

CITY OF GRANT  
MINUTES

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- DATE** : September 3, 2024
- TIME STARTED** : 6:33 p.m.
- TIME ENDED** : 7:26 p.m.
- MEMBERS PRESENT** : Councilmember Carr, Rog, Giefer, Cornett and Mayor Huber
- MEMBERS ABSENT** : None

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

**CALL TO ORDER**

The meeting was called to order at 6:33 p.m.

**PUBLIC INPUT**

Mr. Jeff Schafer, 8688 Jamaca Avenue, came forward and stated ideal conditions are needed for a fog seal so the City should look at getting bids earlier in the season. Other cities are using a chip seal instead of the fog seal.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

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

**CONSENT AGENDA**

- August 2024 Bill List, \$84,341.24 Approved
- Croix Valley Inspector, \$54,943.17 Approved
- City of Mahtomedi, 3<sup>rd</sup> Quarter Fire Contract, \$45,583.00 Approved
- Fundraiser, One Day Off Site Gambling, Hill Murry Father’s Club at Indian Hills, 9/9/24 Approved
- Final Pay Voucher, Honeye, 115<sup>th</sup>, Hillcrest Road Project, \$87,331.74 Approved

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

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4 **STAFF AGENDA ITEMS**

5 City Engineer, Brad Reifsteck (no action items)

6  
7 City Attorney, Nick Vivian

8  
9 **PUBLIC HEARING, Consideration of Resolution No. 2024-16, Abatement of Assessments –**  
10 City Attorney Vivian advised as part of the 2020 Street Improvements Project, the property owned by  
11 Dellwood Farms, LLC was assessed the sum of \$22,447.44. Dellwood Farms, LLC appealed the  
12 assessment and after appellate proceedings and remand, a District Court judge overturned the  
13 assessment by Court Order dated August 31, 2023. The Grant City Council held a closed session  
14 meeting on October 3, 2024, to discuss the Court’s vacation of the assessment. During the closed  
15 session, the City Council decided against further appeal of the Court Order. In the following months,  
16 City staff has been working with Washington County to determine required actions to effectuate  
17 abatement of the assessment.

18  
19 There is a statutory process for abatement detailed in Minn. Stat. 469.1812-1815. The abatement will  
20 be for the full amount of the assessment - \$22,447.44.

21  
22 The first step in the abatement process is to publish notice of a public hearing. The next step is to  
23 hold a public hearing. The public hearing will take place at the September 3, 2024, City Council  
24 meeting. Finally, after the Mayor closes the public hearing, the next item will be the adoption of an  
25 abatement resolution specifying the terms of the abatement. The resolution will provide that the  
26 abatement resolves the appeal granted to the property owners by the Court and will officially reduce  
27 the abatement amount by \$22,447.44, noting the City of Grant will refund the property owner the  
28 greater of \$9,622.44 or the amount actually paid toward the assessment.

29  
30 Once the abatement process is complete, the City Clerk will provide the resolution adopted by the  
31 City Council to Washington County for the official record related to the parcel and the City Treasurer  
32 will issue a check in the amount of \$9,622.44 (or the amount actually paid toward the assessment) to  
33 Dellwood Farms, LLC.

34  
35 These actions will resolve the Dellwood Farms, LLC special assessment appeal matter for the City of  
36 Grant and will complete the abatement process.

37  
38 **Council Member Giefer moved to open the public hearing at 6:40 p.m. Council Member Carr**  
39 **seconded the motion. Motion carried unanimously.**

40  
41 **Council Member Giefer moved to close the public hearing at 6:41 p.m. Council Member Carr**  
42 **seconded the motion. Motion carried unanimously.**

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44 **Council Member Carr moved to adopt Resolution No. 2024-16, as presented. Council Member**  
45 **Cornett seconded the motion. Motion carried unanimously.**

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**City Planner, Jennifer Haskamp**

**PUBLIC HEARING, Consideration of Resolution No. 2024-15, Application for Variance, 11635 Grenelefe Avenue N** – City Planner Haskamp advised Applicant and Owner Ryan Domin (“Owner”) is requesting variances from the minimum wetland setback and buffer requirements to replace a failing septic system at 11635 Grenelefe Ave N. The subject property is located south of 117th St North in the Northridge Acres subdivision and is zoned A-2.

A duly noticed the public hearing has been published and letters were sent to adjacent property owners within a ¼-mile (1,320 ft) of the property. The public hearing has been scheduled for the regular City Council meeting on September 3, 2024.

The following staff report summarizes the requested variances, existing conditions, draft findings, and conditions of approval.

**PROJECT SUMMARY**

<b>Applicant/Owner:</b> Ryan Domin	<b>Site Size:</b> 5.08 Acres <b>Location:</b> 11635 Grenelefe Ave N, Grant, MN 55110 <b>PID:</b> 06.030.21.13.0006 <b>Year Built:</b> 1987 <b>Zoning/Land Use:</b> A-2
<b>Request:</b> To replace an existing failing septic system and install a new septic system. The location of the new septic system requires a variance from the required wetland setback.	

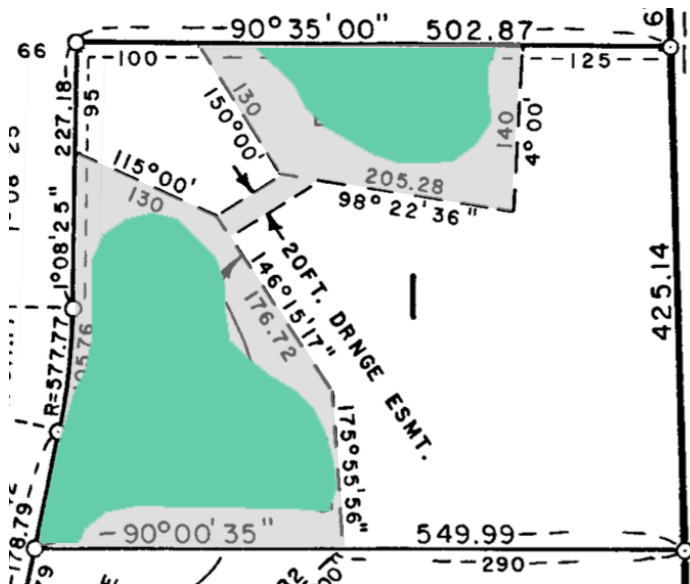
The Applicant has stated that the existing sewage treatment system is failing and must be replaced. They are proposing to install a replacement subsurface treatment system thirty-five feet (35’) from a delineated Type 2 wetland. Per the Applicant’s narrative and the documentation provided by the septic designer, there are no alternative locations that can adequately support a replacement system. The Site Plan is provided in Attachment B.

City Planner Swanson advised City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicants to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) describing how, “the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district....Economic considerations alone shall not constitute a hardship.” The Applicant’s narrative is provided in Attachment B and describes their reasons for the variance request.

1 Section 12-260 Structure and sewer setback and other design criteria establishes the required setbacks  
2 of a sewage treatment system from specific surface water types. Subsections (1) and (3) are  
3 applicable to the subject request.

4  
5 The subject property is part of the Northridge Acres subdivision, which was platted in 1981. Based on  
6 GIS and National Wetland Inventory (NWI) information, there are two (2) wetland areas on the  
7 northern and western edges of the subject property. The site generally slopes down from east to west  
8 with low areas on the site associated with the identified wetlands. Drainage and utility easements  
9 were established as part of the initial plat process and generally surround the wetland areas (Figure 1).

10



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Figure 1. Subject property easements (grey) and wetlands (blue). Northridge Acres plat, 1981.

14

15 A delineation for the easterly edge of the northern wetland was completed in July 2024 to determine  
16 if a replacement septic system would fit in this area since it is the most desirable location for the new  
17 septic system (Figure 2). The wetland delineation classified the wetland as a Type 2, which does not  
18 typically contain standing water. This wetland type typically has marshy or saturated soils, which is  
19 consistent with the aerial that does not show standing water. As shown on the aerial, the buildable  
20 area outside the designated wetland area is either improved with the existing home/driveway/pool,  
21 etc., or has disturbed soils which is depicted on Figure 2 and the existing conditions analysis provided  
22 in Attachment B: Site Plan.

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Figure 2. Delineated wetland location on subject property

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City Planner Haskamp advised wetland setbacks are established in Chapter 12 of the City’s Code, which breaks down the applicable standards for wetland by type, unclassified, and classified water bodies. The wetlands were identified as Type 2, which are not addressed within the City Code since they do not include standing water. As such, the City has typically defaulted to the regulations established by the applicable watershed district or Washington County if unspecified by the watershed district. The subject property is located in the RCWD, and there are no specific setback standards established for Type 2 wetlands, and therefore the County’s 75-foot setback standard is applicable. The variance request is summarized below (See Attachment B for site plan):

Setback from Wetland (Washington County Development Code)	Proposed	Variance	Description
75’	35’	40’	The proposed replacement system will encroach approximately 40-feet into the required setback area. No other acceptable locations were identified on the parcel.

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When evaluating a variance request the applicant must demonstrate that 1) the proposed use of the property...in question cannot be established under the conditions allowed by this chapter and no other reasonable alternate use existing; 2) the plight of the landowner must be due to physical conditions

1 unique to the land...and are not applicable to other lands...in the same zoning district; and 3) the  
2 unique conditions of the site cannot be caused or accepted by the landowner...

3  
4 Per the Applicant's narrative (Attachment B), the current septic system is failing and must be  
5 replaced. The location of the wetlands, drainage and utility easements, and the existing drainfield  
6 limit the viable placement options for a new system. It was also determined that soils, contours, and  
7 drainage pathways make other potential locations unsuitable (see Attachment B).

8  
9 These physical constraints were not created by the Applicant and demonstrate that the available space  
10 to site a replacement septic system is constrained. The conditions were not created by the landowner  
11 and meet the criteria to establish a practical difficulty in complying with the setback requirement. It is  
12 reasonable for the property to be served by septic system and therefor replacement of a failing system  
13 is necessary.

14  
15 Staff believes the proposed location of the replacement system is reasonable and is properly located  
16 based upon naturally existing limiting factors, and that the requested variance has been minimized to  
17 the extent possible.

18  
19 The City Engineer is reviewing the attached Site Plan and submitted materials. Staff will provide a  
20 verbal update at the City Council meeting if any additional concerns are identified.

21  
22 The subject property is located in the Rice Creek Watershed District (RCWD). It is the  
23 Applicant's responsibility to determine if any additional permitting is necessary from the  
24 watershed district. The Applicant must also obtain a permit from the Washington County  
25 Department of Public Health and Environment prior to installation of the system, as they are the  
26 permitting authority for new and replacement septic systems in the City.

27  
28 The following draft findings related to the hardship (practical difficulty) are provided for your  
29 review and consideration:

- 30     ▪ The Applicant must replace the failing system to comply the standards of the Washington  
31       County Department of Public Health and Environment, and for the safety of the home and  
32       any of its occupants.
- 33     ▪ Replacement of the failing system is a health, safety, and welfare issue and must be  
34       completed to the satisfaction of Washington County to protect the current, and any future,  
35       homeowners as well as any adjacent properties which could be affected if the  
36       noncompliant system were to remain.
- 37     ▪ The available area to site a replacement system is constrained given the existing home,  
38       wetlands, drainage and utility easements, drainageways, driveway and disturbed soils on-  
39       site.

40  
41 *Draft Conditions as noted in the Attached Resolution:*

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- 2       ▪ The Applicant shall be required to obtain the proper permits from the Washington County
- 3       Department of Public Health and Environment prior to installation of the replacement
- 4       system.
- 5       ▪ The Applicants shall be required to obtain any necessary permits and/or approvals from the
- 6       Rice Creek Watershed District prior to installation. A copy of any correspondence or
- 7       permits shall be provided to the City prior to installation of the new system.
- 8       ▪ Disturbances to the existing wetlands shall be limited to the extent possible during
- 9       installation of the replacement system.

10

11 City Planner Haskamp noted the Rice Creek Watershed is the LGU in this area. They do not have

12 setbacks but do defer to the County. The County determines if the design will comply. The

13 applicants and designer are minimizing the variance as much as possible and must delineate to the

14 edge.

15

16 Staff recommends approval of the requested variances with conditions as noted. A draft resolution

17 of approval for your review and consideration is provided in Attachment A.

18

19 **Council Member Carr moved to open the public hearing at 7:14 p.m. Council Member Rog**

20 **seconded the motion. Motion carried unanimously.**

21

22 Mr. Scott St. Clair, property owner across County Road 7, came forward and asked where the

23 system is being located on the property.

24

25 Mr. Ryan Domin, property owner, came forward and stated he purchased the property in 2014, and

26 the pool was already there. He stated he has worked with the septic design company and the

27 design presented is the only one that will work. They are in the process of speaking to

28 Washington County about permitting.

29

30 **Council Member Giefer moved to close the public hearing at 7:19 p.m. Council Member**

31 **Cornett seconded the motion. Motion carried unanimously.**

32

33 **Council Member Cornett moved to adopt Resolution No. 2024-15, as presented. Council**

34 **Member Giefer seconded the motion. Motion carried unanimously.**

35

36 **NEW BUSINESS**

37

38 **Consideration of August 6, 2024, City Council Meeting Minutes – Mayor Huber moved to**

39 **approve August 6, 2024, City Council Meeting Minutes, as presented. Council Member Cornett**

40 **seconded the motion. Motion carried with Council Member Rog abstaining.**

41

42 **Consideration of Resolution No. 2024-17, 2025 Preliminary Budget – Staff advised the proposed**

43 **budget is in the amount of \$2,058,466.**

44

1 Council Member Carr moved to adopt Resolution No. 2024-17, as presented. Council Member  
2 Giefer seconded the motion. Motion carried unanimously.

3  
4 Consideration of Resolution No. 2024-18, 2025 Preliminary Levy – Staff advised the proposed  
5 levy is in the amount of \$1,507,910 noting the levy can be decreased but not increased.

6  
7 Council Member Rog moved to adopt Resolution No. 2024-18, as presented. Council Member  
8 Cornett seconded the motion. Motion carried unanimously.

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10 **UNFINISHED BUSINESS**

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

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

13 City Council Reports/Future Agenda Items

14  
15 **COMMUNITY CALENDAR SEPTEMBER 4 THROUGH SEPTEMBER 30, 2024:**

16 Mahtomedi Public Schools Board Meeting, Thursday, September 12<sup>th</sup> and September 26<sup>th</sup>,  
17 Mahtomedi District Education Center, 7:00 p.m.

18 Stillwater Public Schools Board Meeting, Thursday, September 12<sup>th</sup>, Stillwater City Hall, 7:00  
19 p.m.

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

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22 **ADJOURNMENT**

23 Council Member Giefer moved to adjourn at 7:26 p.m. Council Member Rog seconded the  
24 motion. Motion carried unanimously.

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27 These minutes were considered and approved at the regular Council Meeting October 1, 2024.

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32 Kim Points, Administrator/Clerk

33 \_\_\_\_\_  
34 Jeff Huber, Mayor