

CITY OF GRANT
MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

DATE : March 30, 2021
TIME STARTED : 7:01 p.m.
TIME ENDED : 8:58 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, City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

PUBLIC INPUT

No one was present for public input.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

- March 2, 2021 City Council Meeting Minutes Approved
- March 2021 Bill List, \$50,795.87 Approved
- Lawful Gambling Exempt Permit, Make A Wish Foundation, Loggers Trail Golf Course Approved

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

STAFF AGENDA ITEMS

City Engineer, Brad Reifsteck

1 **Consideration of Kimbro Avenue Paving Bids** – City Engineer Reifsteck advised Kimbro Avenue
2 roadway was raised last fall just north of 75th Street to accommodate flooding. Roadway was left with
3 a gravel surface until sometime in the future when flood waters had receded sufficiently enough to
4 pave.

5
6 The City is solicitating contractors for proposal for paving Kimbro Avenue.

7
8 A request for quotes were sent to four paving contractors whom the City has work with previously.
9 TA Schifsky and Sons, Inc was the low bidder with a lump sum amount of \$31,640 The result
10 summary is attached for review.

11
12 City staff recommends award to TA Schifsky and Sons, INC in the amount of \$31,640 for
13 bituminous paving work on Kimbro Avenue.

14
15 **Council Member Rog moved to accept the bid from Schifsky, as presented. Council Member __**
16 **seconded Schafer seconded the motion. Motion carried unanimously with a roll call vote.**

17
18 **Consideration of KEJ Contract Extension** – City Engineer Reifsteck reviewed the following facts:

- 19
- 20 1. KEJ Enterprises has provided roadway services for the City of Grant since 2015 at the rate of
- 21 \$9000 per month.
- 22 2. The Council agreed to a one-year extension of the existing contract last summer with an
- 23 increase of 3% starting in January 2021. The new three-year agreement includes the 3%
- 24 increase for a monthly payment of \$9270.
- 25 3. The current contract expires on May 5, 2021. If approved, the new contract would be in effect
- 26 until May 5, 2024.
- 27

28 City Engineer Reifsteck recommended the City Council extend the KEJ Contract for another three
29 years.

30
31 The City Council determined language revisions would be made in the contract regarding direction
32 from City Staff to the Road Contractor and Maintenance of City Hall.

33
34 **Council Member Carr moved to approve the extension of the KEJ Contract, as revised.**
35 **Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

36
37 **City Planner, Jennifer Swanson**

38
39 **Consideration of Resolution No. 2021-05, Amended CUP, Indian Hills Golf Course** – City
40 Planner Swanson advised the applicant and Owner Mike Regan, on behalf of the Indian Hills Golf
41 Club, is requesting an amendment to their Conditional Use Permit (CUP) to allow for the
42 construction of three (3) replacement golf holes to the Indian Hills Golf Course. As stated in the
43 Applicant’s narrative, existing holes 5, 6 and 7 were underwater for the majority of the 2020 playing
44 season. Due to flooding of Sunnybrook Lake the condition is anticipated to continue to be an issue.
45 As a result, the Applicant began planning for the relocation of these three holes to adjacent vacant
46 property in 2020 with the hope of them being integrated into the 18-hole golf course in 2021. The

1 vacant property is not identified within the existing CUP (Special Use Permit for PUD as described in
2 subsequent sections of this report), and as a result an amendment to the CUP to incorporate the vacant
3 property is needed so that the three (3) new golf holes can become operational in the 2021 playing
4 season.

5
6 On March 16, 2021 the Planning Commission held a duly noticed public hearing and considered the
7 subject application. A few members of the public provided testimony regarding the proposed hole
8 relocation, with most concerns expressed related to the maintenance and management of the
9 abandoned holes 5, 6 and 7. Generally the Applicant stated that no topographic changes will occur in
10 this area, and that the neighbors could maintain the areas contiguous to their lots, if desired.

11
12 After discussion, the Planning Commission unanimously recommended approval of the proposed
13 Amended Conditional Use Permit to allow for the inclusion of the subject property in the CUP, and to
14 relocate the subject holes as part of the golf course operations.

15
16 The following staff report is generally as presented to the Planning Commission.

17
18 City Planner Swanson stated inn June 2020 the Applicant applied for, and was granted, a CUP for
19 clearcutting and vegetative removal on the subject parcels to prepare for construction of the new
20 holes. In the summer and fall of 2020 the Applicant completed grading and seeding work per the
21 terms of the granted CUP. The Applicant worked with the Browns Creek Watershed District
22 (BCWD) through the permitting process as required by the CUP. The work completed last year is
23 anticipated to be adequate to allow for the operation of the three new holes in 2021. The intent of
24 relocating the three holes is to ensure that the golf course is a full 18-hole course making it consistent
25 with the original objectives of the original PUD.

26
27 The following staff report addresses only the amendment of the CUP that relates to the operations of
28 the golf course as an 18-hole golf course. The Applicant will continue to work with the City and the
29 BCWD on the CUP conditions related to vegetative clearing, grading and landscaping which are not
30 addressed as part of this CUP.

31
32 The Indian Hills Planned Unit Development (PUD) was originally issued a Special Use Permit on
33 December 12, 1975 by Washington County. The existing “Use Permit” identifies conditions for both
34 the construction of the golf course as well as the residential lots contained in the subdivision plat. The
35 process and procedures were different in 1975, and a Special Use Permit was akin to a Conditional
36 Use Permit.

37
38 Given that the original Special Use Permit was issued to address all operations withing the PUD,
39 including the golf course Staff is recommending that a Conditional Use Permit (CUP) be issued for
40 the golf course operations to simplify this process. The CUP drafted will not repeal or replace the
41 Special Use Permit and PUD, but instead will incorporate by reference the PUD. This process will
42 allow for a clear description of the golf course operations related to this amendment request, while
43 maintaining the conditions and permit requirements as issued in 1975.

44
45 **Project Summary:**

Applicant & Owner: Mike Regan, Indian Hills Golf Club	Site Size: 72.52 Acres (gross)
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 6667 Keats Ave N	PIDs: 2603021340001, 2603021430001 (to add portions of each PID with specific legal description)

1
2 The Applicant is requesting an Amendment to their existing CUP to include portions of the properties
3 identified as PID 2603021340001 and 2603021430001 so that three (3) recently relocated golf holes
4 can be incorporated into the Indian Hill Golf Club. As noted in the Applicant’s narrative (Attachment
5 A) the Indian Hills Golf course is designed as an 18-hole regulation golf course. In Spring 2020 holes
6 5, 6 and 7 were unplayable due to flooding because of overflow from nearby Sunnybrook Lake.
7 While the flooding was most significant in 2020, the Applicant anticipates that flooding may continue
8 to be an issue. It is not reasonable, or marketable, for an 18-hole golf course to operate with only 15-
9 holes, and as such the Applicant decided to explore alternatives to relocate the affected holes. The
10 Applicant owns the adjacent PIDs which are the subject of this application, and both parcels were
11 vacant. The proposed amendment will 1) incorporate the legal descriptions into the existing CUP; and
12 2) allow for the relocation of 5, 6 and 7 to the subject parcels for operation and play as part of the 18-
13 holes Indian Hills Golf Club.

14
15 City Planner Swanson noted that according to Section 32-152 Amendment Applications, an amended
16 permit “may be administered in a manner similar to that required for a new conditional use permit.”
17 The standards identified in Section 32-146 provide guidance for consideration of the proposed
18 request.

19
20 There are two separate parcels associated with the subject application, which are described in the
21 following:

22
23 Parcel 2603021340001 is located north and adjacent to Parcel 3503021210001. The parcel has been
24 cleared and graded consistent with the CUP granted in 2020. The grading will support the tee box for
25 hole 5, portions of the fairway and putting green for hole 6, and all of hole 7.

26
27 Parcel 2603021430001 is located east of Parcel 2603021340001 and has been graded to support the
28 fairway and putting green for hole 5, and the tee box and portions of the fairway for hole 6. The
29 proposed legal description of incorporation on this parcel generally follows the alignment of the
30 proposed golf holes (see Attachment B).

31
32 The subject properties are located within the Agricultural Small Scale A2 land use designation which
33 encourages rural residential and agricultural uses. Golf Course uses are supported in the
34 Comprehensive Plan and are deemed consistent with the rural and open space character desired by the
35 City.

36
37 The follow site and dimensional standards that are applicable to the subject application are provided
38 for your review and consideration.

39
40

1 The following site and zoning requirements in the A-2 district regulate the site and proposed project:
2

Dimension	Standard
Lot Size	5 acres
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Wetland Buffers (BCWD Regulations)	100'

Setbacks: The proposed golf hole configuration was generally reviewed and approved as part of the vegetative clearing CUP issued in 2020. During that review process it was noted that vegetative clearing was not permitted within the setback area. As shown on Attachment B, PUD Amendment Sketch, the tee box of hole 6 is closest to the east property line and is setback approximately 150-feet. The tee box of hole 7 is setback approximately 50' from the northerly property line of PID 2603021430001. *As shown, the proposed hole locations meet the required yard setbacks.*

Wetland Areas & Buffers The Applicant obtained a CUP for vegetative clearing and grading in June of 2020. As part of that review process the Applicant was required to work with BCWD through their permitting process. The subject parcels contain significant wetland areas, and as such the BCWD required specific setback standards. The Applicant obtained the BCWD permit, and the BCWD will continue to manage the conditions of the new construction until the grow-in is complete and any open items are finalized (see Attachment A).

Operations There are no proposed alterations to the operations of the golf course and associated uses as a result of this application. The three relocated holes will be incorporated into the existing golf course so that it can again function and operate as an 18-hole course.

3
4 There are no engineering review requirements for the subject application. The Engineer completed a
5 review including conditions for the 2020 Vegetative Clearing and Grading CUP, and the Applicant
6 complied with those standards during site grading activities in 2020. The completion of the site work
7 to make all three holes operational shall be managed through the 2020 CUP.

8
9 As previously noted, the subject properties are located in the Browns Creek Watershed District. As
10 indicated by the Applicant's narrative they will continue to work with the BCWD on the completion
11 and closeout of the permitting process. No additional review is required regarding this Amended
12 CUP.

13
14 Staff has prepared a draft Amended Conditional Use Permit with conditions for your review and
15 consideration. Since the original conditions noted in the Special Use Permit are incorporated by
16 reference, only new conditions related specifically to the subject Application are provided.

1 Council Member Rog moved to approve Resolution No. 2021-05, as presented. Council
2 Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

3
4 **Consideration of Resolution Interim Use Permit** – City Planner Swanson advised the
5 implementation of the 2040 Comprehensive Plan Update (“Plan”) requires communities to update
6 their Zoning Ordinance (official controls) for consistency with the newly adopted Plan. During the
7 implementation discussion of the Plan process, we discussed ordinance updates, modifications and
8 additions that would help the support the City’s vision and goals for the future. Interim Uses, and
9 specifically Interim Use Permits, were identified as a tool that could help the City in processing of its
10 applications for uses that have a specified time frame for termination as opposed to using the
11 Conditional Use Permit process.

12
13 The City Council directed staff to begin working on the ordinance update process as meetings and
14 time permits. Staff presented a draft of the Interim Use ordinance at the regular Planning Commission
15 meeting on March 16, 2021. After the Public Hearing and discussion, the Planning Commission
16 unanimously recommended approval of the draft ordinance with the inclusion of additional
17 performance standards for Accessory Dwelling Units. Based on their direction, staff prepared
18 additional language regarding ADU’s and additional edits to the Principal Building section and the
19 Accessory buildings and other non-dwelling structures section for consistency with the direction of
20 the Planning Commission.

21
22 Staff also provided consideration of Horse Boarding and Livestock with respect to density of animal
23 units, and the Planning Commission unanimously concluded that the uses should remain as
24 Conditional Uses within the ordinance. Based on the direction provided, staff has prepared an
25 updated draft ordinance for the review and consideration of the City Council. The following staff
26 memo is generally as presented to the Planning Commission on March 16, 2021.

27
28 The Planning Commission held a duly noticed public hearing on March 16, 2021 for consideration of
29 the attached draft ordinance. During the public hearing one member of the public provided testimony
30 in support of the ordinance modification, and indicated they were interested in the inclusion of
31 Accessory Dwelling Units (ADUs) since the City’s senior population will only grow in the coming
32 years.

33
34 Minnesota State Statute 462.3597 enables cities to implement interim uses provided they are
35 consistent with the statutory language. Staff began with the statute to ensure that the draft language is
36 consistent, and supplemented the statutory guidance with a review of ordinances from cities with
37 similar land uses and development. Additionally, the City Council identified some preliminary
38 objectives for Interim Uses in 2011, which was supplemented in the joint Planning Commission and
39 City Council meeting during the Plan development process. A summary of the objectives for the
40 Interim Use ordinance is as follows:

- 41
42
- 43 • To streamline the process and make it easier, and potentially cheaper, for uses that are
44 temporary in nature.
 - 45 • To create a tool that matches the process with the proposed use more accurately rather than
46 always requiring a CUP for uses not anticipated to go into perpetuity. Examples were
discussed such as construction stockpiling or temporary dwelling units for caretakers.

- 1 • To allow for a permit that is time limited and may be requested by the Applicant. Examples
2 were discussed such as the haunted corn maze at the local orchard for one or two seasons.

3
4 After performing research, staff prepared the draft ordinance which is attached to this memo for your
5 review and consideration. A summary of the DRAFT ordinance is as follows:

- 6
7 • The MN State Statute requires all Interim Uses to be considered at a formal Public Hearing
8 and requires that it be held at either the Planning Commission or the City Council. The draft
9 language provides for a streamlined approach direct to the City Council, or a process
10 consistent with the CUP language which requires the Planning Commission to hold the Public
11 Hearing.
12 • The language allows for any use listed as a conditional use to be considered as an interim use.
13 The City Council may not dictate that an interim use be applied for versus a conditional use,
14 but the tool is available and may be suggested as an option for users.
15 • Staff identified seven (7) uses on the Table of Uses that are recommended Interim Uses. Staff
16 encourages the Planning Commission to review the Table of Uses (Sec. 32-245) in its entirety
17 and identify any additional uses that should be considered.

18 •
19 In addition to the proposed DRAFT ordinance, staff also identifies another section of the City Code
20 where interim use permits could be considered. Staff offers the following for discussion:

- 21
22 • **Sec. 32-313 Accessory buildings and other non-dwelling structures.** The City could
23 consider language to allow for an accessory building to be constructed prior to a principal
24 building with an IUP. This section could also be modified to allow for the temporary use of
25 accessory buildings as habitable space (ADU, or similar) with an IUP.

26
27 After much discussion, the Council determined they would further review the proposed IUP land uses
28 as well as potential others within the City Code. Further discussion will be held at a future Council
29 meeting.

30
31 **Council Member Schafer moved to table the Interim Use Permit Ordinance to a future Council**
32 **meeting. Council Member Carr seconded the motion. Motion carried unanimously with a roll**
33 **call vote.**

34
35 **City Attorney, Dave Snyder (no action items)**

36
37 **NEW BUSINESS**

38
39 **Consideration of Ordinance No. 2021-63, Comcast Franchise Agreement** – Mayor Huber
40 provided the background of the agreement and noted the key highlights.

41
42 **Council Member Giefer moved to approve Ordinance No. 2021-63, as presented. Council**
43 **Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.**

1 **Consideration of Resolution No. 2021-06, Summary Publication of Ordinance No. 2021-63 –**
2 Resolution No. 2021-06 authorizes a summary publication of Ordinance No. 2021-63.

3
4 **Council Member Schafer made a motion to adopt Resolution No. 2021-06, as presented.**
5 **Council Member Giefer seconded the motion. Motion carried unanimously with a roll call vote.**

6
7 **UNFINISHED BUSINESS**

8
9 There was no unfinished business.

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

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

14
15 **City Council Reports/Future Agenda Items**

16
17 No items were placed on a future agenda.

18
19 **COMMUNITY CALENDAR APRIL 1 THROUGH THROUGH APRIL 30 2021:**

20 **Mahtomedi Public Schools Board Meeting, Thursday, April 8th and April 22nd, Mahtomedi**
21 **District Education Center, 7:00 p.m.**

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

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

24
25 **ADJOURNMENT**

26
27 **Council Member Rog moved to adjourn the meeting at 8:58 p.m. Council Member Schafer**
28 **seconded the motion. Motion carried unanimously.**

29
30 These minutes were considered and approved at the regular Council Meeting May 4, 2021.

31
32
33
34
35 _____
36 Kim Points, Administrator/Clerk

35 _____
36 Jeff Huber, Mayor