

CITY OF GRANT  
MINUTES

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**DATE** : June 25, 2024  
**TIME STARTED** : 6:30 p.m.  
**TIME ENDED** : 7:55 p.m.  
**MEMBERS PRESENT** : Councilmember Carr, Rog, Giefer,  
Cornett and Mayor Huber  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Brad Reifsteck; City Planner, Jennifer Haskamp; City Treasurer, Sharon Schwarze; and Administrator/Clerk

**CALL TO ORDER**

The meeting was called to order at 6:30 p.m.

**PUBLIC INPUT**

Mr. Jeff Schafer, 8688 Jamaca Avenue, came forward and stated the LMC offers free contract services, and the City website states there are 70 miles in Grant and the Mayor states there are 144 miles of roadway to maintain.

Mr. Mathew Eddy, 7060 Lake Elmo Avenue, came forward and inquired about an appeal process within the City and encouraged the Council to read the City’s Comprehensive Plan.

**PLEDGE OF ALLEGIANCE**

Mayor Huber presented Mr. Bob Tufty with an appreciative plaque for his years of service to the City including Planning Commission, City Councilperson and Fire Warden.

Mayor Huber called for a five-minute recess at 6:47 p.m. due to technical issues.

Mayor Huber called the meeting back to order at 6:53 p.m.

**OATH OF OFFICE, BEN CORNETT**

City Attorney Vivan conducted the Oath of Office to Mr. Ben Cornett.

**SETTING THE AGENDA**

**Council Member Cornett moved to approve the agenda, as presented. Council Member Rog seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

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June 2024 Bill List, \$82,845.30 Approved

Kline Bros., Road Maintenance, \$39,466.25 Approved

Croix Valley Inspector, \$69, 477.43 Approved

ARC Paving, Special Roads Project, \$29,250.00 Approved

City of Stillwater, 1<sup>st</sup> Half Fire Contract, \$93,328.50 Approved

Resolution No. 2024-14, 2024 Election Judges Approved

**Council Member Giefer moved to approve the consent agenda, as presented. Council Member Cornett seconded the motion. Motion carried unanimously.**

**STAFF AGENDA ITEMS**

**City Engineer, Brad Reifsteck**

**Consideration of Guard Rail Project** – City Engineer Reifsteck advised The proposed guard rail improvements are necessary to provide safety to the City’s roadway system.

- Approximately one hundred and fifty lineal feet of plate beam guard rail improvements are proposed along Jarvis Ave N near the large wetland complex just north of 60<sup>th</sup> Street as shown on the attached map.
- Approximately seven hundred and twenty-five lineal feet of plate beam guardrail improvements are proposed along Kimbro Ave N at 3 separate locations as shown on the attached map.

Quotes were solicited from two contractors who have completed this type of work in the past for the City of Grant. The results of the two quotes received are shown in the table below:

Company Name	Quote Amount
H & R Construction Co	\$38,500.00
In-Site Contracting	\$53,625.00

This work is proposed to be funded using special roadway funds.

City staff recommend awarding a contract for this work to H & R Construction Co. in the amount of \$38,500.00.

**Council Member Rog moved to award Guard Rail Bid to H & R , as presented. Council Member Carr seconded the motion. Motion carried unanimously.**

**City Planner, Jennifer Haskamp**

1 **Consideration of Amending Chapter 32 Zoning Regarding Minimum Lot Size and Dimensional**  
 2 **Standards of Existing Lots of Record** - At the regular City Council meeting on May 7, 2024, the  
 3 Council considered a request for Concept Plan review for a potential variance from lot size  
 4 dimensional standards. The Applicant requested discussion to understand if the Council would  
 5 consider variance(s) from the standards for substandard lots not meeting the exception criteria in the  
 6 ordinance. As part of the discussion the Council determined that additional discussion and  
 7 consideration of the ordinance standards should be explored as a separate agenda item at the June  
 8 meeting.

9  
 10 **Summary of Ordinance Standards**

11 The City’s adopted zoning ordinance establishes dimensional standards to create new lots and  
 12 provides exemptions for existing lots of records when certain standards are met. The following  
 13 summary of the dimensional standards are provided for the A1 and A2 zoning districts, which are the  
 14 predominant areas where new/existing rural residential uses are found in the community. The current  
 15 ordinance establishes the following:

16  
 17 **Section 32-246. Minimum area, maximum height and other dimensional requirements.**

18 This section establishes the dimensional standards for all newly created lots and existing lots of  
 19 record that were subdivided after the adoption of the current ordinance regulations. The dimensional  
 20 standards establish the following:

- 21
- 22 • Minimum Lot Size per dwelling unit: 5.0 Acres. The minimum lot size per dwelling unit must  
 23 be considered in conjunction with the other dimensional standards and requirements such as:  
 24     ○ Minimum of 1.0 acre of buildable area; and  
 25     ○ Demonstrate that a primary and secondary septic site are viable; and  
 26     ○ Demonstrate that a 300-foot diameter circle may be fully contained on the lot; and  
 27     ○ Minimum frontage must be present meeting the requirements for a public road or cul-  
 28 de-sac, etc.

29  
 30 ***Section 32-246 (b) Additions and exceptions to the minimum area, height and other***  
 31 ***requirements.*** Subsection (b) of the dimensional standards establishes exceptions to the  
 32 minimum standards within the dimensional requirements table. Subsection (b)(1) Existing Lot  
 33 defined, states that “existing lot” means a lot or parcel existing before the adoption of the  
 34 ordinance which went into effect in February of 1983. If it is established that the lot was  
 35 created prior to 1983, then subsection (b)(2) Existing Lot of Record Exemptions may be  
 36 applicable provided that the criterion of the subsection is met. As stated within the subsection,  
 37 “...any such lot or parcel created in accordance with the city subdivision regulations in effect  
 38 at the time that such Lot was created that is **at least 2.5 acres** in size, shall be exempt from the  
 39 requirement of subsection (3), pertaining to area, lot width, lot depth and lot frontage and  
 40 shall be considered buildable if the lot or parcel can comply with the remaining  
 41 requirements...”

42  
 43 For lots or parcels that do not meet the 2.5 acre exception, Subsection (3) *Undersized Lots*  
 44 further stipulates that if a lot does not meet the exemption criteria that the undersized lot must  
 45 be combined with an adjacent property under the same ownership. This has occurred  
 46 throughout the City (example Withrow area) and has largely been effective in helping

1 property owners of historical parcels to meet (at a minimum) the required 2.5 acres to be  
2 considered a buildable lot.

3  
4 A few additional notes regarding Staff’s review and research of lot sizes standards are  
5 provided for reference:

- 6
- 7 ○ Washington County property records and the City Files are used as resources to
- 8 determine when a lot of configuration was created.
- 9 ○ In 1968 Washington County and subsequently Grant Township adopted a zoning
- 10 ordinance that established a minimum residential lot size of **2.25 Acres**. This standard
- 11 remained in place through February 1983 when the minimum lot size changed to **5.0**
- 12 **acres**.
- 13 ○ Prior to 1968 the minimum lot size cannot be verified based on available records,
- 14 however, a range of lots including smaller platted lots in the historic Withrow area
- 15 were created. (See notes regarding Metropolitan Council below)
- 16 ○ Staff performed a GIS analysis to determine how many lots/parcels exist in the City
- 17 today that 1) are less than 2.5 acres; and 2) do not abut an adjacent parcel of the same
- 18 ownership. **The research identified 6 parcels**. Research regarding when the parcels
- 19 were created was not completed, given that the number of lots is less than 0.2% of all
- 20 parcels within the City.

- 21
- 22 ● Maximum Density: 1 Dwelling Unit per 10 Acres. This must be aligned with the
- 23 Comprehensive Plan that establishes a maximum density of 4 Dwelling Units per 40 Acres.
- 24 When staff reviews a request for subdivision, we perform our analysis utilizing both the
- 25 Comprehensive Plan and the Zoning Ordinance standards to determine if there are any
- 26 available units within the 40 and whether the created and resulting lots all comply with the
- 27 minimum dimensional requirements. This has proven effective and is consistent with the
- 28 Metropolitan Council’s requirements for the Community Designation (see subsequent
- 29 Metropolitan Council analysis for further information).

30  
31 **Overview of Metropolitan Council role in Lot Size & Density**

32 The City’s zoning standards and regulations are required to be consistent with the Metropolitan  
33 Council’s Community Designation. The Community Designation establishes the permitted density  
34 range within a community and the City’s land use designations must be consistent with that standard.  
35 As it stands, the Community Designation is Diversified Rural which provides a maximum density of  
36 4 dwelling units per 40 acres (or 1 dwelling unit per 10 acres). This is consistent with the adopted  
37 land use designations and the zoning ordinance standards.

38  
39 The exemptions provided in the ordinance are not consistent with the current 2040 Community  
40 Designation; however, provided that such lots were created consistent with the zoning and  
41 comprehensive plan in place at the time they were subdivided then such lots may still be considered  
42 buildable and deemed consistent with the Comprehensive Plan. A brief overview of the Metropolitan  
43 Council’s history is provided as reference because it is important to consider how (and when) the  
44 City’s lot standard regulations were established and have subsequently evolved.

45

- 1 • 1967 - Metropolitan Council was created by State Statute. The Metropolitan Council was  
2 created as “a regional solution to regional problems” and one such identified regional  
3 problem was wastewater and septic systems contaminating ground and surface waters due to  
4 the fast pace of suburban growth. The enabling statute required for a regional solution and  
5 approach to be presented by 1969 to address wastewater collection and treatment.
- 6 • Once established in 1967, regional coordination began to change how wastewater was  
7 permitted and managed. One of the outcomes was the establishment of minimum lot sizes for  
8 individual septic systems to ensure that adequate area was available on each lot for a primary  
9 and secondary drainfield to serve a residence since not all areas would be hooked up to a  
10 regional system. This policy was passed through and enacted by local regulatory agencies and  
11 bodies such as Washington County.
- 12 • 1968 - Washington County, and subsequently Grant Township, adopted a minimum lot size  
13 standard of 2.25 acres which was consistent with the Metropolitan Council’s guidance for  
14 communities with lots served by individual septic systems. As noted above, the reason for the  
15 lot size standards was to prevent wastewater contamination and to ensure individual lots were  
16 capable of supporting individual septic systems.
- 17 • 1976 - Metropolitan Land Planning Act is enacted by statute. The Land Planning Act required  
18 all cities and counties under the jurisdiction of the Metropolitan Council to prepare a  
19 Comprehensive Plan. The Comprehensive Plans were required to be consistent with the  
20 regional plans and were required to be enacted by 1980. The plans have subsequently been  
21 required to be updated on a decennial basis to ensure that cities and counties are regulating  
22 their land use and development consistent with the regional plans. To be consistent all official  
23 controls, including zoning, must be consistent with the adopted Comprehensive Plan.
- 24 • February 1983 Grant Township adopts its zoning ordinance and requires a minimum lot size  
25 of 5 acres to be consistent with the first Comprehensive Plan adopted.

26  
27 The history is important to consider when evaluating existing lots of record, especially in determining  
28 what is “buildable.” The minimum lot sizes were established on a regional basis because septic  
29 systems were failing, and coordinated regional sewer was necessary to “bailout” lots that had failing  
30 systems with no other onsite solutions. For example, this situation occurred (and continues to occur)  
31 in neighboring Lake Elmo where small lots less than 2.5 acres were developed prior to 1968 around  
32 the lakes and as systems failed the Metropolitan Council has been forced to bailout the properties at  
33 high costs – both economically and politically. Bailing out of the properties introduced the extension  
34 of regional sewer into the community, and eventually the cost of such extensions must be recouped  
35 through additional hookups and urban development.

36  
37 While bailouts have not occurred in Grant, there are some areas in the community that were  
38 developed prior to 1968 with lot sizes that are less than 2.5 acres. It is clear from the historical  
39 timeline that Grant Township and Washington County adopted standards to prevent further  
40 development and subdivision of lots less than 2.5 acres, and such regulations were established by the  
41 Metropolitan Council’s guidance and direction.

42  
43 These standards are still in effect today, and even where the Metropolitan Council has designated an  
44 area as Rural Residential permanently (i.e. it is not economically viable to serve the area with

1 regional sewer) the Metropolitan Council continues to guide minimum lot sizes to be 2.5 acres or  
2 more. The reason is the same as it was in the late 1960s – each lot must have adequate area for a  
3 primary and secondary drainfield because bailouts are costly and avoidable if communities restrict or  
4 prohibit development on lots less than 2.5 acres.

5

6 **Process for Substandard Lots not meeting Exemption Criteria**

7

8 As presented on May 7<sup>th</sup> under the current ordinance, a substandard lot that does not meet the  
9 exemption criteria would be required to obtain a variance(s) from the standards from which the lot  
10 deviates. It is possible that a variance(s) would be justifiable, particularly given how rare the  
11 condition is in the City. (There are less than six (6) parcels total in the City that are less than 2.5 acres  
12 and are not under common ownership with an adjacent parcel.) A couple notes regarding the  
13 variance process:

14

- 15 • Review and research of the timing of when the parcel/lot was created would be required.  
16 Evidence, either through the Washington County recorder or through personal records, that  
17 the lot or parcel was created prior to February 1983 would be mandatory.
- 18 • Evidence that the parcel/lot was buildable at the time of its creation would need to be  
19 provided. This could be through an approved plat or some other formal documentation or  
20 review from Washington County.
- 21 • Evidence that the parcel/lot was under independent ownership from any adjacent parcel before  
22 1982 continuing through the time of application would be required. (Note: Subsection (c) was  
23 enacted as part of the 1982 ordinance that required combination of substandard lots with  
24 adjacent parcels under common ownership.) If the parcel was transferred from common  
25 ownership since 1983, then most likely the variance criteria would fail because the issue  
26 would be self-created as the ordinance provision regarding combination was in place.
- 27 • If the above requirements could be demonstrated, then a development plan for the parcel  
28 would be required to demonstrate that the lot could be served by independent septic and  
29 water.,
- 30 • If all such requirements were met, then the applicable variance requests would be evaluated.  
31 Depending on the development plan, at a minimum, variances would likely be needed from  
32 lot size, frontage, and depth.

33

34 Staff requests discussion from the City Council about whether Chapter 32, Section 32-246 subsection  
35 (b) regarding exemptions should be modified or amended based on the information provided.

36

37 City Attorney Vivian advised that anybody could sue anybody for anything. The Planner did a very  
38 good job of doing the historical work on the ordinance. Grant has always had the density  
39 requirements be a priority and the ordinance has been in place a long time. He stated he is not  
40 concerned about being sued over the small lots. The buyer must beware and inquire about  
41 buildability. There is also a variance process in place and the City Code should be consistent with the  
42 Comprehensive Plan.

43

1 Council Member Carr moved to deny any amendment to Chapter 32 Zoning regarding  
2 Minimum Lot Size and Dimensional Standards of Existing Lots of Record. Council Member  
3 Giefer seconded the motion. Motion carried unanimously.

4  
5 City Attorney, Nick Vivian (no action items)

6  
7 NEW BUSINESS

8  
9 Consideration of June 4, 2024, City Council Meeting Minutes – Staff advised the minutes are not  
10 on the consent agenda as Council Member Cornett should abstain.

11  
12 Council Member Carr moved to approve the June 4, 2024, City Council Meeting Minutes, as  
13 presented. Council Member Rog- seconded the motion. Motion carried with Council Member  
14 Cornett abstaining.

15  
16 Consideration of Community Festival – Staff advised a letter of proposal from a local business was  
17 included in the packets.

18  
19 City Attorney Vivan advised community events in smaller cities is always a challenge. The proposal  
20 wants the City to indemnify the parking property making the City responsible and could be held  
21 liable. The proposal also indicates the City would cover liability for the property the event would  
22 take place. He stated this is biting off quite a bit of liability and there is also a lot of risk to the City.

23  
24 City Attorney Vivan stated a boiler plate liability waiver could be put together for participants to sign  
25 but it would be the responsibility of the City to put that together and it is not clear how that would be  
26 administered. A discussion would have to be held with the owner regarding Dramshop liability.  
27 Traffic control would be needed as well as parade staff. The concept of limiting attendees while  
28 utilizing tax dollars could be a problem.

29  
30 Council Member Rog moved to proceed with the Community Festival, as presented. Council  
31 Member Carr seconded the motion.

32  
33 Council Member Carr made a friendly amendment to move forward with more information at  
34 the next regular City Council meeting. Council Member Rog agreed to the friendly  
35 amendment.

36  
37 Motion carried with Mayor Huber voting nay.

38  
39 Schedule 2025 Budget Work Session – Staff recommended a 2025 budget work session be  
40 scheduled on Tuesday, August 6, 5:30 p.m.

41  
42 Council Member Carr moved to schedule the 2025 Budget Work Session on Tuesday, August 6,  
43 2024, at 5:30 p.m. Council Member Rog seconded the motion.

44

1 **Consideration of Assessor Appointment** – Staff advised the City appointed an assessor at the last  
2 meeting. That assessor declined the appointment. Fees per the County and another assessor was  
3 provided. The assessor’s start date is July 1, 2024.

4  
5 **Council Member Giefer moved to table Assessor Appointment to the next regular Council**  
6 **Meeting. Council Member Carr seconded the motion. Motion carried unanimously.**

7  
8 **UNFINISHED BUSINESS**

9 There was no unfinished business.

10 **DISCUSSION ITEMS** (no action taken)

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

12 **City Council Reports/Future Agenda Items**

13  
14 **COMMUNITY CALENDAR JULY 1 THROUGH JULY 31, 2024:**

15 **Mahtomedi Public Schools Board Meeting, Thursday, July 11<sup>th</sup> and July 25<sup>th</sup>, Mahtomedi**  
16 **District Education Center, 7:00 p.m.**

17 **Stillwater Public Schools Board Meeting, Thursday, July 11<sup>th</sup>, Stillwater City Hall, 7:00 p.m.**

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

19  
20 **ADJOURNMENT**

21 **Council Member Cornett moved to adjourn at 7:16 p.m. Council Member Giefer seconded the**  
22 **motion. Motion carried unanimously.**

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25 These minutes were considered and approved at the regular Council Meeting August 6, 2024.

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31 Kim Points, Administrator/Clerk

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31 Jeff Huber, Mayor