

**City of Grant  
City Council Agenda  
May 5, 2020**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday May 5, 2020 via teleconference 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. April 2, 2020 City Council Meeting Minutes
- B. April 2020 Bill List, \$65,870.46
- C. ArcPaving, Potholing, \$23,659.92

- D. Kline Bros Excavating, Road Work, \$21,636.50
- E. Ordinance No. 2020 – 61, Amending Grant Code of Ordinances
- F. Resolution No. 2020-22, Public Hearing Process for Telephone or Electronic Meetings of the Planning Commission

5. **STAFF AGENDA ITEMS**

A. City Engineer, Brad Reifsteck

- i. Consideration if Resolution No. 2020 - 19, Ordering Preparation of Plan and Specifications and Calling for Public Hearing on Improvements, Joliet Avenue and Woodlawn Acres
- ii. Consideration of Bond Counsel, 2020 Street Improvement Project
- iii. Consideration of Resolution No. 2020-23, Approving the Authorization for the Issuance of General Obligation Improvement Bonds
- iv. Consideration of Joint Powers Agreement, City of Dellwood, 2020 Street Improvement Project

B. City Planner, Jennifer Haskamp

- i. PUBLIC HEARING, Consideration of Amended CUP, Dellwood Barn Weddings, 7373 120<sup>th</sup> Street North
- ii. PUBLIC HEARING, Consideration of Resolution No. 2020-20, Clear Cut CUP, 6667 Keats Avenue North
- iii. Consideration of Resolution No. 2020-21, Application for Comprehensive Plan Amendment to Re-guide 5.3 Acres, 11298 60<sup>th</sup> Street North

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

6. **NEW BUSINESS**

- i. Consideration of Planning Commission Appointments

7. **UNFINISHED BUSINESS**

8. **DISCUSSION ITEMS** (no action taken)

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

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

9. **COMMUNITY CALENDAR MAY 6 THROUGH MAY 31, 2020:**

Mahtomedi Public Schools Board Meeting, Thursday, May 7<sup>th</sup> and May 21<sup>st</sup>, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, May 9<sup>th</sup>, Stillwater City Hall, 7:00 p.m.

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

City Office Closed, Monday, May 25<sup>th</sup>, 2020, Memorial Day Holiday

Annual Clean Up Day, Saturday, June 6, 2020, Town Hall, 9:00 a.m. to Noon

10. **ADJOURNMENT**

CITY OF GRANT  
MINUTES

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**DATE** : March 2, 2020  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 8:35 p.m.  
**MEMBERS PRESENT** : Councilmember Carr, Rog, Giefer,  
Schafer and Mayor Huber  
**MEMBERS ABSENT** : None

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

**CALL TO ORDER**

The meeting was called to order at 7:07 p.m.

**PUBLIC INPUT**

No one spoke during public input.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

**Council Member Schafer moved to approve the agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

**CONSENT AGENDA**

- March 3, 2020 City Council Meeting Minutes Approved
- February Bill List, \$33,969.87 Approved
- Kline Bros., Road Work, \$46,629.00 Approved
- ArcPaving Potholing Contract Approved
- Resolution No. 2020-06, Wildlife Conditional Use Permit Approved

**Council Member Giefer moved to approve the consent agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

1 **CONCEPT PLAN REVIEW, DELLWOOD BARN WEDDINGS, 7373 120<sup>TH</sup> STREET N**

2  
3 Mr. Scott Jordan advised Dellwood Barn Weddings is requesting help from the City to allow the  
4 moving of scheduled events in May to later in the season. Reserved wedding events for the 2020  
5 season are requesting to be rescheduled and or cancelled due to the pandemic. He stated they are  
6 looking for Sunday events as well as one weekday until 10:00 p.m. He stated they are just asking to  
7 reschedule the 2020 events and will not be having additional events.

8  
9 The City Council indicated they would review an application for an amended CUP for the 2020  
10 season only but any amendment cannot be superceded by other authorities.

11  
12 **STAFF AGENDA ITEMS**

13  
14 **City Engineer, Brad Reifsteck**

15  
16 **PUBLIC HEARING, Consideration of Resolution No. 2020-16, Certifying Special Assessments**  
17 **for the 2020 Street Improvement Plan** – City Engineer Reifsteck advised following a public  
18 hearing, the City Council ordered the public improvements included in the project at the November 4,  
19 2019 regular Council Meeting.

20  
21 Bids were let and received on February 6<sup>th</sup>, 2020. The lowest responsible bid along with indirect  
22 costs, including Legal, Engineering and Administrative costs, amount to a total project cost of  
23 \$465,080.00. The City has budgeted and is contributing \$42,320.00 to the Project.

24  
25 The improvements are anticipated to be funded by special assessments to benefitting properties, in  
26 accordance with the Assessment Policy, adopted by City Council.

27  
28 Total benefit amount to be assessed is \$422,760.00. There are 56.5 total buildable units, which  
29 includes two lots being assessed at a rate of one quarter of a buildable unit for having an address on  
30 an adjacent street and one parcel at a rate of 3 buildable units for its size and immediate access to a  
31 street being improved. The assessment per buildable unit is \$7,482.48.

32  
33 Assessments are proposed to be paid in equal annual installments over 15 years for single family  
34 residential property, beginning in January 2021 with an annual interest rate of 4.50 percent per  
35 annum.

36  
37 The assessment may be paid in whole with no interest charged if the entire assessment is paid within  
38 30 days of the adoption of the assessment.

39  
40 **Council Member Giefer moved to open the public hearing at 7:43 p.m. Council Member**  
41 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

42  
43 Mr. Brian Ressler, 9760 Justin Trail, stated he has been in favor of this project from the beginning.  
44 Everyone would like their voice to be heard and he wants the project to move forward.

1 Mr. Pat Beskar, 96<sup>th</sup> Street, stated he is excited to have the project move forward and asked about the  
2 expected completion date.

3  
4 Mr. Dan Ruth, 9820 Justin Trail, stated he agrees with the other comments and is in favor of moving  
5 the project forward.

6  
7 Staff noted the following property owner’s submitted official objections to the City relating to the  
8 project:

- 9  
10 9840 Justin Trail N  
11 10000 Justin Trail N  
12 9780 Justin Trail N  
13 9250 Dellwood Avenue N  
14

15 **Council Member Schafer moved to close the public hearing at 8:06 p.m. Council Member Carr**  
16 **seconded the motion. Motion carried unanimously by a roll call vote.**

17  
18 **Council Member Schafer moved to adopt Resolution No. 2020 - 16, as presented. Council**  
19 **Member Giefer seconded the motion. Motion carried by a roll call vote with Council Member**  
20 **Carr voting nay.**

21  
22 The Council directed staff to work on a streamline process to obtain bids for Joliet and Woodlyn  
23 Acres within the 429 Process.

24  
25 **Consideration of Resolution No. 2020-17, Receive Bids and Award Contract for the 2020 street**  
26 **Improvement Project** – City Engineer Reifsteck advised following a public hearing, the City Council  
27 ordered the public improvements included in the project at the November 4, 2019 regular council  
28 meeting.

29  
30 City Council accepted plans and specifications and authorized advertisement for bids at the January  
31 7<sup>th</sup> council meeting.

32  
33 Bids were received on February 6<sup>th</sup>, 2020. The attached letter of recommendation and bid tabulation  
34 summary indicates the recommended low bidder as OMG Midwest, Inc. dba MN Paving & Materials  
35 of Rogers, MN with a grand total bid of \$387,567.00.

36  
37 The improvements are anticipated to be funded by special assessments to benefitting properties, in  
38 accordance with the Assessment Policy, adopted by City Council.

39  
40 **Council Member Schafer moved to adopt Resolution 2020-17, as presented. Council Member**  
41 **Rog seconded the motion. Motion carried unanimously by a roll call vote.**

42  
43 **Consideration of Resolution No. 2020-18, Declaring Intent of Grant to Reimburse Certain**  
44 **Expenditures from the Proceeds of Bonds to be Issued by the City – City Engineer Reifsteck**

1 advised following a public hearing, the City Council ordered the public improvements included in the  
2 project at the November 4, 2019 regular council meeting.

3  
4 City Council accepted plans and specifications and authorized advertisement for bids at the January  
5 7<sup>th</sup> council meeting.

6  
7 Final project costs were declared to be assessed at the March 3<sup>rd</sup> council meeting in the amount of  
8 \$422, 760.00. The City has budgeted and is contributing \$42,320.00 to the project costs.

9  
10 Following a public assessment hearing, the City Council certified the final assessment roll for the  
11 project.

12  
13 The Council intends to use a combination of general fund tax revenue and special assessments to  
14 assist in financing the project. The City expects to reimburse the expenditures made for the project  
15 costs through the issuance of the bonds.

16  
17 Assessments are proposed to be paid in equal annual installments over 15 years for single family  
18 residential property, beginning in January 2021 with an annual interest rate of 4.50 percent per  
19 annum. The annual interest rate earned will be used to pay for the issuance and administration of the  
20 bonds.

21  
22 **Council Member Rog moved to adopt Resolution No. 2020-18, as presented. Council Member**  
23 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

24  
25 **Consideration of Letter of Agreement for Services, Baker Tilly Municipal Advisors, LLC -**  
26 **Staff advised a Letter of Agreement from Baker Tilly Municipal Advisors was included in the**  
27 **Council packets confirming the understanding that Baker Tilly is being engaged by the City of Grant**  
28 **to assist the City with municipal advisory services.**

29  
30 **Council Member Shafer moved to approve Letter of Agreement for Services, Baker Tilly**  
31 **Municipal Advisors, LLC, as presented. Council Member Rog seconded the motion. Motion**  
32 **carried unanimously by a roll call vote.**

33  
34 **City Planner, Jennifer Swanson**

35  
36 **PUBLIC HEARING, Consideration of Ordinance 2020-61, Amending Grant Code of**  
37 **Ordinances, Placement of Structures, Septic Permits and Dimensional Requirements – City**  
38 **Planner Swanson advised over the past five years the City has received and processed several**  
39 **variances from wetland setbacks for the installation of replacement individual subsurface sewage**  
40 **treatment systems on existing non-conforming lots. The City’s septic system setbacks are provided in**  
41 **Section 12-260 subsection (1) which requires all structures and sewage systems to be setback 75-feet**  
42 **from the Ordinary High-Water Level of any unclassified waterbody, which has generally been**  
43 **interpreted to include most delineated wetlands. The City’s required setback is not consistent with the**  
44 **watershed district regulations which consequently causes confusion for property owners and septic**  
45 **installers doing work in the City. During the City’s 2020 goal setting session both the Planning**

1 Commission and City Council identified the amendment of the applicable ordinances related to this  
2 issue as a priority.

3  
4 While the issue has been most pronounced for legally non-conforming lots (particularly small lots in  
5 subdivisions developed in the 1960s), the proposed amendments will apply to all lots and installation  
6 of any new individual subsurface sewage treatment system.

7  
8 Staff has prepared the attached draft Ordinance for your review and consideration. A summary of the  
9 Ordinance changes are as follows:

- 10  
11 • Chapter 12, Section 12-260 subsection (a)(1) is amended to add wetland types. Currently  
12 “Unclassified waterbodies” covers any, and all wetlands, without definition. The table will be  
13 updated to specifically identify Wetland Types 3, 4 and 5 consistent with Section 12-261  
14 subsection (d)(1)(c).
  - 15 ○ Add subsection 12-260(a)(3) Individual Sewage Treatment Systems setback from  
16 wetland areas. This section specifically references that setbacks shall be consistent  
17 with the watershed district in which the property is located. If the watershed district  
18 does not have a setback requirement, then the system shall be setback a minimum of  
19 50-feet from the delineated wetland edge.
- 20 • Chapter 32, Section 32-183 is amended to clearly define the County as the permitting  
21 authority.
- 22 • Chapter 32, Section 32-246 subsection (a) Dimensional Requirements is amended to add a  
23 reference for Subsurface Sewage Treatment Systems setbacks.

24  
25 City Planner Swanson stated a duly noticed public hearing was posted for March 17, 2020 at 6:30  
26 PM. Since the proposed changes are applicable to all properties and/or zoning districts, individual  
27 letters were not provided. Due to the coronavirus outbreak, the City’s Planning Commission meeting  
28 was cancelled. This agenda item was deemed to be acceptable to move forward to the City Council,  
29 provided a public hearing is held during the upcoming City Council meeting. It is prudent for the City  
30 to make the revisions/amendments as soon as possible given that Spring is here (hopefully) and  
31 residents will likely be requesting septic permits soon.

32  
33 Staff is requesting the City Council review the draft ordinance as presented and provide comments  
34 and/or recommend changes. The draft ordinance is attached for your review and consideration.

35  
36 **Council Member Giefer moved to open the public hearing at 8:56 p.m. Council Member**  
37 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

38  
39 Mr. Ray Gunderson, 9215 Ideal Avenue N, stated he is one property owner that does need the setback  
40 change to allow for septic on his new lot.

41  
42 **Council Member Giefer moved to close the public hearing at 9:01 p.m. Council Member**  
43 **Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

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**Consideration of Resolution No. 2020-15, Summary Publication of Ordinance No. 2020-61 –**  
Staff advised Resolution No. 2020 -15 authorizes a summary publication of Ordinance No. 2020-61.

**Council Member Giefer moved to adopt Resolution No. 2020-15, as presented. Council Member Schafer seconded the motion. Motion carried unanimously by a roll call vote.**

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

**NEW BUSINESS**

**Consideration of Resolution No. 2020-14, City of Grant Meetings of the City Council and Planner Commission–** Staff advised Resolution No. 2020-14 outlines the City may determine to hold City meetings via teleconference due to the pandemic.

**Council Member Schafer moved to adopt Resolution No. 2020-14, as presented.. Council Member Giefer seconded the motion. Motion carried unanimously by a roll call vote.**

**Consideration of Resolution No. 2020-13, Stillwaer Oaks 2020 Liquor License–** Staff advised Resolution No. 2020-13 approved the 2020 Liquor License for Stillwater Oaks Golf Club.

**Council Member Giefer moved to adopt Resolution No. 2020-13, as presented. Council Member Carr seconded the motion. Motion carried unanimously by a roll call vote.**

**UNFINISHED BUSINESS**

There was no unfinished business.

**DISCUSSION ITEMS (no action taken)**

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

**City Council Reports/Future Agenda Items**

No items were placed on a future agenda.

**COMMUNITY CALENDAR MARCH 3 THROUGH MARCH 31, 2020:**

Mahtomedi Public Schools Board Meeting, Thursday, April 9<sup>th</sup> and 23<sup>rd</sup>, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, April 9<sup>th</sup>, Stillwater City Hall, 7:00 p.m.

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

**ADJOURNMENT**



1  
2 **Council Member Giefer moved to adjourn the meeting at 9:13 p.m. Council Member Carr**  
3 **seconded the motion. Motion carried unanimously.**

4  
5 These minutes were considered and approved at the regular Council Meeting May 2, 2020.

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10 \_\_\_\_\_  
11 Kim Points, Administrator/Clerk                      Jeff Huber, Mayor  
12

DRAFT

<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>
04/27/2020	Payroll Period Ending 04/30/2020	14344	April20	N	Clerk Salary	100-41101-100-	\$ 3,972.89
	<b>Total For Check</b>	<b>14344</b>					<b>\$ 3,972.89</b>
04/27/2020	SHC, LLC	14345	Planning	N	City Planner	100-41209-301-	\$ 1,061.50
		14345			Escrow	674-49320-301-	\$ 346.85
		14345				971-49320-301-	\$ 465.50
		14345				972-49320-301-	\$ 166.25
		14345				973-49320-301-	\$ 1,508.95
	<b>Total For Check</b>	<b>14345</b>					<b>\$ 3,549.05</b>
04/27/2020	Kline Bros Excavating	14346	Road Maintenance	N	Grader Contractor	100-43101-301-	\$ 2,440.00
		14346			Gravel Road Costs	100-43106-301-	\$ 940.00
		14346			Culvert Repair	100-43111-301-	\$ 1,830.00
		14346			Special Road Projects	100-43128-301-	\$ 6,069.00
		14346			Ditch Repair	100-43133-301-	\$ 10,357.50
	<b>Total For Check</b>	<b>14346</b>					<b>\$ 21,636.50</b>
04/27/2020	WSB & Associates	14347	Engineering - march	N	Engineering Fees - General	100-41203-301-	\$ 940.00
		14347			Road Engineering Fees	100-43102-301-	\$ 3,261.00
		14347			MS4	100-43118-301-	\$ 336.00
		14347			Special Road Projects	100-43128-301-	\$ 1,257.00
		14347			Utility/ROW Permits	100-43132-301-	\$ 256.00
		14347			Grading Permit	100-43135-301-	\$ 344.00
		14347			2019/2020 Road Project	100-43136-301-	\$ 3,371.00
		14347			Escrow	922-49320-301-	\$ 172.00
		14347				955-49320-301-	\$ 752.00
	<b>Total For Check</b>	<b>14347</b>					<b>\$ 10,689.00</b>
04/27/2020	AirFresh Industries	14348	PortaPot #38735	N	Town Hall Porta Pot	100-43007-210-	\$ 125.00
	<b>Total For Check</b>	<b>14348</b>					<b>\$ 125.00</b>
04/27/2020	Xcel Energy	14349	Utilities	N	Town Hall Electricity	100-43004-381-	\$ 161.03
		14349			Well House Electricity	100-43010-381-	\$ 104.90
		14349			Street Lights	100-43117-381-	\$ 45.31
	<b>Total For Check</b>	<b>14349</b>					<b>\$ 311.24</b>
04/27/2020	Washington County Assessment/Tax	14350	2020 Pay Assessment Billing #17307	N	Assessing	100-41550-300-	\$ 50.00
	<b>Total For Check</b>	<b>14350</b>					<b>\$ 50.00</b>

Fund Name: All Funds

Date Range: 04/01/2020 To 04/30/2020

<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>
04/27/2020	Croix Valley Inspector	14351	Building Inspector	N	Building Inspection	100-42004-300-	\$ 5,458.91
	<b>Total For Check</b>	<b>14351</b>					<b>\$ 5,458.91</b>
04/27/2020	Lisa Senopole	14352	Video Tech	N	Cable Costs	100-41212-100-	\$ 180.00
	<b>Total For Check</b>	<b>14352</b>					<b>\$ 180.00</b>
04/27/2020	Johnson Turner Legal	14353	Feb Billing	N	Legal Fees - General	100-41204-301-	\$ 972.50
	<b>Total For Check</b>	<b>14353</b>			Legal Fees - Prosecutions	100-41206-301-	\$ 1,900.00
							<b>\$ 2,872.50</b>
04/27/2020	CenturyLink	14354	City Phone	N	City Office Telephone	100-41309-321-	\$ 135.87
	<b>Total For Check</b>	<b>14354</b>					<b>\$ 135.87</b>
04/27/2020	Todd Smith	14355	Monthly Assessment Services - March/April	N	Property Assessor	100-41208-300-	\$ 3,983.84
	<b>Total For Check</b>	<b>14355</b>					<b>\$ 3,983.84</b>
04/27/2020	Asphalt Restoration Co., Inc	14356	Potholing Inv#1660/1661	N	Pothole Repairs	100-43109-220-	\$ 23,659.92
	<b>Total For Check</b>	<b>14356</b>					<b>\$ 23,659.92</b>
04/27/2020	Andy Kees	14357	Mailbox Repair	N	Road Expenses - Other	100-43116-224-	\$ 50.00
	<b>Total For Check</b>	<b>14357</b>					<b>\$ 50.00</b>
04/27/2020	MN Department of Labor & Industry	14358	1st Quarter Building Permit Surcharge	N	Building Permit Surcharge	100-42005-210-	\$ 1,833.09
	<b>Total For Check</b>	<b>14358</b>					<b>\$ 1,833.09</b>
04/27/2020	Waste Management	14359	Recycling -	N	Recycling	100-43011-384-	\$ 5,015.92
	<b>Total For Check</b>	<b>14359</b>					<b>\$ 5,015.92</b>
04/27/2020	WSB & Associates	14360	Engineering - February	N	Engineering Fees - General	100-41203-301-	\$ 1,056.75
	<b>Total For Check</b>	<b>14360</b>			Special Road Projects	100-43128-301-	\$ 2,433.00
					Utility/ROW Permits	100-43132-301-	\$ 480.00
					Grading Permit	100-43135-301-	\$ 1,820.00
					2019/2020 Road Project	100-43136-301-	\$ 2,472.00
					Escrow	955-49320-301-	\$ 408.00
	<b>Total For Check</b>	<b>14360</b>					<b>\$ 8,669.75</b>
04/27/2020	Washington County Property Records	14361	2020 Property Tax	N	Town Hall Property Taxes	100-43008-510-	\$ 6,990.00
	<b>Total For Check</b>	<b>14361</b>					<b>\$ 6,990.00</b>

Fund Name: All Funds

Date Range: 04/01/2020 To 04/30/2020

<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>
04/27/2020	KEJ Enterprises	14362	April20 Road Contractor	N	Animal Control	100-42006-300-	\$ 83.00
		14362			Town Hall Mowing	100-43006-300-	\$ 125.00
		14362			Ball Field Maintenance	100-43009-300-	\$ 125.00
		14362			Road Engineering Fees	100-43102-300-	\$ 166.14
		14362			Road Garbage Removal	100-43105-300-	\$ 167.00
		14362			Gravel Road Costs	100-43106-300-	\$ 20.84
		14362			Magnesium Choride	100-43107-300-	\$ 41.67
		14362			Road Sign Replacement	100-43110-300-	\$ 83.84
		14362			Culvert Repair	100-43111-300-	\$ 20.84
		14362			Snow & Ice Removal	100-43113-300-	\$ 5,416.67
		14362			Road Brushing	100-43114-300-	\$ 2,250.00
		14362			Road Side Mowing	100-43115-300-	\$ 500.00
		<b>14362</b>					<b>\$ 9,000.00</b>
04/27/2020	Wildlife Rehab Center of MN	14363	Escrow Refunc	N	Escrow	970-49320-810-	\$ 202.28
		<b>14363</b>					<b>\$ 202.28</b>
04/27/2020	PERA	14364	PERA	N	Clerk PERA	100-41102-120-	\$ 399.72
		14364			Clerk PERA Withholding	100-41108-100-	\$ 346.42
		<b>14364</b>					<b>\$ 746.14</b>
04/27/2020	Sprint	14365	City Cell Phone	N	Road Expenses - Other	100-43116-321-	\$ 35.07
		<b>14365</b>					<b>\$ 35.07</b>
04/27/2020	Amber and Christopher James	14366	COC Escrow Refund	N	Escrow	971-49320-810-	\$ 484.50
		<b>14366</b>					<b>\$ 484.50</b>
04/27/2020	Press Publications	14367	Public Hearings/Assessment	N	Escrow	973-49320-351-	\$ 56.28
		14367				974-49320-351-	\$ 65.66
		<b>14367</b>					<b>\$ 121.94</b>
04/27/2020	Washington Conservation District	14368	1st Quarter Billing - MS4	N	MS4	100-43118-301-	\$ 175.00
		<b>14368</b>					<b>\$ 175.00</b>
04/27/2020	IRS	EFT127	Payroll Taxes	N	Clerk FICA/Medicare	100-41103-100-	\$ 407.71
		EFT127			Clerk Medicare	100-41105-100-	\$ 77.28
		EFT127			Federal Withholding	100-41107-100-	\$ 403.05
		EFT127			Social Security Expens	100-41109-100-	\$ 330.43
		<b>EFT127</b>					<b>\$ 1,218.47</b>
							<b>\$ 111,166.88</b>

Total For Selected Checks



Asphalt Restoration Co. Inc.  
 P.O. Box 401  
 Hugo, MN 55038  
 Email: [arcasphalt@gmail.com](mailto:arcasphalt@gmail.com)  
 Phone: 651-206-9125

# Invoice

Number **1660**  
 Date **3/31/2020**

Bill To  
 City of Grant  
 Asphalt repairs  
 Ending 3-31-20

PO Number      Terms      Project

Date	Description	Amount
3-27-20	4.5 hrs with 4 man-equipment crew @\$ 530.00...Dellwood ct. & Irish ave.	\$2,385.00
3-30-20	5.25 hrs with 5 man-equipment crew @\$ 595.00...Mckusick ave.	\$3,123.75
3-31-20	4.5 hrs with 5 man-equipment crew @ \$ 595.00...Joliet ave.	\$2,677.50
3-31-20	Materials 45 tons of 4a 1/2" Mix. Materials receipts to be furnished to Grant Clerk.	\$3,769.41

Amount Paid	\$0.00	Discount	\$0.00
Amount Due	\$11,955.66	Shipping Cost	\$0.00
		Sub Total	\$11,955.66
		<b>Total</b>	<b>\$11,955.66</b>

0 - 30 days	31 - 60 days	61 - 90 days	> 90 days	Total
\$11,955.66	\$0.00	\$0.00	\$0.00	\$11,955.66



Asphalt Restoration Co. Inc.  
P.O. Box 401  
Hugo, MN 55038  
Email: [arcasphalt@gmail.com](mailto:arcasphalt@gmail.com)  
Phone: 651-206-9125

# Invoice

Number	1661
Date	4/12/2020

Bill To  
City of Grant  
Asphalt repairs  
Week ending 4-10

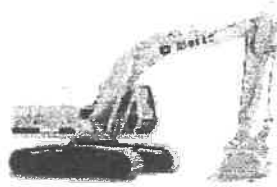
PO Number	Terms	Project
-----------	-------	---------

Date	Description	Amount
4-1-20	4.75 hrs with 4 man-equipment crew @\$ 530.00 Jocelyn ave.& 67th	\$2,517.50
4-7-20	6.5 hrs with 5 man-equipment crew@ \$ 595.00 Joliet ave-103rd & Jody	\$3,867.50
4-3-20	2 Man Sweeping crew Skid steer & Quad axel dump truck .	\$247.50
4-10-20	3.5hrs. 5 man-equipment crew @ 595.00 Jocelyn ave.	\$2,082.50
4-10-20	Materials 42 tons of 42a 1/2" mix. Tickets to be furnished to grant city clerk.	\$2,989.26

Amount Paid	\$0.00	Discount	\$0.00
Amount Due	\$11,704.26	Shipping Cost	\$0.00
		Sub Total	\$11,704.26
		<b>Total</b>	<b>\$11,704.26</b>

0 - 30 days	31 - 60 days	61 - 90 days	> 90 days	Total
\$23,659.92	\$0.00	\$0.00	\$0.00	\$23,659.92

KLINE BROS EXCAVATING  
 8996 110th St N  
 STILLWATER, MN 55082



# Invoice

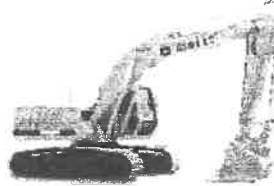
DATE	INVOICE #
4/26/20	2556

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	ROAD GRAVEL 100-43106

DUE DATE
5/6/20

DESCRIPTION	QTY	UNIT COST	AMOUNT
4-09-20 BUILD ROAD UP BETWEEN 2 PONDS ON IDEAL AVE NORTH OF 105TH ST THAT WAS AT FLOOD STAGE			0.00
4-09-20 HAUL 4 LOADS RC-5 (PIT BILLED US FOR THE GRAVEL)	4	175.00	700.00
4-09-20 740A SPREAD GRAVEL	3	80.00	240.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE			
<b>Total</b>			<b>940.00</b>

KLINE BROS EXCAVATING  
 8996 110th St N  
 STILLWATER, MN 55082



# Invoice

DATE	INVOICE #
4/26/20	2555

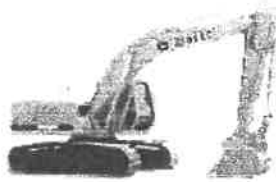
<b>BILL TO</b>	<b>JOB ADDRESS</b>
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	CULVERT WORK 100-43111

<b>DUE DATE</b>
5/6/20

DESCRIPTION	QTY	UNIT COST	AMOUNT
4-07-20 UNPLUG CULVERT ON 117TH ST NEAR KEATS			0.00
4-07-20 E70	4	90.00	360.00
4-07-20 2 MEN X 3 HRS LABOR	6	45.00	270.00
4-07-20 T600	1	75.00	75.00
4-07-20 T50	1	75.00	75.00
4-10-20 CLEAN OUT CATCH BASIN ON HADLEY SOUTH OF 101ST ST (FULL TO SURFACE WITH DIRT). CLEAN OUT OUTLET WITH TRACK HOE. CLEAN OUT OUTLET AT 101ST ST FOR STORM SEWER THAT FLOWS FROM THE NORTH. CLEAN OUT THIRD CULVERT NORTH OF 101ST ST.			0.00
4-10-20 E70	4	90.00	360.00
4-10-20 3 MEN X 4 HRS	12	45.00	540.00
4-10-20 T600	1	75.00	75.00
4-10-20 T50	1	75.00	75.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE	<b>Total</b>		1,830.00



KLINE BROS EXCAVATING  
 8996 110th St N  
 STILLWATER, MN 55082



# Invoice

DATE	INVOICE #
4/26/20	2554

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	SPECIAL ROAD PROJECTS 100-43128

DUE DATE
5/6/20

DESCRIPTION	QTY	UNIT COST	AMOUNT
3-30-20 BUILD UP 65TH ST WITH RC-5, GRADE AND COMPACT	52	21.00	1,092.00
3-31-20 BUILD UP 65TH ST 6 MORE INCHES WITH RC-5, GRADE, TAPER BANKS AND COMPACT	237	21.00	4,977.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE			<b>Total</b>
			6,069.00

KLINE BROS EXCAVATING  
 8996 110th St N  
 STILLWATER, MN 55082



# Invoice

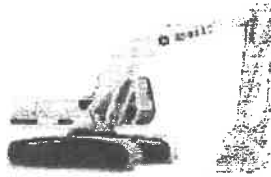
DATE	INVOICE #
4/26/20	2553

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	ROAD GRADING 100-43101

DUE DATE
5/6/20

DESCRIPTION	QTY	UNIT COST	AMOUNT
3-30-20 740A	5.5	80.00	440.00
4-01-20 770B	5.25	80.00	420.00
4-01-20 740A	3	80.00	240.00
4-06-20 740A	4	80.00	320.00
4-24-20 770B	3.5	80.00	280.00
4-25-20 770B	6	80.00	480.00
4-25-20 740A	3.25	80.00	260.00
AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE			<b>Total</b> 2,440.00

KLINE BROS EXCAVATING  
 8996 110th St N  
 STILLWATER, MN 55082



# Invoice

DATE	INVOICE #
4/26/20	2557

BILL TO	JOB ADDRESS
CITY OF GRANT 111 WILDWOOD RD WILLERNIE, MN 55090	DITCHWORK 100-43126

DUE DATE
5/6/20

DESCRIPTION	QTY	UNIT COST	AMOUNT
4-16-20 CLEAN OUT DITCHES ALONG HERON AT FIELDRIDGE RD. HAUL MUD AWAY			0.00
4-16-20 E70	6.5	90.00	585.00
4-16-20 1845C	6.5	85.00	552.50
4-16-20 L9000	6.5	75.00	487.50
4-16-20 LNT9000	6.5	75.00	487.50
4-16-20 T600	1	75.00	75.00
4-16-20 T50	1	75.00	75.00
4-17-20 CUT OFF APRON GRATES BOTH ENDS ON 4 CULVERTS (2) ON FIELDRIDGE & (2) ON HERON BECAUSE CULVERTS WERE PLUGGED WITH NO WAY TO CLEAN OUT	6	45.00	270.00
DIG DITCH ALONG WEST SIDE OF KIMBRO NORTH OF 110TH ST			0.00
4-22-20 E70	8	90.00	720.00
4-22-20 1845C	8	85.00	680.00
4-22-20 L9000	8.5	75.00	637.50
4-22-20 LNT9000	8.5	75.00	637.50
4-22-20 T600 & T50	1	150.00	150.00
4-23-20 E70	9.5	90.00	855.00
4-23-20 1845C	9.5	85.00	807.50
4-23-20 L9000	9.5	75.00	712.50
4-23-20 LNT9000	9.5	75.00	712.50
FINISH WEST SIDE OVER GAS LINE AND CLEAN EAST SIDE OF KIMBRO (EAST SIDE REQUIRED MINIMAL WORK)			0.00
4-24-20 E70	4.5	90.00	405.00
4-24-20 1845C	4.5	85.00	382.50
4-24-20 L9000	4.5	75.00	337.50
4-24-20 LNT9000	4.5	75.00	337.50
4-24-20 HAUL AWAY 2 LOADS OF STUMPS AND BRUSH AND TREES	2	150.00	300.00
4-24-20 T600 & T50	1	150.00	150.00

AMTS PAST 30 DAYS WILL BE SUBJECT TO A 1 1/2% MONTHLY SERV CHARGE

**Total** 10,357.50

**CITY OF GRANT**  
**WASHINGTON COUNTY, MINNESOTA**  
**ORDINANCE 2020-61**

**An Ordinance Amending the Grant Code of Ordinances  
Amending Section 12-260 (a) Placement of Structures on lots; Section 32-183 Septic Permits and  
Section 32-246 Dimensional requirements.**

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

**SECTION 1. AMENDMENT OF CHAPTER 12, ENVIRONMENT, OF THE CITY’S CODE OF ORDINANCES.**

That City Code Chapter 12, Article VII, Section 12-260 “Structure and sewer setback and other design criteria; (a) Placement of structures on lots”, is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

- (a) *Placement of structures on lots.* When more than one setback applies to a site, all structures and facilities must be located to meet all setbacks.
  - (1) Structure and on-site sewage system setbacks from ordinary high-water level. The following setbacks apply in regard to structures and sewage systems by classes of public waters:

<i>Classes of Public Waters</i>	<i>Setbacks (in feet)</i>	
	<i>Structures</i>	<i>Sewage systems</i>
Natural Environment	200	150
Unclassified waterbodies	75	75
Tributary Streams	200	150
Recreational development	100	75
<u>Wetland, Types: 3, 4, 5</u>	<u>75</u>	<u>See Subsection (3) of this section.</u>

- (2) No changes.
- (3) On-site sewage system setbacks from Wetlands of Type 3, 4 or 5. The setback of any on-site subsurface sewage treatment system shall be determined from the Watershed District in which the property is located. If no setback requirement exists within the Watershed District’s adopted rules and regulations, then the subsurface sewage

treatment system shall be setback a minimum of 50-feet from the delineated wetland edge.

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

That City Code Chapter 32, Article II, Section 32-183 Septic Permit is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strickethrough~~ :

***Sec. 32-183. Septic Permit.***

- (a) No change.
- (b) A septic permit shall be ~~issued~~obtained from Washington County only after proof is furnished by the applicant that a suitable on-site sewage treatment and disposal system can be installed on the site that meets all of the City’s dimensional standards as contained within this Chapter, and within Section 12-260 and the applicable Sections of Chapter 30 Subdivisions. Such system shall conform to all of the requirements of the ~~city’s county’s~~ on-site subsurface sewage treatment and disposal regulations, ~~including percolation tests and borings.~~

**SECTION 3. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.**

That City Code Chapter 32, Article II, Section 32-246 “Minimum area, maximum height and other dimensional requirements” is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strickethrough~~ :

- (a) Dimensional requirements. The following chart sets out the minimum, area, maximum height and other dimensional requirements of each zoning district.

	Zoning District					
	AP	A-1	A-2	R-1	C	GC
<b>Minimum Setbacks</b>						
<u>Structural Setback from Wetland Type 3, 4, or 5</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>
<u>Subsurface Treatment System from Wetland Type 3, 4, or 5<sup>8</sup></u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>

<sup>8</sup> See Chapter 12, Section 12-260 subsections (1) and (3).

**SECTION 2. SEVERABILITY.**

In the event that a 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 3. 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jeff Huber, Mayor

\_\_\_\_\_  
Attest: Kim Points, City Clerk

## **RESOLUTION NO. 2020-22**

### **CITY OF GRANT WASHINGTON COUNTY, MINNESOTA**

#### **A RESOLUTION OF THE CITY OF GRANT REGARDING PUBLIC HEARING PROCESS FOR TELEPHONE OR ELECTRONIC MEETINGS OF THE PLANNING COMMISSION**

**WHEREAS**, on April 7, 2020 the City of Grant, under Minnesota Statutes, Section 13D.021, through its chief, administrative officer, declared that in-person meetings of the City Planning Commission, are not practical or prudent due to the COVID-19 health pandemic and the peacetime emergency declared by Governor Walz pursuant to Minnesota Statutes, Chapter 12; and

**WHEREAS**, the City acknowledges that the technology infrastructure available throughout the City is inconsistent and therefore may cause potential challenges to some members of the Planning Commission; and

**WHEREAS**, the Planning Commission and City Council are committed to meeting the intent and objectives of the public hearing process that ensures the public can participate and provide public testimony regarding land use and zoning applications.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. That public meetings of the City of Grant Planning Commission shall be conducted by telephone or other electronic means, and the City Council further directed City Staff to take such action as may be necessary to enable such meetings to occur via telephone or other electronic means.

2. That all Public Hearings of the Planning Commission shall be deferred and scheduled at the City Council meeting to take place after the Planning Commission has considered the application. Due to technology infrastructure constraints such change is warranted to ensure that public testimony is heard by the City Council. This shall apply to all land use and zoning applications that require a Public Hearing, and such change shall be in effect until it is no longer impractical or imprudent for the Planning Commission to resume in-person meetings.

3. That until in-person meetings of the Planning Commission resume, the Planning Commission shall continue to consider all land use and zoning applications and provide a recommendation to the next available City Council meeting. The City Council shall consider the recommendation of the Planning Commission and hold the Public Hearing at the same meeting, which shall occur before a decision is acted upon.

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

Passed and adopted by the City Council for the City of Grant this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jeff Huber, Mayor

\_\_\_\_\_  
Kim Points, Administrator/Clerk



## 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: April 27, 2020

Re: 2019 Street Improvement Projects – Discuss Joliet Ave and Woodlawn Acres area  
Street Improvements  
WSB Project No. 014035-000

---

### **Actions to be considered:**

Discuss the steps to make improvements to Joliet Ave and or the Woodlawn Acres (WAC) area streets.

Council may consider a single street segment or the entire area for a new project.

### **Facts:**

1. The feasibility study was accepted by Council on September 3, 2019 for the following streets:
  - Janero Court N & 96<sup>th</sup> Street
  - Justen Trail N
  - Grenelefe Ave N
  - Jody Ave & Ct N (WAC)
  - 103<sup>rd</sup> Street & Ct N (WAC)
  - Juno Ave N. (WAC)
  - Joliet Ave N
  - 101<sup>st</sup> St N. (WAC)
  - Kellman Ct (WAC)
2. After two public hearings and a postcard survey, the Council ordered the improvements for Grenelefe Ave, Justen Trail N, Janero Court and 96<sup>th</sup> Street (west of Justen Trail) on November 4, 2019.
3. After receiving favorable bids for the ordered improvements mentioned above, The Council directed staff to review the required steps necessary to bid the remaining streets studied.
4. Cities must order projects within 6 months of the public hearing. The initial public hearing for the streets studied was held on October 1, 2019, therefore, a new public hearing will be needed to meet this requirement.

5. City staff determined the following steps are necessary to follow City and Minnesota State Statute (429) policy for a special assessed project.
  - a. If more than one street segment studied is being considered for a project, City Staff recommends revising and updating feasibility study to include new estimated costs and mock assessments. If Council is considering only one street segment, such as Joliet Ave south of Woodlawn Acres area (See map below), then the proceeding steps may be followed.
  - b. **Step 1: Council sets public hearing, authorizes engineer to prepare plans and specifications.** (Hearing requires 10-day notification to affected property owners and a public notice must be published for two weeks prior to the meeting). If Council decides to move forward, staff is recommending a public hearing be conducted at a special council meeting the week of May 25<sup>th</sup> to meet the notification requirements.
  - c. **Step 2: Conduct public hearing and order improvements** at special council meeting at the end of May.
  - d. **Step 3: Council accepts plans and specifications and authorizes City Engineer to prepare advertisement for bids** at regular meeting on June 30, 2020
  - e. Open bids on Thursday July 23<sup>rd</sup> at 2:00 pm. Plans and specs must be advertised for 21 days. Staff is recommending the Council authorize the use of electronic bidding.
  - f. **Step 4: Council accepts bids and awards construction contract** to lowest responsible bidder at regular council meeting on August 4<sup>th</sup>, 2020.
  - g. Construction begins late August or early September 2020
  - h. Construction completed at the end of October 2020
  - i. **Step 5: Council sets public assessment hearing and declares costs** at regular council meeting on October 6<sup>th</sup>, 2020.
  - j. **Step 6: Council conducts public assessment hearing and adopts special assessments** at regular meeting on November 3, 2020 (or as scheduled per election conflict).

**Action:** Discussion. Adopt Resolution

**Attachments:**



**CITY OF GRANT**

**WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2020-19**

**RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS AND CALLING PUBLIC HEARING ON IMPROVEMENT Joliet Ave and Woodlawn Acres Street Improvement Project**

**WHEREAS**, pursuant to resolution of the Council adopted May 7th, 2019, a report has been prepared by WSB & Associates with reference to the improvements of the following Streets:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**WHEREAS**, this report was received by the Council on September 3, 2019; and,

**WHEREAS**, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of Grant, Minnesota:

1. The City Council designates WSB & Associates, Inc. as the engineer for this improvement and orders the preparation of plans and specifications for the making of such improvement.
2. The council will consider the improvement of such roadway in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$ \_\_\_\_\_
3. A public hearing shall be held on such proposed improvement on the \_\_\_\_\_ day of May 2020, in the council chambers of the town hall at 7:00 p.m. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

Adopted this 5th day of May 2020 by the City Council of Grant, Minnesota.

\_\_\_\_\_  
Jeff Huber, Mayor

ATTEST:

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Kim Points, City Clerk



## 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: April 27, 2020

Re: 2019 Street Improvement Projects – Bond Counsel

WSB Project No. 014035-000

---

### **Actions to be considered:**

Authorize contract for bond counsel services for the purpose of assisting the City with the sale of municipal bonds to finance the 2020 Street Improvement Project.

### **Facts:**

1. The City received two proposal to serve as the City's bond counsel.
  - a. The role of the Bond council is to provide opinion on the validity of the bond offering and to assist the City in completing the transaction in a timely manner.
2. City Staff recommends approving a contract with Taft Law for these services in the amount of \$3,500.00.

**Action:** Discussion. Authorize Contract

**Attachments:** Contract

## 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: April 27, 2020

Re: 2019 Street Improvement Projects – Bond Issuance  
WSB Project No. 014035-000

---

### **Actions to be considered:**

Authorize parameter resolution to move forward with the bond issue for financing the 2020 Street Improvement Project.

### **Facts:**

1. The total cost of the project to be assessed against benefited property owners is declared to be \$422,760. Each assessment term is 15 years at an interest rate of 4.5%.
2. The bond issuance will not exceed \$450,000. The proceeds of the bonds will be used to finance street improvements within the city and pay the costs associated with issuing the bonds.
3. The Mayor and City Administrator are authorized to approve the sale of the bonds.
4. Upon approval of the sale of the bonds, the City Council will take action at a council meeting to adopt the necessary approving resolutions as prepared by the City's Bond counsel.

**Action:** Discussion. Resolution

**Attachments:** Resolution

EXTRACT OF MINUTES OF A MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF GRANT, MINNESOTA

HELD: MAY 7, 2020

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Grant, Washington County, Minnesota, was duly held on May 7, 2020, at 7:00 P.M.

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. 2020-23

APPROVING THE AUTHORIZATION FOR THE ISSUANCE OF  
GENERAL OBLIGATION IMPROVEMENT BONDS

BE IT RESOLVED by the City Council of the City of Grant, Minnesota (the "City") as follows:

1. The City Council hereby finds and declares that it is necessary and expedient for the City to sell and issue its fully registered general obligation improvement bonds in the total aggregate principal amount of not to exceed \$450,000 (herein, the "Bonds"). The proceeds of the Bonds will be used to finance street improvements within the City and to pay the costs associated with issuing the Bonds.
2. The City Council desires to proceed with the sale of the Bonds by either private negotiation or competitive sale.
3. The Mayor and the Administrator-Clerk are hereby authorized to approve the sale of the Bonds in an aggregate principal amount of not to exceed \$450,000.
4. The Mayor and the Administrator-Clerk are hereby authorized to approve the sale of the Bonds with a total interest cost not to exceed 3.50%.
5. Upon approval of the sale of the Bonds by the Mayor the Administrator-Clerk, the City Council will take action at a regular or special scheduled meeting thereafter to adopt the necessary approving resolutions as prepared by the City's bond counsel.

This resolution shall become effective immediately upon its passage and without publication.

Passed this 7th day of May, 2020.



---

Jeff Huber  
Mayor

ATTEST: \_\_\_\_\_  
Kim Points  
Administrator-Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_\_ and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

**JOINT POWERS AGREEMENT**  
**BETWEEN THE CITY OF GRANT AND**  
**THE CITY OF DELLWOOD RELATING TO**  
**GRENELEFE IMPROVEMENTS**

**THIS JOINT POWERS AGREEMENT BETWEEN THE CITY OF GRANT AND THE CITY OF DELLWOOD RELATING TO GRENELEFE AVENUE NORTH FROM SPYGLASS PLACE TO CORPORATE LIMITS, ("Agreement")** is made and entered into as of the 14 day of April, 2020, by and between the City of Grant ("GRNT"), a Minnesota municipal corporation, and the City of Dellwood ("DW"), a Minnesota municipal corporation (each sometimes hereinafter called "party" and both sometimes collectively called "parties").

**WITNESSETH:**

**WHEREAS**, each of the parties hereto has the authority to construct, maintain, repair, and improve public streets within their respective corporate limits; and

**WHEREAS**, GRNT has ordered construction of GRNT 2020 Street Improvements Project (2020 Street Improvements Project). GRNT has finalized plans and specifications 2020 Street Improvements Project and is in the process of preparing to solicit bids for 2020 Street Improvements Project; and

**WHEREAS**, GRNT 2020 Street Improvements Project consists of reclaiming the street pavement, culvert replacement and street repaving of various streets within GRNT; and

**WHEREAS**, DW has a street segments abutting GRNT 2020 Street Improvements Project. That segment is

- Grenelefe Avenue North from Spyglass Place (west side) to corporate limits

**WHEREAS**, the parties hereto desire to undertake a joint project to construct GRNT 2020 Street Improvements Project and to improve the street segment in DW and to share the costs of such improvements by GRNT paying for GRNT 2020 Street Improvements Project and DW paying for improvements to the street segment in DW as herein provided; and

**WHEREAS**, the authority of the parties to enter into this Agreement is provided by Minnesota Statutes, sections 471.59, 429.031, subdivision 1, and 429.041, subd. 5;

**NOW, THEREFORE**, in consideration of the mutual promises and covenants of each to the other contained in this Agreement and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto do covenant and agree as follows:

**ARTICLE 1**

## THE AGREEMENT

**Section 1.01. Purposes.** The purpose of this Agreement is to define the rights and obligations of DW and GRNT with respect to GRNT 2020 Street Improvements Project and the DW Street Segment Project and the sharing of the costs.

**Section 1.02. Cooperation.** DW and GRNT shall cooperate and use their best efforts to ensure the most expeditious implementation of the various provisions of this Agreement. The parties agree in good faith to undertake resolution of disputes, if any, in an equitable and timely manner.

**Section 1.03. Relationship to Other Contracts.** DW and GRNT acknowledge that Contract Documents will be entered into by GRNT on behalf of the parties with respect to GRNT 2020 Street Improvements and the DW Street Segment Project and that Change Orders or other documents may be entered into by the parties or by GRNT on behalf of the parties with respect to GRNT 2020 Street Improvements Project and DW Street Segment Project. This Agreement shall be construed so as to give the fullest effect to its provisions, consistent with the provisions of the other contracts and documents referred to above.

**Section 1.04. Term.** The term of this Agreement shall be for a period commencing on the date hereof and terminating on the date GRNT 2020 Street Improvements Project and the DW Street Segment Project are completed, accepted by the parties and all amounts owed by one party to the other have been paid in full.

**Section 1.05. Recitals.** The above recitals are true and correct as of the date hereof and constitute a part of this Agreement.

## ARTICLE 2 DEFINITIONS

**Section 2.01. Definitions.** In this Agreement, the following terms shall have the following meanings unless the context requires otherwise:

- (a) **Agreement:** this Agreement, as it may be amended, supplemented, or restated from time to time.
- (b) **Change Order:** a written order to the Contractor approved by both parties hereto and signed by the GRNT Representative on behalf of the parties authorizing a change in the work included within the Contract Documents and/or an adjustment in the price and/or an adjustment in the construction schedule, issued after execution of the contract for the construction of GRNT 2020 Street Improvements Project and the DW Street Segment Project.
- (c) **Contract Documents:** drawings; specifications; general and special conditions;

addenda, if any; Change Orders; and the construction contract for GRNT 2020 Street Improvements Project and the DW Street Segment Project; approved by the parties, or their respective representatives.

- (d) **Contractor:** the person or entity which is awarded the contract for the construction of GRNT 2020 Street Improvements Project and the DW Street Segment Project.
- (e) **GRNT:** the City of Grant, a Minnesota municipal corporation.
- (f) **GRNT Direct Costs for DW Street Segment Project:** the compensation and wages (including applicable payroll burden) of GRNT employees for the time(s) such employees are performing services on behalf of the DW Street Segment Project, including all construction testing costs and all GRNT consultants' fees.
- (g) **GRNT Overhead Costs for DW Street Segment Project:** interest during construction, calculated as one percent of DW Street Segment Project Construction Costs.
- (h) **GRNT Representative:** the GRNT City Engineer, or his designee.
- (i) **DW Street Segment Project:** the improvement of the following DW Street Segments in the following manner:
  - Reclamation and repaving of Grenelefe Avenue N from Spyglass Place (west side) to corporate limits
  - Culvert replacement along the aforementioned street segment as appropriate.
- (j) **GRNT Administrative Costs for DW Street Segment Project:** all costs incurred by GRNT for and associated with the design, bidding, and contract award, of the DW Street Segment Project including GRNT Direct Costs for DW Street Segment Project, GRNT Overhead Costs for DW Street Segment Project.
- (k) **DW Street Segment Project Construction Costs:** all costs for and associated with the construction of DW Street Segment Project, including but not limited to bituminous reclamation and surfacing, culvert replacements and street restoration.
- (l) **DW:** the City of Dellwood, a Minnesota municipal corporation.
- (m) **DW Representative:** the DW City Engineer, or her designee.
- (n) **DW Street Segments:** the following street segment in DW:
  - Grenelefe Ave North (west side)

- (o) **Uncontrollable Circumstances:** the occurrence or non-occurrence of acts or events beyond the reasonable control of the party relying thereon, and not the result of willful or negligent action or inaction of the party claiming the event as an Uncontrollable Circumstance, that materially and adversely affects the performance of the party claiming the event as an Uncontrollable Circumstance including but not limited to the following:
- (i) Acts of God, including, but not limited to floods, ice storms, blizzards, tornadoes, landslides, lighting and earthquakes (but not including reasonably anticipated weather conditions for the geographic area), riots, insurrections, war or civil disorder affecting the performance of work, blockades, power or other utility failure, and fires or explosions.
  - (ii) The adoption of or change in any federal, state, or local laws, rules, regulations, ordinances, permits, or licenses, or changes in the interpretation of such laws, rules, regulations, ordinances, permits, or licenses by a court or public agency having appropriate jurisdiction after the date of the execution of this Agreement.
  - (iii) A suspension, termination, interruption, denial, or failure of renewal of any permit, license, consent, authorization, or approval essential to the construction of the Project.
  - (iv) Orders and/or judgments of any federal, state, or local court, administrative agency, or governmental body, provided, however, that the contesting in good faith by such party of any such order and/or judgment shall not constitute or be construed to constitute a willful or negligent action or inaction of such party.
  - (v) Strikes or other such labor disputes shall not be considered an Uncontrollable Circumstance, unless such strike or labor dispute involves persons with whom the parties or either of them have no employment relationship and for whom, despite using best efforts, the parties or either of them cannot obtain substitute performance.

**ARTICLE 3**  
**CONSTRUCTION**

**Section 3.01. Contract Award.** GRNT 2020 Street Improvements Project and the DW Street Segment Project shall both be included within the Contract Documents. The Contract Documents shall be prepared and administered by GRNT. The Contract Documents shall be approved by the parties prior to the award of bids.

In accordance with the applicable provisions of Minnesota Statutes Chapter 429, GRNT will cause bids to be received by it for the construction of GRNT 2020 Street Improvements Project and the DW Street Segment Project and, subject to approval by the GRNT Representative, shall award the contract for the construction of GRNT 2020 Street Improvements Project and the DW Street Segment Project to the lowest responsible bidder. GRNT shall enter into the Contract Documents with the Contractor.

**Section 3.02. DW Street Segment Project Construction.** Subject to Uncontrollable Circumstances, GRNT shall cause the DW Street Segment Project to be constructed in accordance with the Contract Documents.

**Section 3.03. Construction Administration.** GRNT shall perform appropriate construction administration services, including, without limitation, representation of the parties hereto with regard to activities of the Contractor at the construction site, periodic observations of the work at the construction site, initiate appropriate action to present or have corrected as appropriate, any work observed not to be in accordance with the Contract Documents, process Change Orders, and process Contractor pay request. GRNT shall not be responsible for the acts or omissions of the Contractor nor shall GRNT be responsible for construction means, methods, techniques, sequences, procedures or safety precautions at the construction site.

**Section 3.04. Resident Notification.** **GRNT shall be responsible for notifying and communicating the Project to all of the affected landowners.**

**ARTICLE 4**  
**DW STREET SEGMENT PROJECT COSTS**

**Section 4.01. Allocation.** Upon completion of the DW Street Segment Project, DW shall pay to GRNT the following:

- (a) 100% of GRNT Administrative Costs for DW Street Segment Project.
- (b) 100% of DW Street Segment Project Construction Costs attributed to and based upon the construction performed within the DW corporate limits.
- (c) The total of DW's payment to GRNT shall be limited to \$22,759.48 for all costs stated above.

GRNT shall submit an itemized written invoice of the expenses listed above and DW shall

be responsible to pay such invoice within 40 days after the date of the invoice. In order to verify the invoiced amounts, DW shall have full access to all GRNT records, data and other information concerning both DW Street Segment Project and GRNT 2020 Street Improvements Project, including Contractor billings.

**Section 4.02. Payments to Contractor.** GRNT shall make progress payments to the Contractor and, upon prior approval of both parties hereto, the final payment to the Contractor in accordance with the Contract Documents as agent for DW and on its own behalf. DW has the right to inspect the completed work on the DW Street Segment Project, prior to GRNT's final payment to the Contractor.

**ARTICLE 5**  
**GENERAL PROVISIONS**

**Section 5.01. Notices.** All notices or communications required or permitted pursuant to this Agreement shall be either hand delivered or mailed to DW and GRNT, as the following address:

**DW:** City Clerk  
City of Dellwood  
111 Wildwood Road  
P.O. Box 775  
Willernie, MN 55090

**GRNT:** City Administrator  
City of Grant  
111 Wildwood Road,  
P.O. Box 577  
Willernie, MN 55090

Either party may change its address or authorized representative by written notice delivered to the other party pursuant to this Section 5.01.

**Section 5.02. Counterparts.** This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original but all of which taken together shall be deemed a single instrument.

**Section 5.03. Survival of Representations and Warranties.** The representations, warranties, covenants, and agreements of the parties under this Agreement, and the remedies of either party for the breach of such representations, warranties, covenants, and agreements by the other party shall survive the execution and termination of this Agreement.

**Section 5.04. Non-Assignability.** Neither DW nor GRNT shall assign any interest in this

Agreement nor shall transfer any interest in the same, whether by subcontract, assignment or novation, without the prior written consent of the other party. Such consent shall not be unreasonably withheld.

**Section 5.05. Alteration.** Any alteration, variation, modification or waiver of the provisions of the Agreement shall be valid only after it has been reduced to writing and duly signed by all parties.

**Section 5.06. Waiver.** The waiver of any of the rights and/or remedies arising under the terms of this Agreement on any one occasion by any party hereto shall not constitute a waiver or any rights and/or remedies in respect to any subsequent breach or default of the terms of this Agreement. The rights and remedies provided or referred to under the terms of this Agreement are cumulative and not mutually exclusive.

**Section 5.07. Severability.** The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause or phrase of this Agreement is for any reason held to be contrary to law, or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of this Agreement.

**Section 5.08. Interpretation According to Minnesota Law.** This Agreement shall be interpreted and construed according to the laws of the State of Minnesota.

**Section 5.09. Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and shall supersede all prior oral or written negotiations.

**Section 5.10. Final Payment.** Before final payment is made by GRNT to the Contractor, GRNT shall obtain from the Contractor a certificate of compliance from the Commissioner of Revenue certifying that the Contractor and any out-of-state subcontractors have complied with the provisions of Minnesota Statutes, Section 290.92.

**Section 5.11. Headings.** The headings to the various sections of this Agreement are inserted only for convenience of reference and are not intended, nor shall they be construed, to modify, define, limit, or expand the intent of the parties as expressed in this Agreement.

**Section 5.12. Further Actions.** The parties agree to execute such further documents and take such further actions as may reasonably be required or expedient to carry out the provisions and intentions of this Agreement, or any agreement or document relating hereto or entered into in connection herewith.

**Section 5.13. Parties in Interest.** This Agreement shall be binding upon and insure solely to the benefit of the parties hereto and their permitted assigns, and nothing in this Agreement, express or implied, is intended to confer upon any other person any rights or remedies of any nature under or by reason of this Agreement.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

**CITY OF GRANTGRANT**

Attest:

By: \_\_\_\_\_  
Kim Points  
City Clerk

By: \_\_\_\_\_  
Jeff Huber  
Mayor

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**CITY OF DELLWOOD**

Attest:

By: Joanne Frane  
Joanne Frane  
City Clerk

By: Mike McGill  
Mike McGill  
Mayor

Dated: 4-14-2020

Dated: 4/14/20



## 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: April 27, 2020

Re: 2019 Street Improvement Projects – Bond Counsel  
WSB Project No. 014035-000

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### **Actions to be considered:**

Authorize contract for bond counsel services for the purpose of assisting the City with the sale of municipal bonds to finance the 2020 Street Improvement Project.

### **Facts:**

1. The City received two proposal to serve as the City's bond counsel.
  - a. The role of the Bond council is to provide opinion on the validity of the bond offering and to assist the City in completing the transaction in a timely manner.
2. City Staff recommends approving a contract with Taft Law for these services in the amount of \$3,500.00.

**Action:** Discussion. Authorize Contract

**Attachments:** Contract



## STAFF REPORT

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

**Date:** April 27, 2020

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

**RE:** Application to Amend  
Conditional Use Permit for the  
Dellwood Barn Wedding Rural  
Event Facility located at 7373  
120<sup>th</sup> Street North

**From:** Jennifer Haskamp  
Consulting City Planner

### Background

The Applicant, Scott Jordan, on behalf of the Dellwood Barn Weddings has requested an amendment to their Amended Conditional Use Permit for the subject property. The CUP was first issued in 2014 and was later amended in 2019. The events held at the facility are primarily weddings and the operations are seasonal and limited to May 1<sup>st</sup> through October 31<sup>st</sup> of each year. The Amended CUP includes the original conditions that permitted the construction/conversion of the historic barn to a rural events facility, operational requirements, and the amended hours of operation that were the subject of the 2019 application process.

The 2019 amendments were in effect for the full season and no formal complaints were filed with the City last year. It should be noted that during the 2019 amendment process that public testimony during the public hearing indicated concerns from adjacent property owners regarding noise associated with the events. Public testimony also indicated concern with any real or perceived expansion of use, and specifically requested to keep Sundays off limits for events.

At the April 7, 2020 City Council meeting the Applicant presented a “concept” plan to the City Council to adjust the hours of operation, and to include Sundays as an options for events during the 2020 wedding season. During the short presentation, the Applicant indicated that the current COVID-19 pandemic and the stay-at-home order has significantly impacted their business because events cannot be held in May as scheduled (at a minimum). To address this impact, the Applicant presented a concept to the Council that would modify the approved hours of operations and include Sundays for the **2020 wedding season only**. The Applicant indicated that the altered hours of operation would provide their brides/clients the opportunity to reschedule their events planned for spring/early summer to later in the 2020 season. After brief discussion, the City Council indicated a willingness to review the proposed concept and suggested that an amendment to the CUP would be necessary since the City does not have a temporary or interim permit. The request to



amend the permit would require a public hearing, and the opportunity for the public to provide their testimony.

## Process & Public Hearing

The subject application is an Amendment to an approved Amended CUP, which the City's ordinance permits to follow a condensed process depending on the magnitude of the proposed change. Since the proposed change is temporary and for the 2020 season only, and the subject request does not change the physical site or building characteristics, the question/request is brought directly to the City Council for review and consideration.

### Public Hearing

A duly noticed public hearing is scheduled for May 5, 2020 at 7:00 PM to be held via Zoom video conference. The current COVID-19 pandemic is temporarily altering how the City will perform and conduct public hearings and it is necessary to use video conferencing for the health and safety of the City Council, staff, applicants and residents. Also, it is known that technology infrastructure is inconsistent throughout the City, so in the interim all public hearings will be held by the City Council until the Planning Commission can resume their in-person meetings. This process has been adopted by City Council resolution. The call-in number and instructions to join the video conference meeting are provided on the City's website so that any member of the public wishing to provide public testimony can participate in the public hearing.

## Project Summary

Applicant and Owner: Scott Jordan, Dellwood Barn Weddings	Site Size: 37.14 Acres
Zoning & Land Use: A-1	Request: Amended Conditional Use Permit (CUP) to allow for the temporary adjustment of the hours of operation for the 2020 wedding season.
Location Description and PIDs: (PID 0503021210005) Dellwood Barn Weddings (Rural Event Facility), parking, Informal Gathering space, etc., are located the approximately 23.72-acre parcel. (PID 0503021210004) The Outdoor Ceremony space, and septic drainfield that supports the facility are located on the 13.42-acre parcel.	

The Applicant is proposing to amend the Amended CUP for the subject operations to allow for modified hours of operation for the 2020 wedding season. As stated in the Applicant's narrative the impetus for this request is due to the COVID-19 pandemic which has instituted a stay-at-home order that will likely prevent the Applicant from holding events this spring (May) and possibly into the early summer. Given the impending projected limitations on gatherings, the Applicant is requesting the ability to adjust their hours and days for the 2020 wedding season ONLY. A summary of the proposed modifications is provided:



Condition #4 of the Amended CUP addresses current hours of operation by days of the week. The condition would NOT be adjusted for this amendment request, instead additional conditions specific to the 2020 season would be added to the permit if approved by the City Council. The following table shows a side-by-side comparison of the proposed interim hours of operations and days.

Approved CUP Condition #4:	AMENDED 2020 Hours (TEMPORARY)
Monday – Thursday 11:00 AM – 6:00 PM	Monday – Wednesday 11:00 AM – 6:00 PM Thursday 9 AM – 10:30 PM (site dark at 10, support gone by 10:30)
Friday and Saturday 1:00 PM to 11:00PM (site is vacated and dark by 11:00, support staff must vacate by 12:00 AM)	Friday and Saturday 1:00 PM to 11:00PM (site is vacated and dark by 11:00, support staff must vacate by 12:00 AM)
No events permitted on Sunday	Sunday 9 AM – 10:30 PM (site dark at 10, support gone by 10:30)

As stated by the Applicant, they do NOT intend to book additional events for the 2020 season and would like the option of the additional dates for rescheduling those events originally planned for May and early summer. The Applicant estimates the number of dates that may be rescheduled is 10 which would be moved to the summer/fall of this wedding season.

**Review Criteria**

According to the approved Amended CUP, the proposed changes to the operation and the facility requires an additional amendment. The City Code addresses amendments to existing CUPs in Section 32-152 that states, “An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit...” As such, the Application to amend the CUP is processed accordingly, and the requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. The City Code 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.”

Section 32-352 identifies specific performance standards for Rural Event Facilities which must be addressed in the application and analysis of the proposed amendments.



## Existing Site Conditions

The site is located in the far northwestern corner of the community and the parcel is bordered by the City of Hugo to the north, and the City of Dellwood to the south. The following existing site conditions are present on each of the PIDs as referenced above.

0503021210005 – The parcel is described as Lot 5 of the Meadowlark Subdivision and is the northwestern most parcel of the Subdivision. The parcel is approximately 23.72 acres, is irregular in shape, and located southeast of 120<sup>th</sup> Street North which forms a curvilinear border on the north and west property line. The parcel includes an existing house (principal structure); the existing Dellwood Wedding Barn which is approximately 3,800 square feet; three existing out buildings that total approximately 7,200 square feet; and an existing corn crib which is approximately 820 square feet and is located directly south of the Barn. Outdoor happy hours associated with the events are held on the graveled area between the Barn and the Corn Crib, and that additional outdoor gathering occurs near the firepit near the parking lot. The home and buildings are accessed from an existing gravel driveway that is connected to 120<sup>th</sup> Street North in two locations and is approximately 12-foot wide. As required by the conditions of the CUP, the Applicant constructed a graveled parking lot directly west of the Dellwood Barn Wedding facility which is connected by footpaths to the facility.

0503021210004 – The parcel is described as Lot 4 of the Meadowlark Subdivision and is adjacent, and to the east, of Lot 5 described above. The parcel is approximately 13.42 Acres, is slightly irregular in shape, but generally runs north-south with its northern property line bordered by 120<sup>th</sup> Street North. The parcel does not have a principal structure and for purposes of this review is considered in combination with Lot 5. The parcel has three existing outbuildings that total approximately 3,425 square feet and are located in the northwest corner of the property. There is an existing wood fence that extends from the Barn located on Lot 5 and encompasses the outbuildings on Lot 4. The majority of the site is generally open, with some sparse vegetation and a wetland area near the southwestern property line. This site includes supporting infrastructure to the Dellwood Wedding Barn and is used for outdoor ceremonies as permitted within the existing CUP.

## Comprehensive Plan Review

The site is guided A-1 in the City's adopted Comprehensive Plan. Land within the A-1 land use designation is generally described as supporting rural, agricultural and rural residential uses with limited accessory commercial uses as identified and allowed within the City's zoning ordinance. The City's ordinances conditionally permit Rural Event Facilities provided certain performance standards can be met. The existing Dellwood Barn Weddings facility and use was permitted with a CUP in 2014, was amended in 2019. During both reviews the use was deemed consistent with the City's Comprehensive Plan.

## Zoning/Site Review

Rural Event Facilities were added as a permitted conditional use in 2014 with specific performance standards. All existing operations have been deemed appropriate and consistent with the conditions of the CUP,



Amended CUP (2019) and the adopted zoning ordinance. Since the proposed amendment does not include any structural or site conditions no additional analysis regarding dimensional standards is included in this staff report.

Based on the previous review, the proposed modifications most directly affect the conditions regarding Hours of Operation and Noise/Amplification. Given that, the following analysis focuses primarily on these two issues (though staff acknowledges and understand that other conditions may be affected minimally if the proposed modifications are permitted. However, since the modifications are temporary and limited only to the 2020 wedding season, the potential impact is likely minimal.)

## Review of Certain Conditions

**Hours of Operation**      The Applicant has requested a modified schedule for the 2020 wedding season in response to the COVID-19 pandemic. As most people are aware, the current peacetime state of emergency and stay at home order requires all non-essential businesses to be closed and prohibits gatherings. The stay-at-home order is set to expire on May 4, but it is anticipated that social distancing requirements will persist, and gatherings will continue to be prohibited into the Spring. This has significant impact on the Applicant's business as they had weddings and events scheduled in May that will have to be rescheduled or cancelled. As a result, the Applicant is requesting consideration to allow for the ability to reschedule some of these events for the late summer or fall of 2020. To be able to reschedule these events the Applicants have indicated that they would need to offer additional dates with expanded times (there are a limited number of Friday and Saturday nights available, and they are already booked). As such, the Applicant requests the following adjustment to the hours of operation for the 2020 wedding season:

- Thursdays – 9 AM to 10:30 PM (Site dark)
- Sundays – 9 AM to 10:30 PM (Site dark)

The Applicant has stated that the proposed changes/modifications would be ONLY to allow for rescheduling of the events currently booked, and it is not intended to take on new/additional weddings. At this time, the Applicant has identified approximately 10-events that may need to be rescheduled, which they have predicted by following the Governor's press conferences and CDC guidelines.

*Staff Response:* The current COVID-19 pandemic is affecting many of our small businesses and staff believes it is reasonable to make this request. However, adjacent neighbors expressed significant concern regarding late night events particularly during the school year. Neighbors also expressed a strong desire to



maintain Sundays as a quiet time so that everyone can enjoy their homes and properties. With those concerns in mind staff would offer the following considerations:

- Draft Conditions can specifically be tailored to ONLY 2020, so that there is no doubt or confusion that the altered hours of operation are not permitted into perpetuity. (See attached CUP for draft language)
- Thursdays and Sundays are school nights in the months of September and October (hopefully). The City Council could consider altered hours for those two months (perhaps 9 PM, with site dark at 9:30 PM would be more palatable during the school year. (See attached CUP for draft language)

#### Noise/Amplification

There are no changes proposed to the conditions related to amplification as part of this request. That is, the Applicant is not proposing additional activities on the north lawn, etc.; however, the temporary modification of the hours of operation on Thursdays and/or Sundays is different from what is currently permitted. It should be noted that regardless of permitted hours of operation, as discussed during the 2014 and 2019 application review process, all amplification and noise must meet the MPCA's noise standards, which would apply to weekday hours which have earlier cut-off times than weekends.

*Staff Response:* During the 2019 review process, several adjacent neighbors indicated their concern particularly of Sunday events. While staff understands their concerns, the proposed modification to allow Sunday events is temporary and can be conditioned to apply ONLY to the 2020 wedding season. The current COVID-19 pandemic is a situation that is disproportionately affecting businesses like the Dellwood Barn Weddings and it seems reasonable to alter their hours provided the noise/amplification can be managed to be comply with the MPCA noise ordinance standards. Staff believes the impact can be further mitigated by capping the number of events permitted on Thursday and Sunday through conditions and ensuring that all operations revert back to the 2019 hours of operations detailed in Condition #4 of the permit.

#### Engineering Standards

There are no changes to the site that require engineering review currently, all proposed changes are operational.

#### Other Agency Review

There are no other agencies that have jurisdiction of the proposed changes.



April 8<sup>th</sup>, 2020

To: City of Grant

From: Scott Jordan  
7373 120<sup>th</sup> St. North  
Grant, MN 55110

RE: COVID 19 Permit Adjustments

Dellwood Barn Weddings would like to request to be allowed in 2020 only to move our current weddings to a Sunday or a Thursday if needed because of the government shut down due to COVID-19.

We will not be booking any additional weddings in 2020. We have been monitoring the daily Minnesota Governor Walz conference calls and CDC updates along with guidelines. We are using this to predict what weddings may need to be moved to later dates in the summer or fall of 2020.

We are requesting to be open Thursday and Sunday with an operating time from 9am to 10pm. Staff and operating support to be gone by 10:30pm.

With this request we are estimating a maximum number of 10 dates (if needed) moved to the summer/fall of 2020.

Moving the maximum number of 10 dates will result in 40 number of events for the season. Per the current CUP we are allowed up to 80 events.

We are not proposing any structural additions or any other revisions to the site plan.

Thank you for your consideration,

Scott Jordan

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



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

Application Date:	4/8/20
Fee: \$400	Escrow: \$3,000

check # 1585 \$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.

<b>PARCEL IDENTIFICATION NO (PIN):</b> 0503021210005 <b>LEGAL DESCRIPTION:</b> LOT 445 Washington County, MN		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A1 Rural Event Facility <b>LOT SIZE:</b> 23,72 Acres
<b>PROJECT ADDRESS:</b> 7373-120th St No Grant, MN 55110	<b>OWNER:</b> Name: Scott Jordan Address: 7373-120th St No City, State: Grant, MN 55110 Phone: 612-282-2723 Email: info@dellwoodbarnweddings.com	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b>
<b>BRIEF DESCRIPTION OF REQUEST:</b> SEE ATTACHED letter 2020 "Only" Additional Day Sundays & Hour changes from Covid 19		
<b>EXISTING SITE CONDITIONS:</b> Dellwood Barn Weddings		
<b>APPLICABLE ZONING CODE SECTION(S):</b> 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Site Plan:</b> 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"> <li>▪ Property dimensions</li> <li>▪ Area in acres and square feet</li> <li>▪ Setbacks</li> <li>▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines)</li> <li>▪ Location of utilities</li> <li>▪ Location of well and septic systems on adjacent properties</li> <li>▪ Location of current and proposed curb cuts, driveways and access roads</li> <li>▪ Existing and proposed parking (if applicable)</li> <li>▪ Off-street loading areas (if applicable)</li> <li>▪ Existing and proposed sidewalks and trails</li> <li>▪ Sanitary sewer and water utility plans</li> </ul> COPIES: 4 plans at 22"x34", 20 plans at 11"x17"

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



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

Application Date:	4/8/20
Fee: \$400	Escrow: \$3,000

check # 1585 \$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.

<b>PARCEL IDENTIFICATION NO (PIN):</b> 0503021210005 <b>LEGAL DESCRIPTION:</b> LOT 4 & 5 WASHINGTON COUNTY, MN		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A1 Rural Event Facility <b>LOT SIZE:</b> 23.72 ACRES
<b>PROJECT ADDRESS:</b> 7373-120th St N6 Grant, MN 55110	<b>OWNER:</b> Name: Scott Jordan Address: 7373-120th St N6 City, State: Grant, MN 55110 Phone: 612-282-2723 Email: info@dellwoodbarnweddings.com	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b>
<b>BRIEF DESCRIPTION OF REQUEST:</b> SEE ATTACHED letter 2020 "Only" Additional Day Sunday & hour changes from Covid 19		
<b>EXISTING SITE CONDITIONS:</b> Dellwood Barn Weddings		
<b>APPLICABLE ZONING CODE SECTION(S):</b> 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Site Plan:</b> 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"> <li>▪ Property dimensions</li> <li>▪ Area in acres and square feet</li> <li>▪ Setbacks</li> <li>▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines)</li> <li>▪ Location of utilities</li> <li>▪ Location of well and septic systems on adjacent properties</li> <li>▪ Location of current and proposed curb cuts, driveways and access roads</li> <li>▪ Existing and proposed parking (if applicable)</li> <li>▪ Off-street loading areas (if applicable)</li> <li>▪ Existing and proposed sidewalks and trails</li> <li>▪ Sanitary sewer and water utility plans</li> </ul> COPIES: 4 plans at 22"x34", 20 plans at 11"x17"

**DELLWOOD BARN WEDDINGS  
AMENDED CONDITIONAL USE PERMIT  
CITY OF GRANT**

PROPERTY OWNER/APPLICANT: Scott Jordan  
Dellwood Barn Weddings

GENERAL LEGAL DESCRIPTION: See Attached Site Plan  
PID 0503021210005  
PID 0503021210004

ADDRESS: 7373 120<sup>th</sup> Street North  
Grant, MN 55110

This is an Amended Conditional Use Permit for the continued operations of a Rural Event Facility hereafter named "Dellwood Barn Weddings" on the subject property. The CUP replaces and supersedes the 2014 CUP and the 2019 Amended CUP. The Dellwood Barn Weddings will operate from an existing barn on the subject site that was renovated for compliance with commercial building code standards consistent with conditions of this Permit. Any additional product lines or expansions of the business shall require an amendment to this Amended Conditional Use Permit.

Due to the COVID-19 pandemic certain operational changes and modifications described in conditions A through F shall be permitted between May 1 and October 31, 2020. Such conditions relate to the operations of the rural event center and do not permit any alterations to the site, facility or any other physical improvements on the subject property. The conditions A through F shall be terminated on October 31, 2020 at which time conditions 1 through 34 contained in this Permit shall be in full effect.

- A. The Hours of Operation for the 2020 season shall comply with the hours noted in condition #4, with the exceptions as noted:
  - a. Thursday (May 1 – September 7, 2020): 9 AM to 10:30 PM
  - b. Thursday (September 8 – October 31, 2020): 9 AM to 9:30 PM
  - c. Sunday (May 1 – September 7, 2020): 9 AM to 10:30 PM
  - d. Sunday (September 8 – October 31, 2020): 9 AM to 9:30 PM
- B. The Owner is permitted to operate with extended hours on Thursdays and Sundays solely for the purpose of rescheduling events due to the COVID-19 pandemic. The Owner shall make every effort to schedule events consistent with the permitted hours of operation detailed in Condition #4, and in no case shall the Owner promote the extended/expanded hours for new events.
- C. Consistent with Condition #2, the Dellwood Barn Weddings shall be permitted to conduct no more than three (3) events per week.
- D. There shall be no more than 10 events rescheduled utilizing the extended hours detailed in condition A.

- E. All events shall comply with the conditions identified in this permit as 1 through 34 except the extended hours of operation as noted in conditions A through D.
- F. Conditions A through F shall terminate on October 31, 2020.

All uses 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:

1. The Dellwood Wedding Barn shall be permitted to operate seasonally from May 1<sup>st</sup> through October 31<sup>st</sup> of each year.
2. The Dellwood Wedding Barn shall be permitted to conduct no more than three (3) events per week.
3. The maximum occupancy of the facility shall be limited to 253 persons, to include all event staff, caterers, musicians, etc., or anyone onsite for the duration of an event.
4. The Hours of Operation, defined as actual event time, shall be limited to the following:
  - a. Monday through Thursday: 11 AM to 6 PM
  - b. Friday and Saturday: 1:00 PM to 11:00 PM, where the site shall be fully vacated and dark by 11:00 PM.
  - c. No events shall be permitted on Sundays
  - d. Staff, caterers, deliveries, musician setup and other support activities shall not be subject to the hours of operations, but may not begin prior to 9:00 AM, and must cease by 12:00 AM daily.
5. All events shall be in compliance with the Minnesota Pollution Control Agency's (MPCA) noise standards and regulations at all times. The Applicant shall obtain a Decibel Meter, acceptable to the City, and shall keep the device on the premise during all events.
6. All recorded music (i.e. DJ, iPod mix, etc.) shall only be permitted within the barn and may not exceed 85 decibels.
7. The barn doors on the north façade shall be secured and closed at all times when amplified music is playing.
8. No amplification of live music shall be permitted; unless the Applicant submits a Sound Study and Plan that accounts for the maximum anticipated site conditions that includes crowd noise, and which demonstrates compliance with MPCA standards. The Study shall be provided for review and approval by the City staff, and if necessary, City Council.
9. No amplification of outdoor services shall be allowed after 7:00 PM, and all outdoor activities must be performed in compliance with MPCA noise standards.
10. A landscape plan, which may include a row of evergreen trees, or arborvitae, or some combination, shall be provided for review and approval by the City Engineer and Planner. The vegetation shall be planted on the north side of the barn to offer additional sound and light mitigation for times when the barn doors are open.

11. No outdoor gathering shall occur on the north side of the building.
12. A sign shall be posted at each door of the facility indicating patrons should be considerate of the neighbors and to go to their cars expeditiously and quietly.
13. An updated lighting plan including specification sheet of proposed fixture (which must be downward facing and hooded), locations, and if necessary, a photometric plan shall be submitted for review and approval by the City Engineer and Planner.
14. Revisions to the parking lot design must be completed and submitted to the City Engineer for review and approval prior to any construction occurring.
15. The parking lot shall be surfaced with crushed limestone which shall require dust control in order to be deemed a dustless surface per the City's Ordinance. Dust control shall be applied a minimum of two (2) times per year, or as many times as required to maintain a dustless surface and shall be applied to the parking lot and driveways at the facility. Evidence of such treatment shall be provided annually to the City in a form acceptable to the City Engineer.
16. A Grading Permit shall be obtained from the City Engineer prior to beginning any site work, including but not limited to, installation of the parking lot, widening of the driveways and ponding areas.
17. The City Engineer's recommendations and conditions shall be addressed, and updated plans reflecting necessary changes submitted for review and approval prior to any site grading or improvements.
18. A parking attendant shall be required to be present beginning an hour prior to any events and must remain on the premise throughout the event.
19. All access and driveway permits shall be obtained from Washington County prior to commencing operations.
20. All necessary permits and approvals from RCWD shall be obtained prior to issuance of a grading or building permit for construction of the parking lot.
21. Installation of the septic system shall be completed in compliance Washington County standards and the permit dated 4/14/2014 prior to hosting any events.
22. The Parking lot, including installation of the ADA parking stalls shall be constructed prior to hosting any events.
23. Any future signage onsite may not be illuminated and shall meet the City's ordinances and regulations in place at time of proposal.
24. A building permit shall be obtained prior to commencing any renovations on the proposed facility (Wedding Barn).
25. All proposed renovations, as depicted in the submitted plan set and any revisions stated within these conditions, shall be completed prior to hosting any events at the facility.
26. All vendors, including food and beverage, shall be licensed within Washington County prior to serving at any event.
27. An off-duty officer shall be onsite during all events from 8 PM until 12 AM

28. All work 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.
29. No structures or improvements shall be constructed in areas identified with an easement.
30. All escrow amounts shall be brought up to date and kept current. The Applicant shall maintain an escrow balance of \$2,500 at the City through the duration of site work and implementation of the proposed plan. Once the conditions related to construction have been completed and approvals obtained, any remaining escrow will be returned to the Applicant.
31. This permit shall be reviewed after the first year of facility operations (2014) for compliance with the conditions and to implement any necessary modifications. After such time the permit will be reviewed according to the City's adopted CUP review process and may result in annual review.
32. Any violation of the conditions of this permit may result in the revocation of said permit.
33. The Owner shall obtain all necessary permits from Washington County, Minnesota Department of Health, MPCA, and the United States Government which are necessary in carrying out its operations on the premises including a building permit.
34. Any change in use, building, outdoor gathering areas, lighting, parking, storage, screening, 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

State of Minnesota            )  
  )ss.  
County of Washington        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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



APPLICANT/OWNER:  
DELLWOOD BARN WEDDINGS/  
SCOTT JORDAN

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Kim Points, City Clerk

State of Minnesota        )  
                                      )ss.  
County of Washington    )

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

\_\_\_\_\_  
Notary Public



## STAFF REPORT

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

**Date:** April 27, 2020

**CC:** David Snyder, City Attorney

**RE:** Application for a Conditional Use Permit (CUP) for Vegetative Cutting on properties adjacent to the existing Indian Hills Golf Course

**From:** Jennifer Haskamp  
Consulting City Planner

### Summary of Request & Background

The Applicant and Owner, Mike Regan on behalf of the Indian Hills Golf Club, is requesting a conditional use permit to allow for vegetative cutting (clearcutting) of properties located adjacent to the existing golf course. The existing golf course is subject to a CUP which identifies certain areas as Outlots for the golf course use. The properties that are the subject of this application are owned by the Indian Hill Golf Club but are not included in the current CUP. The Applicant's ultimate objective is to relocate three (3) existing holes from the current Indian Hills Golf Club course to the subject properties. After discussion with staff, it was determined that a two-step process would be the most efficient to process the Applicant's request. Staff outlined the process as the following:

1. Apply for, and obtain, a Conditional Use Permit for the subject properties for vegetative cutting (this application). If granted, the Applicant would be authorized to begin site preparation, including any authorized clearing/grubbing activities, as well as grading as permitted by the City Engineer.
2. After the CUP for vegetative cutting is obtained, and concurrent to site work, the Applicant will apply for an Amendment to the existing CUP to incorporate the subject properties and the operations associated with the three relocated holes.

The following staff report addresses only the request for Vegetative Cutting, and it is expected that the City Council will hear a request to amend the existing CUP at a future meeting to address the golf course operations.

### Planning Commission Summary

On April 21, 2020 the Planning Commission held their regular meeting as a Zoom video conference. Staff prepared a short presentation and commissioners discussed the application and asked some clarifying questions from the Applicant. Staff noted that the Public Hearing would be held at the May 5, 2020 City Council meeting. After a brief concluding discussion the Planning Commission unanimously recommended approval of the requested Conditional Use Permit with the conditions as noted to the City Council.

### Public Hearing & Notice

A duly noticed public hearing has been scheduled for the City Council meeting on May 5, 2020. All notices indicated that the Public Hearing would likely be held as a video conference with instructions to obtain the meeting information from the City's website. Adjacent property owners within 1/4-mile were notified of the



process to participate in the public hearing using their computer or a call-in number, and the official notice was placed in the newspaper directing all interested parties to the City’s website.

The following staff report is generally as presented to the Planning Commission.

### **Project Summary**

Applicant & Owner: Mike Regan, Indian Hills Golf Club	Site Size: 141.18 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 6667 Keats Ave N	PIDs: 2603021330001 2603021430001

The Applicant is requesting a Conditional Use Permit to allow for vegetative grubbing and clearing on approximately 23.79 acres of the subject properties. The proposed activities include the removal of approximately 8.9 acres of woodland and removal of approximately 6 acres of brush and undergrowth. As indicated by the Applicant, the total area of removal may be reduced depending on the watershed district’s permitting process. (Additional detail regarding this item is provided in subsequent sections of this staff report).

The purpose of clearing approximately 23.79 acres is to allow for the relocation of three (3) golf holes to the subject properties. The existing CUP for the Indian Hills Golf Club and neighborhoods does not include the subject properties. The Indian Hills Golf Club is the owner of the subject properties, but they are not subject to the current CUP and there are no current golf related improvements on the properties. The Applicant has indicated that the existing 18-hole golf course experiences flooding on holes 5, 6 and 7 due to their proximity to Keats Pond which is impacted by area flooding from Sunnybrook Lake, Thueson Pond, and Keats Pond. Given the regular, and historic flooding, the Applicant is proposing to relocate the three identified holes to the subject property.

The Applicant stated that he needs to begin working on the relocation process as soon as possible, and Staff indicated the most efficient way to begin site work would be to first obtain this CUP for vegetative cutting which (if approved) will allow subsequently for grading to begin after City Engineer review and approval of the grading permit. This CUP does not permit or authorize the relocation of the holes for operations because the subject properties are not governed by the existing CUP for the golf course. Therefore, the Applicant must secondly apply for an Amended CUP that will address the relocation of the holes and operations.

### **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. 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.”

Section 32-348 Vegetative Cutting provides direction regarding clearing and grubbing activities.

### **Existing Site Conditions**

There are two separate parcels associated with the subject application, which are described in the following:

Parcel 2603021330001 is approximately 101.55 acres and is oriented north-south, with its northerly property line abutting CSAH 12. Based on the aerial from the Washington County GIS records, there are three existing structures clustered on the west side of the property approximately 515-feet from the CSAH 12 right-of-way, and 230-feet from the westerly property line. The east and west property lines are heavily vegetated, with a clearing in the central portion of the site. It appears from the aerial, and the Applicant’s submitted plans there are extensive wetland areas including a fen dispersed intermittently throughout the site, and that the central portion of the site has recently been used for agricultural production. The site is contiguous on the southern boundary to the existing Indian Hills Golf course hole #7.

Parcel 2603021430001 is located southeast of Parcel 2603021330001 and is adjacent to the existing golf course on its westerly border. The subject property includes vegetation on the southern and eastern property line with some intermittent vegetation interior to the parcel. It appears that there are some wetlands on the subject property, and that the site has recently been used for agricultural production. There are no structures on the site, and there are no existing structures on the parcel.

### **Comprehensive Plan Review**

The subject properties are located within the Agricultural Small Scale A2 land use designation which encourages rural residential and agricultural uses. The purpose of the vegetative clearcutting is to support the relocation of three (3) golf holes to the subject properties and does not further intensify the subject property or surrounding uses. Given the intended purpose of the activity, it is consistent with the City’s adopted Comprehensive Plan.

### **Zoning/Site Review**

The follow site and dimensional standards that are applicable to the subject application 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	5 acres
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Wetland Buffers (BCWD Regulations)	100'

Setbacks:

Section 32-348 (b) *Prohibited locations* states that no vegetative clearing shall be permitted within any required yard (setback). As shown on the site plan, it appears that the extents of the clearing and grubbing work is generally near the southeastern edge of parcel 2603021330001 contiguous to parcel 2603021430001. If both parcels are considered collectively, the proposed removal appears to be located outside of all setbacks. **Staff would recommend including a condition that all clearing and grubbing locations be marked in the field to ensure vegetative cutting does not occur within the setback area. Additionally, staff would request that the clearing and grubbing areas be clearly marked on an updated site plan for confirmation that all vegetation in the setback areas remains intact.**

Wetland Areas & Buffers

The Applicant’s Site Plan (“Plan”) indicates and identifies a wetland complex on the subject sites adjacent to, and near, the proposed clearing and grubbing activities. The BCWD has indicated that this complex is a fen and is an important natural resource in the area. Since the Planning Commission meeting the Browns Creek Watershed District has issued a conditional approval of the requested clearing and grubbing activities, as well as for the full construction and operations of the three (3) relocated golf holes to the subject properties. A copy of the correspondence is attached to this staff report for your review and consideration. Staff recommends including the BCWD conditional approval by reference in the CUP, if approved. **Staff would suggest including a condition that all clearing, grubbing and grading activities within the wetland buffer areas are subject to the conditions from the BCWD.**

Grading Plan

This CUP application does not address or include approval for any grading activities, though they are described and identified within the Applicant’s narrative. The City Engineer is in the process of reviewing the grading plan. It should be noted that the proposed grading is intended to support the construction of three (3) new golf holes, but the grading permit does not approve operations of the three relocated holes. As previously noted, operations will be addressed through a formal Amendment of the existing CUP for golf course operations.



## **Engineering Standards**

The City Engineer has reviewed the subject application and the associated grading permit request. No further comments specifically addressing the CUP were provided, but a condition requiring compliance with the City Engineer's grading permit conditions has been included in the attached permit.

## **Other Agency Review**

The subject properties are located in the Browns Creek Watershed District. Staff discussed the proposed activities with the BCWD several times, and their conditional review has been incorporated as an attachment to this staff report. Staff would note that the BCWD's review address the project in its entirety, including construction of the holes and assumes operations. As noted, the City's process breaks up the process into this CUP, and the requirement that the existing CUP be amended to incorporate the subject properties into the operations. As such, the BCWD review letter will be applicable (and included) to this CUP, as well as the request to Amend the existing CUP.

## **Action requested:**

Staff has prepared a draft Conditional Use Permit and Resolution of Approval consistent with the recommendation of the Planning Commission for your review and consideration.

### ***Attachments***

Exhibit A: Narrative dated 4/8/2020

Exhibit B: Site Plan (2020)

Exhibit C: Application dated 4/9/2020

Exhibit D: BCWD preliminary review dated 4/27/2020

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



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

Application Date:	
Fee: \$400	Escrow: \$3,000

## 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.

<b>PARCEL IDENTIFICATION NO (PIN):</b> <b>LEGAL DESCRIPTION:</b> 26.030.d1.34.0001 -33 Ae 26.030.d1.33.0001 -101 Ae		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b> A2 - Ag - Small Scale <b>LOT SIZE:</b>
<b>PROJECT ADDRESS:</b> 10151 75th St. Grant MN 55082	<b>OWNER:</b> Name: Indian Hills Golf Club Address: 6667 Keats Ave N City, State: Grant, MN Phone: 612-749-4901 Email: Mike@IHgolf.com	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b> Mike Regan Cor Indian Hills Golf Club 612-749-4901 Mike@IHgolf.com
<b>BRIEF DESCRIPTION OF REQUEST:</b> Requesting permit to clear up to 14.9 acres in order to build 3 new golf holes on higher ground due to having 3 golf holes on Keats flooded out.		
<b>EXISTING SITE CONDITIONS:</b> Mixture of 12-26 inch trees brush, buckthorn and open field in other areas		
<b>APPLICABLE ZONING CODE SECTION(S):</b> 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 32-348 Vegetative Cutting & clear cutting		

### Submittal Materials

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

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

AP	CS	MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<b>Site Plan:</b> 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"> <li>▪ Property dimensions</li> <li>▪ Area in acres and square feet</li> <li>▪ Setbacks</li> <li>▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines)</li> <li>▪ Location of utilities</li> <li>▪ Location of well and septic systems on adjacent properties</li> <li>▪ Location of current and proposed curb cuts, driveways and access roads</li> <li>▪ Existing and proposed parking (if applicable)</li> <li>▪ Off-street loading areas (if applicable)</li> <li>▪ Existing and proposed sidewalks and trails</li> <li>▪ Sanitary sewer and water utility plans</li> </ul> COPIES: 4 plans at 22"x34", 20 plans at 11"x17"

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

<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Grading/Landscape Plan:</b> 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"> <li>▪ Grading Plan</li> <li>▪ Vegetation, landscaping, and screening plans including species and size of trees and shrubs</li> <li>▪ Wetland Delineation</li> <li>▪ Buildable area</li> <li>▪ Topographic contours at 2-foot intervals, bluff line (if applicable)</li> <li>▪ Waterbodies, Ordinary High Water Level and 100 year flood elevation</li> <li>▪ Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Architectural/Building Plan (if Applicable):</b> 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"> <li>▪ Location of proposed buildings and their size including dimensions and total square footage</li> <li>▪ Proposed floor plans</li> <li>▪ Proposed elevations</li> <li>▪ Description of building use</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Written Narrative Describing your request:</b> A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:</p> <ul style="list-style-type: none"> <li>▪ Description of operation or use</li> <li>▪ Number of employees (if applicable, if not state why)</li> <li>▪ Sewer and water flow/user rates (if applicable, if not state why)</li> <li>▪ Any soil limitations for the intended use, and plan indicating conservation/BMP's</li> <li>▪ Hours of operation, including days and times (if applicable)</li> <li>▪ Describe how you believe the requested conditional use fits the City's comprehensive plan</li> </ul> <p>COPIES: 20</p>
<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 property for approvals and necessary permits.
<input 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
<b>MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Survey of the property:</b> An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" or 8 ½" x 11" format.
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

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

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

Michael Orz  
Signature of Applicant

4/9/2020  
Date

Michael Orz  
Signature of Owner (if different than applicant)

4/9/2020  
Date



City of Grant

Conditional Use Permit Narrative

4/8/2020

I am requesting a tree and brush clearing and a Grading permit for Indian Hills Golf Club under this Application. The brush clearing is 14.89 acres total including 8.9 acres of woodland and 6 acres of brush and undergrowth. These totals are impacted by our watershed permitting process since some areas are in wetland setbacks and could be reduced.

The grading plan includes 453 cubic yards of sand to build the greens, 230 cubic yards of sand to build the tees and 92 cubic yards of sand for the bunkers. The balance of the fill and topsoil should be coming from the site.

Indian Hills Golf Club opened in 1970 and we are located at 6667 Keats Avenue. We have 18 golf holes and a driving range with practice area. Our Clubhouse is full service with a Restaurant, Pro shop and locker rooms. We provide ala carte dining as well as banquets. The golf course is normally open by early April and closed by the first week of November.

We have 8 full time employees and as many as 110 employees when we have all our Kitchen, Golf, Grounds and wait staff on site in the spring, summer and fall. Most of our seasonal staff is from the local community typically from The Mahtomedi and Stillwater school districts as well as a number of retired people.

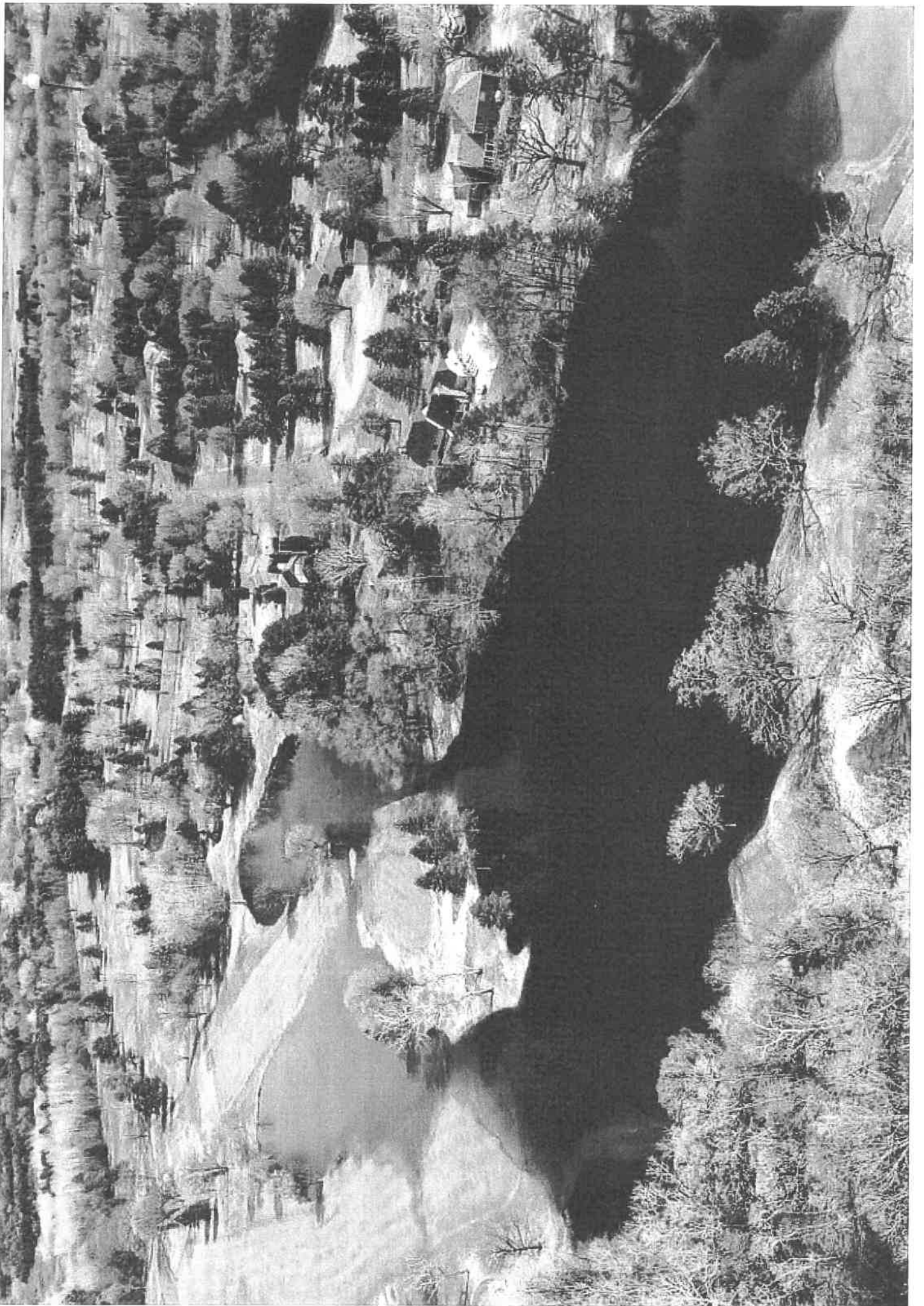
Our existing 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> holes border Keats Ave and Keats Pond; these holes have historically been impacted by flooding from the Sunnybrook Lake, Thueson Pond, and Keats Pond in the Valley branch watershed.

We have had three occasions over the last 10 years in which the flood waters were threatening to over flow into the golf course but we were able to pump enough water from the Sunnybrook/ Keats pond system to keep our course from flooding. Last fall and this spring the magnitude of the flooding was the most we have seen in 50 years and water has overflowed onto the golf course and completely covered parts of our 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> holes rendering them unplayable. It's my opinion that we will not be able to recover these holes by pumping water to other parts of our property and it will be necessary to build three new golf holes to replace those which are currently out of play.

Our goal is to build three new golf holes on property which is north east of the existing flooded holes these will replace the holes along Keats pond which could continue to over flow water flooding onto the golf course for the foreseeable future.

This application is for the approval to remove a number of trees and scrub brushes on a part of our undeveloped land in order that we can begin the grading and construction of these new holes and continue to operate our business.

The property we intend to develop the new holes on is in the Browns Creek Watershed and we are in contact with their staff and will work with them to get the approvals required for wetland areas.



**Project Name** | BCWD Permit 20-06 Indian Hills Golf Club Expansion      **Date** | April 27, 2020  
**To / Contact info** | Karen Kill, Administrator / BCWD  
**Cc / Contact info** | Mike Regan, Indian Hills Golf Club  
**Cc / Contact info** | BCWD Board of Managers  
**From / Contact info** | Camilla Correll, PE; Britta Hansen, PLA; Ryan Fleming, PE  
**Regarding** | Permit Application No. 20-06 Engineers Report

The following review of the above mentioned project located within the legal jurisdiction of the Brown's Creek Watershed District (BCWD) was conducted to determine compliance with the BCWD rules for purposes of the engineer's recommendation to the Board of Managers for its determination of the permit application.

**Applicant:** *Mike Regan*  
**Permit Submittal Date:** *April 15, 2020*  
**Completeness Determination:** *April 29, 2020*  
**Action Required By:** *June 14, 2020*  
**Review based on BCWD Rules effective April 1, 2020**  
**Recommendation: Approve with conditions**

## GENERAL COMMENTS

High water levels on the Sunnybrook Lake system has resulted in flooding of Keats Avenue North and inundation of the Indian Hills Golf Club. Typically, the golf club pumps water from the Keats Avenue ponds to the east side of the golf course to maintain playability of the adjacent holes. Spring rainfall caused water to overtop a berm on the golf course which inundated three of the club's 18 holes. To maintain services for the members of the golf club, the applicant is proposing to abandon the three flood-prone holes by expanding the course to the north and constructing three new holes.

The three proposed holes loop around a wetland which is known as the Indian Hills Golf Course Fen. Currently, this area is being leased for agricultural production. The Indian Hills fen is very unique and rare. A floristic inventory of the wetland concluded that the wetland plant communities are supported by groundwater seepage hydrology. While no state or federally listed threatened, endangered or special concern plant species were identified, over 50 native plant species were encountered, representing one of the most diverse wetlands in the BCWD. Recognizing the significance of this resource, the BCWD Board of Managers developed a groundwater dependent natural resource management plan (GDNRMP) which evaluated the specific resource protection needs and identified additional standards/management needs. Since the development of the GDNRMP, the BCWD has been managing vegetation in the fen to eradicate invasive such as buckthorn, reed canary grass, Canada thistle, and Canada goldenrod. These species have been in dramatic decline due to the District's management and restoration efforts. Because the BCWD did not incorporate the GDNRMP into the District Rules, it does not have the authority to regulate all of the land use activities that may impact this highly sensitive resource. In addition to required conditions, District staff has included recommendations for Indian Hills Golf Club to consider as it moves forward with the expansion of its golf course facilities.

The proposed project creates less than 5,000 square feet of impervious surface and disturbs 27.5 acres of vegetation.

**Recommendation:** The BCWD engineer recommends that the Administrator approve the Permit with Conditions as identified in this Engineers Report.

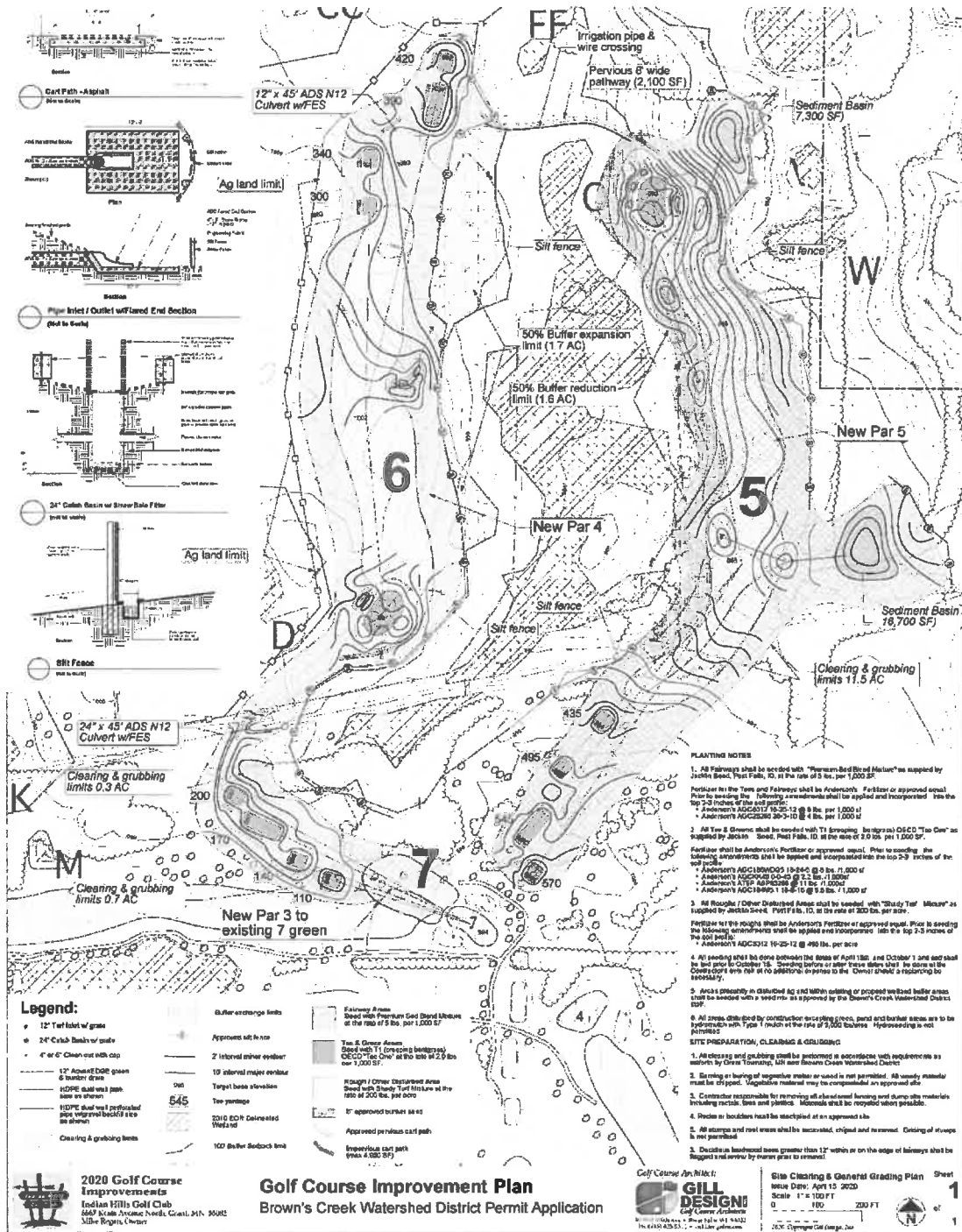


Figure 1. Site Plan

## **Rule 2.0—STORMWATER MANAGEMENT**

Under 2.2(b) of the rule, development or redevelopment creating impervious surface that, aggregated with existing impervious surface on the site, equals 10,000 square feet or more or creating impervious surface that, aggregated with existing impervious surface on the site, equals 5,000 square feet or more on a site within the surface water contributing area of a groundwater-dependent natural resource.

*The proposed project is creating less than 5,000 square feet of impervious surface in the form of cart paths. As a result, Rule 2.0 Stormwater Management is not triggered by the proposed project.*

## **Rule 3.0—EROSION CONTROL**

According to BCWD Rule 3.2, all persons undertaking any grading, filling, or other land disturbing activities which involve movement of more than fifty (50) cubic yards of earth or removal of vegetative cover on five thousand (5,000) square feet or more of land shall submit an erosion control plan to the District, and secure a permit from the District approving the erosion control plan. The proposed project triggers the application of Rule 3.0 Erosion Control because it will involve removal of vegetative cover from 27.5 acres of land, thus triggering the Rule.

### Rule Requirements Met with Conditions

*The erosion and sediment control plan includes the following:*

- *Silt fence along the down-gradient edges of project area*
- *Two sedimentation basins*
- *Riprap at pipe discharge locations*
- *Catch basin inlet protection*
- *Revegetation of disturbed areas*
- *Specification of maintenance triggers for silt fence and sedimentation basins*

*To meet the criteria of BCWD Rule 3.2, the erosion and sediment control plan must include:*

- *Provide a detail for the pervious cart pathway which is proposed through the buffer.*
- *Erosion control fabric is specified in the construction notes but not shown on the plan. Erosion control fabric (blanket) is necessary on all pond side slopes and areas of concentrated flow such as down-gradient of riprap at pipe outlets to prevent erosion and sediment loading downstream.*
- *Clarify the need for and size of the two sediment basins being constructed for Hole 5 and whether they are temporary or permanent facilities.*
- *Sedimentation basin outlet detail showing size, and elevations to confirm basin sizing and appropriateness of maintenance specification.*
- *Grading Note 3 discusses dewatering. The contractor must submit a dewatering plan for BCWD review and approval showing that it will not have an unreasonable impact on an upstream or downstream landowner and will not adversely affect flood risk, basin or channel stability, groundwater hydrology, stream baseflow, water quality or aquatic or riparian habitat. This includes diverting any dewatering away from the Fen.*
- *Site stabilization timeframe in accordance with BCWD Rule 3.3.3 & 3.3.4*

- *Removal of the word "about" in Erosion Control Note 5 to read, "Sediment shall be removed from behind the sediment fence when it becomes 0.5 feet deep at the fence".*

*The following conditions must be addressed in the erosion and sediment control plan to comply with the District's requirements:*

**Rule 3.0 Conditions:**

- 3-1. *Add a detail for the permeable cart path to the Site Clearing & Grading Plan.*
- 3-2. *Revise the erosion control plan to show the following for review by BCWD:*
- a) Erosion control blanket on all pond side slopes, areas of concentrated flow, and installation detail or per manufacturer recommendations.*
  - b) Sedimentation basin outlet detail and specifications.*
  - c) Site construction sequencing plan and stabilization schedule in accordance with BCWD Rules 3.3.3 & 3.3.4*
  - d) Grading Note 3 to require District review and approval of the construction site dewatering plan.*
  - e) Erosion Control Note 5 to state, "Sediment shall be removed from behind the sediment fence when it becomes 0.5 feet deep at the fence".*
  - f) Address the "Silt fence" callouts which do not point to the correct location.*
  - g) Add a note indicating that the BCWD must be given written notice three business days before land-altering activity commences.*
  - h) Modify Erosion Control Note #8 to include "Erosion and sediment control measures such as silt fences must not be removed until after the project is complete and the District determines that all disturbed areas have been fully stabilized, and must be removed within 14 days thereafter".*
- 3-3. *Provide documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota Pollution Control Agency and provide the Storm Water Pollution Prevention Plan (SWPPP) as it becomes available.*

**Rule 3.0 Recommendations from Groundwater Dependent Natural Resource Management Plan:**

- *Per the Groundwater Dependent Natural Resource Management Plan "Prior to any activity on site, the buffer perimeter must be clearly delineated with orange construction fencing. Appropriate perimeter erosion control is also required along the buffer perimeter such as heavy-duty or machine sliced silt fence, biorolls, and/or compost berms. All practices are to be maintained until the contributing drainage areas is stabilized (as determined by the BCWD Engineer) and removed at that time.*
- *Per the Groundwater Dependent Natural Resource Management Plan, limit the amount of stockpiling within areas that may drain to the fen to reduce the risk that sediment will get into the fen and its buffers.*
- *Note that an alternative to straw bales is strongly suggested for inlet protection at catch basins due to lack of effectiveness in filtering runoff unless double rows are installed and properly trenched in (the schematic does not show the bales to be trenched in).*

## **Rule 4.0—LAKE, STREAM, AND WETLAND BUFFER REQUIREMENTS**

According to BCWD Rule 4.2, buffers are required on land that is adjacent to Brown's Creek or other applicable water resources and is subdivided or subject to a new primary use.

### Rule Requirements Met with Conditions

*Rule 4.2 applies to the site because it contains a high-quality fen that is a groundwater dependent natural resource and the property is subject to a new primary use requiring a conditional use permit from the City of Grant on or after April 9, 2007. Under Rule 4.3, a buffer width of 100 feet applies to the fen because it is a groundwater dependent natural resource. The other wetlands on the property have not been classified by the BCWD because they are less than an acre in size and were not included in the District's Wetland Inventory.*

#### *Buffer Declaration (Rule 4.2.2)*

- *Before disturbance of ground vegetation or contour a declaration or other instrument incorporating the applicable buffer maintenance requirements must be recorded in the office of the county registrar or recorder.*

#### *Buffer Monumentation (Rule 4.2.3):*

- *Buffer Monumentation provided states "Environmentally Sensitive Area Please Do Not Enter".*
- *Note on the plans where the free-standing markers will be located along the periphery of the buffer at not more than 200 foot intervals.*

#### *Buffer Averaging (4.3.5):*

*The Permit Applicant is proposing to apply the buffer averaging rule to the site: 1.7 acres is being added to the 100-foot buffer on the western edge of the fen and 1.6 acres is being reduced from the 100-foot buffer on the east side of the fen. In no case, is the buffer allowed to be less than 50 feet in width. The District Engineer agrees that averaging in this fashion will provide a greater benefit to the resource for the following reasons: (1) additional buffer in the surface water drainage area to the fen provides additional water quality treatment for stormwater runoff from Hole 6; (2) additional buffer in the groundwater drainage area to the fen will protect more of the area for recharge to the shallow groundwater system; and (3) drainage system proposed along the edge of the eastern side of the fen will collect runoff associated with Hole 5 and route it away from the fen, thereby providing water quality treatment that would have been one of the functions of the buffer being reduced in this area.*

- *While buffer calculations have been provided they do not appear to meet the averaging requirements. There are portions of the rough on the eastern side of the fen/wetland that appear to encroach on the 50-foot buffer (i.e. boundary of the rough does not correspond with the buffer exchange limits). Revise the plans to show a minimum 50-foot wide buffer on the eastern side of the fen.*

#### *Planting or Landscaping Plan to Establish Native Vegetation in the Buffer (4.4.1):*

*The applicant proposes clearing and grubbing in the buffer area where there is more than 30 percent nonnative species. The following information was submitted for this planting plan:*

- *Site Preparation, Clearing and Grubbing Notes*

- *Demarcation of clearing and grubbing limits*

*To meet the criteria of BCWD Rule 4.4.1, the planting plan must include:*

- *Assessment of existing buffer quality (e.g. where is there more than 30 percent nonnative species or areas with 10 percent bare soil or turf grass)*
- *Planting or landscaping plan to establish adequate native vegetative cover for areas that have vegetation composed of more than 30 percent of undesirable plant species or consists of more than 10 percent bare soil or turf grass. Currently, Planting Note #5 reads "Areas presently in disturbed ag and within existing or proposed wetland buffer areas shall be seeded with a seed mix as approved by the Brown's Creek Watershed District". It is recommended that the buffer areas be seeded with MNDOT 34-262 (wet prairie) or MNDOT 34-271 (wet meadow). Consider planting shrubs in the restoration areas to help prevent foot traffic into the fen.*
- *Modify the last note under Site Preparation, Clearing and Grubbing to make it consistent with the Districts rules: "Trees larger than six inches in diameter at a point two feet above the ground may be removed only on written authorization from District Staff on a determination that the function of the buffer will not be diminished".*

**Rule 4.0 Conditions:**

- 4-1. *Provide the District with a buffer declaration*
- 4-2. *Indicate where buffer monumentation will be located on the site clearing & grading plan*
- 4-3. *Revise the site clearing & grading plan to show that a minimum 50-foot buffer is provided on the eastern edge of the fen*
- 4-4. *Provide an assessment of existing buffer quality (i.e. where are there portions of the existing buffer where the vegetation is composed of more than 30 percent undesirable plant species (nonnative species) or consists of more than 10 percent bare soil or turfgrass*
- 4-5. *Revise Planting Note #5 to specify what seed type will be used in the buffer restoration areas (e.g. MNDOT 34-262 (wet prairie) or MNDOT 34-271 (wet meadow))*
- 4-6. *Revise the Site Preparation, Clearing and Grubbing Notes to reflect the following:*
  - a) *Within the buffer, trees larger than six inches in diameter at a point two feet above the ground may be removed only on written authorization from District Staff on a determination that the function of the buffer will not be diminished".*

**Rule 4.0 Recommendations from Groundwater Dependent Natural Resource Management Plan:**

*Per the GDRNMP, "Groundwater dependent natural resources are very sensitive to changes in water quality (chemistry and temperature) and quantity. To avoid indirect impacts associated with stormwater runoff, eliminate stormwater discharge to a GDNR."*

**Fertilizer Management:**

*While the BCWD does not regulate the use of fertilizers, its use in the surface water and groundwater drainage area of the fen is a concern. Fens are a type of wetland that are nutrient poor. The rare and unique plants living in these systems have adapted to these nutrient-poor conditions and the lack of nutrients means weeds and other plant species that require nitrogen and phosphorous can't survive under these conditions. If the chemistry of this wetland changes via the addition of nutrients such as phosphorous and nitrogen (as surface water or groundwater) it will tip the balance of the system and*



allow for the introduction of non-native (weedy) species that will out-compete the native plant communities.

The following recommendations are being made to protect the water chemistry of the fen.

- The Planting Notes indicate that two different fertilizers are proposed for fairway fertilizer during construction. Clarify the need for this, as both contain the same components (N-P-K), why not just one fertilizer with the exact amount desired?
- Similar question about tee and green fertilizers for construction. It appears they are adding 3 different fertilizers together that include the same ingredients. Why?
- Clarify that the notes indicate total annual input (vs. input per application). Total nitrogen application rates seem either too low per standards if this is referring to an annual total, and way too high if it is referring to the amount per each application.
- Phosphorus should only be applied when it can be incorporated directly into the soil (as in during construction or during aerification). Plans indicate that they will apply phosphorus to the Greens 2x per year (in May and Sept). Clarify that this application will take place during aerification only.
- Clarify what is meant by hydromulch. Do they plan to seed and spray with straw mulch? If so, recommend using Type 3 (weed free with MCIA inspection tag). Or are they indicating the area should be seeded and covered with Bonded Fiber Matrix (if so, which kind?).
- Consider an application rate based on what could get to the shallow groundwater system (plant uptake of nutrients) versus general recommendations made by the manufacturer. Are there opportunities to decrease the application rates and see how the grounds respond?

#### **Rule 5.0—SHORELINE AND STREAMBANK ALTERATIONS**

According to BCWD Rule 5.2, no person may disturb the natural shoreline or streambank partially or wholly below the ordinary high water mark of a waterbody, without first obtaining a District permit.

- Rule Not Applicable to Permit. *There are no proposed shoreline or streambank alterations.*

#### **Rule 6.0—WATERCOURSE AND BASIN CROSSINGS**

According to Rule 6.2, no person shall use the beds of any waterbody within the District for the placement of roads, highways and utilities without first securing a permit from the District.

- Rule Not Applicable to Permit. *There are no proposed watercourse or basin crossings.*

#### **Rule 7.0—FLOODPLAIN AND DRAINAGE ALTERATIONS**

According to Rule 7.2, no person shall alter or fill land below the 100-year flood elevation of any waterbody, wetland, or stormwater management basin, or place fill in a landlocked basin, without first obtaining a permit from the District. No person shall alter stormwater flows at a property boundary by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet, without first obtaining a permit from the District.

- Rule Requirements Met with Conditions

*There are minimal changes to existing drainage under proposed conditions. A minimal amount of drain tile is proposed for Hole 6 to drain one of the tees/greens and to drain a sand bunker. More significant*

*drainage alterations are proposed along the eastern edge of the fen where groundwater is discharging along the base of the fen. Drain tile is proposed to be installed along the entire edge of the fen. This drain tile system makes its way to two sediment basins which serve to intercept the existing drainage path to downstream wetlands. These basins will remain permanent features of the golf course. As such, they will provide water quality treatment for the golf course runoff as it makes its way to the downstream wetlands.*

*In order to evaluate the impacts of these drainage alterations to groundwater hydrology (per Rule 7.3.5) the Permit Application will need to provide the following information:*

*Drainage Management:*

- Provide additional clarification for the proposed drainage/drain tile system. Inlet/outlet details are the same. Clarify that the box icon with the "12" inside is an outlet (not an inlet as indicated on the legend) which collects runoff and discharges to the wetland.*
- Provide inlet and outlet elevations and pipe slope for all proposed drain tile. This will be particularly important for the drain tile system proposed on the east side of the fen. The drain tile should not be installed at a depth where it will serve to drain the fen thereby changing the groundwater hydrology of the resource.*
- Demonstrate that Hole 5 will not divert or dam water flowing out of the fen. Difficult to see the differences between existing and proposed contours on the Site Clearing and General Grading Plan.*
- Add a note to the drainage plan indicating that borrowing materials (over-excavating to extract high quality materials and replaced with less quality materials) is not permitted as this would change subsurface drainage to the resource.*

**Rule 7.0 Conditions:**

- 7-1. Provide inlet and outlet elevations and pipe slope for the proposed drainage/drain tile system.*
- 7-2. Provide additional information demonstrating that Hole 5 will not divert or dam water flowing from the base of the fen.*
- 7-3. Add a note to the plan set indicating that borrowing of materials is not permitted.*

**Rule 7.0 Recommendations from Groundwater Dependent Natural Resource Management Plan:**

- The Grading Notes specify that the "Contractor is responsible for all site dewatering until final approval of the project". Since dewatering will change subsurface drainage to the fen, this dewatering plan will need to be approved by the BCWD Engineer prior to implementation. Modify Note 3 of the Grading Notes to reflect this additional requirement.*
- Provide details/elevations for the sand bunkers to evaluate the potential impacts to groundwater contributions to the fen.*

**Rule 8.0—FEES**

Fees for this project as outlined below:

1. Erosion control fee for grading	\$2,000
2. Floodplain and drainage alterations fee	\$500
▪ <b>TOTAL FEES</b>	<b>\$2,500</b>

**Rule 9.0—FINANCIAL ASSURANCES**

Financial assurances for this project are as outlined below:

1. Grading or Alteration (27.5 acres disturbed x \$2,000/acre)	\$55,000
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**Rule 10.0—VARIANCES**

*According to BCWD Rule 10.0, the Board of Managers may hear requests for variances from the literal provisions of these rules in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will be keeping with the spirit and intent of these rules. Variance approval may be conditioned on an applicant's preventing or mitigating adverse impacts from the activity.*

*No variances have been requested.*

**RECOMMENDED CONDITIONS OF THE PERMIT:**

The following is a summary of the remaining tasks necessary to bring the project into compliance with the BCWD Rules:

1. Demonstrate that the plan has received approval from the city of Grant (BCWD Rule 1.3a).
2. Address all erosion control requirements (Conditions 3-1 to 3-3).
3. Address all wetland buffer requirements (Condition 4-1 to 4-6).
4. Address all floodplain and drainage alteration requirements (condition 7-1 to 7-3)
5. Replenish the Permit fee deposit to \$2,500 (BCWD Rule 8.0). If the permit fee deposit is not replenished within 60 days of receiving notice that such deposit is due, the permit application or permit shall be deemed abandoned and all prior approvals shall be revoked and collection proceedings shall begin on unpaid balances.
6. Provide the required financial assurances (BCWD Rule 9.0):
  - a. Total grading or alteration assurance 27.5 acres (\$55,000).
  - b. Floodplain and Drainage Alterations (\$500)

**STIPULATIONS OF APPROVAL:**

1. Note that the permit, if issued, will require that the applicant notify the District in writing at least three business days prior to commencing land disturbance. (BCWD Rule 3.3.1)

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2020-20**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR  
6667 KEATS AVENUE NORTH**

**WHEREAS**, The Indian Hills Golf Club (“Applicant”) has submitted an application for a Conditional Use Permit to allow for Vegetative Clearing at the property generally located at 6667 Keats Avenue North identified as PIDs 2603021330001 and 2603021430001 (“Subject Property”) in the City of Grant, Minnesota which is legally described in Attachment A; and

**WHEREAS**, the proposed vegetative clearing will occur on approximately 23.79 acres of the subject properties; and

**WHEREAS**, the proposed activities include the removal of approximately 8.9 acres of woodland and the removal of approximately 6-acres of brush and undergrowth; and

**WHEREAS**, the Applicant’s Site Plan and grading plans accurately depict the proposed activities; and

**WHEREAS**, the Planning Commission has considered the Applicant’s request at their regular April 21, 2020 meeting; and

**WHEREAS**, on April 21, 2020 the Planning Commission recommended approval of the application subject to certain conditions; and

**WHEREAS**, the City Council held a duly noticed public hearing at their regular May 5, 2020 meeting; and

**WHEREAS**, the City Council considered the recommendation of the Planning Commission and the Applicant’s request at a regular City Council meeting which took place on May 5, 2020.

**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 Indian Hills Golf Club for a 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 grubbing and clearing of the site for intended golf course uses conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- The grubbing and clearing activities will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood provided the conditions of the permit are met.
- The vegetative cutting meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The vegetative clearing activities will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

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

1. The Applicant shall meet and comply with all of the conditions stated within the Conditional Use Permit dated May 5, 2020 (the "Permit").
2. The Permit shall be reviewed in compliance with the City's CUP review process, which may be on an annual basis.
3. Any violation of the conditions of the Permit may result in the revocation of said Permit.
4. All escrow amounts shall be brought up to date and kept current.
5. The Owner shall obtain any necessary permits from Washington County, Minnesota Department of Health, Browns Creek Watershed District, Washington Conservation District, the MPCA or any other regulatory agency having jurisdiction over the proposed use, which are necessary in carrying out its operations on the premises.

Adopted by the Grant City Council this 5th day of May 2020.

\_\_\_\_\_  
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 \_\_\_\_\_, 2020 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kim Points  
Clerk  
City of Grant

**INDIAN HILLS GOLF CLUB  
CONDITIONAL USE PERMIT  
CITY OF GRANT**

APPLICANT: Indian Hills Golf Club

LEGAL DESCRIPTION: Attachment A

PID: 2603021330001, 2603021430001

ZONING: A-2

ADDRESS: 6667 Keats Avenue North  
Grant, MN

DATE: May 5, 2020

This is a Conditional Use Permit to allow for the Vegetative Clearing as shown on the Site Plan (2020) and within the narrative dated April 8, 2020. Any expansion of the area proposed for clearcutting or grubbing, shall require an amendment to this Conditional Use Permit.

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council, City of Grant, Washington County, Minnesota, and applicable ordinances, statutes or other laws in force within the City:

1. The Site Plan reviewed and conditionally approved by the BCWD shall be provided to the City, and such Site Plan shall govern the vegetative clearing and grubbing activities permitted in this Permit.
2. No clearing and grubbing shall be permitted within the yard setbacks, which shall include a 20-foot setback on the easterly property line. Setbacks shall be determined by considering contiguous lot lines collectively.
3. The Applicant shall mark the clearing/cutting boundary with stakes in the field and the City's Building Official shall conduct a visual inspection to confirm that the clearing area is outside of all applicable yard setbacks.
4. The Applicant must obtain approval from the BCWD for clearing and grubbing within the wetland buffer setback area prior to any work completed within these areas. The Applicant shall provide documented approval of the plan for the wetland buffer areas, and any approved buffer exchange areas prior to any site work (including grubbing and clearing) commencing in these areas.

5. The Applicant shall follow all conditions of the City Engineer, which shall include obtaining a Grading Permit.
6. This Permit does not approve the construction or operation of the three (3) golf holes. Such approval shall be required through a formal application to Amend the existing Conditional Use Permit for the Indian Hills Golf Club.
7. It shall be the responsibility of the Applicant to obtain any necessary permits from Washington County, MPCA, Browns Creek Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
8. All escrow amounts shall be brought up to date and kept current.
9. This permit shall be reviewed in compliance with the City's CUP review process, which may be on an annual basis.
10. Any violation of the conditions of this permit may result in the revocation of said 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

State of Minnesota            )  
  )ss.  
County of Washington        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public, personally appeared Jeff Huber 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 Jeff Huber and Kim Points acknowledge said instrument to be the free act and deed of said City of Grant.

\_\_\_\_\_  
Notary Public



APPLICANT/OWNER:  
Indian Hills Golf Club

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Kim Points, City Clerk

State of Minnesota            )  
  )ss.  
County of Washington        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public, personally appeared \_  
\_\_\_\_\_ the Owner who acknowledged that said instrument was authorized and  
executed on behalf of said Applicant.

\_\_\_\_\_  
Notary Public

EXHIBIT A



## STAFF REPORT

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

**Date:** April 28, 2020

**CC:** David Snyder, City Attorney

**RE:** Application for a Comprehensive Plan Amendment to re-guide approximately 5.3-acres of land at 11298 60<sup>th</sup> Street N.

**From:** Jennifer Haskamp, Consulting City Planner

### Background

The Applicant, Adam Bettin, in coordination with the Owner the Stillwater West, LLC, is requesting a Comprehensive Plan Amendment to re-guide approximately 5.3-acres from Agricultural Small Scale (A2) to General Business (GB). The subject property is located at 11298 60<sup>th</sup> Street North, and is bordered by 60<sup>th</sup> Street North on the southern property border which is the frontage road to Highway 36.

The Applicant presented a general concept plan to the City Council on February 4, 2020 to consider a mini-storage business on the subject property. The City Council told the Applicant that the proposed use is not permitted in the A2 land use designation or zoning district. A couple council members indicated that such use would be more appropriate in the City's General Business (GB) land use designation and zoning district, if it would be permitted at all. Given the feedback at the City Council meeting the Applicant scheduled a preapplication meeting with the City Staff. On February 26<sup>th</sup> staff met with the Applicant to discuss the proposed use and the process to move forward. Staff indicated that given the City Council's response the only option is to first seek a Comprehensive Plan Amendment (CPA) to re-guide the subject property from A2 to GB. If the City Council approves the CPA, then the Applicant would need to seek rezoning of the property which would include a map amendment, possibly a text amendment, and a Conditional Use Permit. However, the subsequent steps are only necessary and relevant if the property is re-guided to GB.

#### Public Hearing and Planning Commission Summary

A duly noticed public hearing was published for March 17, 2020 at 6:30 PM, but was rescheduled to April 21, 2020. The March Planning Commission meeting was cancelled due to the COVID-19 pandemic which prevented commissioners from meeting in-person. Since March, the City has adopted an emergency resolution to hold all meetings, including City Council and Planning Commission, using video conferencing. On April 21, 2020 the Planning Commission held their meeting using Zoom video conference, and the public was provided instructions on how to join the public hearing using computer or phone. One member of the public provided testimony in support of the request to re-guide the subject property to GB.

The Planning Commission discussed the application and asked a couple questions from staff and the applicant. After discussion, the Planning Commission unanimously recommended denial of the Comprehensive Plan Amendment with the following findings:

- The City recently prepared its 2040 Comprehensive Plan and carefully considered, evaluated and prepared the Future Land Use plan which guided the property for A2.



- The adopted 2030 Plan and the draft 2040 Plan specifically limits the amount of General Business to existing uses. The vision, goals and strategies of the Comprehensive Plan focus on retaining rural residential uses and does not support the expansion of General Business uses.
- The parcels guided for General Business are uses and business that have existed, in most cases, since the 1970's and no further expansion was contemplated. The designation is intended to reflect what the properties are currently used for not to guide new land for future business uses.
- A more detailed study of the full Highway 36 corridor should be undertaken to evaluate what changes are warranted, if desired by the Council, rather than to re-guide property on a piecemeal basis.

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

### Project Summary

Applicant:	Adam Bettin
Owner:	Stillwater West, LLC
PID:	3603021340002
Total Acres:	5.3
Address:	11298 60 <sup>th</sup> Street North
Zoning & Land Use:	A2
Request:	Comprehensive Plan Amendment to re-guide subject property from A2 to GB

The Applicant is requesting a Comprehensive Plan Amendment (CPA) to re-guide the subject property from A2 to GB. The proposed GB land use designation would allow the property to be used for a variety of principal business uses that would not be permitted in the current A2 land use designation.

### Review Criteria

The City's official controls, including the Zoning Ordinance (Chapter 32) and Subdivision Ordinance (Chapter 30) do not explicitly define the criteria for review of a CPA. State Statute 462.355, and various associated statutory sections, enable Cities and property owners to request an amendment to the City's Comprehensive Plan. For purposes of this request, language in Chapter 30 and Chapter 32 regarding Zoning Amendments can be referenced for guidance in considering this application.

Generally, the most important consideration when processing CPA's is to determine whether re-guiding the property is consistent with the City's overall vision and goals as stated within the adopted Comprehensive Plan. If the request is determined to be consistent then re-guiding is reasonable.

### Existing Site Conditions

The existing parcel is approximately 5.3-acres and is currently vacant. The subject parcel was subdivided from the adjacent larger 74.92-acre parcel that surrounds the subject property on the north and east. The timing of the subdivision is unknown, and currently both parcels are owned by different parties. The site is bordered by 60<sup>th</sup> Street on the southern property line, the American Polywater property to the west, vacant/agricultural



land to the north and east. The property is accessed from an existing gravel driveway located approximately 200-feet from the westerly property line, and 215-feet from the easterly property line.

As shown on the aerial provided as Attachment B, the property is heavily vegetated on the northern and eastern portions of the property with a small clearing on southwestern quarter of the property. There appears to be a wetland/ponding area along the eastern half of the road frontage (likely stormwater runoff from the roadways), and no other significant wetland areas appear per the National Wetland Inventory (NWI). A wetland delineation has not been completed for the subject property.

## Comprehensive Plan Review

The 2040 Comprehensive Plan is in draft form and the current draft does not expand the General Business (GB) land area from the adopted 2030 Plan. Both the 2030 and 2040 plans deliberately limit the amount of land guided as GB, and generally guides only existing businesses along the Highway 36 frontage (60<sup>th</sup> Street N. frontage road) as GB. The City's overall policy direction has been focused on protection of the City's rural residential and agricultural uses. One strategy to support that objective is to limit the amount of land guided for any type of business use. While the City's rural residential and agricultural land uses conditionally permit businesses, most of the permitted business uses are required to be accessory to a principal residential use. The GB designation is different than the City's A1, A2 and RR designations in that it permits a wider variety of business to be permitted and conditionally permitted as principal uses.

The Applicant has stated in their narrative that they believe the subject property is better suited, and more consistent, with the GB land use designation and as such has requested a Comprehensive Plan Amendment to re-guide the subject property. The Applicant's reasons are summarized as the following, and City Staff's responses are provided below each reason in *italics*:

- The parcel is adjacent to existing businesses that are guided GB. The adjacent parcel to the east is American Polywater, which is situated on a similarly sized property and shares the subject property's westerly property line.

**Staff Response:** *There are several small properties along the Highway 36 frontage that are guided in the 2030 and 2040 Comprehensive Plan as General Business. Many of the properties are developed with existing businesses that have been in existence since the 1960's, though some new businesses have been developed recently. Business uses in this designation are diverse from manufacturing/warehousing to restaurants. The subject property is adjacent and contiguous to the GB land use designation and has its frontage on the 60<sup>th</sup> Street N frontage. Staff agrees that re-guiding the property to GB would not create unrealistic precedent for further expansion of the GB land use designation, and if a new business was developed on the property it would be consistent with the character of the surrounding uses.*

- The parcel size (5.3 acres) is too small to be used for meaningful agricultural uses.

**Staff Response:** *Staff agrees that the subject property is unlikely to be used for any significant agricultural activity, but that does not mean that it will remain vacant. The existing topography and vegetation in combination with the size will likely impact the desirability of the site for agricultural uses. There are several small "hobby farms" throughout the City that farm less than 10-acres, but the existing configuration and vegetation makes the site an unlikely candidate for such use.*

- The location of the parcel adjacent to Highway 36 in combination with the small parcel size makes it undesirable for a principal residential use.

**Staff Response:** *Staff acknowledges that the site may not be desirable for only single-family uses, but there are other conditionally permitted uses in the A2 land use designation that may be desirable. However, given the small parcel size,*



*the ability to develop the site with a principal use and a conditionally permitted accessory business use (for example) may be unlikely given the City's ordinances rules and regulations. Depending on the value of the parcel, staff agrees that developing the site for a single-family use is probably not the most desirable, or highest-and-best use of the property.*

- *If the parcel is permitted to develop with a commercial/business use, then the subject property will be taxed accordingly and will add to the City's tax base.*

**Staff Response:** *The existing site is vacant and does not generate significant taxes for the City. The proposed re-guiding of the subject property to GB does not guarantee a specific commercial/business use, therefore a specific determination regarding impact to taxes cannot be made. However, staff does agree that if the site is developed from its current vacant condition for any type of business that its contribution to the City's taxes will increase. Further, staff believes that from a market perspective that the site is well suited to commercial/business uses and will more than likely be developed if re-guiding to GB is approved.*

### **Other Considerations**

Since the City's ordinances do not specifically identify a criterion from which to review a Comprehensive Plan Amendment staff provides the following additional background:

- Re-guiding does NOT approve a specific project. Any council member, planning commissioner, property owner or person with real estate interest in the City may request an amendment to the City's Comprehensive Plan. Such amendment can be either a map amendment or an amendment to language within the Plan. If the City agrees that the land use designation of the subject property should be changed and re-guided, it only approves that action (the map amendment, for example) it does not approve or deny a specific development project.
- The decision to re-guide is legislative which allows you more discretion to approve or deny the request. An application to amend the comprehensive plan is legislative because it establishes policies for future decision-making. Since the decision to re-guide a property is policy oriented, the Planning Commission and City Council have more discretion to determine if a map change is warranted and consistent with your goals. If the Planning Commission and City Council determine that the adopted land use plan is representative of your policies and you determine no map change is warranted, that is acceptable, and you may deny the request. However, if you determine a map change is warranted then all future decisions regarding the specific development of the site must be consistent with the GB land use designation. Approving the map change will subsequently require you to rezone the property to GB to be consistent with the land use designation (rezoning will occur at time of application for a specific development).
- Property size does not have to be a basis for determination. While the existing property size is more consistent with GB properties in the area, that does not mean you are required to rezone the property. Based on the City's existing land uses and zoning districts, a single-family home likely could be constructed on the subject property providing reasonable use to the property.
- Use the "vision" for the Highway 36 Corridor in your analysis. Staff suggests considering the merits of expanding the City's GB land use designation to this site and evaluate whether the types of uses contained within the GB zoning district would be consistent with your vision for this area of the City.



### Other Agency Review

All Comprehensive Plan Amendments require review and approval by the Metropolitan Council. Because the City's 2040 Comprehensive Plan update is in draft form and under review with the Metropolitan Council, this amendment could be incorporated as part of the update process. Since no specific development plans would be approved as part of this action no other agency review is required at this time.

### **Requested Action**

Staff has prepared a draft resolution of denial as recommended by the Planning Commission.

#### *Attachments:*

Attachment A: Application and Narrative

Attachment B: Aerial of Site

Attachment C: Resolution 2020-\_\_

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



Phone: 651.426.3383  
Fax: 651.429.1988  
Email: clerk@cityofgrant.com

Application Date:	
Fee: \$100	Escrow: \$1000

### 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: SEE Attached	ZONING DISTRICT & COMP PLAN LAND USE:
OWNER: Name: Stillwater West L.L.C. Address: 5623 Memorial Ave N. City, State: Stillwater, MN 55082 Phone: (651) 439-0419 Email: Stillwater-west@gmail.com	LOT SIZE: 5 acres APPLICANT (IF DIFFERENT THAN OWNER): Adam Bettin 7711 Lake Elmo Ave N. Grant, MN
REQUESTED ACTION: <input checked="" type="checkbox"/> Map Amendment <input type="checkbox"/> Text Amendment <input type="checkbox"/> Map & Text Amendment	
If, MAP AMENDMENT, REQUEST TO REGUIDE LAND USE AND/OR ZONING FROM: <u>A2</u> TO: <u>GB</u> . *Please note that you will need to amend both the zoning and land use if a map change is requested	
APPLICABLE ZONING CODE SECTION(S): Please review the following documents to assist with your request. 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"/>	<b>Current Text or Map in Comprehensive Plan and/or Zoning Ordinance.</b> The following must be included in your submittal: <ul style="list-style-type: none"> <li>Chapter and Section Number</li> <li>Existing Text of the Section</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Proposed Text and/or Map Changes:</b> 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"/>	<b>Written Narrative.</b> 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"> <li>Address how the proposed CPA or Zoning Amendment will affect adjacent properties.</li> <li>Does your proposed language affect any other section the Comp Plan or Zoning Ordinance?</li> <li>Does your proposed language affect density? Increase or decrease?</li> </ul>



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.*

  
\_\_\_\_\_  
Signature of Applicant

2/26/2020  
Date

\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

2/26/20  
Date

Written Narrative

The property is adjacent to the other general businesses in Grant.

The property is adjacent to a commercial manufacturing facility.

The property is too small for agricultural use.

The property is undesirable to build a home on because the location is next to a manufacturing plant and a major highway.


This property will add to the tax base without adversely affecting surrounding properties on the comprehensive plan.

Ch Ben

2/26/2020

STATEMENT ACKNOWLEDGING CONTACTS.

I have contacted Washington County and the watershed district; I am waiting for a response.

 2/26/2020

LEGAL DISCRIPTION

THAT PT OF E1/2-SW1/4 LYING S & W OF FOLL DESC LN:COM @ SW COR SD1/2-1/4 THN N0DEG16'33"W ASM BRG  
ALG W LN SD E1/2-SW1/4 DIST 608.38FT TO POB LN TO BE DESC THN N89DEG47'33"E 325.04F T THN  
S10DEG28'27"E 618.28FT TO S LN OF SD SW1/4 & THERE TERM SECTION 36 TOWNSHIP 030 RANGE 021



2/26/2020

# 11298 60th Street N



March 9, 2020

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

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2020-21**

**RESOLUTION DENYING A REQUEST TO RE-GUIDE PROPERTY FROM  
AGRICULTURAL SMALL SCALE (A2) TO GENERAL BUSINESS (GB)**

**WHEREAS**, Adam Bettin (“Applicant”) on behalf of Stillwater West, LLC (“Owner”) has submitted an application for a Comprehensive Plan Amendment for property generally located at 11298 60<sup>th</sup> Street North (“Subject Property”) in the City of Grant, Minnesota which is legally described in Attachment A; and

**WHEREAS**, the proposed Comprehensive Plan Amendment included a map amendment to re-guide approximately 5.3 acres of land from A2 to GB; and

**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on April 21, 2020; and

**WHEREAS**, on April 21, 2020 the Planning Commission recommended denial of the application with findings; and

**WHEREAS**, the City Council has considered the recommendation of the Planning Commission and the Applicant’s request at a regular City Council meeting which took place on May 5, 2020.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, that it does hereby deny the request of Adam Bettin and Stillwater West, LLC, based upon the following findings pursuant to the 2030 Comprehensive Plan and Chapter 32 Zoning. The City Council’s Findings relating to the standards are as follows:

- The City recently prepared its 2040 Comprehensive Plan and carefully considered, evaluated and prepared the Future Land Use plan which guided the property for A2.

- The adopted 2030 Plan and the draft 2040 Plan specifically limits the acreage of General Business land use designation to align with existing uses and development.
- The vision, goals and strategies contained in the Comprehensive Plan focus on supporting and expanding rural residential uses and does not promote the expansion of General Business uses.
- The parcels guided for General Business are uses and business that have existed, in most cases, since the 1970's and no further expansion has been contemplated since.
- The General Business land use designation reflects the current and historical use of the properties and is not a designation used to guide new land for future business uses.
- Before any expansion of the General Business should be considered, a more detailed study of the full Highway 36 corridor should be undertaken.

Adopted by the Grant City Council this 5th day of May 2020.

\_\_\_\_\_  
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 \_\_\_\_\_, 2020 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kim Points  
Clerk

City of Grant



## City Council Report for April 2020

To Honorable Mayor & City Council Members

From: Jack Kramer Building & Code Enforcement Official

Zoning Enforcement:

1. Dellwood Farm LLC. 9250 Dellwood Rd. N. (Former Victoria Station) Violation of Grant City Code Section 32-332 Noise Control.

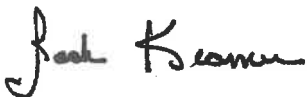
a. The City received a formal complaint regarding noise from the use of heavy construction equipment on the property. According to the complaint the work began at approximately 5:00 am.

I contacted Mr. Sam Scott the owner and advised him of City Code regulation regarding the allowable hours of operation for heavy equipment.

Building Permit Activity:

Seventeen (17) Building Permits have been issued with a valuation of \$ 806,994.00

Respectfully submitted,



Jack Kramer

Building & Code Enforcement Official

2020-39	HVAC	Zawadski Hms.	739-73rd. Ct. N.	3/28/2020	N/A		\$ 80.00	\$ 60.00	\$ -
2020-40	Windows	Renewal	10506 Kismrt Ave. N.	4/1/2020	\$ 3,000.00		\$ 83.25	\$ 62.43	\$ -
2020-41	Plumbing	Kelly	111204 Dellwood Rd.	4/3/2020	N/A		\$ 80.00	\$ 60.00	\$ -
2020-42	Plumbing	Fitzenbergeer	10204-67th. Ln. N.	4/4/2020	N/A		\$ 80.00	\$ 60.00	\$ -
2020-43	Demo Permit	Valley Branch	7150 Jocelyn Rd. N.	4/5/2020	N/A		\$ 100.00	\$ 75.00	\$ -
2020-44	Demo Permit	Valley Branch	6890 Joceyln Rd. N.	4/5/2020	N/A		\$ 100.00	\$ 75.00	\$ -
2020-45	Demo Permit	Valley Branch	6921 Jocelyn Rd. N.	4/5/2020	N/A		\$ 100.00	\$ 75.00	\$ -
2020-46	Demo Permit	Saterback	8220-105th. St. N.	4/10/2020	N/A		\$ 100.00	\$ 75.00	\$ -
2020-47	Porch	Bangston	9897-83rd. St. N.	4/14/2020	\$ 35,000.00		\$ 492.75	\$ 369.56	\$ 320.28
2020-48	Bathrooms	Barrett	519 Maple St.	4/14/2020	\$ 17,585.00		\$ 293.25	\$ 219.93	\$ -
2020-49	HVAC	Gengler	6291 Jasmine Ave.	4/14/2020	N/A		\$ 80.00	\$ 60.00	\$ -
2020-50	Remodel	Leach	9696 Dellwood Rd. N.	4/15/2020	\$ 40,000.00		\$ 543.25	\$ 407.43	\$ -
2020-51	Porch/Deck	Johnson	10065 Indigo Trail N.	4/15/2020	\$ 20,000.00		\$ 321.25	\$ 240.93	\$ 208.81
2020-52	Windows	Kelly	11680 Lockridge Ave.	4/16/2020	\$ 49,657.00		\$ 643.75	\$ 482.81	\$ -
2020-53	Re-Roof	McGruth	7740 Field Ridge Rd.	4/16/2020	\$ 34,000.00		\$ 482.65	\$ 361.98	\$ -
2020-54	Deck	Toberman	9393-96th. St.N.	4/17/2020	\$ 7,752.00		\$ 153.25	\$ 114.93	\$ 99.61
2020-55	House/ Garage	Lornitson	9700-103rd. St.N.	4/17/2020	\$ 600,000.00		\$ 3,708.75	\$ 2,781.56	\$ 2,410.68
Monthly total						\$	\$ 7,442.15	\$ 5,581.56	\$ 3,039.38