

CITY OF GRANT
MINUTES

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DATE : April 3, 2018
TIME STARTED : 7:02 p.m.
TIME ENDED : 8:25 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

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

CALL TO ORDER

The meeting was called to order at 7:02 p.m.

PUBLIC INPUT

There were no public comments.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Lanoux moved to approve the agenda with the addition of Road Policy and 3M Lawsuit. Council Member Sederstrom seconded the motion.

Mayor Huber advised the motion is out of order.

Council Member Carr moved to approve the agenda, as presented. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

CONSENT AGENDA

March 6, 2018 City Council Meeting Minutes	Approved
March 2018 Bill List, \$66,473.49	Approved
City of Mahtomedi, 1 st Quarter Fire Contract, \$34,317.00	Approved
Resolution No. 2018-09, Commentary Policy	Approved

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Council Member Carr moved to approve the consent agenda, as presented. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

City Attorney Snyder advised the meeting is going to be adjourned if the outbursts by Council continue. He requested a five minute recess.

Mayor Huber called for a five minute recess at 7:08 p.m.

Mayor Huber called the meeting back to order at 7:10 p.m.

STAFF AGENDA ITEMS

City Engineer, Brad Reifsteck

Consideration of Resolution No. 2018-04, Support of Application to Request funding from the Minnesota Department of Transportation, 2018 Corridors of Commerce Solicitation – Staff advised the County is in the process of studying improvements for a new grade separated Interchange at the Intersection of TH 36 & CSAH 15.

Washington County is seeking local support from the City of Grant as part of the application submittal to MnDOT for funding through the 2018 Corridors of Commerce Solicitation process.

Council Member Carr moved to adopt Resolution No. 2018-04, as presented. Council Member Lanoux seconded the motion. Motion carried unanimously.

City Planner, Jennifer Swanson

Consideration of Resolution No. 2018-06, White Oak Savanna (FOG) Final Plat – City Planner Swanson advised at the regular March meeting staff presented a full review regarding the requested Final Plat of the White Oaks Savana major subdivision. At the meeting, Staff identified a few outstanding items that the Developer needed to address before the regular April City Council meeting, most of which were related to the Development Agreement, and Restrictive Covenants (HOA as well as development restrictions of Outlot A and Outlot B).

Since the few items that remain did not affect the plan set, staff has not provided a full review of the Final Plat in this staff report. If the City Council would like to review any information regarding the Final Plat plan set, please refer to the staff report, and plan set provided for the March 2018 City Council Meeting.

Final Plat Summary:

- 1 • The Final Plat of Phase I will include the full platting of the new road right-of-way. The new
2 curvilinear roadway will connect Lake Elmo Avenue North on the southwestern corner of the
3 site to County Road 12 (75th Street North) on the northeastern corner.

- 4 • Additional ROW on Lake Elmo Avenue North and CR-12 were required per Washington
5 County which has been adequately denoted on the Final Plat.

- 6 • The Final Plat includes the following:
7
 - 8 ○ Outlot A, Outlot B: Large Acreage, agricultural parcels that will have one building
9 entitlement collectively
 - 10 ○ Lots 1-10, Block 1: Rural Residential lots on north side of White Oaks Trail
 - 11 ○ Lots 1-9, Block 2: Rural Residential lots on south side of White Oaks Trail
 - 12 ○ Outlot C and Outlot D: Future phases of Wite Oaks Savanna
 - 13 ○ Outlot E and Outlot F: Stormwater and landscape areas to serve With Oaks Savanna

14 **Development Agreement**

15
16
17 A draft Development Agreement (DA) was provided to the City Council in March, and City Staff
18 continues to work through the agreement with the Developer and the Developer's Attorney. Staff
19 believes we are close to a final draft but have a few more items to work through with the Developer.
20 A final draft of the DA is anticipated to be complete by the end of this week (March 30, 2018). Once
21 a final draft, acceptable to the City Attorney, is complete it will be emailed to the City Council for
22 review. Hard copies of the agreement will be brought to the City Council meeting on Tuesday.
23

24 **Response Regarding Outstanding Items**

25
26 Since the March meeting, staff has been working with the Applicant to address the items identified in
27 the March Staff report as "Outstanding Items." The following summary is provided to the City
28 Council to assist with your review and consideration:
29

- 30 • It is unclear why Outlot A and Outlot B are separate. This creates confusion for purposes of
31 the Restrictive Covenant since only one homestead will be allowed on both Outlots combined.
32 Clarification from the Applicant should be provided.
33

34 *The City Attorney is working with the Developer's Attorney to clarify the purpose of having*
35 *the two individual Outlots. Information regarding this item will be forwarded to the City*
36 *Council by end the end of the week, or March 30, 2018. At this time, staff does not have any*
37 *concerns regarding this item provided the restrictive covenant clearly defines the entitlement*
38 *of Outlot A and Outlot B.*
39

- 1 • The screening plan as approved in the initial Preliminary Plat review process shall be provided
2 and included within the plans attached to the Development Agreement.

3
4 *The Developer has provided a copy of this Exhibit for inclusion in the Plan Set.*

- 5
6 • Correspondence from Washington County Public Works regarding the access design and
7 construction has not been received at the time of this staff report. Prior to granting Final Plat
8 approval and executing the Development Agreement formal correspondence from Washington
9 County must be received indicating that the improvements are consistent with their permitting
10 requirements.

11
12 *Washington County has communicated that they will continue to work with the*
13 *Applicant/Developer for permitting of the access. They have stated that it appears that*
14 *adequate ROW has been dedicated as requested; but that design review should be handled*
15 *outside of the Final Plat process (their comments from the Preliminary Plat are their formal*
16 *response). As a result, staff would recommend including a condition that proper access*
17 *permits must be obtained from Washington County prior to the commencement of any site*
18 *work.*

- 19
20 • A correspondence, either email or review letter, from Washington County Environmental
21 Services indicating preliminary review of the soil borings as suitable locations for primarily
22 and secondary drainfields on each lot must be provided prior to Final Plat approval and
23 execution of the Development Agreement.

24
25 *This has been provided, and all lots preliminary borings have been reviewed.*

- 26
27 • A draft of the HOA covenants must be provided for review by the City Attorney for
28 compliance with city ordinances. The Covenants shall also specifically address permissible
29 agricultural uses on Outlot A and Outlot B as identified on the Final Plat.

30
31 *The City Attorney continues to work through this item with the Developer's Attorney. A draft*
32 *of the HOA covenants have been provided and are under review. Staff will provide a verbal*
33 *update at the City Council meeting, but at this time staff does not believe there are any*
34 *concerns regarding the covenants.*

- 35
36 • A draft of the Restrictive Covenant on Outlot A and Outlot B must be provided for review and
37 approval by the City attorney.

38
39 *A draft of the Restrictive Covenant has not be provided. The City Attorney continues to work*
40 *with the Developer's Attorney to provide an acceptable covenant that can be recorded against*
41 *the subject Outlots. Staff will provide an update at the City Council meeting regarding this*
42 *item.*

- Updated title work has been submitted to the City Attorney and is under review.
The City Attorney continues to review the updated title work.

Council Member Lanoux moved to adopt Resolution No. 2018-06, as presented. Council Member Sederstrom seconded the motion.

City Planner Swanson referred to the proposed covenants and advised the City is not a party to those. The City does review to ensure compliance with City ordinances. There is a separate tool for keeping the outlots and those restrictions are recorded.

City Attorney Snyder advised the Association would need written consent from the City to change the covenants. There is also language included that bolsters the City and indicates the property cannot be subdivided any further.

City Planner Swanson added the final plat has the name of White Oaks Trail and the streets will be named after that.

Motion carried unanimously.

Consideration of Resolution No. 2018-07, Minor Subdivision Application, 11425 & 11335 Grenelefe Avenue N – City Planner Swanson advised the Applicant Matt Owen on behalf of the Owners, Steve and Barb Cossack, is requesting a lot line rearrangement of the properties located at 11425 and 11335 Grenelefe Avenue North. The requested arrangement will transfer approximately 14.28 acres of land from 11425 to 11335 Grenelefe Avenue and will **not create any additional lots.**

Public Hearing and Planning Commission Recommendation

The Planning Commission held a duly noticed public hearing on March 20, 2018. Several members of the public provided testimony regarding minor subdivision, and most voiced opposition to the request. Their comments are summarized as follows:

- Concern regarding increasing the number of lots in the subdivision; this should not be permitted.
- There are covenants that control the Northridge Acres subdivision, and the Applicant and/or Owner should follow the process established within the Covenants

After public testimony, staff presentation and comments from the Applicant the Planning Commission discussed the subject request. After deliberation, the Planning Commission recommended unanimous approval of the proposed subdivision.

Response to Comments at Public Hearing

- The proposed lot line rearrangement does **not** create additional lots. The configuration of two existing lots is changed, but no new principal building entitlement is created. Additionally, there is no change to the density of the two lots or the overall Northridge Acres subdivision.

- The covenants associated with the Northridge Acres subdivision are private homeowner restrictions, and the City is not a party to them nor can we enforce their terms. The City is required to process the request according to our subdivision and zoning standards.

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

Project Summary

Applicant & Owner:	Matt Owen (Applicant on behalf of Owners) Steve & Barb Cossack (Owners)
PID:	0603021410001, 0603021420005
Address:	11425 & 11335 Grenelefe Avenue North
Zoning & Land Use:	A-1 & A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to transfer approximately 14.28 acres from Parcel B creating a larger Parcel A. (see survey)

The Applicant is proposing a lot line rearrangement that will transfer approximately 14.28 acres of land from Parcel B (11425 Grenelefe) to Parcel A (11335 Grenelefe) result in two lots each in excess of 20-acres (See attached survey). No description was provided with respect to the intent or reason for the lot line rearrangement, and no details were provided within respect to any proposed improvements to either lot. There are no new structures included or proposed as part of this application; however, based on previous discussions with the Applicant the intent is to eventually build a principal residential structure on Parcel B which is currently vacant. There is an existing home located on Parcel A that at this time is proposed to remain in its current configuration but may be subject to redevelopment in the future.

Review Criteria

The City’s subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

Secs. 32-246

Section 30-10 specifically regulates resubdivision and rearrangement applications, particularly as they relate to land which has already been platted. The proposed lot line rearrangement is of land contained within the Northridge Acres plat, and therefore staff would recommend review of this section prior to the meeting.

Existing Site Conditions

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Parcel A

Parcel A is described as Lot 7, Block 3 of Northridge Acres and is located on the south curve of Grenelefe Avenue North before the roadway transitions to Granada Avenue. The existing parcel A is bordered by Grenelefe Avenue North on the west and contains approximately 390-feet of frontage. There is an existing home on Parcel A setback approximately 210-feet from the road (westerly property line), 166-feet from the northeasterly property line (side), 415-feet from the southeasterly property line (rear) and 200-feet from the southwesterly property line. The existing lot configuration is irregular in shape, and primary access is from the southerly curve in Grenelefe Avenue N. There is one accessory building, which is noted as a garage, on Parcel A with a total square footage of approximately 1,320 square feet. The existing home and detached garage are accessed by a single driveway that is approximately 225-feet from the roadway. The topography of the site generally slopes from north to south through Parcel A. A freshwater pond classified in the National Wetland Inventory is located approximately 115-feet south of the existing principal structure. Trees line both the northern property line, partially southern property line, and many are dispersed around the existing home.

Parcel B

Parcel B is described as Lot 4, Block 3, Northridge Acres, is irregular in shape and is in a configuration often referred to as a “flag” lot. The Parcel extends to Grenelefe Avenue North with approximately 355-feet of frontage, with the majority of the parcel’s acreage located to the east of 11335 and 11365 Grenelefe Avenue N. The majority of Parcel B is vacant, with only a primary access and associated landscaping present. There are no existing structures on Parcel B, but there is a path/road improvement that appears to be gravel which loops through the property. The land is relatively flat with a general slope of north to south and the site is sparsely vegetated and appears to have some agricultural use based on arials obtained on Washington County GIS (see attached). There appears to be a wetland present in the north eastern corner of the Parcel B per the National Wetland Inventory.

Comprehensive Plan Review

The proposed minor subdivision/lot line rearrangement of the total 63.88 acres results in no additional units. Parcels designated as A-1 and A-2 may be subdivided with a maximum of 1 dwelling unit per 10 acres. The proposed rearrangement does not affect density and exceeds the permitted density ranges of both land use designations. Further, the intent of the A-1 & A-2 land use designation is to promote rural residential and agricultural uses. The proposed lot line rearrangement is consistent with those objectives.

Zoning/Site Review

Dimensional Standards

The following site and zoning requirements in the A-1 and A-2 districts are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres

Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

1

2 Lot Area and Lot Width

3 The proposed subdivision is depicted on Attachment A. As shown the proposed subdivision would
 4 result in newly created Parcel A and Parcel B. The following summary of each created parcel is
 5 identified on the table below:

6 **Lot Tabulation:**

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A	20.88 Acres	390.96'	~1,144'
Parcel B	42.99 Acres	355.0'	1753.32'

7 *As proposed, both created lots meet the city’s dimensional standards for size, frontage/lot width*
 8 *and lot depth.*

9

10 Setbacks

11 The existing homestead and accessory structures are located on Parcel A, are subject to the city’s
 12 setback requirements because of the proposed rearrangement. The existing principal structure is
 13 setback approximately 210-feet from the right-of-way line of Grenelefe Avenue North and exceeds
 14 the City’s minimum setback from a roadway. The created lot lines will extend the bounds of Parcel A
 15 resulting in greater setbacks from the rear yard lot line, and as identified in the Existing Conditions,
 16 the existing home and accessory building in the current configuration meet the City’s setback
 17 standards. Given that the area to be transferred to Parcel A is located at the rear of the lot and will
 18 effectively extend the area, it is assumed that the Applicant may propose to construct an accessory
 19 building on this portion of the property. ***While there are no building plans provided or submitted as***
 20 ***part of this application, staff would recommend including a condition that all future structures and***
 21 ***improvements will be subject to the applicable setback rules and regulations in effect at the time of***
 22 ***application.***

23

24 Access & Driveways

25 No new access or driveways are proposed as part of this application. There is an existing driveway
 26 that serves the existing home on Parcel A, and a driveway that provides access to Parcel B.

27

28 Accessory Structures

29 As previously stated there is one (1) accessory structure on the Parcel A which is approximately
 30 1,320-square feet. As proposed in the lot line rearrangement, Parcel A and Parcel B will both be
 31 greater than 20 acres. Per section 32-313, parcels greater than 20-acres are permitted an unlimited
 32 number of accessory buildings and there is no restriction of total allowable square footage. It should
 33 be noted that other regulations, such as impervious surface coverage, setbacks, watershed district

1 standards, along with any other regulatory standards will still be applicable, and proper permitting
2 will be required for any new structure.

3
4 Utilities (Septic & Well)

5 **Septic System – Soil Borings**

6 The existing home on parcel A is currently served by a septic system that will continue to be used for
7 the existing homestead. Both the septic system and well are located on Parcel A. *Staff would*
8 *recommend including a condition that any redevelopment of Parcel A with a new, or substantially*
9 *larger, principal structure may necessitate a new septic system and at such time a septic permit*
10 *must be obtained from Washington County.* The Applicant did not provide or submit soil borings for
11 Parcel B. The resulting vacant Parcel B is in excess of 20-acres, and when considered in conjunction
12 with the provided information and aerial data appears to contain adequate area on which a septic
13 system could be constructed. *Staff would recommend including a condition of approval that a*
14 *septic permit must be acquired from Washington County prior to the city issuing a building permit*
15 *for a principal structure on Parcel B.*

16
17 **Wells**

18 There is an existing well on Parcel A that will continue to be used for the property. Since Parcel B is
19 vacant and no home is designed yet for the lot no well has been installed. *Staff would recommend*
20 *including a condition that if and when a new home is proposed on Parcel B that the appropriate*
21 *permits to install a well must be obtained prior to the city issuing a building permit.*

22
23 **Subdivision Standards**

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25 The Applicant is proposing to rearrange/re-subdivide the lots into a new configuration. As stated
26 within Section 30-10 resubdivision of lots that have been platted is permitted provided the that the
27 right to do so was established within Sec. 30-10 (c). A copy of the Final Plat for Northridge Acres
28 Block 3 was not provided, or a copy of a Development Agreement, which must be submitted to
29 demonstrate that the rearrangement is permitted. *Staff would recommend that a condition be added*
30 *that evidence/documentation in a form acceptable to the City as detailed within Section 30-10 (c)*
31 *be submitted prior to approval of any subdivision.*

32
33 Additionally, the Applicant is proposing to rearrange the subject properties and will not re-plat the
34 resulting lots. As such, some of the requirements such as substantially straight lot lines, etc., are not
35 considered in this staff report. The Planning Commission and City Council must determine if the
36 proposed transfer by metes and bounds, and the irregular shape of the rearrangement is acceptable.
37 This discretion is provided for within Section 30-9 (1) which states the following, “In the case of a
38 subdivision resulting in two or less parcels situated in a locality where conditions are well defined, the
39 city council may exempt the subdivider from complying with some of the requirements of this
40 section.”

41
42 Other Agency Review

43 As previously discussed, if and when development or redevelopment of Parcel A and Parcel occurs
44 proper permits for installation of wells, septic systems, or driveways will be subject to review and
45 approval of the appropriate permitting authorities.

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2 City Planner Swanson stated Staff has prepared a draft resolution of approval consistent with the
3 recommendation of the planning commission for your review and consideration.

4
5 City Attorney Snyder advised that the showing of a direct financial interest resulting from the
6 application would justify a Council Member recusing himself from the vote.

7
8 **Council Member Carr moved to adopt Resolution No. 2018-07, as presented. Council Member**
9 **Kaup seconded the motion. Motion carried unanimously.**

10
11 **City Attorney, Dave Snyder (no action items)**

12
13 **NEW BUSINESS**

14
15 **Consideration of Cooperative Agreement with Washington County for Bold Planning,**

16 **Administrator/Clerk** – Staff advised the Washington County Board of Commissioners approved an
17 agreement with BOLDplanning for continued use of business continuity software Feb. 27, which will
18 also be shared with the county's cities and townships. Washington County signed an agreement with
19 BOLDplanning in 2015 to provide software for the county's business continuity planning needs,
20 which the County Board agreed to extend for another five years at a cost of \$115,250. The agreement
21 allows cities and townships access to the same software and services as Washington County for up to
22 five years, on-site training for county employees, and on-site training to get cities and townships
23 familiar with the software. The Washington County Sheriff's Office has federal grant funding to allow
24 interested cities and townships within the county to use BOLDplanning software to create and access
25 their emergency operations and continuity of operations plans. The cities and townships will be asked
26 to sign a cooperative agreement with the county to use the software.

27
28 There is no cost to the City to participate in the program. The attached agreement outlines the County
29 responsibility and well as the City's responsibility. The City Attorney reviewed the agreement and
30 had no revisions.

31 **Council Member Carr moved to approve the Cooperative Agreement with Washington County**
32 **for Bold Planning, as presented. Council Member Kaup seconded the motion. Motion carried**
33 **unanimously.**

34

1 **Consideration of City Assessor Contract Extension, Administrator/Clerk** - Staff advised the
2 City Assessor, Mr. Todd Smith, has a current contract with the City that expires at the end of May,
3 2018.

4
5 Mr. Smith has agreed to a two-year extension to the contract. The only contract revisions are the
6 effective dates.

7
8 **Council Member Kaup moved to approve City Assessor Contract Extension, as presented.**
9 **Council Member Lanoux seconded the motion. Motion carried unanimously.**

10
11 **UNFINISHED BUSINESS**

12
13 **DISCUSSION ITEMS**

14
15 **Staff Updates (updates from Staff, no action taken)**

16
17 **Council Updates/Future Agenda Items (no action taken)**

18
19 **Road Policy, Council Member Lanoux** – This item was not put on a future Council agenda.

20
21 **3M Settlement, Council Member Lanoux** – This item was not put on a future Council agenda.

22
23 **COMMUNITY CALENDAR APRIL 3 THROUGH APRIL 30, 2018:**

24 **Mahtomedi Public Schools Board Meeting, Thursday, March 8th and 22nd Mahtomedi District**
25 **Education Center, 7:00 p.m.**

26 **Stillwater Public Schools Board Meeting, Thursday, March 8th, Stillwater City Hall, 7:00 p.m.**

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

28
29 **Council Member Carr moved to take a short recess before moving in to closed session. Council**
30 **Member Kaup seconded the motion. Motion carried with Council Member Lanoux voting nay.**

31 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION (Jane Doe v. Larry Lanoux**
32 **et. Al).**

33
34 **Council Member ___ - moved to go into closed session at 00pm. Council Member – seconded the**
35 **motion. Motion carried unanimously.**

36
37 **Council Member Carr moved to go back into open session at 8:36 pm. Council Member Kaup**
38 **seconded the motion. Motion carried unanimously.**

39
40 City Attorney Snyder advised potential litigation strategy was discussed during closed session and no
41 action will be taken.

1 Council Member Carr moved to adjourn the meeting at 8:38 pm. Council Member Kaup
2 seconded the motion. Motion carried unanimously.
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9 These minutes were considered and approved at the regular Council Meeting May 1, 2018.
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14 _____
15 Kim Points, Administrator/Clerk
16

Jeff Huber, Mayor

APPROVED