joint Powers Agreement, if applicable | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

REQUIRED CERTIFICATION BY DEVELOPER:

All fees and escrow payments up to review of the Concept Plan, Preliminary Plat shall be paid in full to the City before the Final Plat is approved. A current invoice shall be supplied to the Developer by the City Clerk.

As the construction of the project is completed, the Developer understands that periodic inspections of progress on construction shall be conducted by the City's Engineer or designee. The Developer shall be responsible for all costs associates with these inspections.

With submission of the required documents, the Developer agrees with the terms of this application, includes appropriate checks and financial guarantees, agrees there are no outstanding boundary disputes, and that all conditions of Washington County, the Watershed District, and the City of Grant are satisfied.

Name Date 1/7/19



ALLIANT
ENGINEERING

Memorandum

TO: Jennifer Haskamp, City Planner; Brad Reifsteck, City Engineer; Gage Thompson
FROM: Mark Rausch P.E., Alyssa Armstrong
DATE: January 10th, 2019
SUBJECT: The Gateway Preliminary Site Plan Review – City of Grant

This memorandum is in response to The Gateway Preliminary Site Plan Review Comments received on November 13th, 2018. The plan comments that were presented are shown below and are followed by Alliant's response *italicized in red*.

Site Plan Comments:

1. Provide proposed road section details. Streets shall conform to the most recent editions of "MnDOT Standard Specifications for Construction."
Road sections are shown on the Detail page 6.
2. Submit a geotechnical report, including r-value, pavement section and pipe bedding recommendations.
Please see the attached Geotechnical report dated December 5th, 2018.
3. If retaining walls are designed as part of the project they must not be located within city easement or right-of-way.
Retaining walls are not proposed for this site.
4. A 50' minimum intersection radius shall be used on non-residential streets or County Highways and a minimum 25' radius shall be used on residential streets.
Noted, radius have been updated.
5. A minimum 0.5' crown or 2% cross slope whichever is greater, is required for cul-de-sac cross section.
Noted, these are rural roads without curb and gutter. Cul-de-sacs have been designed to drain toward infiltration basins and or ditches.
6. Traffic Signs and devices shall be installed per Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.
Noted.
7. Show proposed driveway grades and lot corner elevations.
Due to the large lot sizes - an optional driveway and pad location are shown but ultimate locations will be decided by individual land buyers.
8. Show limits of clearing and grading.
Please refer to erosion control plan for clearing limits and the grading plan for grading limits.

9. A separate erosion control plan is required that will accompany the grading plan. The plan shall be compliant with all City and National Pollutant Discharge Elimination Systems (NPDES) permit standards.

Please see the Erosion and Sediment Control Plans – Sheets 22-25

10. The Applicant shall meet all Washington County roadway access requirements at the street intersections with the county's roadways, including culverts if necessary. County Approved plans for acceleration, bypass or turn lanes must be submitted prior to acceptance and approval.

Coordination has been initiated with Washington County and they are simultaneously reviewing plans.



ALLIANT
ENGINEERING

Memorandum

TO: City of Grant
FROM: Mark Rausch P.E., Alyssa Armstrong
DATE: January 10th, 2019
SUBJECT: The Gateway Development Preliminary Plat Conditions of Approval (Resolution NO.2018-26)

This memorandum is in response to The Gateway Preliminary Plat Conditions of Approval received at the December 4th, 2018 City Council Meeting. The plan comments that were presented are shown below and are followed by Alliant's response *italicized in red*.

Conditions of Approval

1. An updated Preliminary Plat, if necessary, and revised Grading and Erosion Control Plans depicting any necessary changes and/or modification shall be submitted for review and approval of city staff within 12-months of Preliminary Plat approval.

Noted – Construction Documents attached.

2. The Applicant shall obtain all necessary stormwater permits from the VBWD and such permits shall be acquired prior to the City granting any Final Plat of the Project.

See attached VBWD Permit.

3. The Applicant shall obtain an approved wetland delineation prior to any Final Plat of the Project being granted.

Noted, wetland delineation report has been completed and submitted.

4. If necessary, a wetland mitigation and *replacement* plan shall be approved prior to any Final Plat of the Project being granted.

A small impact (Wetland M) under the di-minims is proposed. Please refer to The Wetland Management Sheet for further wetland information.

5. A letter from Washington County Environmental Services shall be provided indicating that the proposed primary and secondary septic sites meet their standards and requirements, and that adequate area exists on each lot to accommodate a septic system. Such letter shall be provided prior to granting any Final Plat of the Project.

Noted

6 The Applicant will be required to enter into a Development Agreement **prior** to the City granting any Final Plat of the Project to ensure that the requirements and conditions as set forth herein are complied with, and ensure the installation of the subdivision infrastructure.

Noted

7. The Applicant shall obtain all necessary permits for installation of individual wells serving each lot, and such permits shall be **obtained prior** to the City issuing any Building Permit for such lot.

Noted

8. The full public right-of-way of both cul-de-sacs shall be dedicated at time of Phase I Final Plat.

Noted, refer to Final Plat.

9. The Applicant shall obtain access permits from Washington County prior to the City granting any Final Plat of the Project.

An Access Permit has been submitted to Washington County.

10. The Applicant **shall** be required to install all necessary improvements to CSAH 12 as agreed to, and conditioned by, Washington County. Such improvements shall be included and addressed **within the** Development Agreement.

Noted

11. Site improvements as described within Section 30-194 shall be agreed to and identified within a Development Agreement.

Noted

12. A street name for the proposed cul-de-sac shall be provided prior to granting any Final Plat of the Project.

Street names have been provided: Inwood Way (N-S), 73rd Court (W-E)

13. The Applicant shall identify and rope off all septic drainfield areas on the site prior to the City issuing any grading permits on the subject property.

Added to plans

14. The Applicant shall be required to obtain all septic permits, based on actual design of a principal structure, prior to the city issuing a building permit.

Noted

15. Review of the cul-de-sac length from the Fire Chief shall be obtained to ensure that there are no issues regarding access to each of the created lots.

Response provided to City staff

16. The Applicant shall pay all fees and delinquent escrow balances.

Noted



ALLIANT
ENGINEERING

Memorandum

TO: Brad Reifsteck, City Engineer; Todd Hubmer; Laura Cummings
FROM: Mark Rausch PE; Alyssa Armstrong
DATE: January 10th, 2019
SUBJECT: The Gateway Development Preliminary Stormwater Review – City of Grant

This memorandum is in response to The Gateway Preliminary Stormwater Review Comments received on November 13th, 2018. The plan comments that were presented are shown below and are followed by Alliant's response *italicized in red*.

Summary of Comments

1. This site is located within the Valley Branch Watershed Management Commission.
Noted
2. Storm sewer calculations have not been provided. A review of stormwater conveyance will be completed upon receipt of these calculations.
The Storm Sewer Calculation Spreadsheet has been provided with this resubmittal.
3. The proposed conditions do not exceed the existing rates and are in compliance.
Noted
4. Water quality treatment will be provided using four separate infiltration basins on-site.
Noted

Detailed Comments and Recommendations

Stormwater Conveyance

1. Storm sewer calculations have not been provided. Developer shall submit these calculations for review prior to approvals.
The Storm Sewer Calculation Spreadsheet has been provided with this resubmittal.
2. NRCS soils survey indicate that the infiltration basins are located within 'C' soils. The Minnesota Stormwater Manual Design infiltration rates of 'C' soils are recommended at 0.2 in/hr. The develop is proposing to use 0.25 in/hr. Please identify how this rate was determined.
Please see the attached geotechnical report dated December 5th, 2018. All infiltration basins are shown within locations of SM soils (B soils). Basin 2 will be over-excavated to the infiltrating soil elevation and replaced with suitable onsite material mixed with organics. All basins utilize a conservative 0.25 in/hr rate and provide an outlet 1 foot above the basins bottom elevation.

3. In the HydroCAD report infiltration basin 4 has a design infiltration rate of 0.025 in/hr. Please revise.

IB 4 has been revised

Stormwater Quantity

1. Stormwater discharge rates are managed through the use of the four infiltration basins on site.

Noted

2. The total impervious on site is 418,830 square feet which leads to a required volume retained of 38,393 cubic feet. The four infiltration basins provide 70,459 cubic feet of volume retained.

Noted

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2019-05**

**RESOLUTION APPROVING A FINAL PLAT FOR
THE GATEWAY A MAJOR SUBDIVISION**

WHEREAS, The Excelsior Group (“Applicant”), together with Premier Bank (“Owner”), has submitted an application for Final Plat of a major subdivision generally located east of Ideal Avenue North, and south of 75th Street North in the City of Grant, Minnesota; 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 property is legally described as shown in Exhibit A; and

WHEREAS, the Planning Commission considered the Applicant’s request for Preliminary Plat and variance from maximum length of a cul-de-sac at a duly noticed Public Hearing which took place on November 20, 2018; and

WHEREAS, the City Council considered the Preliminary Plat, the Variance from maximum cul-de-sac length, and the recommendation of the Planning Commission at their regular meeting; and

WHEREAS, the City Council for the City of Grant subsequently reviewed and approved the Preliminary Plat and granted the requested Variance with 16 conditions at its December 4, 2018 regular City Council meeting; and

WHEREAS, the City Council for the City of Grant has reviewed the proposed Final Plat for consistency with the conditions as identified in Resolution 2018-26 granting Preliminary Plat and variance from maximum cul-de-sac length;

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 The Excelsior Group for Final Plat provided that the following conditions are met:

1. The plat shall comply with the provisions of all state statutes and standard procedures for platting in Washington County.
2. The plat shall be updated and revised to show the driveway easement to the adjacent easterly property through Block 2 Lot 1.
3. Verification of the primary and secondary septic sites cannot be field verified because of the season. The lot and block configuration shown on the Final Plat is conditioned on the confirmation that each lot can support a primary and secondary septic drainfield. If a primary and secondary drainfield cannot be identified to comply with Washington County permitting standards, then the subject lot cannot be sold independently as a buildable lot and must be combined with the adjacent lot. This condition shall also be included in the Development Agreement.
4. The Applicant shall obtain Final Plat approval from the Washington County Surveyor.
5. 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."
6. The requirements and conditions of the Development Agreement shall be incorporated as conditions of the City's execution of the Final Plat.
7. The Final Plat shall be recorded within 120 days of approval or the City's approval shall be deemed null and void.
8. The Applicant shall pay all fees and delinquent escrow balances.

Adopted by the Grant City Council this 5th day of February 2019.

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 _____, 2019 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 _____, 2019.

Kim Points
Clerk
City of Grant

CITY OF GRANT
MINUTES

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DATE : January 2, 2019
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:57 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, and Mayor Huber
MEMBERS ABSENT : Council Elect Giefer and Rog

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

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

PUBLIC INPUT

- (1) Mr. Jerry Helander, Jasmine Avenue N, came forward and announced the open house on January 16 relating to the Hwy 36 and Manning Avenue project.
- (2) Mr. Bob Tufty, 6635 Jasmine Avenue N, came forward and referred to the new Council Members noting what a great job they did on the Planning Commission.
- (3) Mr. James Drost came forward and commented on solar energy and the problems associated with solar farms.
- (4) Mr. Gary Baumann, 10060 Joliet Avenue N, came forward and suggested the city get rid of Rinc2 by voting yes to the ice rink and let the City of Mahtomedi deal with them.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

This item was removed from the agenda.

SETTING THE AGENDA

Council Member Kaup moved to approve the agenda with the removal of Oath of Office. Council Member Carr seconded the motion. Motion carried unanimously.

CONSENT AGENDA

December 2018 Bill List, \$55,186.06

Approved

1	H & R Construction, Keats Guardrail Project,	
2	\$20,240.63	Approved
3		
4	Kline Bros. Excavating, Road Work, \$19,172.50	Approved
5		
6	2019 Clerk Pay per Approved 2019 Budget	Approved
7		
8	Video Tech 2019 Contract	Approved
9		

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

12
13 **2019 YEAR IN REVIEW, MAYOR JEFF HUBER**

14
15 Mayor Huber welcomed everyone to a new year and thanked everyone for the changes that have been
16 made in the City. He stated with the new Council there is going to be vigorous debate and good
17 policy set for the City. He wished everyone a Happy New Year and said he looked forward to 2019.

18
19 **STAFF AGENDA ITEMS**

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

22
23 **City Planner, Jennifer Swanson**

24
25 **Consideration of Resolution No. 2019-01, Amended CUP Application for Construction and**
26 **Operation of Ice Arena, Mahtomedi School Campus, 8678 75th Street North – City Planner**
27 **Swanson advised the Applicant, Rinc 2, is requesting an Amendment to the existing Conditional Use**
28 **Permit (CUP) on the Subject Property to permit the construction and operation of an Ice Arena. The**
29 **existing CUP permits the operation and use of portions of the Mahtomedi School Campus for Athletic**
30 **Field Uses but does not address the construction and operation of an Ice Arena. In August of 2015**
31 **the Applicant contacted the City to determine what steps and processes would be necessary to permit**
32 **the construction and operation of an Ice Arena on the Mahtomedi School Campus. At that time, the**
33 **City’s Staff, including Attorney, indicated that either a new CUP or an Amendment to the existing**
34 **CUP would be necessary since the Ice Arena use was not identified within the current CUP that**
35 **addresses the Athletic Field Uses on the site. In August of 2016, the Applicant made a formal**
36 **application to the City to Amend the Conditional Use Permit for Athletic Field Uses, thus initiating**
37 **the process.**

38
39 **On December 18, 2018 the Planning Commission held a duly noticed public hearing at their regular**
40 **meeting. Several members of the public provided testimony, both in support and opposition of the**
41 **proposed Ice Arena. A summary of the testimony is provided as background for consideration of the**
42 **City Council:**

- 43
- 44 **▪ Those that spoke in favor, sited the lack of an Ice Arena in the area to supports the Mahtomedi**
45 **Schools and the youth hockey programs. Given the proposed location as part of the**

- 1 Mahtomedi School Campus, the proposed location seemed reasonable to those in favor of an
2 arena.
- 3 ■ The public noted that an Ice Arena, particularly in an area that so heavily participates in the
4 sport, will be a community gathering space and good for the area’s youth and families.
 - 5 ■ Some environmental concerns were raised, though nothing specific to the EAW or the EAW
6 process.
 - 7 ■ Testimony regarding the ‘use’ as an Ice Arena was questioned, and whether the appropriate
8 ‘use’ is commercial and therefore the site should be rezoned to accommodate the Ice Arena. If
9 rezoning to Commercial is necessary, then the public questioned whether the Ice Arena is
10 appropriate since that would not be consistent with the rural character of the community.
 - 11 ■ One member of the public inquired as to whether or not the existing CUP was being followed
12 and evaluated by the City regularly. Noting that the existing permit should be followed before
13 allowing an amendment to the permit.
 - 14 ■ Concerns regarding traffic and parking were noted and identified. This was discussed
15 particularly in reference to events. Circulation internal to the site was mentioned, and
16 ingress/egress onto CSAH 12.
 - 17 ■ Questions regarding hours of operation were noted, and some testified that they would like to
18 see similar hours of operation for the Ice Arena as other athletic field uses on the site.
 - 19 ■ Though not under the prevue of the Planning Commission, some members of the public
20 commented on the financial viability of arena and questioned what happens to the facility if it
21 fails since it is a private non-profit that proposes to construct and operate the facility.

22
23 In addition to the public testimony, the Planning Commission discussed the proposal, and provided
24 the following feedback:

- 25
26 ■ Some commissioners expressed concern regarding the accurate and true number of parking
27 spaces needed to support the use, particularly if the facility was at maximum capacity (1,200
28 spectators).
- 29 ■ Internal circulation, particularly pedestrian connections between overflow parking areas and
30 the Ice Arena were discussed. Some commissioners questioned whether people would walk
31 between overflow areas and the Ice Arena, or if they would resort to parking along CSAH 12
32 or internal roadways/driveways. This discussion resulted in an additional proposed condition
33 to include proper wayfinding and lighting between overflow parking areas and the Ice Arena.
- 34 ■ The commission asked about fire services given the type of facility (refrigeration, etc.) and
35 wanted verification that such use would not increase the City’s rates. While financial
36 impact/analysis is not generally under the purview of the planning commission, they have
37 proposed a draft condition for consideration of the City Council to address this concern.
- 38 ■ Access (ingress/egress) was discussed as well as the event management plan. There was
39 discussion whether the event management plan should be instituted during all events (not just
40 those exceeding 600), but ultimately no changes to the draft conditions were provided.

- 1 ▪ As noted within the Public Testimony, commissioners also questioned what happens if the
- 2 facility fails given that the owner/operator is a private non-profit.
- 3 ▪ Commissioners also requested an opinion from the City Attorney regarding the Commercial
- 4 Use question but did not request that such response be a condition of the permit.

5
6 After discussion, and with the items as noted, the Planning Commission unanimously recommended
7 approval of the Amended Conditional Use Permit for the Ice Arena, with the conditions as noted by
8 staff and as amended by the commission. A draft of the Amended CUP has been included as
9 Attachment A, for the review and consideration of the City Council.

10
11 The following staff report is generally as presented to the Planning Commission, with some
12 modifications and clarifications based on the Applicant’s presentation, public testimony and Planning
13 Commission discussion. The City Engineer’s is as follows:

14 **Site Comments:**

- 15 1. A complete site, utility, grading and drainage plan to scale must designed and signed by a
- 16 registered civil engineer in the State of Minnesota be submitted for review prior to
- 17 construction.
- 18 2. Traffic Signs and devices shall be installed per Minnesota Manual on Uniform Traffic Control
- 19 Devices for Streets and Highways.
- 20 3. Show proposed parking lot, driveway and walk spot elevations.
- 21 4. Show limits of clearing and grading.
- 22 5. A separate erosion control plan is required that will accompany the grading plan. The plan
- 23 shall be compliant with all City and National Pollutant Discharge Elimination
- 24 System(NPDES) permit standards.
- 25 6. Provide pavement sections for all roadways, trails and parking lots

26 **Stormwater Management Comments:**

- 27 7. A complete Storm water Report meeting the requirements of the appropriate watershed
- 28 organizations must be submitted for review.
- 29 8. Show emergency overflow routes shall be provided for all basins in addition to the normal
- 30 pipe outlet. If pipe is installed to provide for an emergency overflow, label it as the emergency
- 31 overflow.
- 32 9. Show or define access routes for maintenance purposes to all manholes, inlets, and/or outlets
- 33 at ponding areas that are outside of public right of way.
- 34 10. The Applicant shall submit an approved RCWD permit prior to construction.
- 35 11. The Applicant shall submit an approved NPDES permit to the City prior to construction.
- 36 12. The Applicant shall submit an approved Grading permit from the City of Grant prior to
- 37 construction.

38
39 The following summary of the City’s review efforts and timelines to-date associated with the Subject
40 Application are provided to the Planning Commission for reference:
41

- 1 ▪ August 2016: Application for Amendment CUP to permit Ice Arena construction and
2 operations is submitted to the City.
- 3 ▪ City Staff determines that the Amended CUP Application is complete.
- 4 ▪ August 25, 2016 Staff prepares a memo to request that the City Council order the preparation
5 of an Environmental Assessment Worksheet (EAW) by a third-party consultant to properly
6 evaluate the proposed project.
- 7 ▪ September 6, 2016 Regular City Council Meeting, the City Council orders the preparation of
8 the discretionary EAW to evaluate the proposed project. Due to ordering the EAW, the
9 review timeline permit Minnesota State Statutes 15.99 is paused to allow for environmental
10 review.
- 11 ▪ September 2016 – January 2017 the draft EAW is prepared by BayWest and Traffic Impact
12 Group.
- 13 ▪ January 31, 2017 Draft #1 of EAW is submitted to EQB for public review and comment. The
14 Project Description proposes to construct the Ice Arena within the dump/waste extents and to
15 use pilings to support the structure.
- 16 ▪ February 6 – March 8, 2017 Public Comment Period is Open
- 17 ▪ February 22, 2017 City of Grant holds Public Open House for review of Draft EAW
- 18 ▪ March – April 2017 City of Grant’s consultant, BayWest, compiles and reviews comments
19 received during the Public Comment period. After review, BayWest concludes that a
20 declaration cannot be made and that additional information is necessary to make a
21 determination regarding the EAW. BayWest discusses with the EQB the need to obtain
22 additional information from the Project Proposer to make sure the City is compliant with the
23 EQB’s rules. After discussion with the EQB, BayWest informs the Project Proposer that
24 additional information is need.
- 25 ▪ April 17, 2017 – February 2018 The Project Proposer prepares the Additional Work as needed
26 and identified by BayWest. During this time, the Project Proposer works with the MPCA on a
27 VRAP (Voluntary Response Action Plan) and supplemental processes to ensure the MPCA
28 will permit the construction of the proposed Ice Arena. As a result of the effort to achieve
29 approval from the MPCA, the Project Proposer changed their construction proposal to
30 excavate the dump and remove the waste, and to replace it with clean fill thus changing the
31 Project Description. As a result, the EAW was required to be amended to consider the revised
32 Project Description, and to allow for another public comment period.
- 33 ▪ May 25, 2018 Revised EAW is submitted to the EQB for release and a second public
34 comment period based on the amended Project Description.
- 35 ▪ June 6 – July 8, 2018 The 30-day Public Comment Period is opened.
- 36 ▪ July 9 – August 3, 2018 BayWest prepares Response to Comments, Findings of Fact and
37 Notice of Decision regarding the amended EAW. Based on comments received, approvals
38 from the MPCA regarding the revised project description, BayWest recommends that the City
39 Council find that there is no need for further environmental review.

- 1 ▪ August 7, 2018 The Resolution of No Need, and Response to Comments and Findings of Fact
- 2 are on the agenda for review. The City Council adjourns the meeting early without taking
- 3 action.
- 4 ▪ September 4, 2018 The City Council adopts Resolution 2018-15, finding that there is no need
- 5 for additional environmental review based on the information contained within the EAW.
- 6 ▪ October 11, 2018 Rinc 2 formally applied for the Amended Conditional Use Permit (the
- 7 subject of this Application) with the revised materials as presented within the EAW.

8

9 Rinc 2 was required to submit revised drawings and plans in this submission because the construction and development plan for the proposed Ice Arena changed as a result of the EAW process. The

10 October 11th submittal materials include the prior materials from 2016, as well as revised drawings

11 based on the materials reviewed as part of the EAW process that was completed in 2018. For

12 purposes of this Staff Report and the City Engineer’s review memo the most current available

13 drawings were reviewed and where possible Staff has identified the date of the Plan for clarification.

14 Based on Staff’s review, there are some drawings and plans that will need to be updated to reflect the

15 revised construction/development plan. Where updated information is needed staff has noted and

16 identified within the respective staff reports. Because of the history and extensive quantity of

17 information contained within the submitted materials, staff has identified a few key documents to

18 highlight within this Staff Report. Staff encourages the Planning Commission to review all of the

19 other submitted information, and the purpose of highlighting key documents is to help

20 Commissioner’s understand what pieces of information have been reviewed and where official action

21 has occurred, and to highlight where some issues or updates are needed as part of the City’s CUP

22 process. A list of key documents highlighted within this staff report are provided in the list at the end

23 of this report.

24

25

26 **Project Summary**

27

Applicant: Rinc 2 (c/o Alex Rogosheske, Esq.)	Site Size: ~4 Acres – Disturbed (Total Parcel Area 60.57 Acres)
Owner: ISD 832	PIDs: 2803021130001 (2803021240002, 2803021240001 Existing Parking & Drainage)
Zoning & Land Use: A-1	Existing Use: The property is used as part of the Mahtomedi School Campus; there are two existing CUPs recorded against the subject PID, 1) The Wildwood Elementary School CUP, and 2) The Athletic Fields CUP
Address: 8678 75 th Street N.	Request: A Conditional Use Permit (CUP)

28 The Applicant, Rinc 2, and Owner, ISD 832, are proposing to Amend the existing Conditional Use

29 Permit for Athletic Fields (Attachment A: Amended CUP) to allow for the construction and operation

30 of an Ice Arena as part of the existing CUP. The proposed project would disturb an approximately 4-

31 acre portion of the Mahtomedi School Campus, and no subdivision is contemplated or proposed as

32 part of this request. A summary of the proposed project is provided as follows:

33 *Existing Site Use:* The existing parcel is used for a combination of uses including an Elementary

34 School (Wildwood), stormwater management (ponds), athletic fields including multi-purpose and

1 soccer fields, and internal roads and parking lots. The proposed Ice Arena is located near the western
2 edge of the subject parcel and would be located on approximately 4-acres that is currently used as a
3 multi-purpose field (See Attachment A: Site Aerial).

4 *Owner & Applicant Agreement:* The Applicant, Rinc 2, has entered a Ground Lease with the Owner,
5 ISD 832, that would permit the Applicant to construct and operate the proposed Ice Arena on the
6 Subject Site. A copy of the lease has been provided and was included in the Applicant's materials.
7 The Ground Lease indicates a period from 2016 through 2036, with option to extend the period
8 through 2056 provided Rinc 2 is not default of any of the terms or conditions of the Lease. (See
9 Second Amended Ground Lease dated March 2017) Ownership of the property would remain ISD
10 832, and Rinc 2's proposed project would operate to benefit the School District's facilities and
11 athletic fields as described within the Applicant's narrative.

12 *Traffic, Main Access and Parking:* The proposed Ice Arena is accessed from CSAH 12 (75th Street N)
13 which is a shared access location with Wildwood Elementary School located to the southeast of the
14 proposed Ice Arena. There are internal connector roads throughout the Mahtomedi School Campus
15 that would be used to provide connections and access to the High School and Middle School located
16 to the west of the proposed Ice Arena. A traffic study was prepared by Traffic Impact Group as a part
17 of the EAW process, which was coordinated with Washington County to ensure that the study would
18 also include additional information need for access permitting. After the completion of the EAW
19 process, Washington County requested additional information and the Applicant updated the traffic
20 study which was submitted to Washington County for review (See Memo Additional Traffic Analysis
21 October 16, 2018) There is an existing parking lot that was constructed to serve the athletic fields on
22 site, which is located southwest of the proposed Ice Arena. The existing parking lot has 203 parking
23 spaces (195 + 8 Handicap Stalls). The Applicant and Owner propose to use this parking lot as the
24 main parking lot to serve the Ice Arena, which will be shared with the athletic fields and High School
25 overflow. (See Site Plan C1.1, dated June 14, 2016) As noted in subsequent sections of this report, the
26 Applicant and Owner have agreed that during events, overflow parking will be directed to the
27 Elementary School Parking lot and the parking lot near the tennis courts.

28 *Utilities:* The proposed Ice Arena would be connected to municipal water and wastewater services
29 which are currently provided to the Mahtomedi School Campus by the City of Mahtomedi. There are
30 two letters contained in the Applicant's materials, both on behalf of the City of Mahtomedi from
31 WSB. The first letter dated January 10, 2017 indicates that there is enough capacity in the City's
32 water and wastewater infrastructure to serve the Ice Arena. The second correspondence dated
33 October 1, 2018 indicates that the City of Mahtomedi has planned for the Ice Arena within its updated
34 2040 Comprehensive Plan so that if the project is approved no Comprehensive Plan Amendment will
35 be required as the City has guided and planned for the improvements. (See Correspondence from
36 WSB on behalf of Mahtomedi)

37 *Environmental Review:* The proposed project was evaluated to determine the potential for
38 environmental impact since the proposed Ice Arena location is on a former dump site (See Letter from
39 Minnesota Pollution Control Agency dated January 4, 2018; page one provides a summary of the site
40 history). As indicated in the letter, the Applicant and Owner have prepared a Response Action Plan
41 that was approved by the MPCA, and provided that the conditions as stated within the memo are met,
42 they will issue necessary permits to allow for the construction and operation of the Ice Arena in the
43 proposed location. This information was included in the revised EAW, which was provided for
44 review during the 2018 public comment period. On September 4, 2018 the City Council adopted
45 resolution 2018-15, determining that there is "no-need" for additional environmental review based on

1 the information contained and evaluated in the EAW. This resolution and finding closed the EAW
2 process. Several mitigation measures were indicated and identified within the EAW, which are
3 included within this staff report as draft conditions.

4 *Operations:* The proposed Ice Area includes an NHL-size single sheet of ice, team rooms for high-
5 school boys and girls varsity, and leagues. The proposed operations include public use spaces such as
6 concessions, skate changing, ticketing and restrooms. The Ice Arena includes seating initially to
7 accommodate 600 spectators with a full build out of up to 1,200 spectators. The facility includes
8 space for mechanical and equipment spaces for refrigeration and resurfacing. The principal use of the
9 facility is as a hockey arena, and the Applicant has indicated flexibility in the possibility of allowing
10 other accessory or secondary uses in the facility when not in use as a hockey arena. The number of
11 employees is anticipated to range from one (1) to seven (7) depending on the activities planned on a
12 particular day. Obviously during events, more employees will be necessary, including potential traffic
13 operations/control assistance as noted in the Traffic Analysis memo.

14
15 *Hours of Operation:* The Applicant indicates within their narrative that the exact hours of operation
16 have not been determined but proposes to allow for the facility to be open daily from 5:00 AM to
17 12:00 AM. Though not stated specifically, staff understands that the facility would be open and
18 operational on a year-round basis.

19
20 City Planner Swanson stated that according to the City Code, Conditional Use Permits are subject to
21 the process and review criteria stated in City Code Section 32-152. Although this request is to Amend
22 an existing Conditional Use Permit, the following standards are still applicable since the Ice Arena
23 use is new and not currently present or addressed within the existing CUP. The City Code further
24 states the following for consideration when reviewing a Conditional Use Permit (32-141):

25 “(d) In determining whether or not a conditional use may be allowed, the City will consider the
26 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on
27 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of
28 consideration in determining the effect of the use on the general welfare, public health and safety.”

29 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use
30 permit, and a periodic review of said permit may be required.”

31 Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a
32 conditional use permit.

33 The City Council should note that the only conditions in the existing CUP that are subject to review
34 or modification within this process are those conditions that would be directly affected or related to
35 the proposed Ice Arena amendment. So, for example the existing parking lot that was approved as
36 part of the original Site Plan for the Athletic Fields is now proposed to also accommodate the Ice
37 Arena. Therefore, any specific conditions in the existing CUP that relate to the parking lot are open
38 for discussion in this process.

39
40 The proposed project is sited on an approximately 4-acre portion of a larger 60.57 Acre property. The
41 existing larger site includes the Wildwood Elementary School, internal roadways, parking lots,
42 surface water management features and ponds, wetlands, park/recreational area, soccer fields,
43 baseball fields and open spaces with vegetated buffers along the northern edge. The Ice Arena site is
44 located northeast of Existing Athletic Parking ‘A’, and north of the existing drive and infiltration
45 areas as noted on the plans. Currently this portion of the site is used as open recreational field area,

1 used for La Crosse, Soccer and other field activities. There are no wetlands on the 4-acre portion of
 2 the site per the Rice Creek Watershed District’s correspondence. As described in the correspondence
 3 from the MPCA dated January 4, 2018, from the 1950s to the 1970 the 4-acre Ice Arena site was
 4 within a 10-acre portion of the property used for “disposal of municipal, solid, demolition and
 5 industrial waste.” This area is shown in gray and denoted as “Contaminated Soils” on the Applicant’s
 6 Grading & Utility Plan dated July 1, 2016. At this time the contaminated soils remain on site.

7
 8 The Subject Site is guided A-1 and is currently used for the Mahtomedi School Campus. The City’s
 9 Comprehensive Plan describes the A-1 land use designation as primarily large lot residential and
 10 agricultural uses, but further states that some non-residential uses are permitted through conditional
 11 use permit. The existing Mahtomedi School Campus is a conditionally permitted Public School, and
 12 the associated Athletic Fields have also been reviewed and approved as part of the City’s CUP
 13 processes. The proposed Ice Arena use is an extension of the Athletic Field Use and is considered as
 14 part of the School’s existing CUP which was deemed consistent with the City’s Comprehensive Plan.

15
 16 As noted in the Public Hearing, public testimony questioning whether the site was required to be re-
 17 zoned, and subsequently re-guided to a commercial use was provided. Staff responded at the
 18 Planning Commission meeting that the Athletic Field uses were determined, in prior applications
 19 dating back to the 1970s, to be an accessory use of the “Public School” use and therefore the Ice
 20 Arena is a conditionally permitted accessory use to the Public School campus. A short memo from
 21 the City’s Attorney will also be provided under separate cover as requested by the Planning
 22 Commission addressing this issue.

23
 24 The City of Grant zoning ordinance conditionally permits Public Schools and their accessory uses
 25 within the A1 and A2 zoning districts. The following dimensional standards are provided for your
 26 review and consideration.

27
 28 The following site and zoning requirements in the A-2 district regulate the site and proposed project:

Dimension	Standard
Lot Size	20 Acres
Frontage – public road	300’
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
Height of Structure	35’
Driveway Setback	5’
Parking Lot setback	10’ from ROW
Wetland Setback Structure (Buffer)	75’ (50’)

29
 Lot Size/Area: The proposed Ice Arena is located on the Wildwood Elementary School parcel which is approximately 60.57 Acres. Section 32-1 Definitions, requires all Public or Private Schools to have a minimum of 20 contiguous acres. The portion of property that will be disturbed to construct the Ice Arena is approximately 4 acres; however, there is no

subdivision proposed as part of this project. While the Ice Arena will be sited on a portion of the property, the site will remain contiguous and exceeds the City’s minimum lot area for Public Schools.

As proposed the proposed site and project meet the City’s ordinance requirements.

Setbacks & Frontage: Section 32-1 requires all public schools to be located on parcels that are a minimum of 20-contiguous acres, and that such sites must have frontage on a State or County roadway. The proposed Ice Arena (and existing Mahtomedi School Campus) have frontage on CSAH 12 (75th Street North) which is a County Road. Additionally, the City requires a minimum of 300-feet of frontage for all lots/parcels, and the existing parcel has over 1,600-feet of frontage on CSAH 12.

As proposed, the existing site and proposed project meet the City’s ordinance requirements.

Section 32-246 of the City’s ordinances require that all structures must be setback a minimum of 150-feet from the centerline of an Arterial roadway. The proposed structure is setback approximately 430-feet from the centerline of CSAH 12. *As proposed the Ice Arena’s location meets the City’s front-yard setback ordinance requirements.*

Parking Area (Location & Spaces): The Applicant is proposing to utilize and share the existing parking lot on site that was constructed to support the Athletic Fields which was a condition of site plan approval of the existing CUP. The existing parking lot currently has 195 standard stalls and 8 handicap accessible stalls with total parking available of 203 stalls. It is staff’s understanding that the parking lot also serves as overflow parking for High School permit parking, but that a limited number of stalls are used for this purpose on a regular basis.

The City’s current ordinance does not specify a parking ratio to determine how many spaces are needed to adequately serve the facility. As described in the narrative the Phase I spectator seating is 600, while a phase II condition is 1,200 (Note that there is no exterior physical changes between phase I and phase II, and it is simply the interior spectator seating that will be adjusted). While not detailed within the narrative, the analysis in the Traffic Study (See Traffic Study as part of EAW, and the Additional Traffic Analysis dated October 16, 2148) analyzes the 600-spectators as an event condition that does not reflect daily conditions. However, if the Traffic Study information is utilized with the assumption that there are 2.1 persons per vehicle, then the number of parking spaces need to support an event with 600 people would 285 stalls. This is more than is currently available at the main proposed parking lot and would not support the Phase II condition of

1,200. Staff followed up with the Applicant to discuss the plan for overflow parking during events. The Applicant has indicated that the existing Wildwood Elementary School parking lot and the existing parking lot located near the tennis courts would serve as overflow parking during events. Based on plan submitted with the Wildwood Elementary School project, there are approximately 130-stalls at the Elementary School, and additional 125-parking stalls at the tennis courts. This would make total available parking of approximately 540-stalls. This is slightly less than what be needed if the facility is maxed out at 1,200 spectators (ratio results in needed 580-stalls). ***While this condition is likely in the future, staff would recommend that the Applicant provide verification of total number of stalls available in all three parking lots since as-builts were not used to calculate the numbers (preliminary plan sent from 2011 was used to calculate).***

From a daily use perspective, it is assumed that regular team practices would result in between 20 and 50 vehicles onsite at a time with the higher counts expected as teams change/crossover. Based on that projection, the proposed main parking lot would be adequate to accommodate the expected cars, while still providing parking spaces for other users on site.

Based on the information provided and reviewed, the proposed main parking lot is adequate to function and serve expected daily use of the facility. More information regarding anticipated Phase II conditions (1,200 spectators) would be needed to ensure adequate parking is available.

Driveway/Circulation: As part of the EAW process a Traffic Study was completed by Traffic Impact Group to evaluate the potential impact of the proposed use on the ingress/egress into the site. Since the Ice Arena is located near the main entrance which serves the elementary school, the proper/safe functioning of this intersection is critical. Per the Traffic Study, the intersection and internal traffic flow would be acceptable under the Phase I condition. However, if and when Phase II occurs, and additional spectator space is added then proper mitigative measures will be necessary during events to ensure that safe ingress/egress from the site can occur. The recommended mitigation contained in the supplemental traffic study dated October 2018 includes an event management plan to address potential traffic flow issues. It is unclear if Washington County has formally reviewed the recommendations regarding the proposed mitigation, but it has been submitted to Washington County for their review and comments. Staff will reach out to Washington County to understand their current perspectives and will provide written or verbal update to the City Council, if available, at the meeting. ***Staff recommends including a condition in the Conditional Use Permit that all event parking mitigation, acceptable to Washington County and***

the City, must be provided at every event.

In addition to car circulation, pedestrian traffic flow is important given the location of the proposed Ice Area in relation to the main access drive. The main entrance to the Elementary School runs along the eastern edge of the parking lot and then heads directly east just south of the proposed Ice Arena. This makes the pedestrian plan important to try and keep pedestrians crossing into the Ice Arena off the ‘main drive’ to the extent possible. The site design, as shown on the figure noted as “Site Plan – C1.1” shows how the Applicant proposes to use vegetation as a guide to the main entrance into the Ice Arena. While the vegetation helps, it seems likely that users of the Ice Arena may still wander into the “main drive” particularly if the ‘stubs’ at the end of the parking rows are not medians/curbs. Staff would recommend some additional measures to help guide pedestrians away from the main drive. ***Staff recommends the Applicant consider additional crosswalk striping, medians, or other pedestrian markers to help reduce potential conflicts.***

Finally, in the case of overflow parking, the Applicant has stated that the Tennis Court parking lot as well as the Elementary School parking lot will be used. The site plan does not show the pedestrian routes between these parking lots and the Ice Arena. Since the Ice Arena will be most active during the winter, walking on shoulders/grass areas is not feasible given that there will likely be snow accumulation/piles. Staff has concerns that walking on the driveways/access will not provide safe pedestrian routes given the volume of traffic as well as winter conditions. ***As a result, staff recommends that a condition be included in the CUP that requires the applicant to prepare a pedestrian plan and that such plan must be reviewed and approved by the City Staff, including the City Engineer, to ensure that there is a safe route between the overflow parking areas and the Ice Arena.***

Architecture, Building
Height, Foundation

The proposed Ice Arena is approximately 46,091 square feet and is oriented east-west on the site. The main entrance to the facility is on the western façade and connected to the parking lot via a sidewalk and some vegetation. Given the proposed use, there is little fenestration and articulation on the facades, with the exception of the western façade that includes the main entrance vestibule area and three windows on the elevation. The proposed structure’s maximum height is 29-feet, and steps down to 18-feet on the east elevation. ***As proposed, the Ice Arena meets the City’s Ordinance requirements for architecture and maximum height.***

Staff would note the foundation and some special construction/architectural characteristics of the Ice Arena that are not typically reviewed as part of a CUP process. However, given the background and history of the Site, staff notes a few specific site

characteristics that will be evaluated/reviewed by both the City's Engineer (where applicable) and the Building Official (State or Local). As background the EAW process resulted in a revised construction plan that now involves removing the waste material currently on-site directly within the disturbance area (building pad) and bringing in clean fill to support the foundation of the new Ice Arena. Secondly, as described in the Response Action Plan approved by the MPCA, the construction will also include the installation of a Vapor Barrier on the foundation and vapor mitigation system. Staff identifies these characteristics as reference but has not completed any review or analysis as they are permitted and reviewed through the building permit and MPCA RAP processes.

Lighting

Section 32-321 addresses lighting standards, specifically related to non-residential uses. The proposed plan does not identify any outdoor lighting, and existing lighting in the parking lot or along the internal driveways is not identified. Staff contacted the Applicant for additional information regarding proposed lighting, and the Applicant's architect stated that the existing parking lot is lit and no changes are proposed. There will be some lighting along the sidewalk to the facility, and on the perimeter of the building. All lighting will be hooded and downlit with the primary function as pedestrian safety and wayfinding. Staff also notes that a full plan indicating lighting on internal driveways was not provided. Additional information regarding the lighting of these driveway is important particularly related to event situations where overflow parking will occur in nearby parking lots. Staff provided additional clarification during the Planning Commission meeting that if sidewalks/pedestrian ways are provided between the overflow parking areas and the Ice Arena that a lighting plan should be shown and developed to ensure these walkways are properly lit. ***The Applicant should provide a lighting plan that identifies lighting on the proposed structure, as well as lighting in the parking lot, along the drives and any proposed pedestrian-ways to the Tennis Court Parking Lot and the Wildwood Elementary School Parking lot. Staff recommends including a condition that such plan shall be required to demonstrate compliance with the City's lighting standards and ordinances.***

Utilities (Municipal Water & Septic):

The Mahtomedi School Campus facilities are the only buildings/uses served by municipal water and wastewater services in the City of Grant. The City of Mahtomedi has indicated that the current pipes (water and wastewater) serving the School Campus are adequate to serve the Ice Arena. The City has provided two correspondence indicating that 1) infrastructure is adequate and available, and 2) that they have updated their 2040 Comprehensive Plan to include and plan for the Ice Arena.

1 The City Engineer has reviewed the subject application and has provided a memo for your review and
2 consideration. At this time, more/updated information is necessary to perform a complete review,
3 since several of the drawings and information were completed prior to the revised construction plan.
4

5 **Other Agency Review**
6

7 The Applicant is working with several agencies on the proposed Ice Arena project, and many of those
8 agencies will have some permitting or other required approval process. As discussed, Washington
9 County has actively been working with the Applicant, and the City during the EAW process, on the
10 access permits and traffic mitigation during events. The Applicant has submitted a permit request to
11 the Rice Creek Watershed District and that memo was provided with the submittal documents.
12 Additionally, if the CUP is granted, the Applicant will need work with the City of Mahtomedi,
13 Minnesota Department of Health, and all other agencies having permitting authority over the water
14 and sanitary sewer connections to serve the facility.
15

16 As directed by the Planning Commission, Staff has provided a draft Amended Conditional Use Permit
17 and Resolution of Approval that is attached to this staff report for your review and consideration.
18 Please note, that the amended permit includes conditions as approved during the 2011 process that
19 have been completed. No changes to the conditions have been made, but instead remain as approved,
20 except as noted.
21

22 Mr. Alex Rogesheske, Applicant, came forward and stated the information provided to the Council
23 was a lot but was necessary but was important as he wanted everyone to have all the information. He
24 introduced the team that was presented to answer all questions. He stated the lease that will be in
25 place was included in the packet of information is good for twenty years. He explained the ground
26 lease and language included in the lease, the non-profit corporations, insurance requirements, during
27 and after constructions, liability responsibilities and the bond process. He stated he will check on
28 insurance on incidents in the parking lot and the school district does control all signage and naming
29 rights to the rink. All policies of the school district have to be adhered to.
30

31 Mr. Ken Hobberman, Landmark Environmental, came forward and stated that no permits were
32 required per the environmental report but the MPCA does sign off on the VRAO and the entire project
33 is documented. The environmental consultants will be on site and the MPCA can be on site at any
34 time and do inspections. Weekly reports are submitted to the MPCA.
35

36 The Council did indicate concerns relating traffic issues, pedestrian paths and lighting.
37

38 City Attorney Snyder advised the City does not have the authority to interfere with the lease between
39 the two parties. The City does have the authority to look at the lease and ensure that it exists as it is
40 an accessory to the public use.
41

42 **Council Member Kaup moved to table Resolution No. 2019-01 to the February City Council**
43 **Meeting. Council Member Carr seconded the motion. Motion carried unanimously.**
44

45 **City Attorney, Dave Snyder (no action items)**
46

1 NEW BUSINESS

2
3 **Consideration of December 4, 2018 City Council Meeting Minutes – Council Member Carr**
4 **moved to approve the December 4, 2018 City Council Meeting Minutes, as presented. Council**
5 **Member Kaup seconded the motion. Motion carried unanimously.**
6

7
8 **Consideration of December 4, 2018 Truth in Taxation Meeting Minutes – Council Member**
9 **Carr moved to approve the December 4, 2018 Truth in Taxation Meeting Minutes, as**
10 **presented. Council Member kaup seconded the motion. Motion carried unanimously.**
11

12 **Consideration of Ordinance No. 2019-58, 2019 Fee Schedule – Staff advised a draft 2019 Fee**
13 **Schedule was included in the Council packet. No changes were proposed from the 2018 Fee Schedul.**
14

15 **Council Member Kaup moved to approve Ordinance No. 2019-58, as presented. Council**
16 **Member Carr seconded the motion. Motion carried unanimously.**
17

18 **Consideration of Resolution No. 2019-02, Summary Publication of Ordinance No. 2019-58 –**
19 **Staff advised Resolution No. 2019-02 authorizes a summary publication or Ordinance No. 2019-58.**
20

21 **Council Member Carr moved to adopt Resolution No. 2019-02, as presented. Council Member**
22 **Kaup seconded the motion. Motion carried unanimously.**
23

24 **Consideration of 2019 City Council Meeting Schedule – Staff advised a 2019 City Council**
25 **Meeting schedule was included in the Council packets for consideration. All meetings are subject to**
26 **change.**
27

28 **Council Member Kaup moved to approve the 2019 City Council Meeting Schedule, as**
29 **presented. Council Member Carr seconded the motion. Motion carried unanimously.**
30

31 **Consideration of 2019 Appointment List – Staff advised a draft 2019 Appoint List was included in**
32 **the Council packets for consideration. No changes were proposed from the 2018 Appointment List.**
33

34 **Council Member Carr moved to approve the 2019 Appointment List, as presented. Council**
35 **member Kaup seconded the motion. Motion carried unanimously.**
36

37 **Consideration of Resolution No. 2019-03, Resolution Supporting a Respectful Workplace – Staff**
38 **advised Resolution No. 2019-03 outlines support of a respectation workplaces and was suggested by**
39 **the League of Minnesota Cities.**
40

41 **Council Member Kaup moved to adopt Resolution No. 2019-03, as presented. Council Member**
42 **Carr seconded the motion. Motion carried unanimously.**
43

44 **Consideration of Resolution No. 2019-04, Designating 2019 Polling Location – Staff advised the**
45 **City must designate a polling location every year even in during the off election year.**

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Council Member Kaup moved to adopt Resolution No. 2019-04, as presented. Council Member Carr seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS

Consideration of Resolution No. 2018-25, US Solar Text Amendment Applicationn (Applicant has requested this item be tabled to the February Council meeting) – Mayor Huber advised the application has requested this item be tabled. He indicated he does not see an issue although a discussion does need to be held prior to the February meeting. He suggested the City schedule a special meeting prior to the February meeting.

DISCUSSION ITEMS (no action taken)

Staff Updates (updates from Staff, no action taken)

City Council Reports/Future Agenda Items

No items were discussed to be placed on a future agenda.

COMMUNITY CALENDAR JANUARY 3 THROUGH JANUARY 31, 2019:

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

Stillwater Public Schools Board Meeting, Thursday, December 10th, Stillwater City Hall, 7:00 p.m.

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

**City Office Closed, Martin Luther King Day, Monday January 21st
The Council directed staff to schedule a special meeting.**

Mayor Huber took a five minute recess at 8:25 pm.

Mayor Huber reconvened the meeting at 8:30 p.m.

EXECUTIVE SESSION PURSUANT TO Minn. Stat. 13D.05 Subd. 3 “ATTORNEY CLIENT PRIVILEGE” TO DISCUSS PENDING LITIGATION LANOUX, ET AL. V. GRANT ET AL.

Council Member Kaup moved to go into closed session at 8:30 pm. Council Member Carr seconded the motion. Motion carried unanimously.

Council Member Kaup moved to reconvene into open session at 8:55 p.m. Council Member Carr seconded the motion. Motion carried unanimously.

1 City Attorney Snyder advised the purpose of the closed session was to discuss pending litigation
2 relating to Lanoux et. al. v. Grant at. al..

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4 Those present included Council Members Kaup, Carr, Mayor Huber, City Clerk Points, City
5 Attorney Snyder, City Attorney Reuvers and League Attorney Gaviglio. No action was taken.

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9 **ADJOURNMENT**

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11 Council Member Carr moved to adjourn the meeting at 8:57 p.m. Council Member Kaup
12 seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting
13 nay.

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21 These minutes were considered and approved at the regular Council Meeting February 5, 2019.

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26 _____
Kim Points, Administrator/Clerk

27 _____
Jeff Huber, Mayor

28

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



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

Application Date:	10/11/18
Fee: \$100	Escrow: \$1000

Paid check # 1425 \$1,100.00

COMPREHENSIVE PLAN OR ZONING AMENDMENT - (MAP OR TEXT)

It is the policy of the City of Grant that the enforcement, amendment, and administration of any components of the Zoning Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan. Therefore, any Comprehensive Plan Amendment, or Zoning Amendment shall be considered for consistency among both documents.

LEGAL DESCRIPTION: The South 64 rods of the Northeast Quarter of Section 25, in Township 30 N, Range 21 West of the Fourth Meridian...see exhibit A for full legal description	ZONING DISTRICT & COMP PLAN LAND USE: A-1
OWNER: Name: Joyce Welander Address: 10381 83rd St N City, State: Stillwater, MN 55082 Phone: 651-303-0657 Email: N/A	LOT SIZE: 58 acres APPLICANT (IF DIFFERENT THAN OWNER): United States Solar Corporation 100 N 6th St, Suite 218C, Minneapolis, MN 55403 612.294.6978 david.watts@us-solar.com
REQUESTED ACTION: <input type="checkbox"/> Map Amendment <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Map & Text Amendment	
If, MAP AMENDMENT, REQUEST TO REGUIDE LAND USE AND/OR ZONING FROM: _____ TO: _____ <i>*Please note that you will need to amend both the zoning and land use if a map change is requested</i>	
APPLICABLE ZONING CODE SECTION(S): <i>Please review the following documents to assist with your request.</i> 1. Grant Minnesota City Code 2. City Comprehensive Plan	

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"/>	<u>Current Text or Map in Comprehensive Plan and/or Zoning Ordinance.</u> The following must be included in your submittal: <ul style="list-style-type: none"> Chapter and Section Number Existing Text of the Section
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Proposed Text and/or Map Changes:</u> Submit your proposed changes to the text or Map, or both. Please make sure to consider how your changes affects different chapters in the plan or ordinance, and consider this when you submit your application. Make sure to address all areas that might be affected by your changes. (For example, a land use change might impact the traffic and transportation section, so make sure to address both chapters).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Written Narrative.</u> Your description should include how you intend to use and/or benefit by the Comprehensive Plan of Zoning Ordinance Amendment and should include the following: <ul style="list-style-type: none"> Address how the proposed CPA or Zoning Amendment will affect adjacent properties. Does your proposed language affect any other section the Comp Plan or Zoning Ordinance? Does your proposed language affect density? Increase or decrease?

Application for: COMPREHENSIVE PLAN OR ZONING AMENDMENT
City of Grant

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any <i>graphic representations</i> of how the amendment(s) will benefit your property (if applicable)
<input checked="" 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 request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and addresses of property owners within 1,250 feet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$100
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Escrow: \$1000


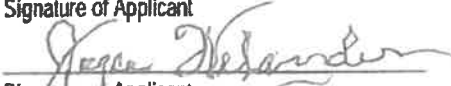
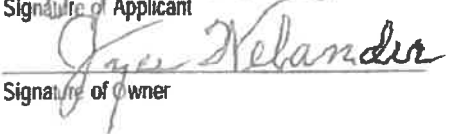
Review and Recommendation by the Planning Commission. The Planning Commission shall consider oral or written statements from the applicant, the public, City Staff, or its own members. It may question the applicant and may recommend approval, disapproval or table by motion the application. The Commission 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.

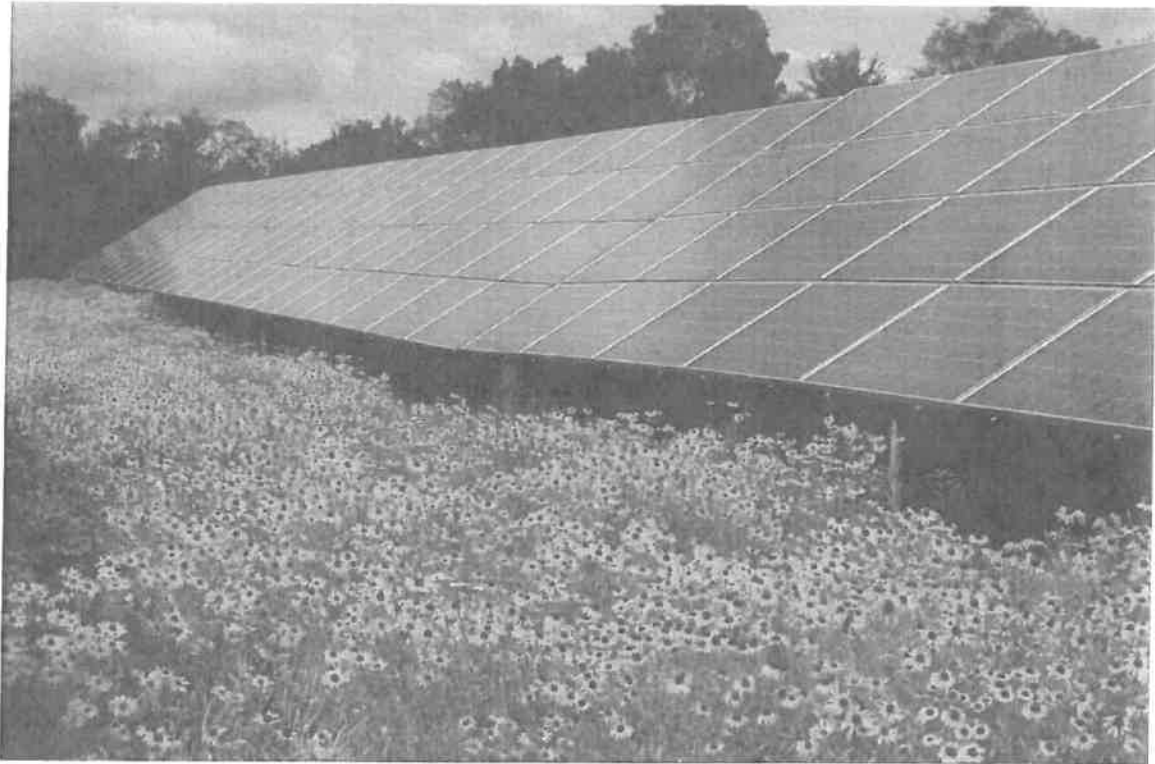
***Please note that if your request is granted, it does not represent any specific project approvals related to your property. Additional applications and processes may be required to obtain your approvals if your amendment is approved.*

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.

	10/04/2018
Signature of Applicant	Date
	10-11-18
Signature of Applicant	Date
	10-11-18
Signature of Owner	Date

US/SOLAR



**USS JOYOUS SOLAR LLC
TEXT AMENDMENT APPLICATION
OCTOBER 11, 2018**



City of Grant Minnesota

COVER LETTER

October 11, 2018
Grant City Council
8380 Kimbro Ave N,
Grant, MN 55082

RE: Application by USS Joyous Solar LLC for a text amendment to ordinance 2017-53

Dear Grant City Council,

Attached, please find an application for a text amendment to Ordinance 2017-53 (“the Ordinance”) that conditionally permits Community Solar Energy Systems in the Agricultural district. The request is being made by USS Joyous Solar LLC, a subsidiary of United States Solar Corporation (“US Solar”) and Joyce Welander, an active community member in the City of Grant. US Solar, a small business based in Minnesota, is a turnkey community solar developer, coordinating all Project details—development, permits, finance, construction, and operations and maintenance.

USS Joyous Solar LLC represents a large group of citizens who support the local development of community solar energy:

- 194 citizens of Grant signed a petition in favor of a solar project on Joyce Welander’s property, after the Planning Commission voted 5-1 in favor of a text amendment to permit community solar.
- 89% of adults support expanding renewable energy (PEW Research Center).
- There is widespread bi-partisan support for solar – 60% of the top ten states by installed capacity are republican-leaning, while 40% are democratic-leaning (GTM Research).
- Solar capacity in Minnesota increased by 80% last year (StarTribune).

These statistics demonstrate the wide-spread support for solar energy due to benefiting the local economy, advancing energy independence and resilience, and providing environmental and social benefits. In fact, community solar is one of the only ways for a landowner to increase and diversify income while preserving and protecting farmland for future generations.

By amending the City of Grant’s ordinance, USS Joyous Solar LLC can bring these benefits to the City of Grant while accurately representing the voice of the citizens of Grant and supporting the City’s Comprehensive Plan. We appreciate the coordination and insights already provided by City of Grant staff, Planning Commission, City Council, and most importantly – Grant residents. Please contact us with any questions, comments, or points for clarification. We look forward to working with the City Council on this Project.

Sincerely,



David Watts – Project Development Manager
USS Joyous Solar LLC

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SUMMARY OF TEXT AMENDMENT

USS Joyous Solar LLC worked directly with City staff and the Grant Planning Commission to craft the proposed text amendment. The proposed text amendment resolves concerns expressed by the City and conforms to the naming and numbering conventions of Grant's ordinances. In fact, the Planning Commission recommended approval of a proposed text amendment conditionally permitting Community Solar Energy Systems ("CSES") on agriculturally-zoned land. The text amendment USS Joyous Solar LLC is now proposing builds off the text amendment of which the Planning Commission recommended approval, but adds a couple restrictions to resolve concerns expressed by the City Council late in the process.

To establish this Conditional use, CSES should be marked as "C" (Conditional Use Permit and public hearing) in zoning districts A1 and A2 and "N" (not permitted) in all other zoning districts.

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

To see the proposed ordinance, please see Appendix I. For the comparison between our proposed ordinance and the City's current ordinance, please see Appendix III.

RESTRICTIONS ON COMMUNITY SOLAR ENERGY SYSTEMS

USS Joyous Solar LLC's proposed text amendment limits community solar development in many ways:

- CSES require a Conditional Use Permit issued by the City of Dayton
- CSES can only be located on parcels that are 40 acres or greater
- CSES must comply with a 100-foot rear- and sideyard setback if there is a homestead on the neighboring lot
- Maximum equipment height is 15 feet
- Maximum Community Solar Energy System area is 10 acres
- CSES sites must have their primary frontage and only access off a County or State road
- No CSES will be permitted within one mile of a proposed or approved CSES
- A landscape screening plan is required, and developers must obtain Planning Commission approval to satisfactorily screen CSES from public rights-of-way and adjacent residential structures
- A decommissioning plan is required that must include a decommissioning cost estimate, proposed schedule for removal (which must occur within one year from termination or abandonment), financial surety of up to \$15,000/MW, and assurance that disposal shall comply with all laws

We have added these major restrictions to limit the potential sites, based on concerns expressed by the city. In October 2017, Grant City staff analyzed the maximum number of potential sites, assuming a minimum parcel size of 40 acres was required. Their analysis showed a maximum of 3 potential sites. We have added a major restriction of a 1-mile buffer between projects to limit this even further. It is the professional opinion of US Solar that the maximum number of potential sites under this ordinance would be 1 to 3, or 10 to 30 acres of CSES in the entire City. If, and only if, each site had an interested landowner and the developer proceeded with every single site, we estimate the maximum acreage that could be used for CSES in Grant is 30 acres.



Example of a rendering from a landscape screening plan. Please see Appendix V for full rendering example.

PLANNING COMMISSION SUPPORT

To recap, USS Joyous Solar LLC approached City staff in April of 2017 to amend the City's ordinance to conditionally permit CSES in agriculturally-zoned land. After meeting with City staff, USS Joyous Solar LLC was told to submit a simple application showing the change in the table of uses. During the first Planning Commission meeting on July 18, 2017, the Planning Commission directed us to work with City staff to create a full ordinance draft, complete with performance standards to limit solar development. USS Joyous Solar LLC worked extensively to resolve the City staff's concerns and the Planning Commission's concerns before presenting a draft to the Planning Commission. On September 19, 2017, the City of Grant Planning Commission voted 5-1 in favor of changing the ordinance to conditionally permit CSES. Our new, proposed text amendment uses that draft as a starting point, with some additional restrictions and controls to resolve concerns the City Council raised later in the process. Please see Appendix III for a comparison between Grant's existing ordinance and our proposed text amendment.

CITIZEN SUPPORT

Not only is the Planning Commission in favor of conditionally permitting community solar, but so are the citizens of Grant. Joyce Welander, whose property we have leased for a solar garden, wrote a petition and personally met with neighbors to ask if they would support permitting community solar on her property. Out of 195 people contacted, Joyce received **194 signatures** "urg[ing] the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm. The petition is as follows:

"Dear residents of Grant,

I am writing this letter about something that I think is unfair and requires attention.

For those who do not know me, I became a resident of Grant in 1961, when I joined Art Welander on Grant's only century farm. In 1962, I was appointed to the first-ever Planning Commission in Grant. I served as Organizational Leader of the Soil-Savers 4-H Club in the City of Grant for 55 years, Chairman of the Grant Heritage Preservation Committee, Chair of Grant City Cleanup, Animal Control for Grant, and Coordinator of the Grant Town Hall, Park, and Ball Field. In 1987, our family received the University of Minnesota Farm Family of the Year. I presently serve as State Fire Marshall for the City of Grant and VP and Membership Chair of the Washington-Ramsey County Farm Bureau.

Since 2016, I have been working with US Solar to host a landscape-screened, 8-acre community solar garden on my 64-acre century farm in Grant. The project would turn sunlight into electricity without traffic, odor, noise, or visibility impact to the rural character of Grant. This private investment in pollinator-friendly habitat improves nearby agricultural production, reduces runoff, and enables pollinators like bees and monarchs to thrive.

Currently, Grant prohibits all community solar. So, an ordinance amendment was drafted by City staff, with the help of US Solar and existing ordinances across the state. It was restrictive and thorough. Our Planning Commission voted in support of the ordinance 5 to 1. Then, without good reason, the City Council shot it down. By that, I mean Mayor Jeff Huber and Council Members Tom Carr and Denny Kaup overruled Council Members Loren Sederstrom and Larry Lanoux.

At the Council Meeting to consider the ordinance, Council Member Carr falsely stated that community solar does not fit with the City's Comprehensive Plan, without providing a single example of inconsistency. I

agree with the Planning Commission, which found community solar was consistent with the Comp Plan when they voted in support of the ordinance amendment.

For example, Council Member Carr's claim was false because Comp Plan Goal 2 seeks to preserve and protect agricultural land. Dedicating 8 acres of land to pollinator-friendly habitat and clean energy production preserves the land for the life of the project and improves soil and water conditions, as well as improving nearby agricultural production. Plus, the much-needed income paid by the solar company would allow me to keep the remaining acreage of my century farm in agriculture and not in housing.

Council Member Carr also suggested at the Council Meeting that residential development was a better way for the City to increase its taxes. Unlike community solar, this proposition openly violates Grant's Comp Plan. Key Policy 1 of Goal 3 states, "Identify existing prime and large contiguous agricultural lands and promote their protection" through the "use of appropriate tools ... such as Green Acres and Agricultural Preserves Program." While community solar is a perfect tool to protect large agricultural land and accomplish Key Policy 1 of Goal 3, Council Member Carr recommended the City to reject community solar in favor of **more residential development**. It is no secret that Mayor Huber and Council Member Carr are both realtors.

The Comp Plan explicitly warns against this type of thinking, stating "most of the remaining agricultural land could be lost to residential uses within the time frame of this Comprehensive Plan" and "the issue of defining and preserving rural character be given serious and **creative** attention by the leaders of Grant."

Lastly, the Comp Plan references Solar Access Protection many times, never suggesting that community solar gardens conflict with the Comp Plan.

Throughout my research, I could not find one example of inconsistency between community solar and Grant's Comp Plan. More broadly, I could not find one good reason why I should not be allowed to host this 8-acre community solar garden. It saddens me to admit that Grant has built a reputation of dysfunction. The City of Grant showed dysfunction when they kicked the 4-H Club out of the Town Hall building after decades of youth education and community service. And the City of Grant showed dysfunction when I asked Council Member Carr, the realtor, why my project was denied, and he recommended I sell the property for residential development.

As a resident of Grant since 1961, I know what was important to the forefathers of this City: keeping Grant rural by **limiting residential development**, preserving farmland and open spaces so we do not become another Lake Elmo, and maintaining property rights. Dedicating an 8-acre chunk of my 64-acre century farm to pollinator-friendly habitat and clean energy production would accomplish exactly that, while increasing Grant's tax revenue. Yet, for no good reason, Mayor Huber and Council Members Carr and Kaup have ignored the recommendation of the Planning Commission, clashed with the Grant Comp Plan, and neglected my property rights.

I ask that you, as a resident of this unique and great city, sign your name on this petition to urge the Council to adopt an ordinance to allow for the community solar garden on my property.

Thank you for your time and attention,

Joyce Welander"

Please see Appendix IV for the PDF document including the 194 signatures. After meeting with 195 Grant residents, only one did not sign the petition. Furthermore, in the previous text amendment process, the

City Clerk sent out notices to every person within a half mile of US Solar's proposed solar garden, and not a single neighbor attended the Planning Commission hearing to oppose the project. This shows that residents of the City of Grant clearly support the proposed solar garden. By approving our text amendment application to allow community solar as a conditional use in agricultural districts with reasonable restrictions, the City of Grant would show its constituents that their representatives represent their voices.

Additionally, CSES can lead to large savings on the electricity bills of government buildings, businesses, and residents in Grant. By not permitting CSES at all within the city limits, Grant is denying its residents and business-owners the opportunity to save money through the State of Minnesota's community solar program.

THIRD PARTY SUPPORT

Farming and agricultural land are important to the City of Grant, as outlined in the Comprehensive Plan. The following organizations have all expressed support for more solar energy development, including:

1. Minnesota Farm Bureau

After speaking with the President of the Minnesota Farm Bureau, Kevin Paap, Kevin sent us a letter on behalf of the Minnesota Farm Bureau supporting solar farm development. Please see Appendix VI. Kevin added that project-specific decisions should be "based on local support", which there is a lot of in Grant.

2. American Farm Bureau Federation

"In the recent past, tight oil and natural gas supplies drove U.S. farm inputs and energy prices to all-time highs, substantially increasing farm production costs...Farm Bureau advocates policies that will create a diverse, domestic energy supply to fuel America's economic growth and prosperity while strengthening our energy security. Further development and use of renewable energy sources such as...solar...are critical to our nation's energy future and will help further strengthen the overall national security of the United States." (Comprehensive US Energy Policy, American Farm Bureau Federation)

3. Minnesota Farmers Union

Their Director of Government Relations sent us a letter stating that "Community solar farms and gardens creates environmental benefits without decreasing property value or diminishing Minnesota's rural character." Please see Appendix VII for a copy of the letter.

The Minnesota Farmers Union has its own renewable energy program. Its purpose is "to engage rural and urban communities by identifying, supporting and encouraging strong climate and energy advocates. This provides rural people with a forum to speak up throughout the events conducted by Minnesota Farmers Union on these issues" (Minnesota Farmers Union, Renewable Energy)

4. National Farmers Union

"We support...the development of wind, solar, and other alternative sources of energy in community-based and individually owned systems where viable" (Policy of the National Farmers Union, 2018)

"We support:

1. The development of solar energy, including solar thermal;
2. Community solar garden models to allow for greater participation in solar projects;
3. Educating our landowners about solar rights and other related issues;
4. Research into concentrated solar and other developing solar strategies;
5. Replacing fossil-fuel powered heating and drying applications with solar powered systems; and

6. The development of community and commercial solar farms in areas with no current value-added use." (Policy of the National Farmers Union, 2018)

5. Pheasants Forever

USS Joyous Solar LLC has worked with Pheasants Forever to develop best practices for supporting wildlife on our sites. As a result of our collaboration, USS Joyous Solar LLC leaves small gaps under its fences for blanding turtles, and uses a seed mix ideal for pheasant habitat.

6 Others

Other organizations that have indicated support for more solar energy development include the Minnesota Corn Growers Association, Fresh Energy, Clean Energy Resource Teams, Great Plains Institute, Environment Minnesota, the Pollinator-Friendly Alliance, Prairie Restoration, Bolton Bees, and the Solar Energy Industry Association. The variety of organizations that support solar energy demonstrates the proven benefits of solar energy to farming, the economy, and the environment. By including language permitting community solar in the ordinance, the City of Grant can take advantage of these benefits like many other cities in the area.

COMPREHENSIVE PLAN

Contrary to what a Council Member stated at a Council Meeting at a 10/3/2017 Council Meeting, there is nothing about CSES that conflicts with Grant's Comprehensive Plan. The City of Grant has an extensive comprehensive plan that outlines different goals for the next ten years, such as water and soil conservation, preservation of natural features, and protection of rural character. CSES actually support many of these goals. Below are some examples of this:

"Goal: Protect and enhance the natural resources of the community and the natural environment" (28)

Like the Conservation Reserve Program (CRP) that is popular across Minnesota, CSES protect and enhance natural resources in a variety of ways. First, CSES give soil a break from farming, allowing it to naturally restore its nutrients. CSES are planted with a pollinator-friendly seed mix. This seed mix protects both soil and water resources, because it significantly reduces erosion and runoff that is often contaminated with chemicals from agricultural activity. Thus, CSES can protect important bodies of water in Grant such as Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake.

Furthermore, the seed mix creates a habitat for pollinators such as birds, bees, and butterflies, which promotes the health of plants in the area, including the Oak Forest communities. Finally, community solar protects air quality by providing 25 years of clean energy.

"Overall Goal: The City is committed to a goal of non-degradation of the lakes, wetlands, and streams within the City, and will work with local WMO's, Washington County, and State agencies to achieve this goal" (47)

Community solar helps protect water resources. First, CSES generally use less chemicals such as herbicides, pesticides, and fertilizers than the row crops they replace. Second, CSES must have drainage plans in place that help decrease runoff and erosion, which can include measures such as large sediment basins. Finally, the deep-rooted grasses planted beneath CSES also significantly reduce erosion and stormwater runoff, minimizing the harmful chemicals that leach into groundwater or contaminate lakes and rivers like Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake.

“Grant’s goal, with respect to our valuable and diverse natural resources, has been to use land and related resources so these are undiminished for future generations” (31)

At the end of the project life of CSES, they are decommissioned, and the land is restored to terrific condition. Because the soil is not farmed for at least 20 years, the soil that used to be underneath our pollinator-friendly habitat is very healthy and full of nutrients, allowing future generations to farm the area. Community solar also protects air quality and water resources, which will help preserve them for future generations. In this way, CSES are like the Conservation Reserve Program (CRP) that is popular across Minnesota.

“Goal 1: Ensure the preservation of existing rural character through appropriate rural development guidelines and ordinances” (38)

CSES contribute to the preservation and improvement of agricultural land. This is true for three primary reasons. First, CSES are planted with pollinator-friendly, native grasses to blanket the ground beneath CSES. A recent study has shown that these seed mixes reduce stormwater runoff by 23 percent for the 2-year storm event and 8 percent for the 100-year storm. These native plantings also expand habitat for pollinators, leading to increased crop yields at nearby farms. Second, decommissioning CSES is simple. After the Project’s life, what is left is an undisturbed field of native grasses atop immaculate soils. This is one of the only ways for a landowner to increase and diversify income while preserving and protecting farmland for future generations, when crop prices and agricultural practices may be more viable than they are today. Third, CSES effectively lock up the land use for 25 years or more, thwarting the potential for any industrial, commercial, or residential development. The City of Grant recognizes that it is close to the Twin Cities, and development will occur quickly as residential and commercial uses encroach on agricultural lands. Community solar is a good steward of agricultural land, especially compared to other developments such as residential subdivisions and commercial/industrial operations. Conditionally permitting community solar would help the City prioritize agricultural land over residential development. CSES is like farming, except our production is electricity. We ask the leaders of grant to give this serious and creative attention.

“Goal 6: Enhance and maintain the rural residential quality of life (78)”

The City of Grant aims to maintain a low population density, with 1 housing unit per 10 acres with no public sewer or water facilities (36). Community solar prevents residential development on approximately 10 acres of land for a minimum of 25 years, which supports the rural-residential quality of life. It does not require public sewer or water facilities, and it does not increase population density. Furthermore, CSES do not produce odor, vibrations, dust, or fumes. Noise, glare, and traffic is negligible, and, unlike a residential property, there are no lights on CSES. The non-injurious nature of CSES enhances and maintains the rural residential quality of life in Grant.

“Grant has allowed development and uses that preserve its rural residential character and protect and enhance its natural resources and environment” (31)

CSES do not increase the density of residents and thwart commercial/industrial/residential development throughout the life of the project. Therefore, CSES preserve Grant’s rural residential character and protect and enhance its natural resources and environment.

“Goal 3: Protect the City’s aggregate resources and provide for reasonable economic use of aggregate” (77)

As discussed, CSES protect aggregate resources such as water sources, air quality, soil, and agricultural land. Community solar is a reasonable economic use that diversifies and increases landowner income and the City’s tax base, while protecting aggregate resources.

“Goal 4: Assure adequate solar access for residents” (77)

Conditionally permitting CSES in the City of Grant would make use of the provision of adequate solar access for residents. Many residents do not have a suitable site for their own solar system, and many residents cannot afford the investment or handle the ongoing maintenance. CSES help provide adequate solar access to residents of Grant, who would be able to subscribe to the project to receive bill credits from Xcel Energy for no upfront cost.

LOCAL ECONOMIC IMPACT

CSES have a positive economic impact, detailed below.

Already Spent

- o ~\$40,000 on local engineering, legal, and environmental consulting services
- o ~\$5,000 on legal fees, county recordings, travel, and meals,

During Construction

- o ~\$2,200,000 on capital infrastructure investment
- o ~\$900,000 on local spending
- o 15+ temporary construction and related service jobs, equivalent to ~4 full-time job years

During Operation

- o ~\$12,000 - \$15,000 on increased property tax payments during operation
- o ~1 permanent, part-time employee (\$22,500/yr, totaling \$562,000 over 25 years)

Additionally, local residents, businesses, and public entities in and around the City of Dayton who are eligible Xcel Energy customers may subscribe to a portion of the electricity generated by the solar garden. By subscribing, these entities would receive bill credits on their Xcel Energy bills. The bill credits represent a direct economic benefit from the community solar.

Finally, farmers who lease land to community solar garden developers receive substantial financial compensation. The rent developers pay helps provide farmers with the resources they need to continue farming the rest of the land.

ENVIRONMENTAL IMPACT

The Project would provide decades of pollution-free and greenhouse-gas-free electrical generation. In addition to the positive effects of solar energy, the sections above detail how and why the Project would have positive effects on the environment.

No Pollution Of Air, Groundwater, And Surface Water

The materials that comprise the solar panels, racking, and other components of the Project are stable and contained, and do not pollute the air, groundwater, or surface area of the site on which they sit. Many developers plant pollinator-friendly, deep-rooted grasses beneath their CSES. The seed mix that is generally used was created by PRI and the Minnesota Department of Transportation specifically for CSES. The deep-rooted grasses drastically reduce runoff and erosion, and the pollinator-friendly plants provide excellent habitat and food sources for beneficial wildlife. Studies have proven that pollinator friendly habitat can increase crop yields on neighboring farms. Because only approximately 0.4 acres of the 10 acres used

for a community solar garden is impervious surface, approximately 9.6 acres are left for this beneficial seed mix.

Protect Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake

Each of these bodies of water have been specifically identified in the Comprehensive Plan as being monitored for different environmental issues, including runoff, chemicals, and water quality. CSES can help protect these bodies of water, which are cornerstones of the City of Grant. Large sediment basins built with CSES help collect runoff, along with the pollinator-friendly, deep-rooted grasses. Instead of ten acres of farmland full of pesticides, herbicides, and fertilizers that leach chemical runoff into lakes and creeks, community solar plants deep-rooted, native grasses that prevent runoff and erosion. Therefore, community solar will help protect Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake from chemical runoff and contamination.



JUSTIFICATION FOR AMENDMENT

- 1. The City of Grant aims to represent the collective voice of its citizens**
 - a. 194 out of 195 citizens polled signed a petition supporting community solar.
 - b. The Planning Commission voted in favor of community solar 5-1.
 - c. It was upsetting to some Grant residents when some Council Members of Grant represented private interests like real estate development (which is against the values stated in the Comprehensive Plan), instead of representing their constituents

- 2. Community Solar Energy Systems are not a nuisance.**
 - a. They do not produce odor, vibrations, lights, fumes, or dust.
 - b. They produce extremely minimal traffic, as they require little to no maintenance.
 - c. They produce extremely minimal glare, similar to that of corn or grass.
 - d. They produce extremely minimal sound, equating to a library at 50 feet away.
 - e. This is not a commercial or industrial land use. There is no storefront, no permanent structures, no billboards, and no city utilities.

- 3. Community Solar Energy Systems will be few and far between.**
 - a. Grant City staff concluded that a maximum of 3 CSES could possibly be permitted, even if every suitable site applied. That totals only 30 acres of land.
 - b. The limiting factors to a suitable site for solar include:
 - i. Existing 3-phase distribution lines adjacent to project
 - ii. Xcel Energy service area
 - iii. Proximity to substation
 - iv. Substation capacity
 - v. Proximity to other CSES
 - vi. Existence of wetlands or shoreland overlays near project
 - vii. Existence of uneven topography
 - viii. Existing vegetation on property
 - ix. Parcel size
 - x. Zoning districts
 - c. According to laws passed by the State of Minnesota, CSES are only allowed to produce 1 MW of energy. That means that CSES are quite small compared to other types of solar.

- 4. Community Solar Energy Systems do not harm adjacent property values.**
 - a. The most comprehensive study on property values adjacent to CSES across 9 states was conducted by Kirkland Appraisals, LLC. "Through the application of multiple matched pair analysis of homes and agricultural land adjoining existing CSES, I have discovered no indication of any impact on property values due to adjacency to a community solar garden." USS Joyous Solar LLC can provide the complete study if requested.

- 5. Community Solar Energy Systems are not a permanent land use.**
 - a. When CSES reach the end of their operational life, 30 years after connection to the grid, the simple process of decommissioning of the project occurs. After 30 years without pesticides or churning up row crops, the land is returned to its original state, with very little disturbance to soil.

- 6. Community Solar Energy Systems benefit the environment.**
 - a. The land under and around solar arrays will be planted with native, pollinator-friendly plants. A recent study has shown that these native plants reduce stormwater runoff by 23% for the 2-year

- storm (2.9 inches of rain) and 8% for the 100-year storm (7.8 inches of rain). In addition, pollinator-friendly plants can improve nearby agricultural production.
- b. Consistent with Grant's environmental values, community CSES use an inexhaustible resource, the sun, instead of nonrenewable energy sources. This combats climate change, without any hazardous materials or other adverse effects to the environment.

7. Community Solar Energy Systems increase the City's revenue

- a. CSES increase property taxes on the landowner's property and pay large permit fees. This means that more money will be going to the City government.

8. Community Solar Energy Systems support landowner rights

- a. Ultimately, a landowner has the right to do what they want with their property, as long as it is not causing a nuisance. CSES are not a nuisance, and they are even less disruptive than residences. CSES are shorter, do not have lights, do not cause traffic, and, per the ordinance, will be screened from view by trees.
- b. Hosting CSES allows landowners to diversify the income they receive from their land. Hosting CSES is a good way to earn income while the price of farmed goods is decreasing. After the garden is decommissioned, the landowner will have nutrient-rich soil to farm again.

9. Community Solar Energy Systems maintain the rural character

- a. Under the proposed amendments to the ordinance, CSES would be small and not very visible, minimizing any impact to the rural character of Grant.
- b. The landowners leasing land to community solar garden developers will be less inclined to rezone, subdivide, and sell land for residential or other development.
- c. Much like a conservation easement, CSES thwart industrial, commercial, or residential development. In 30 years, when the solar equipment is removed, the agricultural land remains at least as viable for agricultural production.

10. Community Solar Energy Systems can save local schools, cities, townships, and residents money on their electricity bills

- a. Different entities can subscribe to CSES, which allows them to receive a discount on their electricity bill from Xcel Energy.
- b. The program was created by the State of Minnesota and is administered by the Public Utilities Commission. Notable subscribers include the City of Minneapolis and the Minnesota Twins.
- c. Because the law states that only entities in the same county or an adjacent county to a solar garden can subscribe to it, the benefits go to local cities, townships, schools, residents, and businesses.

APPENDIX I – PROPOSED ORDINANCE

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2018-__

**An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) P = Permitted C = Conditional Use Permit and public hearing CC=Certificate of Compliance A = Permitted accessory use N = Not Permitted					
<u>Community Solar Energy System</u>	N	N-C	N-C	N	N
<u>Residential Solar Energy Systems – Building Mounted</u>	N	P	P	P	P
<u>Residential Solar Energy Systems – Ground Mounted</u>	N	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
 - (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
 - (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
 - (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:
- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
 - (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.
 - (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City’s ordinances.
 - (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
 - (5) The equipment or device may not exceed a height of 15 feet.
 - (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
 - (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (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.
 - (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.

Sec. 32-458. Community Solar Energy Systems.

- (a) *Permitted use.* A Community Solar Energy System (CSES) as previously defined, and as shown in the Table of Uses, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.
- (b) *Performance Standards.* Community Solar Energy Systems must comply with all rules and regulations of Federal, State, County and local agencies and must comply with the following performance standards:

- (1) A CSES shall be located on a parcel that is 40 acres or greater, where lot size is defined consistently with Section 32-246 (c) 4 of this zoning ordinance.
- (2) The CSES site shall have its primary frontage on a County or State road, and such road shall be used as the only access to the facility.
- (3) If there is a homestead on the neighboring lot, the CSES shall be located at least 100 feet from that side or rear lot line. If there is no homestead on the neighboring lot, the CSES shall comply with the minimum setback requirements in the City Code. The CSES shall be visually screened, as determined by a professional landscaping plan approved by the Planning Commission, from adjacent residential structures, or public rights-of-way.
- (4) No portion of the structure, or solar equipment shall exceed fifteen (15) feet in height.
- (5) No CSES shall exceed 10 acres in area.
- (6) No CSES shall be located within one (1) mile of a proposed or approved CSES

(c) *Submissions at time of initial application.* In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information:

- (1) *Site Plan.* A detailed site plan prepared by a licensed surveyor that shows both existing and proposed conditions of the CSES site. The plans shall show the location of all solar arrays, existing and proposed structures, parcel boundaries, setbacks, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment, and any other characteristics requested by the City.
- (2) *Screening.* A detailed landscape plan and cross section plan shall be submitted to demonstrate proposed CSES screening. The landscape plan and cross section plan shall depict proposed vegetation types, berming, fencing or any other method of screening proposed and corresponding opacity of such screening from both public rights-of-way and any adjacent residential structure.
- (3) *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
- (4) *Interconnection Status.* The interconnection process with Xcel Energy or any other applicable utility shall be submitted and a copy of any formal agreements provided.
- (5) *Power and communication lines.* Power and communication lines between banks of solar panels and to electric substation or interconnections with buildings shall be buried underground on premise. Exceptions to this requirement may be permitted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (6) *Meeting standards.* All CSES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards.
- (7) *Building permit.* A building permit shall be obtained for any CSES prior to installation.
- (8) *Signage.* A signage plan shall be submitted which demonstrates size and location of proposed signage. At a minimum, signage shall be posted at all entrance points to the property the CSES is located and shall include the owner and operator's name, contact information, and emergency phone numbers.
- (9) *Decommissioning.* A Decommissioning Plan shall be submitted that includes, at a minimum, the following:
 - a. A cost estimate for decommissioning prepared by a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience.
 - b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.

- c. Commitment of a financial security in the form of a cash escrow, bond, or irrevocable letter of credit, if requested, and as determined by the City Council, in an amount not to exceed \$15,000 per MW.
 - d. Ensure the disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.
- (d) *Change in equipment.* A change in solar-related equipment which does not alter the footprint of the CSES, so long as it continues to conform to this ordinance and all conditions of the applicable CUP, does not require an amended CUP.
- (1) Any minor changes to the footprint of a CSES may be processed through a Certificate of Compliance process, which is subject to the discretion of the zoning administrator.
 - (2) Any significant changes to the CSES, including proposed expansion of MW, alterations to the footprint, or changes to the screening plan may require an amendment to the CUP.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2018.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

APPENDIX II – CITY OF GRANT CURRENT SOLAR ORDINANCE

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2017-53

An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~ :

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
 - (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
 - (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
 - (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:
- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
 - (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.
 - (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.
 - (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
 - (5) The equipment or device may not exceed a height of 15 feet.
 - (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
 - (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (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.
 - (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.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member Carr and seconded by Council member Kaup, the following vote:

Voting AYE: Council Member Carr, Kaup and Mayor Huber

Voting NAY: Council Member Lanoux and Sederstrom

Whereupon said Ordinance was declared passed adopted this 5th day of December, 2017.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

APPENDIX III – ORDINANCE COMPARISON

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE ~~2017-53~~2018-

**An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, "Table of uses", Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	N	N <u>N-C</u>	N <u>N-C</u>	N	N
<u>Residential Solar Energy Systems – Building Mounted</u>	N	P	P	P	P
<u>Residential Solar Energy Systems – Ground Mounted</u>	N	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

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Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use*. Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
 - (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
 - (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
 - (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:
- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
 - (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.
 - (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.
 - (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
 - (5) The equipment or device may not exceed a height of 15 feet.
 - (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
 - (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (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.
 - (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.

Sec. 32-458. Community Solar Energy Systems.

- (a) *Permitted use.* A Community Solar Energy System (CSES) as previously defined, and as shown in the Table of Uses, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.

(b) Performance Standards. Community Solar Energy Systems must comply with all rules and regulations of Federal, State, County and local agencies and must comply with the following performance standards:

- (1) A CSES shall be located on a parcel that is 40 acres or greater, where lot size is defined consistently with Section 32-246 (c) 4 of this zoning ordinance.
- (2) The CSES site shall have its primary frontage on a County or State road, and such road shall be used as the only access to the facility.
- (3) If there is a homestead on the neighboring lot, the CSES shall be located at least 100 feet from that side or rear lot line. If there is no homestead on the neighboring lot, the CSES shall comply with the minimum setback requirements in the City Code. The CSES shall be visually screened, as determined by a professional landscaping plan approved by the Planning Commission, from adjacent residential structures, or public rights-of-way.
- (4) No portion of the structure, or solar equipment shall exceed fifteen (15) feet in height.
- (5) No CSES shall exceed 10 acres in area.
- (6) No CSES shall be located within one (1) mile of a proposed or approved CSES

(c) Submissions at time of initial application. In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information:

- (1) Site Plan. A detailed site plan prepared by a licensed surveyor that shows both existing and proposed conditions of the CSES site. The plans shall show the location of all solar arrays, existing and proposed structures, parcel boundaries, setbacks, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment, and any other characteristics requested by the City.
- (2) Screening. A detailed landscape plan and cross section plan shall be submitted to demonstrate proposed CSES screening. The landscape plan and cross section plan shall depict proposed vegetation types, berming, fencing or any other method of screening proposed and corresponding opacity of such screening from both public rights-of-way and any adjacent residential structure.
- (3) Foundations. A qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
- (4) Interconnection Status. The interconnection process with Xcel Energy or any other applicable utility shall be submitted and a copy of any formal agreements provided.
- (5) Power and communication lines. Power and communication lines between banks of solar panels and to electric substation or interconnections with buildings shall be buried underground on premise. Exceptions to this requirement may be permitted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (6) Meeting standards. All CSES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards.
- (7) Building permit. A building permit shall be obtained for any CSES prior to installation.
- (8) Signage. A signage plan shall be submitted which demonstrates size and location of proposed signage. At a minimum, signage shall be posted at all entrance points to the property the CSES is located and shall include the owner and operator's name, contact information, and emergency phone numbers.
- (9) Decommissioning. A Decommissioning Plan shall be submitted that includes, at a minimum, the following:
 - a. A cost estimate for decommissioning prepared by a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience.

- b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.
 - c. Commitment of a financial security in the form of a cash escrow, bond, or irrevocable letter of credit, if requested, and as determined by the City Council, in an amount not to exceed \$15,000 per MW.
 - d. Ensure the disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.
- (d) Change in equipment. A change in solar-related equipment which does not alter the footprint of the CSES, so long as it continues to conform to this ordinance and all conditions of the applicable CUP, does not require an amended CUP.
- (1) Any minor changes to the footprint of a CSES may be processed through a Certificate of Compliance process, which is subject to the discretion of the zoning administrator.
 - (2) Any significant changes to the CSES, including proposed expansion of MW, alterations to the footprint, or changes to the screening plan may require an amendment to the CUP.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member Carr _____ and seconded by Council member Kaup _____, the following vote upon roll call:

Voting AYE: ~~Council Member Carr, Kaup and Mayor Huber~~

Voting NAY: ~~Council Member Lanoux and Sederstrom~~

Whereupon said Ordinance was declared passed adopted this 5th day of December, 2017 _____, 2018.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

APPENDIX IV – PETITION

July 24, 2018

Dear residents of Grant,

I am writing this letter about something that I think is unfair and requires attention.

For those who do not know me, I became a resident of Grant in 1961, when I joined Art Welander on Grant's only century farm. In 1962, I was appointed to the first-ever Planning Commission in Grant. I served as Organizational Leader of the Soil-Savers 4-H Club in the City of Grant for 55 years, Chairman of the Grant Heritage Preservation Committee, Chair of Grant City Cleanup, Animal Control for Grant, and Coordinator of the Grant Town Hall, Park, and Ball Field. In 1987, our family received the University of Minnesota Farm Family of the Year. I presently serve as State Fire Marshall for the City of Grant and VP and Membership Chair of the Washington-Ramsey County Farm Bureau.

Since 2016, I have been working with US Solar to host a landscape-screened, 8-acre community solar garden on my 64-acre century farm in Grant. The project would turn sunlight into electricity without traffic, odor, noise, or visibility impact to the rural character of Grant. This private investment in pollinator-friendly habitat improves nearby agricultural production, reduces runoff, and enables pollinators like bees and monarchs to thrive.

Currently, Grant prohibits all community solar. So, an ordinance amendment was drafted by City staff, with the help of US Solar and existing ordinances across the state. It was restrictive and thorough. Our Planning Commission voted in support of the ordinance 5 to 1. Then, without good reason, the City Council shot it down. By that, I mean Mayor Jeff Huber and Council Members Tom Carr and Denny Kaup overruled Council Members Loren Sederstrom and Larry Lanoux.

At the Council Meeting to consider the ordinance, Council Member Carr falsely stated that community solar does not fit with the City's Comprehensive Plan, without providing a single example of inconsistency. I agree with the Planning Commission, which found community solar was consistent with the Comp Plan when they voted in support of the ordinance amendment.

For example, Council Member Carr's claim was false because Comp Plan Goal 2 seeks to preserve and protect agricultural land. Dedicating 8 acres of land to pollinator-friendly habitat and clean energy production preserves the land for the life of the project and improves soil and water conditions, as well as improving nearby agricultural production. Plus, the much-needed income paid by the solar company would allow me to keep the remaining acreage of my century farm in agriculture and not in housing.

Council Member Carr also suggested at the Council Meeting that residential development was a better way for the City to increase its taxes. Unlike community solar, this proposition openly violates Grant's Comp Plan. Key Policy 1 of Goal 3 states, "Identify existing prime and large contiguous agricultural lands and promote their protection" through the "use of appropriate tools ... such as Green Acres and Agricultural Preserves Program." While community solar is a perfect tool to protect large agricultural land and accomplish Key Policy 1 of Goal 3, Council Member Carr recommended the City to reject community solar in favor of more residential development. It is no secret that Mayor Huber and Council Member Carr are both realtors.

The Comp Plan explicitly warns against this type of thinking, stating "most of the remaining agricultural land could be lost to residential uses within the time frame of this Comprehensive Plan" and "the issue of defining and preserving rural character be given serious and creative attention by the leaders of Grant."

July 24, 2018

Lastly, the Comp Plan references Solar Access Protection many times, never suggesting that community solar gardens conflict with the Comp Plan.

Throughout my research, I could not find one example of inconsistency between community solar and Grant's Comp Plan. More broadly, I could not find one good reason why I should not be allowed to host this 8-acre community solar garden. It saddens me to admit that Grant has built a reputation of dysfunction. The City of Grant showed dysfunction when they kicked the 4-H Club out of the Town Hall building after decades of youth education and community service. And the City of Grant showed dysfunction when I asked Council Member Carr, the realtor, why my project was denied, and he recommended I sell the property for residential development.

As a resident of Grant since 1961, I know what was important to the forefathers of this City: keeping Grant rural by limiting residential development, preserving farmland and open spaces so we do not become another Lake Elmo, and maintaining property rights. Dedicating an 8-acre chunk of my 64-acre century farm to pollinator-friendly habitat and clean energy production would accomplish exactly that, while increasing Grant's tax revenue. Yet, for no good reason, Mayor Huber and Council Members Carr and Kaup have ignored the recommendation of the Planning Commission, clashed with the Grant Comp Plan, and neglected my property rights.

I ask that you, as a resident of this unique and great city, sign your name on this petition to urge the Council to adopt an ordinance to allow for the community solar garden on my property.

Thank you for your time and attention,



Joyce Welander

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

Printed Name

Address

R D Donahoe

R D Donahoe

10401 Kelme

Catherine Donohoe

Catherine Donohoe

10401 Kelman Ct

Deanna Egge

Deanna Egge

10411 Kelman Ct.

Carol Haak

CAROL HAAK

10030 103RD ST. Nof

Stephanie Pfeiffer

Stephanie Pfeiffer

10440 Jody Ave GN

Amanda Gractzer

Amanda Gractzer

10255 Juno Ave N.

Barbara Kelley

Barbara Kelley

9224 Lansing Ave N.

Mark Pfeiffer

Mark Pfeiffer

10440 Jody Ave Ct N

Andrew Hark

ANDREW HARK

10436 103RD ST N.

David Gractzer

David Gractzer

10255 Juno Ave

Dianna Forts

Dianna Forts

10241 83rd St N.

Deus Bingley

Deus Bingley

10241 83rd St N

Todd Knaeble

Todd Knaeble

11675 Keats Av N

Sandra Knaeble

Sandra Knaeble

11675 Keats Ave N

Rebecca Pelfrey

REBECCA PELFREY

10503 117th St. N

Tom & Gerri Dufresne

Tom & Gerri Dufresne

10777 Lansing Ave N.

Donald P. Struick

Donald P. Struick

9431 LANSING AVE N.

Lea A. Kelley

Lea A. Kelley

9224 Lansing Ave. N.

439-1544



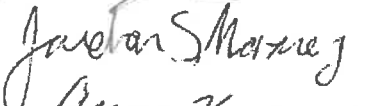
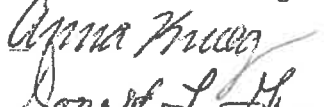
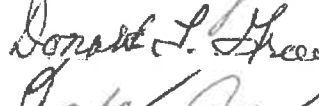




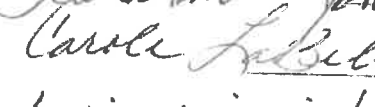
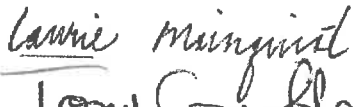

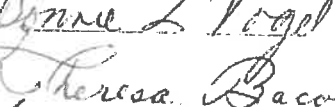
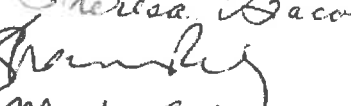



July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

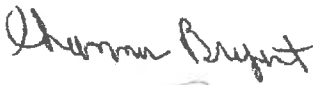

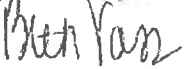
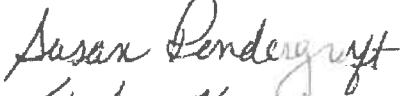








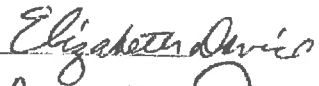
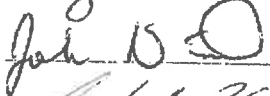
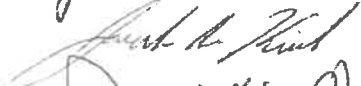
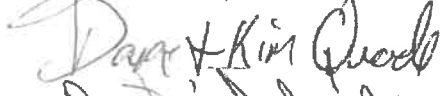

Printed Name

Address

	Jona Holsten	10431 Lansing Ave N.
	Pamela Richardson	10909 105th N.
	Jordan Maroney	9209 Lansing Ave
	Anna Krueger	9251 Lansing Ave N.
	DONALD HOWARD	9431 LANSING AVE N.
	Dylan Jaros	9533 Lansing Ave N
	Michelle Henry	9752 Lansing Ave N
	DANIEL POTTER	9653 LANSING AVE N
	Anita Van Den Boom	9797 Lansing Ave N
	Tana Herman	9760 Lansing Ave N.
	CAROLE LaBelle	10555 Lansing Ave.
	Laurie Mainquist	10633 Lansing Ave. No.
	Tony Groble	" " " "
	Bonnie Vogel	10684 Lansing Ave. N.
	Theresa Bacon	6996 117th St, Grant
	Shannon Riley	9777 Juliet Ave Grant
	MATT SCHULER	9819 Juliet Ave ^{Grant} 5508

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Shannon Bryant	10170 Jody Ave (4 N) Grant, mn 55082
	Howard Bryant	10170 Jody Ave. Grant, MN 55082
	Beth Voss	10011 103rd St N Stillwater
	Susan Penderguff	9805 103rd St N / Stillwater
	Shirley Wenzel	10450 Kethman Ct N / Stillwater
	PATRIKA ALLEN	10191 JUNO AVEN. - ST. P.
	Kerri Stahlkeker	10191 Juno Ave N 55082
	Raydelle Bruentrop	10605 Joliet Ave N. 55082
	WILLIAM BRUENTROP	10605 Joliet Ave. N. 55082
	Roger Bacon	6996 117th St N 95110
	JOE GENEUREUX	9777 Joliet Ave N 55082
	SHARON SCHULER	9819 Joliet Ave N 55082
	Elizabeth David	8960 Jamaica Ave. No.
	John David	8960 Jamaica Ave N 55082
	Jacob Kiel	11316 Inman Tr. North
	DAN & KIM QUADE	8470 Landon Ave 55082
	ARTIE SCHAEFER	6640 MANNING AVE. U. 55081

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
Deborah Gangnon	Deborah Gangnon	10850 62nd St N
Sheldon Saccoman	Sheldon Saccoman	9104 68th St. N
Loyan Saccoman	Loyan Saccoman	9104 68th St N Stillwater, MN
Patrick J. Klood	Patrick J. Klood	7731 Kimbro Ave N Stillwater
W Kloek	W Kloek	11108 Manning Tr n.
Paul A. Roth	Paul A. Roth	10889 69th St N
Theresa Roth	Theresa Roth	10889 69th St N.
Deborah Roth	Deborah Roth	10889 69th St N
Heidi M. Roth	Heidi Roth	10889 69th St N
John Demko	John Demko	10847 98th St N
Nancy Lornson	NANCY LORNTSON	9730 103rd St. N
Richard Lornson	Richard Lornson	9730 103rd St. N
Matthew R Carter	MATTHEW R CARTER	10011 103rd St. N
John Evans	JOHN EVANS	10191 103rd St. N.
Bill Petruy	Bill Petruy	10503 117th St. N.
Loren Sederstrom	Loren Sederstrom	9330 107th St N
Larry Lanoux	Larry Lanoux	9711 Keswick Ave
Jamie Muller	Jamie Muller	10254 117th St. N
Debbie Resch	Debbie Resch	8540 N. Kimbro Ave 55082

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

Printed Name

Address

[Signature] Peggy Van Der Riet 9293 Keswick Ave N

[Signature] Bill Van Der Riet 9293 Keswick Ave N

[Signature] Diane Emslander 9300 Keswick Ave N

[Signature] JEFF EMSLANDER 9300 KESWICK AVE N

[Signature] Kari Wassink Kari Wassink 9540 Keswick Ave N.

[Signature] Laura Determan 9443 Keswick Ave N.

[Signature] ROXANNE HOUSE 9337 Keswick Ave N

[Signature] Betty Lundgren Betty Lundgren 8930 Kimbro Ave N.

[Signature] DANIEL BOCKAN 8582 Kimbro Ave N

[Signature] NICK MEYER 10656 83RD STREET

[Signature] Karen Meyer 10656 83RD ST. N.

[Signature] Aelina Meyer 10656 83RD ST. N.

[Signature] Michael Perron 9141 Jeffrey Blvd N

[Signature] Caprice Perron " " "

[Signature] Allan D Hammel 8200 JAMACA Ave N

[Signature] Cynthia L. Hammel 8200 Jamaca Ave. N.



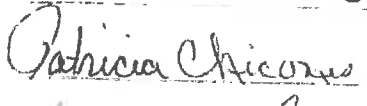
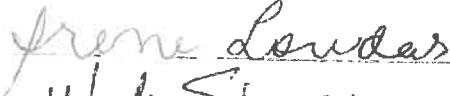

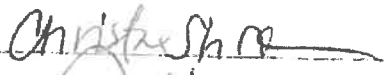
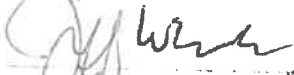
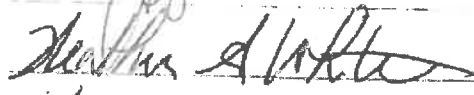
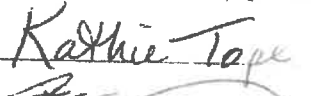

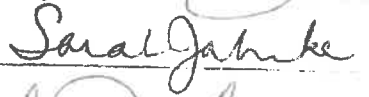
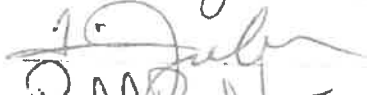
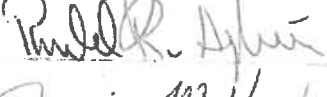
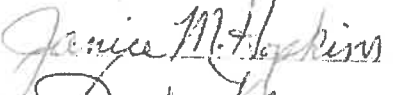



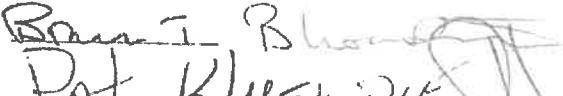
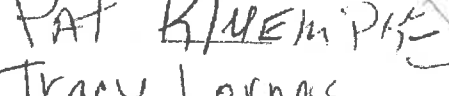
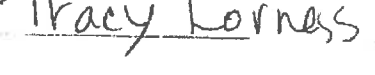
[Signature] James Schifsky 7394 Jamaca Ave.

[Signature] KEVIN VONRIEDEL 7800 KIMBRO AVEN. N.

[Signature] DEBORAH VONRIEDEL 7800 KIMBRO AVEN. N.

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Kevin J. Koch	10218 67th Lane N Grant 55082
	MICHAEL CHICONIS	10185 67th LN N
	PATRICIA CHICONIS	10185 67th LN N
	IRENE LOUDAS	10163-67th Ln. N.
	Wade Shores	10124 67th Ln N
	Christa Shores	10124 67th Ln N 55082
	Jeffrey White	10105 67th Ln U. 55082
	Heather White	" "
	Kathie Tope	10065 67th LN Stillwater
	JESSE TOPE	10065 67th LN W. Stillwater
	Sarah Jahnke	10140 67th St N, Grant
	Tim Jahnke	10140 67th St. N Grant
	Ron Hopkin	10144 65th St N. Grant
	Janice M. Hopkins	10144-65th St. N., Grant
	JUDY MAGREN	10188 65th St. N.
	Debrah McHutchison	10133-65th St. N.
	PAUL LIEN	6255 KENTS AVE N. 6277 KENTS
	BRUCE BLOMSTRAND	AYE NED
	PAT KLUMP	10260 60th St. Lane North
	Tracy Korness	" " " "

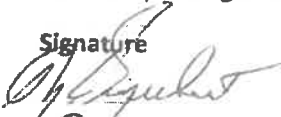



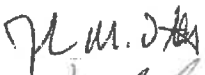






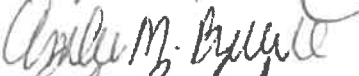




July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Harold Kracht	10230 60 th St. Ln.
	Ganelee Kracht	"
	Charlie Goebel	6225 Kelvin Ave N
	MARIE GOEBEL	6225 Kelvin Ave No.
	Joyce Melton	6233 Kelvin Ave N.
	Virginia Ries	6220 Kelvin Ave N.
	JAMES M. JOHNSON	6215 Kelvin Ave N
	Karen Nelson	10330 60 th St N,
	Printed Name	" " "
	John S. Stearns	6380 Keswick Ave. N.
	Joyce M. Stearns	Stillwater, MN. 55082
	Duane B Miller	6395 Keswick Ave N Stillwater, MN 55082
	Mary Ann O'Brien	6395 Keswick Ave N Stillwater MN 55082
	Dennis Thibodeau	6330 Keswick Ave Stillwater, MN.
	Jan McNamara	6330 Keats Ave N Stillwater, MN 55082
	Jessica McNamara	6330 Keats Ave N Stillwater, MN 55082
	MARY P. COAKLEY	10056 67 th Ln N.
	John D. Smith	10244-67 th Ln N
	Karen Y. Smith	10244-67 th Ln N.

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	R6 ENGSTRAND	9280 JOLIET AVE N. Grant, MN
	Bill David	9131 KESWICK AV. N. GRANT, MN
Laura David	Laura David	9131 Keswick Ave. NO. GRANT
	Kathy Anderson	8833 80 th ST. N. Grant MN
	Wally Anderson	8833 80 th ST N Grant, mn
Pat Otto	Pat Otto	8239 Jamaica Ave N. Grant
	John Otto	8239 Jamaica Ave
	MICHAEL HERBST	8640 JAMACA AVE N
	HELEN C HERBST	8640 JAMACA AVE No
	MARY C. MICHELS	11055 66 th St. no. Grant
	Robert J. Michels	" " " "
	Gina Buberl	6211 Lake Elmo Ave Grant
	Adam Buberl	6185 Lake Elmo Ave
	Amber Buberl	6185 Lake Elmo Ave. N.
	Rick Buberl	6211 Lake Elmo Ave
	Son Osterman	9443 Keswick Ave N
	Collin Saccoman	9104 68 th St N Stillwater, MN
	DAVE SCHROEDER	16995 INWOOD AVE No Grant 55115
Mary Hinton	MARY HINTON	8288 105 th ST N GRANT 55115
Bill Hinton	Bill Hinton	8288 105 th ST N GRANT

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Terence C. Derosier	10596 83rd St N. Grant 55082
	Mary Em. Derosier	10596 83rd St. N Grant 55082
	Mark H. Derosier	10596 83rd St N Grant 55082
	Anne Marie Derosier	10596 83rd St N Stillwater, MN 55082
	Patricia H. Reinke	10310 Jody Ave N Stillwater MN 55082
	Dan Reinke	" "
	Cheri Blythe	8880 Kimbro Lane Grant, MN 55082
	Robin Schiffsky	4868 Jamaica Ave N Grant
	Myles Schiffsky	4868 Jamaica Ave
	Caitlin Schiffsky	4868 Jamaica Ave N.
	Charles Richard	4868 Jamaica Ave N.
	Fred Nehrer	9220 Ivy Ave N
	Mary Nehrer	9220 Ivy Ave N.
	Julia Nehrer	9220 IVY AVE. N.
	Therese Stuebner	10670 114th St N.
	Candy Gagliardi	8233 Jody Ave N Stillwater 55082
	Danny Gagliardi	8233 Jody Ave N Stillwater 55082
	Judith Rutscher	7940 Kimbro Ave N.
	Bert Rutscher, II	7940 Kimbro Ave N Stillwater, MN 55082
	Mary Gaitlow	9775 83rd St No Stillwater MN 55082

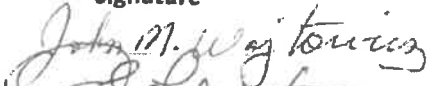



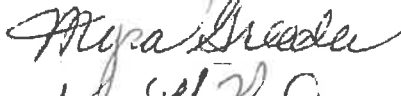

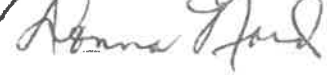
July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	ANDREA NOLLAK	9232 68 TH ST. N. GRANT, MN 55082
	KARIN COSTA	9411 Dellwood Rd
	Grace Costa	9411 Dellwood Rd
	Ron Costa	9411 Dellwood Rd
	MIKE WELLS	10450 N. 60 TH
	Britta Erickson	1370 Curve Crest Blvd.
	Barb Erickson	9150 64 th St. N.
	Grace Deroster	6596 83rd St N Stillwater
	Dan Whitaker	60880 66 th ST N
	Ron Resch	8540 Kimbo Av. N
	Stephen Erickson	9590 83rd St. N Stillwater, Mn. 55082
	Lynn L. Erickson	9590 83rd St. N Stillwater, Mn. 55082
	Shanna Halden	7181 Keats Ave N Grant, 55082
	Brad Halden	" "
	Tracy Halden	7181 Keats Ave N Grant, 55082
	MARGARET TRENT	10621-75 th St No. 55082
	DIANA GUNDERSON	10691-75 th St. No 55082
	Diana Saccoman	9104 68 th St. N Stillwater, MN.
	Jon Wollak	9232 68 th St N. Stillwater, MN. 55082

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	John V. Wostowicz	11521 88th St. N.
	John L. Wostowicz	11521 88th St. N.
	John Janet G. Wostowicz	11521 88th St. N.
	Kathy Schwartz	8540 Jewel Ave. N. Stillwater
	MYRA GREEDER	8350 KEATS AVE. N.
	KEITH NORD	1975 KIMBRO AVEN.
	DONNA NORD	1975 KIMBRO AVE N.

**APPENDIX V – PROFESSIONAL LANDSCAPE SCREENING
EXAMPLE**

Existing Conditions

Westwood
Engineering & Construction, Inc.

US/SOLAR



This graphic is an aerial photograph and should be used for discussion purposes only.
Please see field photos for actual details.

October 26th, 2017

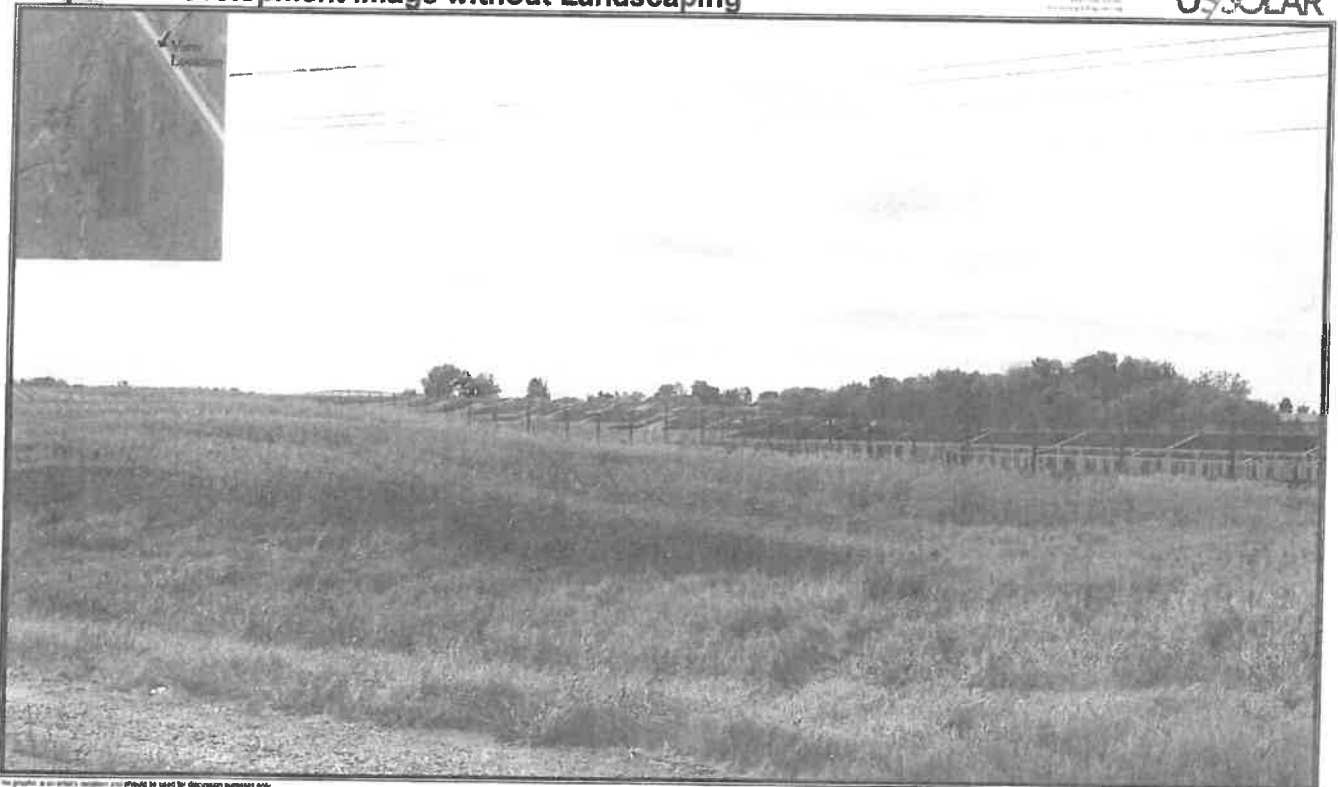
0 1/4" = 1' 0"

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

Proposed Development Image without Landscaping

Westwood

US SOLAR



This image is an aerial photograph and should be used for decision purposes only.
Please see final plans for actual details.

September 20th, 2017

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

Proposed Development Image with Landscaping

Westwood
ARCHITECTURAL
DESIGN & INTERIORS

US SOLAR



This graphic is an artistic rendering and should be used for discussion purposes only.
Please see plan sheets for color details.

September 29th, 2017



USS Hockey Pad Solar LLC
City of Jordan, Minnesota

Existing Conditions

Westwood
Engineering & Surveying

US/SOLAR



This graphic is a general condition and should be used for discussion purposes only.
Please see final plans for actual details.

September 2011

1.00-41

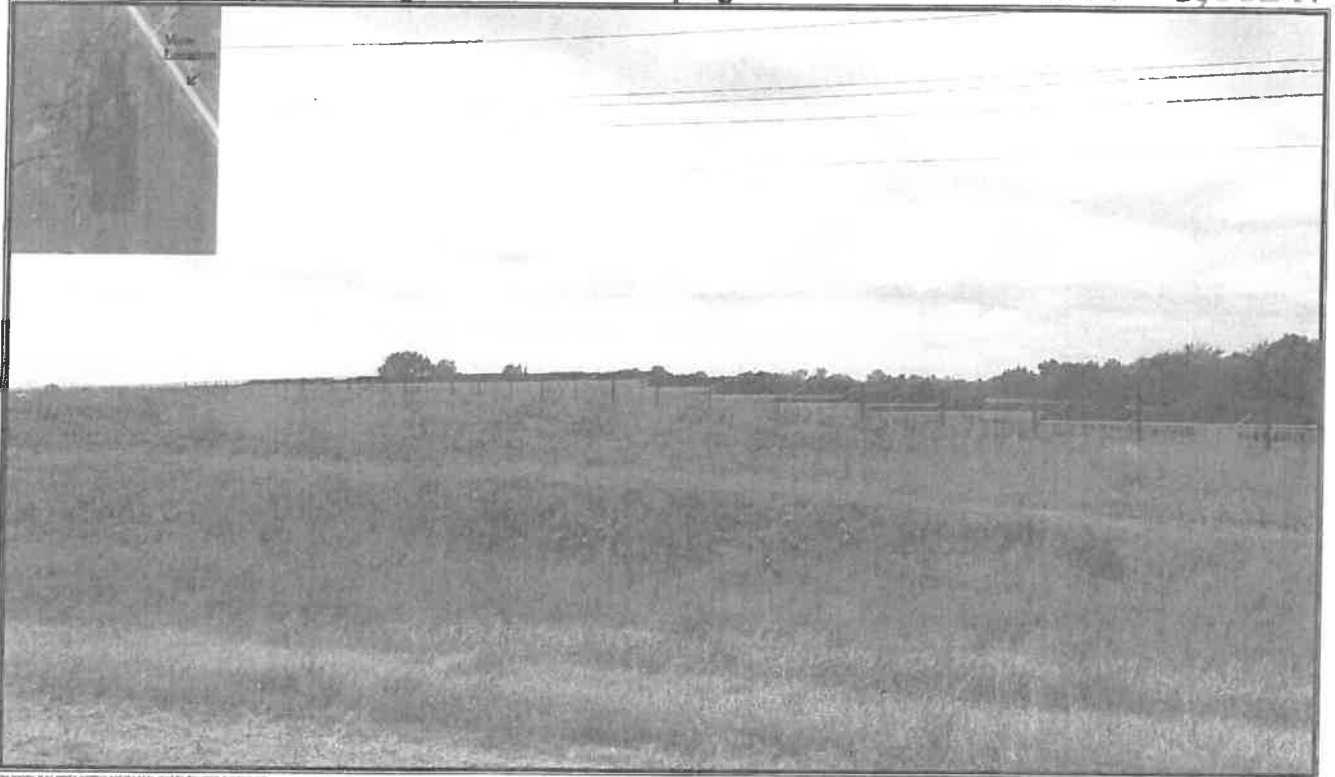
USS Hockey Pad Solar LLC

City of Jordan, Minnesota

Proposed Development Image without Landscaping

Westwood
Sustainable
Energy Solutions

US/SOLAR



This graphic is for informational purposes only and should be used for illustrative purposes only. Please see the plans for actual details.

September 2011, 2011



USS Hockey Pad Solar LLC
City of Jordan, Minnesota

Proposed Development Image with Landscaping

Westwood
Architectural
Planning & Design, Inc.

US/SOLAR



This graphic is an artist's impression and should be used for discussion purposes only. Please see final plans for actual details.

September 2016 02/17

USS Hockey Pad Solar LLC
City of Jordan, Minnesota

APPENDIX VI – LETTER FROM THE MINNESOTA FARM BUREAU



December 12, 2017

Mr. David Watts
David.watts@us-solar.com

Dear Mr. Watts:

Thank you for your recent email.

Minnesota Farm Bureau statewide policy supports the development and use of alternative energy sources such as solar farms and gardens, as long as the drainage is maintained and serviced. We do not weigh in on specific projects at the local level, those decisions need to be based on local support.

Thank you.

Sincerely,

Kevin Paap
President

KP/kfo

APPENDIX VII – LETTER FROM THE MINNESOTA FARMERS UNION



305 Roselawn Ave E • Suite 200 • St. Paul, MN 55117 • 2031
Ph 651.639.1223 • Fx 651.639.0421 • www.mfu.org

Monday December 4, 2017

To Whom It May Concern:

The Minnesota Farmer's Union supports the development of community solar farms and gardens as a supplemental land use by Minnesota farmers. Community solar farms and gardens are not permanent uses of land and can be used for crop production once the project is completed. Minnesota farmers will continue to adapt to find new ways to be economically sustainable and community solar farms and gardens provide an opportunity to diversity their land use and provide additional income. Community solar farms and gardens creates environmental benefits without decreasing property value or diminishing Minnesota's rural character.

Thom Petersen, Director of Government Relations

MN Farmers Union



STAFF REPORT

To: Mayor and City Council Members
Kim Points, City Clerk

Date: December 24, 2018

CC: David Snyder, City Attorney

From: Jennifer Haskamp
Consulting City Planner

RE: Application for an Amended Conditional Use Permit (CUP) construct and operate an Ice Arena on a 4-acre portion of the Mahtomedi School Campus (8678 75th Street N.)

Summary of Request & Background

The Applicant, Rinc 2, is requesting an Amendment to the existing Conditional Use Permit (CUP) on the Subject Property to permit the construction and operation of an Ice Arena. The existing CUP permits the operation and use of portions of the Mahtomedi School Campus for Athletic Field Uses but does not address the construction and operation of an Ice Arena. In August of 2015 the Applicant contacted the City to determine what steps and processes would be necessary to permit the construction and operation of an Ice Arena on the Mahtomedi School Campus. At that time, the City's Staff, including Attorney, indicated that either a new CUP or an Amendment to the existing CUP would be necessary since the Ice Arena use was not identified within the current CUP that addresses the Athletic Field Uses on the site. In August of 2016, the Applicant made a formal application to the City to Amend the Conditional Use Permit for Athletic Field Uses, thus initiating the process.

Planning Commission and Public Hearing

On December 18, 2018 the Planning Commission held a duly noticed public hearing at their regular meeting. Several members of the public provided testimony, both in support and opposition of the proposed Ice Arena. A summary of the testimony is provided as background for consideration of the City Council:

- Those that spoke in favor, cited the lack of an Ice Arena in the area to supports the Mahtomedi Schools and the youth hockey programs. Given the proposed location as part of the Mahtomedi School Campus, the proposed location seemed reasonable to those in favor of an arena.
- The public noted that an Ice Arena, particularly in an area that so heavily participates in the sport, will be a community gathering space and good for the area's youth and families.
- Some environmental concerns were raised, though nothing specific to the EAW or the EAW process.
- Testimony regarding the 'use' as an Ice Arena was questioned, and whether the appropriate 'use' is commercial and therefore the site should be rezoned to accommodate the Ice Arena. If rezoning to Commercial is necessary, then the public questioned whether the Ice Arena is appropriate since that would not be consistent with the rural character of the community.



- One member of the public inquired as to whether or not the existing CUP was being followed and evaluated by the City regularly. Noting that the existing permit should be followed before allowing an amendment to the permit.
- Concerns regarding traffic and parking were noted and identified. This was discussed particularly in reference to events. Circulation internal to the site was mentioned, and ingress/egress onto CSAH 12.
- Questions regarding hours of operation were noted, and some testified that they would like to see similar hours of operation for the Ice Arena as other athletic field uses on the site.
- Though not under the purview of the Planning Commission, some members of the public commented on the financial viability of arena and questioned what happens to the facility if it fails since it is a private non-profit that proposes to construct and operate the facility.

In addition to the public testimony, the Planning Commission discussed the proposal, and provided the following feedback:

- Some commissioners expressed concern regarding the accurate and true number of parking spaces needed to support the use, particularly if the facility was at maximum capacity (1,200 spectators).
- Internal circulation, particularly pedestrian connections between overflow parking areas and the Ice Arena were discussed. Some commissioners questioned whether people would walk between overflow areas and the Ice Arena, or if they would resort to parking along CSAH 12 or internal roadways/driveways. This discussion resulted in an additional proposed condition to include proper wayfinding and lighting between overflow parking areas and the Ice Arena.
- The commission asked about fire services given the type of facility (refrigeration, etc.) and wanted verification that such use would not increase the City's rates. While financial impact/analysis is not generally under the purview of the planning commission, they have proposed a draft condition for consideration of the City Council to address this concern.
- Access (ingress/egress) was discussed as well as the event management plan. There was discussion whether the event management plan should be instituted during all events (not just those exceeding 600), but ultimately no changes to the draft conditions were provided.
- As noted within the Public Testimony, commissioners also questioned what happens if the facility fails given that the owner/operator is a private non-profit.
- Commissioners also requested an opinion from the City Attorney regarding the Commercial Use question but did not request that such response be a condition of the permit.

After discussion, and with the items as noted, the Planning Commission unanimously recommended approval of the Amended Conditional Use Permit for the Ice Arena, with the conditions as noted by staff and as amended by the commission. A draft of the Amended CUP has been included as Attachment A, for the review and consideration of the City Council.

The following staff report is generally as presented to the Planning Commission, with some modifications and clarifications based on the Applicant's presentation, public testimony and Planning Commission discussion. The City Engineer's review memo is attached for your consideration as Attachment B.



Application Background

The following summary of the City's review efforts and timelines to-date associated with the Subject Application are provided to the Planning Commission for reference:

- August 2016: Application for Amendment CUP to permit Ice Arena construction and operations is submitted to the City.
- City Staff determines that the Amended CUP Application is complete.
- August 25, 2016 Staff prepares a memo to request that the City Council order the preparation of an Environmental Assessment Worksheet (EAW) by a third-party consultant to properly evaluate the proposed project.
- September 6, 2016 Regular City Council Meeting, the City Council orders the preparation of the discretionary EAW to evaluate the proposed project. Due to ordering the EAW, the review timeline permit Minnesota State Statutes 15.99 is paused to allow for environmental review.
- September 2016 – January 2017 the draft EAW is prepared by BayWest and Traffic Impact Group.
- January 31, 2017 Draft #1 of EAW is submitted to EQB for public review and comment. The Project Description proposes to construct the Ice Arena within the dump/waste extents and to use pilings to support the structure.
- February 6 – March 8, 2017 Public Comment Period is Open
- February 22, 2017 City of Grant holds Public Open House for review of Draft EAW
- March – April 2017 City of Grant's consultant, BayWest, compiles and reviews comments received during the Public Comment period. After review, BayWest concludes that a declaration cannot be made and that additional information is necessary to make a determination regarding the EAW. BayWest discusses with the EQB the need to obtain additional information from the Project Proposer to make sure the City is compliant with the EQB's rules. After discussion with the EQB, BayWest informs the Project Proposer that additional information is need.
- April 17, 2017 – February 2018 The Project Proposer prepares the Additional Work as needed and identified by BayWest. During this time, the Project Proposer works with the MPCA on a VRAP (Voluntary Response Action Plan) and supplemental processes to ensure the MPCA will permit the construction of the proposed Ice Arena. As a result of the effort to achieve approval from the MPCA, the Project Proposer changed their construction proposal to excavate the dump and remove the waste, and to replace it with clean fill thus changing the Project Description. As a result, the EAW was required to be amended to consider the revised Project Description, and to allow for another public comment period.
- May 25, 2018 Revised EAW is submitted to the EQB for release and a second public comment period based on the amended Project Description.
- June 6 – July 8, 2018 The 30-day Public Comment Period is opened.
- July 9 – August 3, 2018 BayWest prepares Response to Comments, Findings of Fact and Notice of Decision regarding the amended EAW. Based on comments received, approvals from the MPCA regarding the revised project description, BayWest recommends that the City Council find that there is no need for further environmental review.
- August 7, 2018 The Resolution of No Need, and Response to Comments and Findings of Fact are on the agenda for review. The City Council adjourns the meeting early without taking action.
- September 4, 2018 The City Council adopts Resolution 2018-15, finding that there is no need for additional environmental review based on the information contained within the EAW.



- October 11, 2018 Rinc 2 formally applied for the Amended Conditional Use Permit (the subject of this Application) with the revised materials as presented within the EAW.

Rinc 2 was required to submit revised drawings and plans in this submission because the construction and development plan for the proposed Ice Arena changed as a result of the EAW process. The October 11th submittal materials include the prior materials from 2016, as well as revised drawings based on the materials reviewed as part of the EAW process that was completed in 2018. For purposes of this Staff Report and the City Engineer’s review memo the most current available drawings were reviewed and where possible Staff has identified the date of the Plan for clarification. Based on Staff’s review, there are some drawings and plans that will need to be updated to reflect the revised construction/development plan. Where updated information is needed staff has noted and identified within the respective staff reports. Because of the history and extensive quantity of information contained within the submitted materials, staff has identified a few key documents to highlight within this Staff Report. Staff encourages the Planning Commission to review all of the other submitted information, and the purpose of highlighting key documents is to help Commissioner’s understand what pieces of information have been reviewed and where official action has occurred, and to highlight where some issues or updates are needed as part of the City’s CUP process. A list of key documents highlighted within this staff report are provided in the list at the end of this report.

Project Summary

Applicant: Rinc 2 (c/o Alex Rogosheske, Esq.)	Site Size: ~4 Acres – Disturbed (Total Parcel Area 60.57 Acres)
Owner: ISD 832	PIDs: 2803021130001 (2803021240002, 2803021240001 Existing Parking & Drainage)
Zoning & Land Use: A-1	Existing Use: The property is used as part of the Mahtomedi School Campus; there are two existing CUPs recorded against the subject PID, 1) The Wildwood Elementary School CUP, and 2) The Athletic Fields CUP
Address: 8678 75 th Street N.	Request: A Conditional Use Permit (CUP)

The Applicant, Rinc 2, and Owner, ISD 832, are proposing to Amend the existing Conditional Use Permit for Athletic Fields (Attachment A: Amended CUP) to allow for the construction and operation of an Ice Arena as part of the existing CUP. The proposed project would disturb an approximately 4-acre portion of the Mahtomedi School Campus, and no subdivision is contemplated or proposed as part of this request. A summary of the proposed project is provided as follows:

Existing Site Use: The existing parcel is used for a combination of uses including an Elementary School (Wildwood), stormwater management (ponds), athletic fields including multi-purpose and soccer fields, and internal roads and parking lots. The proposed Ice Arena is located near the western edge of the subject parcel and would be located on approximately 4-acres that is currently used as a multi-purpose filed (See Attachment A: Site Aerial).

Owner & Applicant Agreement: The Applicant, Rinc 2, has entered a Ground Lease with the Owner, ISD 832, that would permit the Applicant to construct and operate the proposed Ice Arena on the Subject Site. A



copy of the lease has been provided and was included in the Applicant's materials. The Ground Lease indicates a period from 2016 through 2036, with option to extend the period through 2056 provided Rinc 2 is not default of any of the terms or conditions of the Lease. (See Second Amended Ground Lease dated March 2017) Ownership of the property would remain ISD 832, and Rinc 2's proposed project would operate to benefit the School District's facilities and athletic fields as described within the Applicant's narrative.

Traffic, Main Access and Parking: The proposed Ice Arena is accessed from CSAH 12 (75th Street N) which is a shared access location with Wildwood Elementary School located to the southeast of the proposed Ice Arena. There are internal connector roads throughout the Mahtomedi School Campus that would be used to provide connections and access to the High School and Middle School located to the west of the proposed Ice Arena. A traffic study was prepared by Traffic Impact Group as a part of the EAW process, which was coordinated with Washington County to ensure that the study would also include additional information need for access permitting. After the completion of the EAW process, Washington County requested additional information and the Applicant updated the traffic study which was submitted to Washington County for review (See Memo Additional Traffic Analysis October 16, 2018) There is an existing parking lot that was constructed to serve the athletic fields on site, which is located southwest of the proposed Ice Arena. The existing parking lot has 203 parking spaces (195 + 8 Handicap Stalls). The Applicant and Owner propose to use this parking lot as the main parking lot to serve the Ice Arena, which will be shared with the athletic fields and High School overflow. (See Site Plan C1.1, dated June 14, 2016) As noted in subsequent sections of this report, the Applicant and Owner have agreed that during events, overflow parking will be directed to the Elementary School Parking lot and the parking lot near the tennis courts.

Utilities: The proposed Ice Arena would be connected to municipal water and wastewater services which are currently provided to the Mahtomedi School Campus by the City of Mahtomedi. There are two letters contained in the Applicant's materials, both on behalf of the City of Mahtomedi from WSB. The first letter dated January 10, 2017 indicates that there is enough capacity in the City's water and wastewater infrastructure to serve the Ice Arena. The second correspondence dated October 1, 2018 indicates that the City of Mahtomedi has planned for the Ice Arena within its updated 2040 Comprehensive Plan so that if the project is approved no Comprehensive Plan Amendment will be required as the City has guided and planned for the improvements. (See Correspondence from WSB on behalf of Mahtomedi)

Environmental Review: The proposed project was evaluated to determine the potential for environmental impact since the proposed Ice Arena location is on a former dump site (See Letter from Minnesota Pollution Control Agency dated January 4, 2018; page one provides a summary of the site history). As indicated in the letter, the Applicant and Owner have prepared a Response Action Plan that was approved by the MPCA, and provided that the conditions as stated within the memo are met, they will issue necessary permits to allow for the construction and operation of the Ice Arena in the proposed location. This information was included in the revised EAW, which was provided for review during the 2018 public comment period. On September 4, 2018 the City Council adopted resolution 2018-15, determining that there is "no-need" for additional environmental review based on the information contained and evaluated in the EAW. This resolution and finding closed the EAW process. Several mitigation measures were indicated and identified within the EAW, which are included within this staff report as draft conditions.

Operations: The proposed Ice Area includes an NHL-size single sheet of ice, team rooms for high-school boys and girls varsity, and leagues. The proposed operations include public use spaces such as concessions, skate



changing, ticketing and restrooms. The Ice Arena includes seating initially to accommodate 600 spectators with a full build out of up to 1,200 spectators. The facility includes space for mechanical and equipment spaces for refrigeration and resurfacing. The principal use of the facility is as a hockey arena, and the Applicant has indicated flexibility in the possibility of allowing other accessory or secondary uses in the facility when not in use as a hockey arena. The number of employees is anticipated to range from one (1) to seven (7) depending on the activities planned on a particular day. Obviously during events, more employees will be necessary, including potential traffic operations/control assistance as noted in the Traffic Analysis memo.

Hours of Operation: The Applicant indicates within their narrative that the exact hours of operation have not been determined but proposes to allow for the facility to be open daily from 5:00 AM to 12:00 AM. Though not stated specifically, staff understands that the facility would be open and operational on a year-round basis.

Review Criteria

According to the City Code, Conditional Use Permits are subject to the process and review criteria stated in City Code Section 32-152. Although this request is to Amend an existing Conditional Use Permit, the following standards are still applicable since the Ice Arena use is new and not currently present or addressed within the existing CUP. The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

“(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.”

(e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required.”

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit.

The City Council should note that the only conditions in the existing CUP that are subject to review or modification within this process are those conditions that would be directly affected or related to the proposed Ice Arena amendment. So, for example the existing parking lot that was approved as part of the original Site Plan for the Athletic Fields is now proposed to also accommodate the Ice Arena. Therefore, any specific conditions in the existing CUP that relate to the parking lot are open for discussion in this process.

Existing Site Conditions

The proposed project is sited on an approximately 4-acre portion of a larger 60.57 Acre property. The existing larger site includes the Wildwood Elementary School, internal roadways, parking lots, surface water management features and ponds, wetlands, park/recreational area, soccer fields, baseball fields and open spaces with vegetated buffers along the northern edge. The Ice Arena site is located northeast of Existing



Athletic Parking ‘A’, and north of the existing drive and infiltration areas as noted on the plans. Currently this portion of the site is used as open recreational field area, used for La Crosse, Soccer and other field activities. There are no wetlands on the 4-acre portion of the site per the Rice Creek Watershed District’s correspondence. As described in the correspondence from the MPCA dated January 4, 2018, from the 1950s to the 1970 the 4-acre Ice Arena site was within a 10-acre portion of the property used for “disposal of municipal, solid, demolition and industrial waste.” This area is shown in gray and denoted as “Contaminated Soils” on the Applicant’s Grading & Utility Plan dated July 1, 2016. At this time the contaminated soils remain on site.

Comprehensive Plan Review

The Subject Site is guided A-1 and is currently used for the Mahtomedi School Campus. The City’s Comprehensive Plan describes the A-1 land use designation as primarily large lot residential and agricultural uses, but further states that some non-residential uses are permitted through conditional use permit. The existing Mahtomedi School Campus is a conditionally permitted Public School, and the associated Athletic Fields have also been reviewed and approved as part of the City’s CUP processes. The proposed Ice Arena use is an extension of the Athletic Field Use and is considered as part of the School’s existing CUP which was deemed consistent with the City’s Comprehensive Plan.

As noted in the Public Hearing, public testimony questioning whether the site was required to be re-zoned, and subsequently re-guided to a commercial use was provided. Staff responded at the Planning Commission meeting that the Athletic Field uses were determined, in prior applications dating back to the 1970s, to be an accessory use of the “Public School” use and therefore the Ice Arena is a conditionally permitted accessory use to the Public School campus. A short memo from the City’s Attorney will also be provided under separate cover as requested by the Planning Commission addressing this issue.

Zoning/Site Review

The City of Grant zoning ordinance conditionally permits Public Schools and their accessory uses within the A1 and A2 zoning districts. The following dimensional standards are provided for your review and consideration.

Dimensional Standards

The following site and zoning requirements in the A-2 district regulate the site and proposed project:

Dimension	Standard
Lot Size	20 Acres
Frontage – public road	300’
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
Height of Structure	35’



Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	75' (50')

Lot Size/Area: The proposed Ice Arena is located on the Wildwood Elementary School parcel which is approximately 60.57 Acres. Section 32-1 Definitions, requires all Public or Private Schools to have a minimum of 20 contiguous acres. The portion of property that will be disturbed to construct the Ice Arena is approximately 4 acres; however, there is no subdivision proposed as part of this project. While the Ice Arena will be sited on a portion of the property, the site will remain contiguous and exceeds the City's minimum lot area for Public Schools.

As proposed the proposed site and project meet the City's ordinance requirements.

Setbacks & Frontage: Section 32-1 requires all public schools to be located on parcels that are a minimum of 20-contiguous acres, and that such sites must have frontage on a State or County roadway. The proposed Ice Arena (and existing Mahtomedi School Campus) have frontage on CSAH 12 (75th Street North) which is a County Road. Additionally, the City requires a minimum of 300-feet of frontage for all lots/parcels, and the existing parcel has over 1,600-feet of frontage on CSAH 12.

As proposed, the existing site and proposed project meet the City's ordinance requirements.

Section 32-246 of the City's ordinances require that all structures must be setback a minimum of 150-feet from the centerline of an Arterial roadway. The proposed structure is setback approximately 430-feet from the centerline of CSAH 12. ***As proposed the Ice Arena's location meets the City's front-yard setback ordinance requirements.***

Parking Area (Location & Spaces): The Applicant is proposing to utilize and share the existing parking lot on site that was constructed to support the Athletic Fields which was a condition of site plan approval of the existing CUP. The existing parking lot currently has 195 standard stalls and 8 handicap accessible stalls with total parking available of 203 stalls. It is staff's understanding that the parking lot also serves as overflow parking for High School permit parking, but that a limited number of stalls are used for this purpose on a regular basis.

The City's current ordinance does not specify a parking ratio to determine how many spaces are needed to adequately serve the facility. As described in the narrative the Phase I spectator seating is 600, while a phase II condition is 1,200 (Note that there is no exterior physical changes between phase I and phase II, and it is simply the interior spectator seating that will be adjusted). While not detailed within the narrative, the analysis in the Traffic Study (See Traffic Study as part of EAW, and the Additional Traffic Analysis dated October 16, 2148) analyzes the 600-spectators as an event condition that does not reflect daily conditions.



However, if the Traffic Study information is utilized with the assumption that there are 2.1 persons per vehicle, then the number of parking spaces need to support an event with 600 people would 285 stalls. This is more than is currently available at the main proposed parking lot and would not support the Phase II condition of 1,200. Staff followed up with the Applicant to discuss the plan for overflow parking during events. The Applicant has indicated that the existing Wildwood Elementary School parking lot and the existing parking lot located near the tennis courts would serve as overflow parking during events. Based on plan submitted with the Wildwood Elementary School project, there are approximately 130-stalls at the Elementary School, and additional 125-parking stalls at the tennis courts. This would make total available parking of approximately 540-stalls. This is slightly less than what be needed if the facility is maxed out at 1,200 spectators (ratio results in needed 580-stalls). ***While this condition is likely in the future, staff would recommend that the Applicant provide verification of total number of stalls available in all three parking lots since as-builts were not used to calculate the numbers (preliminary plan sent from 2011 was used to calculate).***

From a daily use perspective, it is assumed that regular team practices would result in between 20 and 50 vehicles onsite at a time with the higher counts expected as teams change/crossover. Based on that projection, the proposed main parking lot would be adequate to accommodate the expected cars, while still providing parking spaces for other users on site.

Based on the information provided and reviewed, the proposed main parking lot is adequate to function and serve expected daily use of the facility. More information regarding anticipated Phase II conditions (1,200 spectators) would be needed to ensure adequate parking is available.

Driveway/Circulation:

As part of the EAW process a Traffic Study was completed by Traffic Impact Group to evaluate the potential impact of the proposed use on the ingress/egress into the site. Since the Ice Arena is located near the main entrance which serves the elementary school, the proper/safe functioning of this intersection is critical. Per the Traffic Study, the intersection and internal traffic flow would be acceptable under the Phase I condition. However, if and when Phase II occurs, and additional spectator space is added then proper mitigative measures will be necessary during events to ensure that safe ingress/egress from the site can occur. The recommended mitigation contained in the supplemental traffic study dated October 2018 includes an event management plan to address potential traffic flow issues. It is unclear if Washington County has formally reviewed the recommendations regarding the proposed mitigation, but it has been submitted to Washington County for their review and comments. Staff will reach out to Washington County to understand their current perspectives and will provide written or verbal update to the City Council, if available, at the meeting. ***Staff recommends including a condition in the Conditional Use Permit that all event parking mitigation, acceptable to Washington County and the City,***



must be provided at every event.

In addition to car circulation, pedestrian traffic flow is important given the location of the proposed Ice Area in relation to the main access drive. The main entrance to the Elementary School runs along the eastern edge of the parking lot and then heads directly east just south of the proposed Ice Arena. This makes the pedestrian plan important to try and keep pedestrians crossing into the Ice Arena off the 'main drive' to the extent possible. The site design, as shown on the figure noted as "Site Plan – C1.1" shows how the Applicant proposes to use vegetation as a guide to the main entrance into the Ice Arena. While the vegetation helps, it seems likely that users of the Ice Arena may still wander into the "main drive" particularly if the 'stubs' at the end of the parking rows are not medians/curbs. Staff would recommend some additional measures to help guide pedestrians away from the main drive. ***Staff recommends the Applicant consider additional crosswalk striping, medians, or other pedestrian markers to help reduce potential conflicts.***

Finally, in the case of overflow parking, the Applicant has stated that the Tennis Court parking lot as well as the Elementary School parking lot will be used. The site plan does not show the pedestrian routes between these parking lots and the Ice Arena. Since the Ice Arena will be most active during the winter, walking on shoulders/grass areas is not feasible given that there will likely be snow accumulation/piles. Staff has concerns that walking on the driveways/access will not provide safe pedestrian routes given the volume of traffic as well as winter conditions. ***As a result, staff recommends that a condition be included in the CUP that requires the applicant to prepare a pedestrian plan and that such plan must be reviewed and approved by the City Staff, including the City Engineer, to ensure that there is a safe route between the overflow parking areas and the Ice Arena.***

Architecture, Building
Height, Foundation

The proposed Ice Arena is approximately 46,091 square feet and is oriented east-west on the site. The main entrance to the facility is on the western façade and connected to the parking lot via a sidewalk and some vegetation. Given the proposed use, there is little fenestration and articulation on the facades, with the exception of the western façade that includes the main entrance vestibule area and three windows on the elevation. The proposed structure's maximum height is 29-feet, and steps down to 18-feet on the east elevation. ***As proposed, the Ice Arena meets the City's Ordinance requirements for architecture and maximum height.***

Staff would note the foundation and some special construction/architectural characteristics of the Ice Arena that are not typically reviewed as part of a CUP process. However, given the background and history of the Site, staff notes a few specific site characteristics that will be evaluated/reviewed by both the City's Engineer (where applicable) and the Building Official (State or Local). As background the EAW process resulted in a revised construction plan that now involves removing the waste material currently on-site directly within the



disturbance area (building pad) and bringing in clean fill to support the foundation of the new Ice Arena. Secondly, as described in the Response Action Plan approved by the MPCA, the construction will also include the installation of a Vapor Barrier on the foundation and vapor mitigation system. Staff identifies these characteristics as reference but has not completed any review or analysis as they are permitted and reviewed through the building permit and MPCA RAP processes.

Lighting

Section 32-321 addresses lighting standards, specifically related to non-residential uses. The proposed plan does not identify any outdoor lighting, and existing lighting in the parking lot or along the internal driveways is not identified. Staff contacted the Applicant for additional information regarding proposed lighting, and the Applicant's architect stated that the existing parking lot is lit and no changes are proposed. There will be some lighting along the sidewalk to the facility, and on the perimeter of the building. All lighting will be hooded and downlit with the primary function as pedestrian safety and wayfinding. Staff also notes that a full plan indicating lighting on internal driveways was not provided. Additional information regarding the lighting of these driveway is important particularly related to event situations where overflow parking will occur in nearby parking lots. Staff provided additional clarification during the Planning Commission meeting that if sidewalks/pedestrian ways are provided between the overflow parking areas and the Ice Arena that a lighting plan should be shown and developed to ensure these walkways are properly lit. ***The Applicant should provide a lighting plan that identifies lighting on the proposed structure, as well as lighting in the parking lot, along the drives and any proposed pedestrian-ways to the Tennis Court Parking Lot and the Wildwood Elementary School Parking lot. Staff recommends including a condition that such plan shall be required to demonstrate compliance with the City's lighting standards and ordinances.***

Utilities (Municipal Water & Septic):

The Mahtomedi School Campus facilities are the only buildings/uses served by municipal water and wastewater services in the City of Grant. The City of Mahtomedi has indicated that the current pipes (water and wastewater) serving the School Campus are adequate to serve the Ice Arena. The City has provided two correspondence indicating that 1) infrastructure is adequate and available, and 2) that they have updated their 2040 Comprehensive Plan to include and plan for the Ice Arena.

Engineering Standards

The City Engineer has reviewed the subject application and has provided a memo for your review and consideration. At this time, more/updated information is necessary to perform a complete review, since several of the drawings and information were completed prior to the revised construction plan.

Other Agency Review



The Applicant is working with several agencies on the proposed Ice Arena project, and many of those agencies will have some permitting or other required approval process. As discussed, Washington County has actively been working with the Applicant, and the City during the EAW process, on the access permits and traffic mitigation during events. The Applicant has submitted a permit request to the Rice Creek Watershed District and that memo was provided with the submittal documents. Additionally, if the CUP is granted, the Applicant will need work with the City of Mahtomedi, Minnesota Department of Health, and all other agencies having permitting authority over the water and sanitary sewer connections to serve the facility.

Draft Conditional Use Permit and Action requested:

As directed by the Planning Commission, Staff has provided a draft Amended Conditional Use Permit and Resolution of Approval that is attached to this staff report for your review and consideration. Please note, that the amended permit includes conditions as approved during the 2011 process that have been completed. No changes to the conditions have been made, but instead remain as approved, except as noted.

Attachments

- Attachment A: City of Grant Resolution 2018-15
- Attachment B: City Engineer's Memo
- Attachment C: Amended Conditional Use Permit – Athletic Fields
- Attachment D: Overall Site Aerial
- Attachment E: Draft City of Grant Resolution 2019-XX

List of Documents Referenced in Staff Report:

- Applicant's Narrative
- Additional Traffic Analysis, Traffic Impact Group, October 16, 2018
- Site Plan C1.1, June 4, 2016
- WSB Memos on behalf of City of Mahtomedi, by Perdu and LaBounty
- Approval of Revised Response Action Plan, MPCA, January 4, 2018
- Applicant's Grading & Utility Plan, July 1, 2016
- Permit Application, Rice Creek Watershed District, November 7, 2018

Memorandum

To: Jennifer Haskamp, City Planner

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

Date: December 11, 2018

Re: Mahtomedi Ice Rink Preliminary Engineering Review

Submittal:

Engineering review comments were generated from the following submittals:

- Mahtomedi Ice Arena Feasibility Study, dated October 3, 2018
 - Geotechnical Evaluation Report, dated January 31, 2018:
 - RCWD Permit Application - CAPROC, dated November 7, 2018
 - Approved VRAP Mahtomedi Ice Rink MPCA, dated January 4, 2018
 - Updated Traffic Impact Study Traffic Impact Group, dated October 16, 2018
- Mahtomedi Ice Arena Drawings, dated August 12, 2016

These plans were reviewed for conformance with the City of Grant Engineering Guidelines Dated April 2015

Site Comments:

1. A complete site, utility, grading and drainage plan to scale must designed and signed by a registered civil engineer in the State of Minnesota be submitted for review prior to construction.
2. Traffic Signs and devices shall be installed per Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.
3. Show proposed parking lot, driveway and walk spot elevations.
4. Show limits of clearing and grading.
5. A separate erosion control plan is required that will accompany the grading plan. The plan shall be compliant with all City and National Pollutant Discharge Elimination System(NPDES) permit standards.
6. Provide pavement sections for all roadways, trails and parking lots

Stormwater Management Comments:

7. A complete Storm water Report meeting the requirements of the appropriate watershed organizations must be submitted for review.
8. Show emergency overflow routes shall be provided for all basins in addition to the normal pipe outlet. If pipe is installed to provide for an emergency overflow, label it as the emergency overflow.

9. Show or define access routes for maintenance purposes to all manholes, inlets, and/or outlets at ponding areas that are outside of public right of way.
10. The Applicant shall submit an approved RCWD permit prior to construction.
11. The Applicant shall submit an approved NPDES permit to the City prior to construction.
12. The Applicant shall submit an approved Grading permit from the City of Grant prior to construction.

Should you have any questions or comments regarding the items listed above, please contact me at 763-512-5243.

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



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

Application Date:	8/15/16
Fee: \$400	Escrow: \$3,000

Check # 3011 - \$3,400.00

CONDITIONAL USE PERMIT

Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to the issuance of the Permit and/or periodic review may be required. The Permit shall be granted for a particular use and not for a particular person or firm.

PARCEL IDENTIFICATION NO (PIN): 2803021130001 LEGAL DESCRIPTION: See attachment		ZONING DISTRICT & COMP PLAN LAND USE: A-1, Parcel 60.57A LOT SIZE: 4 Acres (area of construction)
PROJECT ADDRESS: 8678 75th Street N Grant, MN 55002	OWNER: Name: ISD 831 Address: 1520 Mahtomedi Ave City, State: Mahtomedi, MN 55115 Phone: (651) 407-2000 Email:	APPLICANT (IF DIFFERENT THAN OWNER): Rinc 2 c/o Alex Rogosheske, Esq. 105 Hardman Ct. South St. Paul, MN 55075 (651) 253-3127
BRIEF DESCRIPTION OF REQUEST: Rinc 2, Corp. and ISD 832 are seeking an amendment to the current conditional use permit for construction and operation of a single sheet ice arena on a portion of the Mahtomedi Public School campus.		
EXISTING SITE CONDITIONS: The site is currently open space in-between athletic fields.		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code section for a detailed description of required submittal documents, and subsequent process. 1. Division 5. Conditional Use Permits 32-141 through 157		

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"/>	Site Plan: All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow <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 utilities ▪ Location of well and septic systems on adjacent properties ▪ Location of current and proposed curb cuts, driveways and access roads ▪ Existing and proposed parking (if applicable) ▪ Off-street loading areas (if applicable) ▪ Existing and proposed sidewalks and trails ▪ Sanitary sewer and water utility plans COPIES: 4 plans at 22"x34", 20 plans at 11"x17"

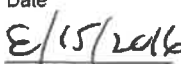
Application for: **CONDITIONAL USE PERMIT**
City of Grant

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><u>Grading/Landscape Plan:</u> 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"> ▪ Grading Plan ▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs ▪ Wetland Delineation ▪ Buildable area ▪ Topographic contours at 2-foot intervals, bluff line (if applicable) ▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation ▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<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		
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<input checked="" 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

 Signature of Owner (if different than applicant)

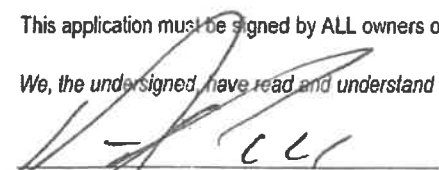
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Application for: **CONDITIONAL USE PERMIT**
City of Grant

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Signature of Applicant

8/15/16
Date

Signature of Owner (if different than applicant)

Date

CITY OF GRANT
PO BOX 577
WILLERNIE, MN 55090

Received
10/11/18

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



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

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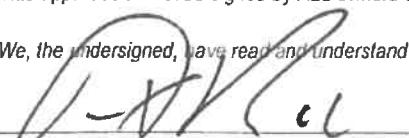
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Application for: [unintelligible]
City of Grant

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Signature of Applicant

10/11/18
Date

Signature of Owner (if different than applicant)

Date

LEGAL DESCRIPTION

That part of the South Half of the Northeast Quarter of Section 28, Township 30 North, Range 21 West, Grant Township, Washington County, Minnesota, which lies Westerly and Northwesterly of the Northwesterly line of Minnesota Department of Natural Resources Trail (formerly known as the Soo Line Railroad right-of-way) and which lies Northerly of the Northerly line of Washington County Highway Right of Way Plat No. 19, according to the plat thereof on file and of record in the office of the County Recorder, Washington County Minnesota, Excepting from said South Half of the Northeast Quarter that parcel described as follows: Commencing at a point 1113.2 feet West and 33 feet North of the East Quarter of said Section 28, which point is on the North right-of-way of County Road #2 for the point of beginning; thence North a distance of 100 feet; thence East a distance of 177.95 feet to the Westerly right of way line of the Minneapolis, St. Paul & Sault St. Marie Railroad; thence Southwesterly with an inside angle of 52 degrees 11 minutes and along the Westerly right-of-way line of said Railroad a distance of 127 feet to the North right-of-way line of said County Road #2; thence West along the North right-of-way line of said County Road #2 a distance of 100 feet to the point of beginning.

That part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 21 West, which lies Easterly of the West 995.31 feet of said Southeast Quarter of the Northwest Quarter. (This parcel is subject to C.S.A.H. No. 12)

The Westerly 30 Acres of the Southeast Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 21 West. (This parcel is subject to C.S.A.H. No. 12)

The Southwest Quarter of the Northwest Quarter of Section 28, Township 30 North, Range 21 West. (Parcel subject to C.S.A.H. No. 12)

The Westerly Twelve (W^{ly} 12) feet of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-Eight (28), Township 30 North (T30N), Range 21 West (R21W), of the Fourth Principal Meridian, Washington County, Minnesota. Doc. No. 295925

The East 303.1 feet of the Southeast Quarter of the Northeast Quarter of Section 29, Township 30 North, Range 21 West; and that part of the Northeast Quarter of the Southeast Quarter lying north of a 100 foot strip of land formerly owned by Mpls. & St. Paul Suburban Railway and that part of said railway all lying Easterly of a line 303.1 feet West (measured at right angles to the southerly prolongation of the eastline of the Northeast Quarter of said Section 29) of Section 29, Township 30 North, Range 21 West, Washington County, Minnesota. (Subject to ingress and egress per Doc. No. 616515) Doc. No. 299316

That part of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota. lying north of a one hundred (100') strip of land formerly owned by Minneapolis and St. Paul Suburban Railroad. Doc. No. 303464

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota, lying North of a 100 foot strip formerly owned by Minneapolis and St. Paul Suburban Railway, Subject to County Road No. 12. Doc. No. 332970

A strip, 100 feet wide, for right of way of Interurban Railroad, lying within the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 28, Township 30 North, Range 21 West, Subject to County Road 12. Doc. No. 286451

That part of the East lying North of the 100' strip of land formerly owned by the Minneapolis and St. Paul Suburban Railway in the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota. Doc. No. 350233 vague description.

That part of the East Half lying North of the 100 foot strip of land formerly owned by the Minneapolis and St. Paul Suburban Railway in the Southwest (SW $\frac{1}{4}$) of Section 28, Township 30 North, Range 21 West, Washington County, Minnesota. Doc. No. 303463 vague description.

Note: Above parcels are subject to C.S.A.H. No. 12, Washington County Highway Right of Way Plats Nos. 19 and 79, and Highway Right of Way Easements 297806 and 297807

Mahtomedi Ice Arena: Narrative Describing CUP Request

Rinc 2, Corp. and ISD 832 are seeking an amendment to the current Conditional Use Permit for construction and operation of a single sheet ice arena on a portion of the Mahtomedi Public School campus. The arena includes an NHL-size rink; team rooms for high-school boys and girls varsity and leagues; public use spaces such as concessions, skate changing, ticketing, and restrooms; seating for potentially 1,200 spectators; and ice mechanical and equipment spaces for refrigeration and resurfacing. Arena seating would be accommodated in phases; the first phase would provide seating for 600 spectators.

Rinc 2, Corp. has a signed lease with the school district for the building site.

Operation and Use:

The building would be operated primarily as a hockey arena, although it may be used as a multi-purpose space for activities such as graduation, baseball, soccer, lacrosse practice, school classes, meetings, etc.

Number of Employees:

The Pro-Forma has an average of 2.5 FTE's.

Sewer and Water Flow/User Rates:

Based on the following the anticipated sewer and water flow rates are as follows for a 1,200 seat arena:

1. Ice making twice a year = $16,000 \text{ SF} \times 1.5''/12''/\text{ft} \times 7.48 \text{ gal}/\text{ft}^3 = 29,920 \text{ GPY}$ (Gallons per year)
2. Resurfacing 12 times per day, 100 gallons per use, 365 days per year = 438,000 GPY
3. Normal people use
 - a. 30 people, 12 hours per day, 25% use toilet, 1.6 GPF = 144 GPD (Gallons per day)
 - b. 30 people, 12 hours per day, 50% use urinal, 1.0 GPF = 180 GPD
 - c. 30 people, 12 hours per day, 100% wash hands for one minute @ 0.5 GPM (Gallons per minute)= 180 GPD
 - d. Total gallons per year = 182,500 GPY
4. Showers
 - a. 4 uses per hour, 12 hours per day, 2.5 GPM, 10 minutes/shower, 365 days/yr = 438,000 GPY
5. Events at 1200 people, 10 times per year.
 - a. 600 women use toilet, once per event, 10 times per year, 1.6 GPF = 9,600 GPY
 - b. 300 men use toilet, once per event, 10 times per year, 1.6 GPF = 4,800 GPY
 - c. 300 men use urinal, once per event, 10 times per year, 1.0 GPF = 3,000 GPY
 - d. 1,200 users wash hands, one minute, 0.5 GPM, 6,000 GPY
 - e. Total Large Event use = 23,400 GPY
6. Events at 600 people, 20 times per year = same as above = 23,400 GPY
7. Total yearly water flow estimated at 1,135,220 gallons per year = 3,110 gallons per day = 2.15 gallons/minute
8. All water goes into sewer system 1,135,220 gallons per year = 3,110 gallons per day = 2.15 gallons/minute

Soil Limitations for The Intended Use & Plan Indicating Conservation/BMPs:

Limited soil remediation will be required. See the attached feasibility report for detail regarding the soil analysis and findings.

Hours of Operation:

The exact hours of operations has yet to be determined, but the expectation is that the facility would be open from 5:00 am to 12:00 am (19 hours per day)

Relationship to City's Comprehensive Plan:

The proposed ice arena supports the City's comprehensive plan through it approach to land use, sustainability and community facilities.

Mahtomedi Ice Arena: Narrative Describing CUP Request

The building would be located adjacent to existing schools which allows it to take advantage of shared parking opportunities with existing facilities. Large events at the arena would be held at times of day and during seasons of the year in which conflict between the facilities would be minimal. The spaces and potential multi-purpose uses of the building also build upon the existing educational, recreational and athletic uses of the area. The proposed arena would provide space that could be used by the schools and surrounding community, such as school physical education classes and community meetings. The potential athletic, recreational and multi-purpose use facility enhances and promotes a high quality of life for residents.

In addition, the choice of this site as the location for the proposed arena highlights a commitment to sustainability and the natural environment. The arena would be located at the former disposal site of municipal and industrial waste and demolition debris. The contaminated soils require remediation and the use of non-standard structural and mechanical system to mitigate the potential hazards. However, these drawbacks are offset by the opportunities with shared facilities and the use of a site that would be difficult to redevelop – in a sense, preserving open space elsewhere in the community.

Mahtomedi Ice Arena: Governmental Agencies

Rinc 2, Corp. and ISD have contacted the other governmental agencies that have authority over the property for approvals and necessary permits. They include:

- Watershed District
- County Departments
- State Agencies, specifically the MPCA
- ISD 832

To whom it may concern:

Emmy is seen in the pediatric neurosurgery clinic status post complete resection of a juvenile pilocytic astrocytoma from the vermis of the cerebellum. Although they are usually slow-growing, these tumors can become very large. Like many tumor types, the exact cause of astrocytoma is not known. These grade I astrocytomas typically stay in the area where they started and do not spread. They are considered the "most benign" (noncancerous) of all the astrocytomas. We do not believe that environmental factors played a role in the growth of this tumor that has affected Emmy Veenis.

Sincerely;



Dr. Patrick Graupman

Department of Neurosurgery

8/22/16

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2019-01**

**RESOLUTION APPROVING AN AMENDED CONDITIONAL USE PERMIT FOR
8000 AND 8678 75TH STREET NORTH
(INDEPENDENT SCHOOL DISTRICT #832)**

WHEREAS, Rinc 2 (“Applicant”) and the Independent School District #832 (“Owner”) have collectively submitted an application for an Amended Conditional Use Permit to allow for the construction and operation of an Ice Arena on an approximately 4-acre portion of the property located at 8678 75th Street North in the City of Grant, Minnesota; and

WHEREAS, the property at 8000 and 8678 75th Street North has an existing Conditional Use Permit issued to Independent School District #832, dated August 16, 2006, for “Athletic Field Expansion”; and

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on December 18, 2018, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission’s recommendation at its January 2, 2019 City Council meeting;

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 Rinc 2 and Independent School District #832 for an Amended Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City’s Zoning Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- The Public School use is designated in Section 32-245 as a conditional use for the Agricultural A1 zoning district.

- The City has previously determined that the Athletic Field Use is a conditionally permitted accessory use to a principal Public School use.
- The proposed Ice Arena is an extension of the existing Mahtomedi School Campus athletic Field use and conforms with the adopted Comprehensive Plan.
- The proposed Ice arena complies with the City's adopted zoning ordinance and standards for the A1 zoning district.
- The proposed use, provided all conditions and mitigation are complied, will not negatively affect the quality of the neighborhood or surrounding uses.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The use is an expansion of existing uses on the site and is compatible with adjacent properties and the neighborhood.
- The use meets conditions or standards adopted by the city (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the city's normal low density residential and agricultural uses.
- The proposed use will not negatively or adversely impact utilities or infrastructure of the area and the City of Mahtomedi will provide adequate municipal services to the facility.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. The Applicant and Owner shall comply with all conditions as stated within the Amended Conditional Use Permit approved as part of the review process.
2. All construction shall be done in compliance with the directions of the RCWD, the MPCA, Department of Health or any governmental or regulatory agency having jurisdiction over the use and site.
3. No structures or improvements shall be constructed in areas identified with an easement.
4. Any violation of the conditions of the Amended Conditional Use Permit may result in the revocation of said permit.

5. Any change in use, buildings, sales, lighting parking, storage, screening, traffic circulation shall require an amendment to the Conditional Use Permit.
6. All escrow amounts shall be paid in full.

Adopted by the Grant City Council this 2nd day of January, 2019.

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 _____, 2019 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 _____, 2019.

Kim Points
Clerk
City of Grant

DRAFT 12/24/2018

**INDEPENDENT SCHOOL DISTRICT NO. 832
AMENDED CONDITIONAL USE PERMIT
CITY OF GRANT**

PROPERTY OWNER/APPLICANT: ISD #832
Rinc 2

GENERAL LEGAL DESCRIPTION: See Exhibit A
PID 28-030-21-23-0001
PID 28-030-21-24-0001
PID 28-030-21-24-0002
PID 28-030-21-13-0001

ADDRESS: 8000 & 8678 75th Street North
Grant, MN 55082

This Amended Conditional Use Permit amends, supersedes and incorporates the prior Conditional Use Permit dated August 16, 2006 and Amended Conditional Use Permit dated ~~XXXXXX~~, 2011. This permit provides for the continued operation of the Athletic Fields in compliance with the conditions as noted that allows a total of 10 fields; stadium improvements including a concession stand and ticket booths; and resurfacing and addition of two new tennis courts for a total of 8 tennis courts. In addition, this permit allows for the construction and operation of an Ice Arena located on a portion of the property identified as PID 28-030-21-13-0001. Any additional expansion of the business operations shall require additional amendment to this Amended Conditional Use Permit.

The uses contained within this permit shall be subject to the following conditions and/or restrictions imposed by the City Council, City of Grant, Washington County, Minnesota, in addition to all previous permits and applicable ordinances, statutes or other laws in force within the City.

The following conditions are as approved, and changes are only provided if they relate to the Ice Arena operations, in the Amended CUP dated ~~XXXX~~, 2011 that addressed the Athletic Field expansion and improvements:

1. The Amended CUP shall be consistent with the depiction of the athletic fields and stadium as presented on the site plan as presented in Exhibit B.
2. The design for the bleachers must be submitted and is subject to the review and approval of the City Engineer.
3. The materials and submaterials of the tennis court must be submitted and is subject to the review and approval of the City engineer

DRAFT 12/24/2018

4. A buffering and landscaping plan for the north boundary of the site shall be attached to this CUP as Exhibit C.
5. All deciduous and coniferous trees proposed shall have a minimum of 3" caliper and shall be a minimum of 8-feet tall. A two-year landscaping guarantee shall be required for all new plantings within the site.
6. The location of proposed plantings as identified in the buffering and landscaping plan shall be accomplished in collaboration with property owners to the north to ensure that sight lines are buffered and/or protected. It shall be included within the School District's bid package that the landscaping along the north boundary shall be staked prior to planting and neighbors asked to determine whether trees/plantings need to be moved to accomplish the screening objective.
7. The Applicant shall meet with the Washington Conservation District to discuss the landscaping plan and determine whether modifications would be beneficial to ensure that the proposed landscaping plan creates a long-term screen from the neighbors. After the consultation with the Conservation District, the School District shall meet with the neighborhood to discuss any significant modifications to the landscaping plan.
8. The School District shall provide at a minimum the total number of trees as presented in Exhibit C, and shall be committed to dedicate a minimum of \$96,000 for screening along the north boundary to provide adequate visual screening and sound buffering to the neighbors.
9. The landscaping plan as described in Condition 8 shall be fully implemented by the fall of 2012.
10. The applicant shall be required to provide a financial guaranty to the city in the form of a cash escrow or letter of credit in the amount \$21,000 to ensure the landscaping plan is fully executed.
11. All fences over 6 feet tall and any cantilevered gates shall require a building permit and are subject to the review and approval of the Building Official.
12. The applicant shall be required to sign the driveways for proper wayfinding within the site. The applicant shall be responsible for the costs of all signage as well as the costs associated with the posting and placement of all signs.
13. The proposed irrigation of the fields, whether by pond or well, shall be reviewed and approved by the city engineer and the appropriate agreements executed prior to construction.
14. Building permits must be obtained prior to construction of the concession stands or ticket booths.
15. All stormwater management and surface water runoff must comply with the recommendations and conditions of the City Engineer.
16. All grading plans, including remediation due to the closed landfill, drainage, utility plans and easements are subject to the review and approval of the City Engineer.
17. This amended CUP does not include approval for a lighting plan at any of the field or tennis court locations. If lighting is proposed at a later date, the Applicant will need to apply to amend this conditional use permit.
18. The athletic fields, including the tennis courts but excluding the Ice Arena, shall only be used from dawn until dusk to prevent unauthorized use of the facilities.

DRAFT 12/24/2018

19. The hours of operation shall not extend beyond 10:00 P.M. excluding the Ice Arena, which shall include dimming of all lighting and cessation of public address speaker use.
20. The stadium's concession stand and ticket booths shall be permitted to operate during any scheduled/high school sanctioned activity. During non-operational hours, the facilities shall be secured and the minimum level of lighting provided only for security purposes.

The conditions that follow are specific to the construction and operation of the Ice Arena:

21. The Applicant is permitted to construct the Ice Arena per the preliminary architectural plans dated May 6, 2016 and floor plan dated December 18 2018. The Architectural Plans shall be updated for consistency with the floor plan and submitted for review and approval of City Staff prior to obtaining a building permit.
22. The hours of operation shall be limited daily to 5 A.M. to 12 A.M.
23. The Applicant shall perform and complete the described mitigation within the Environmental Assessment Worksheet to the satisfaction of the City Engineer, and if applicable, City Staff. Specifically noted within the EAW are mitigation measures related to stormwater management, permitting, excavation, grading, utilities, and traffic management.
24. The Applicant shall prepare an updated plan as requested and identified in the City Engineer's review memo dated December 10, 2018. The updated Plans shall be incorporated as Exhibit X.
25. The Applicant shall meet all requirements and conditions as identified in the City Engineer's review memo dated December 10, 2018
26. The Applicant shall prepare and update a pedestrian circulation plan that includes the Event condition where overflow parking may be used. The Plan shall be reviewed and approved by the City Staff. Once approved, the pedestrian circulation plan shall be incorporated as Exhibit X.
27. The Applicant shall provide a lighting plan that identifies existing and planned fixtures related to the facility, including overflow parking areas, pedestrian connections and drives. The lighting plan shall be consistent with the City's ordinance but should reflect consideration of pedestrian access and routes to the Ice Arena.
28. The Applicant shall obtain all necessary access permits and approvals from Washington County.
29. The Applicant shall prepare a written Event Management Plan that shall be reviewed and approved by the City Engineer, with input and review by Washington County. The Event Management Plan shall be required to kept on file at the City.
30. The Applicant's Emergency Plan shall be reviewed by the Fire Chief for comment and review. If it is determined that any additional costs, including training or equipment, related specifically to the project would otherwise be passed onto the City of Grant that such fees and increases shall be the sole responsibility of the Applicant to pay.
31. The Applicant shall be required to obtain all necessary permits regarding water supply and wastewater supply as required by the City of Mahtomedi. Such permits and approval shall include payment of appropriate SAC and WAC charges.
32. The Applicant shall obtain all necessary permits and approvals from the Rice Creek Watershed District.

DRAFT 12/24/2018

- 33. The Applicant shall obtain a building permit prior to any construction or site work commencing.
- 34. The Applicant shall follow the approved Response Action Plan as reviewed and approved by the Minnesota Pollution Control Agency (MPCA) and shall follow all required mitigation as outlined within the approval letter dated January 4, 2018.

The following conditions relate to all uses addressed within this Permit:

- 35. All escrow amounts shall be paid in full.
- 36. All construction shall be done in compliance with the directions of the RCWD, the MPCA, Department of Health or any governmental or regulatory agency having jurisdiction over the site.
- 37. The traffic circulation plan and pedestrian circulation plan shall be subject to the review and approval of the City Engineer and Fire Chief.
- 38. Parking lot lighting and lighting along the driveways shall be a maximum of 25' tall and all fixtures shall be down-lit and light shall not extend beyond the property line. Lights shall be dimmed or turned off by 10:00 P.M. for all uses, with the exception of the Ice Arena and its parking lots which must be dimmed or turned off within one-hour of the completion of the event or the facility closing, whichever occurs first.
- 39. The Applicant shall be required to submit bi-annual water quality reports for review by the City Engineer. Water quality shall meet stormwater management levels.
- 40. No structures or improvements shall be constructed in areas identified with an easement.
- 41. All activities permitted by this CUP shall comply with the City of Grant noise ordinance and the MPCA's noise regulations.
- 42. This permit shall be reviewed consistent with the City's adopted annual CUP review process.
- 43. Any violation of the conditions of this permit may result in the revocation of said permit.
- 44. Any change in use, buildings, sales, lighting parking, storage, screening, or traffic circulation shall require an amendment to the Conditional Use Permit.

IN WITNESS WHEREOF, the parties have executed this agreement and acknowledge their acceptance of the above conditions.

CITY OF GRANT:

Date: _____

Jeff Huber, Mayor

Date: _____

Kim Points, City Clerk

DRAFT 12/24/2018

State of Minnesota)
)ss.
County of Washington)

On this _____ day of _____, 2019, before me, a Notary Public, personally appeared Tom Carr and Kim Points, of the City of Grant, a Minnesota municipal corporation within the State of Minnesota, and that said instrument was signed on behalf of the City of Grant by the authority of the city council and Tom Carr and Kim Points acknowledge said instrument to be the free act and deed of said City of Grant.

Notary Public

DRAFT 12/24/2018

APPLICANT:
RINC 2

Date: _____

By: _____
Its: _____

OWNER:
INDEPENDENT SCHOOL DISTRICT #832

Date: _____

By: _____
Its: _____

Date: _____

Kim Points, City Clerk

DRAFT 12/24/2018

State of Minnesota)
)ss.
County of Washington)

On this _____ day of _____, 2019, before me, a Notary Public, personally appeared _
_____ the _____ of RINC 2 who acknowledged that said
instrument was authorized and executed on behalf of said Company.

Notary Public

On this _____ day of _____, 2019, before me, a Notary Public, personally appeared _
_____ the _____ of Independent School District 832 who
acknowledged that said instrument was authorized and executed on behalf of said Company.

Notary Public

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: January 23, 2019

Re: Amended Policy for Special Assessments

Actions to be considered:

Council discussion to amend the current Special Assessment Policy as follows:

- Add - The city may contribute budgeted roadway maintenance dollars to the project
- Define the term “reconstruct” for paved roads
- Define the term “project” to encompass all roadway segments ordered by Council into a single project
- Add assessments are allocated on a per project basis
- Add paved roads as part of the procedures
- Revise - The City would initially pay for the cost of the feasibility report.

Facts:

The amended policy adds language to Paragraph I – Basic Philosophy **to read the City may contribute roadway maintenance dollars together with special assessments to pay for the improvements to the existing roadway.**

Resolution 2005-122 is the initial Policy for Special Assessments for Road Improvements. The definition of “Road reconstruction” as stated in Paragraph II Definitions references the definition set forth in the General Road Policy, resolution 2000-06, see attached. **The amended policy adds language to define “Reconstruct” for clarity.**

Resolutions 2005-122, 2007-13 or 2010-11, see attached, do not define the term “project” and this term is loosely used for both the improvement and or project. **The amended policy adds language to define the term “Project”** to remain flexible in the event projects are ordered in whole or in partial by Council in the best interest of the City. For example, A cul-de-sac with few residents may be opposed to a project that is favored by 75% of the residents living along a long street segment with many residents or vice versa. This allows Council to decide which roadway segments studied in the feasibility report are part of the “project”.

The Amended policy adds language to allocate assessments **“On a per project basis”**. Project costs would be shared among all buildable units within the ordered “project” and the assessments would be based upon these shared costs. Another way to look at it is, the benefit to a larger project should be shared by all within the ordered project. Project cost and assessments should not be separated by roadway segments within the same “project”.

The current special assessment policy, resolution 2010-11, specifically mentions in Paragraph IV Procedures “Petitions to pave existing gravel roads” and fails to mention the reconstruction of paved roads. **The amended policy would add language to include reconstruct paved roads.**

The current special assessment policy, resolution 2010-11, requires the responsibility for the cost for completing a Feasibility Report for paving gravel roads is by the residents petitioning for the improvement. **The amended policy adds languages to place the responsibility for the feasibility report cost to the city.**

Action: Discussion and comments on policy changes and authorization to bring revised resolution to Council at next meeting.

Attachments: Draft Resolution, Resolution 2000-06, Resolution 2005-122, Resolution 2007-13, Resolution 2010-11

RESOLUTION 2019-__
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

**AMENDED POLICY FOR SPECIAL ASSESSMENTS
FOR ROAD IMPROVEMENTS**

WHEREAS, the City Council of the City of Grant desires to amend its policy for determining the allocation of special assessments road improvements so all residents are treated, and improvements assessed, in a fair manner consistent with state law.

NOW, THEREFORE, be it resolved by the City Council of the City of Grant that the following special assessment policy be adopted.

I.
BASIC PHILOSOPHY

- A. The project costs associated with completion of the improvement shall be assessed against properties benefited by the improvement as defined by this policy.
- B. In carrying out this policy, the City Council shall act in the best interest of the citizens of the City of Grant.
- C. The City may contribute roadway maintenance dollars together with the special assessments to pay for the improvements of the existing roadway.

II.
DEFINITIONS

The following definitions shall have the following meanings:

- A. "Buildable lot" means the number of lots that exist, or could be created, on a piece of property. "Buildable lots" shall include consideration of whether a parcel of land is dividable.
- B. "Improvement" means any type of improvement granted by Minnesota Statutes §429.021.
- C. "Project" means any single roadway segment or any combination of several roadway segments together representing a single project ordered by Council.
- D. "Reconstruct" means the replacement or removal of the existing roadway surface or section and includes any subgrade, drainage, grading or other improvements recommended as part of the Feasibility Report approved by Council.

III.
ALLOCATION OF SPECIAL ASSESSMENTS

- A. **Assessment Method.** Lots to be assessed are those with either 1.) an address on the road to be improved or 2.) road frontage on the road to be improved. The assessment shall be allocated as follows:
1. On a per project basis.
 2. Each buildable lot with road frontage and an address or potential address on the road to be improved shall be assessed as one unit.
 3. Each buildable lot with road frontage on the road to be improved, but with an address for that parcel on a different street, shall be assessed as one quarter ($\frac{1}{4}$) unit. A buildable lot shall not be charged more than one unit per project or assessable event.
 4. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved shall be assessed as one quarter ($\frac{1}{4}$) unit.
 5. A buildable lot that generates additional traffic may be assessed based upon the traffic generated.
- B. **Alternate Assessment Methods.** When the Assessment Method does not fairly apportion the proposed assessments, the City Council may adopt an alternate method of assessment, including but not limited to front foot, buildable lot, a combination of front foot and buildable lot, or any other methodology that fairly and equitably apportioning the assessments.
- C. In no event shall the amount of any special assessment exceed the benefit to the property being assessed.

IV.
PROCEDURES

Petitions to reconstruct existing roads or pave gravel roads.

- A. **Petition by one hundred percent (100%) owners.** Whenever all owners of frontage abutting any street or with access to any street named as the location of an improvement petition the City Council to construct the improvement and to assess the entire cost against their properties, the Council may, without a public hearing,

adopt a resolution determining such fact and ordering the improvement.

- B. **Petition by at least thirty-five percent (35%) of owners.** When the improvement has been petitioned for by the owners representing at least thirty-five percent (35%) of the units proposed to be assessed, the City Council shall authorize the City Engineer to prepare a Feasibility Report. The cost to prepare the report will initially be paid for by the City. If a project is ordered, the cost to prepare the report will be included with the total project cost to be assessed. If the project is not ordered, the cost of the report will be paid for using City roadway maintenance dollars.
- C. **Approval of Projects.** After receiving the Feasibility Report, if property owners representing at least seventy-five percent (75%) of the units proposed to be assessed approve the project, the project shall be ordered by Council. If less than seventy-five percent (75%) of the units to be assessed approve the project, the project may be partially or fully rejected by Council.
- D. The City Council reserves the right to approve or disapprove of any project in accordance with the best interest of the citizens of the City of Grant.

EFFECTIVE DATE. This policy is effective on the date of adoption.

Whereupon a vote being taken upon the motion, the following members voted in favor:

Whereupon a vote being taken upon the motion, the following members voted against:

Whereupon said motion was duly passed this ___ day of _____, 2019.

Jeff Huber, Mayor

ATTEST:

Kim Points, City Clerk

RESOLUTION 2000-06
GENERAL ROAD MAINTENANCE POLICY

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

WHEREAS, the City of Grant provides a variety of services pertaining to the maintenance and improvement of streets and roads within its jurisdiction; and,

WHEREAS, the City of Grant and many of its citizens wish for a clarification of the City's road maintenance policies both for budgeting purposes and for general information.

NOW, THEREFORE, be it resolved by the City Council of the City of Grant that the following General Road Maintenance Policies be adopted:

I. General Road Maintenance

General (or "Routine") Road Maintenance: Road maintenance services that are determined to be of general benefit to the City at large.

A. Brushing: Brush shall be removed from the rights-of-way of city streets and roads as determined to be necessary.

B. Culverts: Roadway culverts shall be cleaned and/or replaced as determined to be necessary. Culverts underneath private driveways shall be maintained by individual property owners.

C. Ditches: Ditches will be cleaned and obstructions removed as determined to be necessary.

D. Grading: All gravel arterial and collector streets and roads will be graded (weather permitting) as determined to be necessary.

E. Graveling: Gravel shall be placed on a portion of the total mileage of city streets and roads during each year as determined to be necessary.

F. Guard Rails: Guardrails shall be placed and maintained along city streets and roads as determined to be necessary.

G. Crack Sealing: This process includes filling cracks in the pavement with a sealant to minimize pavement damage associated with freeze-thaw of the road base. Crack sealing will be completed as determined to be necessary. Generally, crack sealing is completed one year prior to seal coating.

H. Seal Coat: This process includes placement of liquid asphalt on existing paved roadways, followed by placement of fine aggregate. This process results in the sealing of fine cracks, and provides a roughened surface for improved traction. Blacktopped streets and roads will be seal coated as determined to be necessary. Generally, roadways are sealcoated every seven to ten years, depending on need.

I. Signage: New and/or replacement signage shall be installed as determined to be necessary.

J. Snowplowing and Ice Control: Snow plowing and ice control will be completed according to the following guidelines:

1. Dispatching of Snowplows: The City's supervisor in charge of streets and roads directs pursuant to the standards in this policy, that the Washington County Public Works Department begins snow or ice control operations when the following criteria have been met:

a. snow accumulation of three inches or more;

- b. drifting of snow that causes problems for travel;
- c. icy conditions which seriously affect travel;
- d. time of snowfalls in relationship to heavy use of streets.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently, snow plowing operations will not generally be conducted for snowfalls of less than three inches unless other adverse conditions exist. Further, snowplows are usually not dispatched until a snowfall has stopped. During extended periods of snowfalls, however, exceptions may be made. Snowplows will not be sent out in situations that may be hazardous due to restricted visibility.

2. Operations: Snow will be plowed in a manner so as to minimize any traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right. The discharge shall go onto the adjoining right-of-way areas of the roadway. In times of extreme snowfall, roadways will not always immediately be completely cleared of snow, nor will the City sand entire sections of roadway. Users of City roadways are reminded to exercise caution and drive with care, which may include traveling slower than the posted speed limit.

3. Personal Properties: Mailboxes and fences damaged during snow removal will be evaluated case by case. Only those mailboxes and fences that were properly located and installed, and which were damaged by actual contact with township equipment will be repaired at City expense.

City residents are reminded not to plow from driveways onto or across public roads. Piles of snow left on or near the road can freeze into a solid mass creating hazardous situations for vehicles and snowplows. Accidents and damages caused by snow piles placed in the roadway may result in liability to the property owner. Piles of snow increase the chance of drifting snow onto the roadway. City residents are also reminded to remove parked vehicles from roadways to assist in snow removal.

When directed by the supervisor in charge of roads, the Mayor, or the Sheriff's department of the City will make an emergency plowing effort through private property. No other plowing of private property will be allowed. (Life threatening situations are the exceptions.)

4. Use of Sand, Salt and Other Chemicals: The City will use sand, salt and other chemicals when there are hazardous ice or slippery conditions. The City is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

5. Development Roadways: The City will not perform snowplowing or ice control operations on roadways located within development areas that are not occupied with residents. The City will commence snow plowing within development areas once the first Certificate of Occupancy has been issued.

K. Shouldering: Gravel will be added to shoulder areas and graded as deemed necessary.

L. Litter: Litter within the right-of-way such as trash is generally removed as part of the citywide clean-up day.

M. Mowing: Mowing of areas adjacent to roadways will be completed on an as-needed basis.

N. Treadways: Treadways will not be maintained except to the extent that they are part of the shouldering item listed above.

O. Other: Other general road maintenance services may be determined to be general (or "routine") in nature and conducted as determined to be necessary and as authorized by the City's Road Supervisor.

P. Financing: General (or "routine") road maintenance services will be financed from the City's Road and Bridge Budget as approved by the City Council. It is the preference of the City of Grant that these services are not financed from special assessments.

2. Extraordinary Road Maintenance: Any road maintenance service not defined as a general (or "routine") road maintenance is hereby defined as an Extraordinary Road Maintenance and/or Improvement Project. Included here are overlays, total reconstruction, or paving of existing gravel by property owners through a petition process. These are projects which are determined to primarily, if not exclusively, benefit property adjacent to the area of the improvement. 100 percent of the cost of these projects will be assessed. These projects include but are not limited to, the following:

A. Overlay This process includes placing a new layer of pavement on top of an existing paved surface.

B. **Pave Existing Gravel** -- This process includes grading and widening of the existing gravel surface to City standards. Additional gravel will be placed, and the roadway will be paved. Minor drainage improvements will be completed where warranted.

C. **Pulverizing** - This process consists of reverting an existing paved roadway to a gravel roadway by grinding the pavement in place and mixing it with existing gravel. Pulverizing shall be conducted upon request of adjacent landowners or authorization by the City Council.

D. **Total Reconstruction** This process involves removing the existing roadway pavement, grading the roadway to City standards, and placing new aggregate base and bituminous. As part of total reconstruction projects, drainage improvements such as culvert placement or replacement and construction of ditches will be completed. Total reconstruction projects will be completed as requested or necessary.

E. **Calcium Chloride:** Calcium chloride will be placed on roadways as a dust control measure as requested by property owners as part of a petition process. The cost of the calcium chloride must be paid in advance of placement.

F. **Financing:** It is the policy of the City of Grant to finance all Extraordinary Maintenance by means of assessments upon property benefited by the improvement under Minnesota Statutes Chapter 429. Assessments are calculated based on the City's assessment policy.

3. Assignment of Responsibilities

A. **Inspection:** City streets and roads will be inspected with respect to routine maintenance items as determined by the City's Road Supervisor and/or City Engineer, and under the constraints of the available Road and Bridge line item budget approved by the City Council.

The City's Commissioner of Roads, with the advice of the City Engineer and/or other representative(s) of the City of Grant, will determine what road maintenance services are needed, on which city streets and roads they are needed, and in what priority.

The City's Commissioner of Roads shall regularly inform the City Council as to any and all decisions arising from their responsibilities by providing a schedule of maintenance services authorized. Said schedule of maintenance services authorized shall be available to the citizens of Grant through the City Clerk.

B. **Driveways:** All proposed new driveway connections to City roadways will require a permit from the City. Permits shall be reviewed by the City's Building Inspector or designee with assistance from the City Engineer upon request.

4. Effective Date

A. These policies are effective from and after the date of their adoption unless repealed or amended by further action of the City Council of the City of Grant.

WHEREUPON, a vote being taken upon the resolution, the following members voted in favor: Erichson, Welander, Magadance, Gagnon. The following voted against: Weed.

2000.

WHEREUPON, said resolution was declared duly passed this 11th day of July, 2000.

(signed)

Gary Erichson, Mayor

(signed)

Stephanie Marty, City Clerk

**RESOLUTION 2005-122
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**POLICY FOR SPECIAL ASSESSMENTS
FOR ROAD IMPROVEMENTS**

WHEREAS: The City Council of the City of Grant wishes to consider general or routine maintenance to be funded by the Road Accounts of the general fund adopt a policy for determining the allocation of special assessments for road improvements listed as extraordinary road maintenance in the Road Policy, so that all residents shall be treated and improvements assessed in a manner that is fair, consistent and meets State laws.

NOW, THEREFORE: Be it resolved by the City Council of the City of Grant that the following special assessment policies be adopted.

I. BASIC PHILOSOPHY

- A. Up to one hundred percent (100%) of the cost of construction or overlays reconstruction (including but not limited to paving existing gravel roads, pulverization and total reconstruction) of residential streets shall be assessed to benefited properties based on special benefits received except as otherwise indicated in the General Road Policy.
- B. Each property owner of each buildable lot shall be responsible for one (1) public road.
- C. In carrying out this policy, the Council will always endeavor to act in a manner that is in the best interests of the citizens of the City of Grant.
- D. It is the policy of the City to follow the General Road Policy. The Council is mindful of the fact that a paved road's general life expectancy is approximately thirty (30) years.

II. DEFINITIONS

- A. "Buildable lot" as referenced herein shall mean that number of lots which exist, or could be created, on a given piece of property. For example, an eighty (80) acre parcel may be able to be subdivided into eight (8) buildable lots. In determining "buildable lots," the City shall also consider whether or not a parcel of land is restricted by wetlands, deed restrictions, or other factors that prohibit the full development potential of the land-
- B. "Road reconstruction" as referenced herein refers to the definition in the General Road Policy.

III. ALLOCATION OF SPECIAL ASSESSMENTS

- A. Preferred Method. In order to fulfill the basic philosophy of this policy, the lots to be assessed are those which have an address on the road to be improved/reconstructed, have road frontage on that road, or use that road for access to their property (local collector road). In most circumstances, the assessment should be allocated as follows:
1. Each buildable lot with road frontage and an address (or potential address) on the road to be improved is one (1) unit.
 2. A buildable lot with road frontage on the road to be improved, but an address for that parcel on a different street is one quarter (1/4) unit. In no case will a buildable lot be charged more than one (1) unit.
 3. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved is one (1) unit. (The access to the road to be improved could be by easement, private drive, or other means.)
 4. An area wide assessment may be considered for properties benefited by paving or reconstruction of a local collector road.
 5. Uses that generate addition traffic shall be assessed based on the percent and type of traffic generated.
- B. Alternate Methods. In the case of unique circumstances, in which case the preferred method of assessment does not appear to fairly apportion special assessments, then the Council may apportion special assessments by reference to front foot, buildable lot, a combination of front foot and buildable lot, or any other method that will fairly and equitably distribute the special assessments.
- C. In no event shall any special assessment exceed the benefit to the property being assessed.

IV. PROCEDURES

The Council will follow the following processes and procedures subject to the provisions of Minnesota Statutes Chapters 429 and 435:

- A. Petitions to pave existing gravel roads.
1. Petition by All Owners. Whenever all owners of real property abutting upon any street (or with access to any street) named as the location of any improvement shall petition the Council to construct the improvement and to assess the entire cost against their properties, the Council may, without a public hearing, adopt a Resolution determining such fact and ordering the improvement.
 2. Petition by at Least Thirty-Five Percent (35%) of Owners. When the improvement has been petitioned for by the owners of not less than thirty-five

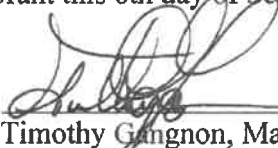
percent (35%) in frontage of the real property abutting on the streets proposed for the improvements, then the Council may authorize the City Engineer to prepare a feasibility study as outlined in Minnesota Statutes Section 429.031(b).

3. Approval of Projects. As a general rule, after receiving the Engineer's feasibility report, if property owners representing about seventy-five percent (75%) of the buildable lots proposed to be assessed are in favor of the project, then the project may be ordered. If less than seventy-five percent (75%) of the owners of buildable lots proposed to be assessed approve of the project, then, generally, the project will not be approved.
4. Notwithstanding anything else in this policy, the City Council reserves unto itself the right to approve or disapprove of any project according to what the Council believes to be in the best interests of the residents of the City of Grant. The Council will, at all times, endeavor to follow all applicable laws regarding special assessments.
5. Adjacent properties will not be assessed for upgrades to private roads and unimproved, unmaintained public rights-of-way.
6. Where desirable and necessary, the City may require an applicant to make provisions for payment of City administrative expense.

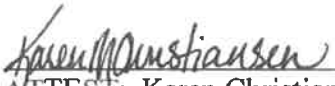
EFFECTIVE DATE: These policies are effective from and after the date of their adoption unless repealed or amended by further action of the City Council of the City of Grant.

WHEREUPON, a vote being taken upon a motion by Mr. Gangnon and seconded by Ms. Linner the following members voted in favor: Mr. Gangnon, Ms. Linner and Ms. Levitz. And the following members voted against: Ms. Schwarze and Ms. Kraemer.

Adopted by the City Council of the City of Grant this 6th day of September, 2005.



Timothy Gangnon, Mayor



ATTEST: Karen Christiansen, City Clerk

**RESOLUTION 2007- 13
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

POLICY FOR SPECIAL ASSESSMENTS FOR ROAD IMPROVEMENTS

WHEREAS, the City Council of the City of Grant wishes to consider adopting a policy for determining the allocation of special assessments for road improvements so that all residents shall be treated, and improvements assessed, in a manner that is fair and consistent with state law.

NOW, THEREFORE, be it resolved by the City Council of the City of Grant that the following special assessment policy be adopted.

**I.
BASIC PHILOSOPHY**

- A. Up to one hundred percent (100%) of the cost associated with completion of the improvement shall be assessed to properties benefited by the improvement as defined by this policy.
- B. In carrying out this policy, the City Council shall act in the best interest of the citizens of the City of Grant.

**II.
DEFINITIONS**

The following definitions shall have the meaning give.

- A. "Buildable lot" means the number of lots that exist, or could be created, on a piece of property. "Buildable lots" shall include consideration of whether a parcel of land is dividable.
- B. "Improvement" means any type of improvement granted by Minnesota Statutes §429.021.

**III.
ALLOCATION OF SPECIAL ASSESSMENTS**

- A. **Preferred Method.** Lots to be assessed are those lots that have an address on the road to be improved or have road frontage on the road to be improved. The assessment shall be allocated as follows:
 - 1. Each buildable lot with road frontage and an address or potential address on the road to be improved shall be assessed as one unit.

2. Each buildable lot with road frontage on the road to be improved, but with an address for that parcel on a different street, shall be assessed as one quarter ($\frac{1}{4}$) unit. A buildable lot shall not be charged more than one unit per project or assessable event.
 3. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved shall be assessed as one quarter ($\frac{1}{4}$) unit.
 4. A buildable lot that generates additional traffic may be assessed based upon the traffic generated.
- B. **Alternate Methods.** In the case of unique circumstances when the preferred method of assessment does not fairly apportion special assessments, the City Council may apportion assessments by reference to front foot, buildable lot, a combination of front foot and buildable lot, or any other method that will fairly and equitably distribute the assessments.
- C. In no event shall any special assessment exceed the benefit to the property being assessed.

IV. PROCEDURES

Petitions to pave existing gravel roads.

- A. **Petition by one hundred percent (100%) owners.** Whenever all owners of frontage abutting any street or with access to any street named as the location of an improvement petition the City Council to construct the improvement and to assess the entire cost against their properties, the Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement.
- B. **Petition by at least thirty-five percent (35%) of owners.** When the improvement has been petitioned for by the owners representing at least thirty-five percent (35%) of the units proposed to be assessed, the City Council shall authorize the City Engineer to prepare a feasibility study.
- C. **Approval of Projects.** After receiving the Engineer's feasibility report, if property owners representing at least seventy-five percent (75%) of the units proposed to be assessed approve the project, the project shall be ordered. If less than seventy-five percent (75%) of the units to be assessed approve the project, the project may be rejected.
- D. The City Council reserves the right to approve or disapprove of any project in accordance with the best interest of the citizens of the City of Grant.

EFFECTIVE DATE. This policy is effective on the date of adoption.

Whereupon a vote being taken upon the motion, the following members voted in favor: *AP1*

Whereupon a vote being taken upon the motion, the following members voted against:

Whereupon said motion was duly passed this 5 day of November 2007.



Tom Carr, Mayor

ATTEST:

Kim Points

Kim Points, City Clerk

**RESOLUTION 2010-11
CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**AMENDED POLICY FOR SPECIAL ASSESSMENTS
FOR ROAD IMPROVEMENTS**

WHEREAS, the City Council of the City of Grant desires to amend its policy for determining the allocation of special assessments for road improvements so all residents are treated, and improvements assessed, in a fair manner consistent with state law.

NOW, THEREFORE, be it resolved by the City Council of the City of Grant that the following special assessment policy be adopted.

**I.
BASIC PHILOSOPHY**

- A. The cost associated with completion of the improvement shall be assessed against properties benefited by the improvement as defined by this policy.
- B. In carrying out this policy, the City Council shall act in the best interest of the citizens of the City of Grant.

DEFINITIONS

The following definitions shall have the following meanings:

- A. "Buildable lot" means the number of lots that exist, or could be created, on a piece of property. "Buildable lots" shall include consideration of whether a parcel of land is dividable.
- B. "Improvement" means any type of improvement granted by Minnesota Statutes §429.021.

**III.
ALLOCATION OF SPECIAL ASSESSMENTS**

- A. **Assessment Method.** Lots to be assessed are those with either 1.) an address on the road to be improved or 2.) road frontage on the road to be improved. The assessment shall be allocated as follows:
 - 1. Each buildable lot with road frontage and an address or potential address on the road to be improved shall be assessed as one unit.
 - 2. Each buildable lot with road frontage on the road to be improved, but with

an address for that parcel on a different street, shall be assessed as one quarter (1/4) unit. A buildable lot shall not be charged more than one unit per project or assessable event.

3. A buildable lot with no frontage on the road to be improved, but the address for that buildable lot is on the road to be improved shall be assessed as one quarter (1/4) unit.
 4. A buildable lot that generates additional traffic may be assessed based upon the traffic generated.
- B. Alternate Assessment Methods. When the Assessment Method does not fairly apportion the proposed assessments, the City Council may adopt an alternate method of assessment, including but not limited to front foot, buildable lot, a combination of front foot and buildable lot, or any other methodology that fairly and equitably apportioning the assessments.
- C. In no event shall the amount of any special assessment exceed the benefit to the property being assessed.

Iv. PROCEDURES

Petitions to pave existing gravel roads.

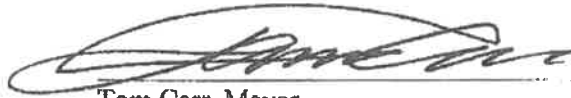
- A. **Petition by one hundred percent (100%) owners.** Whenever all owners of frontage abutting any street or with access to any street named as the location of an improvement petition the City Council to construct the improvement and to assess the entire cost against their properties, the Council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement.
- B. **Petition by at least thirtyfive percent (35%) of owners.** When the improvement has been petitioned for by the owners representing at least thirty-five percent (35%) of the units proposed to be assessed, the City Council shall authorize the City Engineer to prepare a Feasibility Report upon the submission by the petitioning owners of a Three Thousand and 00/100 Dollars (\$3,000.00) escrow deposit against which the cost associated with preparing the Feasibility Report will be charged.
- C. **Approval of Projects.** After receiving the Feasibility Report, if property owners representing at least seventy-five percent (75%) of the units proposed to be assessed approve the project, the project shall be ordered. If less than seventy-five percent (75%) of the units to be assessed approve the project, the project may be rejected.
- D. The City Council reserves the right to approve or disapprove of any project in accordance with the best interest of the citizens of the City of Grant.

EFFECTIVE DATE. This policy is effective on the date of adoption.

Whereupon a vote being taken upon the motion, the following members voted in favor:

Whereupon a vote being taken upon the motion, the following members voted against:

Whereupon said motion was duly passed this _____ day of _____, 2010.



Tom Carr, Mayor

ATTEST:



Kim Pointe, City Clerk

City Council Report for January 2019

To: Honorable Mayor & City Council Members

From: Jack Kramer Building Official

Zoning Enforcement:

No new violations to report

Building Permit Activity:

Six (6) Building Permits were issued For a total valuation of \$ 158,300,00.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jack Kramer". The signature is written in a cursive style.

Jack Kramer

Building Code Enforcement Official

