

CITY OF GRANT
MINUTES

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- DATE** : November 4, 2019
- TIME STARTED** : 7:00 p.m.
- TIME ENDED** : 9:08 p.m.
- MEMBERS PRESENT** : Councilmember Carr, Kaup, Giefer, and Mayor Huber
- MEMBERS ABSENT** : Councilmember Rog

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

CALL TO ORDER

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

PUBLIC INPUT

- (1) Mr. Bob Tufty, 6365 Jasmine Avenue, came forward and stated the weather this year has been terrible on all roads and praised the Kline Bros. for doing a good job in keeping up.
- (2) Ms. Danielle Jeffrey, 9700 68th Street Court, came forward and asked the Council to keep the Sunnybrook Lake area in mind this spring with potential flooding and maintaining access for the residents.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

- October 2019 Bill List, \$54,734.37 Approved
- Kline Bros. Excavating, Road Work, \$37,745.00 Approved
- Resolution No. 2019-19, Designating Precinct Polling Location for 2020 Elections Approved
- Agreement for Election Services, Washington County Approved

1
2 **Council Member Kaup moved to approve the consent agenda, as presented. Council Member**
3 **Giefer seconded the motion. Motion carried unanimously.**
4

5 **STAFF AGENDA ITEMS**
6

7 **City Engineer, Brad Reifsteck**
8

9 **PUBLIC HEARING, Consideration of Resolution No. 2019-18, Ordering the Improvements for**
10 **the 2019 Street Improvement Project** – City Engineer Reifsteck advised the action to be considered
11 is to adopt a resolution ordering the public improvements for the following Streets:
12

- 13 • Janero Court N
- 14 • Juno Ave N.
- 15 • Justen Trail N
- 16 • Joliet Ave N
- 17 • Grenelefe Ave N
- 18 • 101st St N.
- 19 • Jody Ave & Ct N
- 20 • Kellman Ct
- 21 • 103rd Street & Ct N
- 22

23 The City Council authorized preparation of the Feasibility Report for the project area on May 7th ,
24 2019 and received the Feasibility Report on September 3rd, 2019. The City notified affected property
25 owners and persons expressing interest in the project of the scheduled Improvement Hearing within
26 the minimum 10-day notification requirement and published the notice of hearing in the City's
27 official newspaper for two weeks. A Public Hearing was conducted on October 1, 2019. The Public
28 Hearing was closed without resolution.
29

30 A second Public Hearing was scheduled for Monday November 4, 2019 at 7:00 pm. City staff was
31 directed by Council to survey the residents within the project limits to determine if most of the
32 property owners approve or disapprove the project. The improvements are anticipated to be funded by
33 special assessments to benefitting properties, in accordance with the Assessment Policy, adopted by
34 City Council.
35

36 City Engineer Reifsteck noted the survey cards are not legally binding but a way to gather more
37 information for the City Council. By ordering the improvement the City will have plans and
38 specifications as well as obtain bids. The Council has the authority to order the project.
39

40 City Engineer Reifsteck reviewed the results of the survey noting 52% did not respond.
41

42 **Council Member Kaup moved to open the public hearing at 7:08 p.m. Council Member Giefer**
43 **seconded the motion. Motion carried unanimously.**
44

1 Mr. Tony Vosooney, 9790 Janero Court N, came forward and stated he thinks everyone can agree the
2 roads need fixing. He encouraged the Council to order the project as it is beneficial to everyone to get
3 the entire project done. He suggested a longer term for pay back on the assessments to help with the
4 costs.

5
6 Mr. Bob Brandt, 9800 Janero Court N, came forward and agreed it is beneficial to do the entire
7 project and makes sense for all end users.

8
9 Ms. Mary Ann Linser, 10317 Jody Avenue Ct, came forward and stated Joliet would be done at a
10 higher standard than the other roads in the project area. She inquired about the process for vacating
11 the other end of Joliet so access to Joliet is only at 110th Street.

12
13 Mr. Jim Drost, 8682 Jamaca, came forward and stated he grew up on roads that were bad. New cars
14 get old very fast on bad roadways.

15
16 Ms. Erin Donovan, 9840 Justen Trail, came forward and stated the other cul-de-sac off Justen was not
17 included in the project but they would also benefit from the project. She stated she does not believe
18 the City's assessment policy is being followed.

19
20 Mr. Pat Beskar, 9255 96th Street, came forward and inquired about an updated cost for a simpler fix
21 to the road.

22
23 City Engineer Reifsteck stated 96th Street Court and 110th Street was originally included in the project
24 but they did not want to petition and they preferred to have the roadway sealcoated.

25
26 **Council Member Kaup moved to close the public hearing at 7:20 p.m. Council Member Giefer**
27 **seconded the motion. Motion carried unanimously.**

28
29 **Council Member Kaup moved to adopt Resolution No. 2019-18, as revised to include Janero,**
30 **Justen Trail/96 and Grenelefe. Council Member Giefer seconded the motion. Motion carried**
31 **with Council Member Carr voting nay.**

32
33 **City Planner, Jennifer Swanson**

34
35 **PUBLIC HEARING, Consideration of Resolution No. 2019-20, Variance Request for Septic,**
36 **6764 Manning Avenue North** – City Planner Swanson advised the Applicant William Johnson
37 (“Applicant”) on behalf of the Owner Lillian Johnson, has requested a variance from wetland setbacks
38 for installation of a new septic system on the property located at 6764 Manning Avenue North. The
39 Applicant is working to sell the property on behalf of his mother, and during the real estate
40 transaction process the existing system was determined to be noncompliant. The Applicant has been
41 working with Washington County to acquire a permit for installing the new system, and they were
42 notified by the County that the location of the replacement system is within the City's required
43 wetland setbacks and thus would need to obtain a variance from the city prior to being issued a permit
44 for installation of the new system.

1 The Applicant would like to have the new system installed this fall so that the property can be sold.
 2 Given the timing of this request, Staff has duly noticed the public hearing for the November 4, 2019
 3 City Council meeting so that a determination can be made.

4
 5 The following staff report summarizes the requested variance, and existing conditions of the site. A
 6 draft resolution of approval with conditions is provided for your review and consideration.
 7 (Attachment A).

8
 9 **Project Summary**

10

Applicant: William Johnson (Conservator) Owner: Lillian Johnson	Site Size: 1.46 Acres Location: 6064 Manning Avenue North Existing Home: Constructed in 1959 Zoning & Land Use: A1
Request: Variance from wetland setbacks and grading buffer to install a replacement subsurface sewage treatment system (ISTS) at the existing home	

11
 12 As referenced above, the Applicant has requested the following variance:

- 13
- 14 ▪ Request for variance from wetland setback requirements to allow for installation of a
 15 replacement septic system on the subject property.

16
 17 The Applicant has stated that the existing sewage treatment system that served the home is
 18 noncompliant and must be replaced prior to selling the home. According to the Applicant’s narrative,
 19 and the documentation provided by the septic designer, the only location on site that can adequately
 20 support a replacement system is the proposed location which encroaches into both the sewage
 21 treatment setback from a wetland and the no-build wetland buffer.

22
 23 City Planner Swanson stated City Code Sections 32-59 and 32-60 establishes the criteria to review
 24 and approve variance requests. The variance application process requires the Applicants to prepare a
 25 statement of reasons why the request is made describing the hardship (or practical difficulty)
 26 describing how, “the proposed use of the property and associated structures in question cannot be
 27 established under the conditions allowed by this chapter or its amendments and no other reasonable
 28 alternate use exists; however, the plight of the landowner must be due to physical conditions unique
 29 to the land, structure or building involved and are not applicable to other lands, structures or buildings
 30 in the same zoning district...Economic considerations alone shall not constitute a hardship.” The
 31 Applicant’s statement can be found in Attachment B, which includes description from the Septic
 32 Designer describing the reason for the proposed septic location.

33
 34 The subject property is a small lot surrounded by larger tracts of land and is regularly shaped. The
 35 existing lot is likely an original homestead location that at one time was probably associated with the
 36 surrounding agricultural uses. The lot has primary frontage and access on Manning Avenue North
 37 which is the eastern property line. The site is heavily vegetated, with a small clearing for the principal
 38 and accessory structures. Based on the GIS and National Wetland Inventory (NWI) information there

1 is a wetland/pond area on the western edge of the property, and the site generally slopes east-to-west.
 2 There is an existing principal structure which was constructed in 1959, and it is assumed that the
 3 current septic system was installed in and around the time the principal structure was constructed.
 4 There is an existing detached garage located southwest of the principal structure, which is adjacent to
 5 the principal structure and both are accessed from a curvilinear driveway that connects to Manning
 6 Avenue N. Because the lot size is relatively small, the area exclusive of the developed area, wetlands,
 7 and setback areas is constrained leaving few available locations to site a new/replacement septic
 8 system.

9
 10 The wetland setbacks are established in Chapter 12 of the City’s Code, which breaks down the
 11 applicable standards for wetland by type, unclassified and classified water bodies. The following
 12 description of the variance and standard is identified in the following table (See Attachment B for site
 13 plan):
 14

Standard	Required	Proposed	Variance	Description
Wetland	75’	50’ +/-	25’ +/-	There is an existing wetland/pond area located west and northwest of the existing home. Given existing conditions, the principal structure is located approximately 50-feet at its closest location to the wetland. Any replacement system west of the home will encroach into the 75-foot setback given the location of the principal structure on the property.
Wetland Buffer	50’	~40’	10’	The no-grade/no-touch buffer is measured from the wetland edge. Since a wetland delineation was not completed, the exact edge of the wetland cannot be verified and therefore contours were used by the septic designer. As a result, it is possible that at time of grading and installation the buffer area may be disturbed.

15
 16 Lot Size/Constraints
 17 The Applicants’ lot was created some time in the 1950s and the existing home was constructed in
 18 1959. At the time, the lot and home likely complied with the adopted lot standards and may have
 19 been a part of a larger farmstead. Since the 1970s lot size and area standards have changed and as a
 20 result the lot is now considered a legal non-conforming lot with respect to size, area and dimensions.
 21 Given that the existing lot area and dimensions are significantly smaller than those that regulate lots
 22 today, it would be nearly impossible to site a replacement septic system on the property and meet all
 23 the current setback requirements. The lot is naturally constrained not only by natural features on the
 24 property (wetlands and hydric soils) but also by the non-conforming nature of the lot area and
 25 dimensions. Further, due to the location of the existing home, the detached accessory garage and the
 26 well which serves the residence the location that a septic system could be sited is further reduced. To
 27 that end, the proposed plan requires the drainfield to be located in front of the home (east) and for a

1 2" supply line be installed for the pressurized drainfield further demonstrating the constraints
2 associated with the lot. Staff believes the proposed location of the replacement system is reasonable
3 and is properly located based upon topography and other natural site limiting factors, and that the
4 variances requested has been minimized to the extent possible. Additionally, the Applicant must
5 remedy the situation to comply with the standards for septic systems as identified by Washington
6 County to sell the property.

7
8 The City Engineer is reviewing the attached Certificate of Survey and submitted materials. Staff will
9 provide a verbal update at the City Council meeting if any additional concerns are identified.

10
11 The site is located in the Browns Creek Watershed District, and the Applicant has been in contact
12 with Karen Kill to determine whether any permits are required. As noted in the email exchange
13 between Ms. Kill and Mr. Johnson, buffer requirements are not triggered on this property because it is
14 not a change in use. However, it was noted that a grading permit may be required from BCWD if
15 quantities exceed 50 CY. As referenced previously, the Applicants must obtain a permit from the
16 Washington County Department of Public Health and Environment prior to installation of the system,
17 as they are the permitting authority for new and replacement septic systems in the City.

18
19 The following draft findings related to the hardship (practical difficulty) are provided for your review
20 and consideration:

- 21
22
- 23 ▪ The Applicants must replace the failing system to comply the standards of the Washington
24 County Department of Public Health and Environment, and for the safety of the home and any
25 of its occupants.
 - 26 ▪ Replacement of the failing system is a health, safety, and welfare issue and must be completed
27 to the satisfaction of Washington County to protect the current, and any future, homeowners
28 as well as any adjacent properties which could be affected if the noncompliant system were to
29 remain.
 - 30 ▪ The subject property is considered a legal non-conforming lot with respect to size, area and
31 dimensions which constrains the buildable area on the site and limits the available locations to
32 site a replacement septic system.
 - 33 ▪ The available area to site a replacement system is constrained given the existing home,
34 accessory buildings, driveway and wetland/pond area onsite.

35 *Draft Conditions as noted in the Attached Resolution:*

- 36
37
- 38 ▪ The Applicants shall be required to obtain the proper permits from the Washington County
39 Department of Public Health and Environment prior to installation of the replacement system.
 - 40 ▪ The replacement system must be placed outside of all wetland/ponding areas on the site.
 - 41 ▪ The Applicants shall be required to obtain any necessary permits and/or approvals from the
42 Browns Creek Watershed District prior to installation. A copy of any correspondence or
43 permits shall be provided to the city prior to installation of the new system.

1 City Planner Swanson advised Staff recommends approval of the requested variances with conditions
2 as noted. A draft resolution of approval for your review and consideration is provided in Attachment
3 A.

4
5 **Council Member Giefer moved to open the public hearing at 8:02 p.m. Council Member Kaup**
6 **seconded the motion. Motion carried unanimously.**

7
8 No one was present to speak during the public hearing.

9
10 **Council Member Kaup moved to close the public hearing at 8:03 p.m. Council Member Carr**
11 **seconded the motion. Motion carried unanimously.**

12
13 **Council Member Kaup moved to adopt Resolution No. 2019-20, as presented. Council Member**
14 **Giefer seconded the motion. Motion carried unanimously.**

15
16 **City Attorney, Dave Snyder (no action items)**

17
18 **NEW BUSINESS**

19
20 **Consideration of October 1, 2019 City Council Meeting Minutes** – Staff noted draft meeting
21 minutes were included in the City Council packets for review.

22
23 **Council Member Kaup moved to approve the October 1, 2019 City Council Meeting Minutes,**
24 **as presented. Council Member Giefer seconded the motion. Motion carried with Council**
25 **Member Carr abstaining.**

26
27 **Consideration of Resolution No. 2019-21, Accepting Resignation and Declaring a Vacancy –**
28 Mayor Huber stated he is not happy to report that tonight will be Council Member Kaup’s last
29 meeting as he is resigning.

30
31 **Council Member Carr moved to adopt Resolution No. 2019-21, as presented. Council Member**
32 **Giefer seconded the motion. Motion carried unanimously.**

33
34 **UNFINISHED BUSINESS**

35
36 There was no unfinished business.

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

38
39 **Staff Updates (updates from Staff, no action taken)**

40
41 **City Council Reports/Future Agenda Items**

42
43 No items were placed on a future agenda.

44
45 **COMMUNITY CALENDAR NOVEMBER 5 THROUGH NOVEMBER 30, 2019:**

- 1 **City Office Closed, Monday, November 11th, Veterans Day Holiday**
- 2 **Mahtomedi Public Schools Board Meeting, Thursday, November 14th, Mahtomedi District**
- 3 **Education Center, 7:00 p.m.**
- 4 **Stillwater Public Schools Board Meeting, Thursday, November 14th, Stillwater City Hall, 7:00**
- 5 **p.m.**
- 6 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
- 7 **City Office Closed, Thursday and Friday, November 28th and 29th, Thanksgiving Holiday**

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9 **ADJOURNMENT**

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11 **Council Member Kaup moved to adjourn the meeting at 8:37 p.m. Council Member Giefer**
12 **seconded the motion. Motion carried unanimously.**

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These minutes were considered and approved at the regular Council Meeting December 3, 2019.

Kim Points, Administrator/Clerk

Jeff Huber, Mayor