City of Grant City Council Agenda August 2, 2022

The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, August 2, 2022, in a teleconference format for the purpose of conducting the business hereafter listed, and all accepted additions thereto.

1. CALL TO ORDER

PUBLIC INPUT

Citizen Comments – Individuals may address the City Council about any item not included on the regular agenda. The Mayor will recognize speakers to come to the podium. Speakers will state their name and address and limit their remarks to two (2) minutes with five (5) speakers maximum. Generally, the City Council will not take any official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

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- 2. PLEDGE OF ALLEGIANCE
- 3. APPROVAL OF REGULAR AGENDA
- 4. APPROVAL OF CONSENT AGENDA
 - A. June 28, 2022 City Council Meeting Minutes
 - B. July 2022 Bill List, \$106,440.69
 - C. Kline Bros. Excavating, Road Work, \$41,479.50
 - D. Washington County Sheriff's Department, 1st Half Billing, \$73,933.60
 - E. Resolution No. 2022-11, Denial of Amendment to CUP, 9250 Dellwood Road N
 - F. City DOES NOT WAIVE Monetary Limits on Municipal Tort Liability
- 5. STAFF AGENDA ITEMS
 - A. City Engineer, Brad Reifsteck

- i. Consideration of Resolution No. 2022-12, Declaring Adequacy of Petition and Ordering
 - Preparation of Report, 80th Street (Hickory to Ingberg Court)
- ii. Consideration of 2022 Pavement Management Quotes
- B. City Planner, Jennifer Swanson (no action items)
- C. City Attorney, (no action items)

6. NEW BUSINESS

- A. Consideration of Appointment, Video Tech, Ken Ronnan
- B. Consideration of Appointment, City Attorney, Eckberg Lammers
- C. Consideration of Laserfiche Upgrades
- 7. UNFINISHED BUSINESS
- 8. <u>DISCUSSION ITEMS</u> (no action taken)
 - A. Staff Updates (updates from Staff, no action taken)
 - B. City Council Reports/Future Agenda Items (no action taken)
- 9. COMMUNITY CALENDAR JULY 1 THROUGH JULY 31, 2022:

Mahtomedi Public Schools Board Meeting, Thursday, August 11th and August 25th, Mahtomedi District Education Center, 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, August 11th, Stillwater City Hall, 7:00 p.m.

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

Candidate Filing Period, August 2nd through August 14th.

10. ADJOURNMENT

The City Council will adjourn the regular City Council Meeting and call to order a work Session following the regular meeting.

	CITY OF GRANT MINUTES	
DATE TIME STARTED TIME ENDED MEMBERS PRESENT	 : June 28, 2022 : 7:00 p.m. : p.m. : Councilmember of Schafer and Mayor 	
MEMBERS ABSENT	: None	
Staff members present: City Attorno Sharon Schwarze and Administrator		, Jennifer Swanson; City Treasurer
CALL TO ORDER		
The meeting was called to order at ?	7:00 p.m.	
PUBLIC INPUT		
There was no public input.		
PLEDGE OF ALLEGIANCE		ing Pro
SETTING THE AGENDA		
Council Member Schafer moved to seconded the motion. Motion care		
CONSENT AGENDA		
May 3, 2022 City Council N	Meeting Minutes	Approved
June 2022 Bill List, \$55,253	3.17	Approved
Kline Bros. Excavating, Roa	ad Work, \$29,456.25	Approved
City of Stillwater, 2 nd Half F \$80,180.00	Fire Contract	Approved
Council Member Giefer moved to Schafer seconded the motion. Mo		· -
<u>STAFF AGENDA ITEMS</u>		
City Engineer, Brad Reifsteck		

1	Consideration of Gravel Road Maintenance Coats - City Engineer Reifsteck advised the current
2	gravel road maintenance agreement with Kline Bros, Inc. expired. Kline Brothers has agreed to
3	continue providing these services under the current agreement until the City awards a new contract.
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5	The services provided include routine maintenance of the City's gravel roadways, including
6	graveling, hauling, and grading. The contractor is responsible for furnishing all personnel and
7	equipment.
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9	The current agreement is attached for reference and includes pricing by the hour based upon activity
10	performed. The agreement also includes a fuel escalation clause.
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12	City staff is recommending slight changes to the fuel escalation clause by adding two dollars to each
13	category as shown in Section II Cost and Payment of the current agreement, otherwise no other
14	changes are recommended.
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16	Council Member Giefer moved to approve and authorize Staff to receive quotes for the 2022
17	Pavement Management Project. Council Member Rog seconded the motion. Moton carried
18	unanimously with a roll call vote.
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20	Consideration of 2022 Pavement Management Quotes – City Engineer Reifsteck advised
21	the following streets have been identified in the City's Capital Improvement Plan for roadway
22	maintenance work in 2022:
23	
	110th Street 117th Street
	118th Street Keystone Avenue
	Kimbro Avenue Lansing Avenue
	Manning Avenue
	Ct Irish Avenue
	Ironwood Avenue
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25	Staff is also recommending including the 2018 Street Improvement areas which include the Justen
26	Trail neighborhood, and the Woodland Acres neighborhood as shown on the attached map. These
27	roadways are just starting to show thermal cracking and its important to be timely with sealing
28	them to prevent water damage.
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30	As in year's past, invitations to the various neighborhoods will be sent out to residents to offer the
31	opportunity to use maintenance dollars towards a major street reconstruction project.
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33	This year's project will include a combination of crack repair and fog seal. Quotes will be
34	received July 21, 2022 at 10:00 am. The total budget for the 2022 Pavement Management Project
35	is \$70,040.
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unanimously with a roll call vote.

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Council Member Giefer moved to approve and authorize Staff to receive quotes for 2022

Pavement Management Project. Council Member Rog seconded the motion. Motion carried

- 1 Consideration of 2022 Special Road Projects, Guard Rail Repair and Installation City
- 2 Engineer Reifsteck advised each year the city funds a special roads project. Projects in year's past
- 3 have included roadway patching, mitigating roadway flooding, installing guardrails, roadway
- 4 stripping & signing, etc.

This year's special project will include replacing an existing guardrail and installing new guard rail as recommended below:

• City staff has received several resident complaints about damaged guardrail along 118th Street near Kimbro Avenue. The damage was inspected by the City Engineer and includes a bent plate beam and misaligned posts. The estimated cost to replace the 50-foot section of guardrail is \$3,750.00.

• Over the last several years the city has placed guardrail along Ironwood Avenue between 114th Street and 120th Street but sections of this roadway remain in need of guardrail. City staff is recommending completing the guardrail along Ironwood Avenue as shown in the attached map. The length of the guardrail is approximately 1200 lineal feet and is estimated to cost \$60,000.00

The special roads budget is approximately \$70,000.

Council Member Giefer moved to approve and authorize Staff to receive quotes for the special road's projects, as presented. Council Member Rog seconded the motion. Motion carried with Council Member Schafer voting nay with a roll call vote.

City Planner, Jennifer Swanson

 Consideration of Resolution No. 2022-07, Application for Minor Subdivision, 9250 Dellwood Road N – City Planner Swanson stated the Applicant, Sam Scott, is requesting a minor subdivision and rearrangement of the two existing parcels located at 9250 Dellwood Road N., into three lots (two new). In late 2021 and early 2022 the Applicant met with staff to discuss the potential minor subdivision of the subject property. The applicant indicated their desire to subdivide the property to create two new rural residential lots consistent with the City's ordinance requirements.

City staff indicated that all created and resulting parcels must comply with the City's ordinances, including the necessity to amend the existing Conditional Use Permit (CUP) for the horse boarding and indoor riding arena operations. In conjunction with this request for Minor Subdivision, the applicant has requested an amendment to the CUP and the staff report is provided under separate cover.

- A duly noticed public hearing was held on June 8, 2022, and property owners within 1,320-feet were notified of the subject application. Several members of the public provided testimony regarding the proposed Minor Subdivision. A summary of the concerns and comments is provided (detailed comments are documented in the official minutes of the public hearing):
- Most public testimony indicated opposition to the proposed Minor Subdivision.

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22 23 Several members of the public indicated that they did not believe further subdivision of this parcel was possible and they were told no density was available to the site for further subdivision since it was part of the Victoria Station subdivisions/plats. The confusion was also due to the existing condition within the CUP for the property for use as a horse boarding operation and indoor riding arena that prohibits subdivision if the CUP remains in place without an approved amendment.

- Concerns regarding increased density and setting precedent for further subdivision were stated.
- Several members of the public indicated continued support of using the property for a horse boarding facility and indoor riding arena as opposed to permitting the further subdivision of the property for rural residential uses.

After the public hearing concluded the Planning Commission discussed the subject application. After hearing public testimony and staff's presentation the Planning Commission unanimously recommended denial of the application for minor subdivision.

The following staff report is generally as presented at the Planning Commission meeting but has been updated to reflect the Planning Commission's recommendation to deny the proposed minor subdivision.

Site Size: ~59.42 Acres (Gross)

Zoning: A-2, Agricultural Small Scale Request: Minor subdivision to rearrange and Land Use: Rural subdivide two existing parcels. The proposed Residential/Agricultural minor subdivision creates two lots west of Justen Trail N, and one lot east of Justen Trail N. Address: **Location Description and PIDs:** 9250 Dellwood Road PIDs - 1503021310001 and 1503021130002 Grant, MN

Existing Lot/Parcel Configuration

Applicant & Owner: Sam Scott

Application Summary

Lot/Parcel	Acres	Notes
9250 Dellwood Road N. (PID 1503021310001)	49.5 Acres	This Parcel was not platted as part of any of the Victoria Station subdivisions. The existing farmstead and all existing accessory structures, including the gatehouse, are located on this parcel. The parcel is included in the existing CUP for horse boarding operations and indoor riding facilities.
Outlot A Victoria Station No. 3	~9.8 Acres	This parcel was platted as part of the Victoria Station No. 3 subdivision. The parcel is included in the existing CUP for horse boarding operations and indoor riding facilities.

Lot/Parcel	Acres	Notes
Parcel A	42.28 Acres	The created lot includes Outlot A of the Victoria Station No. 3 subdivision and that portion of the existing 9250 Dellwood Road parcel lying east of the west Justen Trail N., roadway easement. (The full Justen Trail Roadway is located on this parcel)
Parcel B	7.84 Acres	The created lot is located west of the Justen Trail N., roadway. The proposed lot frontage, home and driveway are from Justen Trail N.
Parcel C	9.30 Acres	The created lot is located west of the Justen Trail N., roadway. The proposed lot frontage, home and driveway are from Justen Trail N.

Section 30-9 Minor Subdivisions Section 30-130 Street Design

City Planner Swanson stated the subject property is bordered by Dellwood Road N. (Hwy 96) on the south, Jamaca Ave N (CSAH 9) to the west, and Justen Trail N., runs north-to-south through the property. The existing principal structure and all accessory buildings, including an indoor riding arena, are located east of Justen Trail N. There is a large existing pond and/or wetland area located along the eastern edge of the property that extends north onto the area described as Outlot A of the Victoria Station No. 3 Subdivision, and a small wetland area located on the northwest corner of the property adjacent to the CSAH 9 right-of way. The majority of the subject property was not platted as part of the Victoria Station subdivision, and only that portion associated with Outlot A was part of any previous subdivision.

The Minor Subdivision exhibit is provided as Attachment B to this Staff Report. As shown the proposed subdivision will rearrange two existing lots into three lots. The following ordinance sections are provided as reference.

Section 30-1 Definitions, states that "Minor Subdivision means any subdivision containing not more than two lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the master plan, official map, chapter 32, or these regulations.

Section 30-9 (a)(3) states that, "The newly created parcels shall meet all requirements of chapter 32 pertaining to zoning..."

Section 30-9 (a)4) states that, "Prior to approval of a minor subdivision, the city council reserves the right to require the dedication of streets, utility easement."

Section 30-130 (a) Minimum widths of street design require local streets to be dedicated with 66-feet of right of way. Section 30-130(b) Widening existing streets states that "Where a

subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of subsection (a)..."

The proposed Minor Subdivision creates two new rural residential lots that are proposed to be accessed from Justen Trail North (Parcel B and Parcel C). As shown on the Minor Subdivision exhibit Justen Trail N. is a roadway that runs north-south through the subject property and connects the Victoria Station subdivisions adjacent/adjoining the subject property with Dellwood Road North (Hwy 96). The roadway segment on the subject property has been the subject of litigation with the City and the Applicant has contested their responsibility to maintain/manage this segment of road. It is staff's understanding, that they have further indicated that they believe the segment of Justen Trail N. on their property is only a limited and restricted grant of easement (shown as Roadway Easement on the Minor Subdivision exhibit, and further described in the City Attorney's memo) and that it does not represent a full dedicated public right-of-way. Further, per the definition of Minor Subdivision, the Minor Subdivision may "not adversely affect the remainder of the parcel or adjoining property, and not in conflict with any provisions or portions of the master plan, official map, chapter 32, or these regulations."

The segment of Justen Trail North that crosses the subject property is the main roadway connection to the adjacent Victoria Station subdivisions, and its maintenance and management responsibilities has a direct impact on adjacent lots and parcels that use the roadway. The City uses a road assessment policy to maintain and manage its roads as described in the City Engineer's memo. When a minor subdivision is granted, the City requires the full right-of-way to be dedicated to the City, if it has not been already. The intent of Section 30-9(a)(4) is to ensure that the road is publicly dedicated and that it is subject to the City's associated policies regarding proper upkeep and management so that all properties that rely on it for access can reasonably be assured that it will be maintained.

Since the road segment is the subject of continuing litigation and the Applicant recently filed an appeal, the debate regarding this segment of road and its rights and responsibilities remains at issue. Staff cannot confirm whether the minor subdivision will adversely impact adjoining or nearby properties, since the issue of responsibility remains undecided.

The issue is further impacted by the new lot configuration that proposes access from Justen Trail N., but does not dedicate nor acknowledge the road as public right-of-way and instead refers to it as the "Roadway Easement." Since the Applicant is contesting their responsibility to maintain and manage the roadway through objection of paying the City's assessment it is unclear how, and what, responsibilities the Applicant as the subdivider of the two new lots would have in the maintenance and management of the roadway. Further, Section 30-9(a)(3) expressly requires newly created lots to meet the requirements of Chapter 32, which requires all lots to provide minimum frontage on a street but it is unclear if this condition is met given the current litigation and appeal.

Finally, as shown on the Minor Subdivision exhibit the "Roadway Easement" depicted for Justen Trail North does not align with the roadway traveled surface and does not appear to be of adequate size to accommodate the City's required right-of-way width of 66-feet. The Minor Subdivision does not meet the City's requirements for road design as required in section 30-130(a) and 3-130(c) that suggests when roadways are of inadequate width abutting a subdivision that the plat (subdivision) shall dedicate additional width to meet the City's road design standards.

The City Engineer and City Attorney have provided memos that are attached to this staff report for your review and consideration.

City Planner Swanson noted the Planning Commission unanimously recommended denial of the proposed Minor Subdivision with the findings as noted in the attached resolution.

Council Member Schafer moved to adopt Resolution No. 2022-07, as presented. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.

Consideration of Resolution No. 2022-08, Application for Amended Conditional Use Permit for Victoria Station Boarding Stable and Indoor Riding Arena, 9250 Dellwood Road N – City Planner Swanson advised the Applicant, Sam Scott, is requesting an Amendment to the existing Conditional Use Permit (CUP) to allow for the subdivision of the subject property. The existing CUP was granted in 1993 to construct and operate a horse boarding stable and indoor riding arena. The CUP was recorded on approximately 55-acres of the Applicant's property that includes the primary parcel with the principal structure and accessory buildings, and Outlot A of the Victoria Station No. 3 subdivision. The existing CUP clearly states that no subdivision of the parcel is permitted for the CUP to remain valid because the operations, including number of permitted horses, was based on the full acreage.

In late 2021 the Applicant met with City Staff in a pre-application meeting to discuss the potential minor subdivision of the property and the impact that a subdivision would have on the existing CUP. During the meeting, staff indicated that the CUP would either 1) need to be successfully amended; or 2) would become invalid and must be vacated to allow for the subdivision. During the meeting the Applicant indicated that he currently lives on the property and would like to continue horse boarding activities on that portion of the property that he would retain after a minor subdivision. Given the Applicant's desire to continue operating the horse boarding facilities, the Applicant is seeking an amendment to the CUP to reduce the intensity of the operations and to amend the legal description to except out that area west of Justen Trail that would include new rural residential uses if the minor subdivision were to be approved.

A duly noticed public hearing was held on June 8, 2022, and several members of the public provided public testimony regarding the proposed amendment. A summary of the comments is provided (full record of the public hearing is provided in the minutes):

restated their objection to the minor subdivision of the property.
Concerns regarding the eventual loss of the operation were stated, and generally the public would like to see the horse operations remain viable and operational.

• Neighbors reiterated their support for the horse boarding and riding arena operations and

After the public hearing was closed, the Planning Commission discussed the proposed amendment. The planning commission restated their objection to the minor subdivision, but acknowledged that it is important to address the Applicant's request to amend the CUP since it is a separate application. After significant debate and discussion, the planning commission unanimously recommended to approve the amended CUP with conditions, and emphasized that their approval is contingent on the minor subdivision being approved.

Application Summary

Applicant & Owner: Sam Scott	Site Size: ~59.42 Acres (Gross)
Zoning: A-2, Agricultural Small Scale	Request: Amended Conditional Use Permit (CUP)
Land Use: Rural Residential	
Address:	Location Description and PIDs:
9250 Dellwood Road	PIDs – 1503021310001 and 1503021130002
Grant, MN	

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> City Planner Swanson advised the Applicant is requesting an amendment to the Conditional Use Permit (CUP) to allow for the minor subdivision of the subject property. Based on the submitted Minor Subdivision Exhibit, the proposed amendment would except out approximately 17.14-acres of the subject property lying west of Justen Trail, leaving approximately 42.28 acres subject to the CUP. As shown on the Minor Subdivision exhibit, there is approximately 59.42 gross acres with approximately 5.04 acres of existing roadway easement area (Note, the existing 1993 CUP is associated with approximately 55-acres which is the area exclusive of the roadway easement area).

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The Applicant's proposed amendment to the 1993 CUP is to:

- Amend the legal description to remove the area west of Justen Trail North (shown and proposed Parcel B and Parcel C on the Attached Minor Subdivision exhibit).
- Amend Condition Number 2 to state that "The 42.28-acre parcel shall not be further subdivided."
- Amend Condition Number 16 regarding the permitted number of horses proportionately to the ratio established. The existing CUP permitted approximately 1.1 horses per gross acre exclusive of roadway easement area, so the total number of horses permitted based on the amended area on site would be 39 horses (this is a reduction from the 60 horses permitted in the current permit).

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All other conditions of the 1993 CUP would remain valid and are not proposed to be amended as part of this application.

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City Planner Swansons stated the City Code addresses amendments to existing CUPs in Section 32-152 that states, "An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit..." As such, the Application to amend the CUP is processed accordingly, and the requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. The City Code states the following for consideration when reviewing a Conditional Use Permit (32-141):

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- "(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety."
- (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required."

The purpose of this amendment is not to consider the use of the property as a horse boarding and indoor riding arena facility since the determination that the use is consistent with the City's regulations was approved in 1993. This amendment relates specifically to allowing for an amendment to the legal description to reduce the total area associated with the CUP to approximately 42 acres, and to reduce the number of horses permitted on site proportionately to the reduction in acreage.

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The subject property is bordered by Dellwood Road N. (Hwy 96) on the south, Jamaca Ave N (CSAH 9) to the west, and Justen Trail N., runs north-to-south through the property. The existing principal structure and all accessory buildings, including an indoor riding arena, are located east of Justen Trail N. There is a large existing pond and/or wetland area located along the eastern edge of the property that extends north onto the area described as Outlot A of the Victoria Station No. 3 Subdivision, and a small wetland area located on the northwest corner of the property adjacent to the CSAH 9 right-of way. The majority of the subject property was not platted as part of the Victoria Station subdivision, and only that portion associated with Outlot A was part of any previous subdivision.

The site is guided RR/AG – Rural Residential Agricultural in the City's adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential uses with limited commercial and institutional uses as identified and allowed within the City's zoning ordinance. The proposed amendment does not change the use of the site for a Horse Boarding and Indoor Riding Arena facility, which is identified as a compatible use within the City's Comprehensive Plan and supporting Zoning Ordinance.

The Applicant included the Minor Subdivision exhibit as part of the application to demonstrate the proposed area of the subject amendment. As shown on the exhibit, Parcel B and Parcel C would be excepted or removed from the CUP, and Parcel A would be the only remaining area subject to the CUP. Since the area associated with the permit is reduced, a full review of the dimensional standards based on the reduced area is necessary to ensure that the proposed amendment would not create any new non-conformities.

The following site and zoning requirements in the A-2 district for Horse Boarding facilities is provided. The following review is conducted focusing on Parcel A, which is the area that would be subject to the Amended CUP.

Dimension	Standard	Proposed Lot Configuration
Minimum Lot Area (requires minimum of 5 acres for horses on property)	5 Acres	~42.28 Acres
Frontage on Improved Public Street	300'	~1,630'
Front Yard Setback (arterials)	150'	~106.6 (existing home)
Side Yard Setback (from street in case of corner lot)	65'	~92'
Side Yard Setback (from interior lot lines)	20'	~1,180'
Rear Yard Setback	50'	~215'

Height of Structure	35'	NA
Accessory Buildings (# and	No limit based on acres	5 Existing Buildings +
Total SF)		Principal Structure
Wetland Setback Structure	75' (50')	No Change
(Buffer)		
Impervious surface coverage	50%	5%
Grazable Acres*	1 horse per 2 grazable	39 (1.4 horses per 1
See discussion below	acres, or CUP is required	grazable acre see analysis
	– existing CUP permits	below)
	60 horses which is 1	
	horse per 1.4 grazable	

Lot Area and Accessory Building Standards

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The amended CUP is proposed to include an area approximately 42.28 acres, where the horse boarding and indoor riding operations are currently operating. As amended, the proposed lot area meets the City's ordinance requirements for minimum lot size.

All of the improvements, including principal structure, gate house and accessory structures are located on the subject parcel. Section 32-313 establishes that lots containing more than 20 acres do not have a limit on the number of permitted accessory buildings or square footage. The proposed amended area for the CUP meets the City's requirements for accessory buildings.

Setbacks

The request to amend the legal description changes the lot configuration and moves the western property boundary from the Jamaca Avenue right-of-way to the west side of the Justen Trail N., roadway easement area. This request corresponds to the requested minor subdivision (see staff report under separate cover for minor subdivision review). As shown on the Minor Subdivision exhibit, the proposed modification of the westerly property line creates a new side yard setbacks for the structures located on the subject parcel since the existing farmstead and its buildings are accessed from the primary frontage on Dellwood Road North (Hwy 96). The side yard setback of a structure from a street when a corner lot is 65'. As referenced in the minor subdivision, the Applicant has proposed a new westerly lot line that is on the west side of roadway easement, which would encompass the full roadway on the subject property. Regardless of the proposed lot line, which is reviewed within the Minor Subdivision staff report, the side yard setback of structures on a corner is 65-feet from the street right-of-way or easement. The existing indoor riding arena is the closest structure to Justen Trail and is setback approximately 80-feet from Justen Trail.

There are two existing habitable structures on the property – one is the principal structure, and the second is a permitted gatehouse. It is assumed that the gatehouse is the southernmost structure on the subject property and is approximately 1,800 square feet. As shown on the Minor Subdivision exhibit the structure is located within the font yard setback

and does not meet the City's code. The encroachment of this structure is an existing condition, and the proposed amendment does not impact or increase the encroachment. Further review regarding this structure is provided in the Minor Subdivision report, but for purposes of this CUP Amendment there is no impact to the existing encroachment.

No new structures or improvements are proposed as part of this request to amend the CUP. All existing structures meet the required setbacks from the proposed westerly boundary, and no further encroachments into required yard setbacks is proposed.

Grazable Acres

The City Code requires 2 acres of grazable land for each horse, and an increase in density is permitted with a CUP. The 1993 CUP permitted a maximum of 60-horse which corresponding to approximately 1.4 horses per 1 acre of grazable land. The proposed amended reduces the acreage of the site by approximately 17.14 acres. If the ratio of horse to grazable acres is maintained then the number of permitted horses must be amended to correspond to the reduced area.

To determine the grazable acres the total parcel area (Parcel A) is adjusted to except the roadway easement areas, the building footprints, and wetland areas. Based on this analysis the total grazable area remaining is approximately 27.67 acres. Using the approved horse ratio from the 1993 CUP, the number of permitted horses on site would be

 $(1.4 \text{ Horses per grazable acre}) \times (27.67 \text{ grazable acres}) = 39 \text{ Horses}$

The Planning Commission discussed this analysis since only a general area calculation could be performed for the wetlands since a formal delineation was not completed. Generally, the Planning Commission was supportive of using the established ratio, but recommended that a condition be added to the amended permit that a wetland delineation must be completed so that the number of horses permitted is accurately determined based on the delineation.

Based on the revised area, staff recommends that Condition #16 would be reduced from a maximum of 60 horses to 39 horses, consistent with the methodology performed in the 1993 CUP. This condition should also reference that a final number of horses will be determined after the completion of a wetland delineation.

The City Engineer did not have any comments regarding the proposed amendment since the request to amend is based on the intensity of use, and there are no site or physical improvements proposed.

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- The proposed amendment reduces the area associated with the CUP and no other alterations are proposed that represent an expansion of the use. Therefore, no other agencies are required to review
- proposed that represent an expansion of the use. Therefore, no other agencies are required to review the request. However, it should be noted that the conditions as established by the 1993 would remain
- valid, including, but not limited to, maintaining proper approval and licenses from MPCA,
- 8 Washington County, etc., related to the operation of the boarding facility.

- 1 The Planning Commission unanimously recommended approval of the request to amend the
- 2 Conditional Use Permit with the conditions as noted. A draft Amendment to the CUP and Resolution
- 3 is provided for your review and consideration.
 - The legal description must be updated to reflect that the CUP is only recorded against the approved Parcel A configuration. (Note that the subdivision review is provided under separate cover.)
 - The Minor Subdivision must be approved, and the accurate legal description provided, for this Amendment to be valid.
 - Condition #2 is modified to reflect the approved acreage of Parcel A, depicted as 42.28 acres on the Minor Subdivision exhibit as 42.28, which may be modified based on the recommendation of the Minor Subdivision.
 - Condition #16 is modified to permit a maximum of 39 horse.
 - Add a condition that any modification or intensification of the proposed use shall require an amendment to the CUP.
 - All other conditions noted in the 1993 CUP remain valid and in full force.

City Attorney Snyder recommend denial of the amended CUP application.

Council Member Giefer moved to deny Resolution No. 2022-08, as presented. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.

Consideration of Resolution No. 2022-09, Application for Conditional Use Permit to Process Firewood, 10151 75th Avenue N – City Planner Swanson advised the Applicant, Pete Mogren, Mogren's Firewood, is requesting a Conditional Use Permit (CUP) on the subject property to allow for the processing and selling of firewood. The use includes cutting and processing firewood that is dried using a large kiln on site. The Site Plan shows the location of the existing building on the property, the stockpile locations for the processing operations and the location of the kiln.

A duly noticed public hearing was held on June 8, 2022, and property owners within 1,320-feet were notified of the subject application. No members of the public were in attendance to provide testimony regarding the proposed CUP. The Planning Commission closed the public hearing and discussed the application. The planning commission's discussion mostly focused on two issues, 1) is the proposed use/operation similar to other uses in the City and on the Table of Uses; and 2) what are the hours of operation and potential adverse impacts of the use to adjacent neighbors. After discussion, the Planning Commission determined that the use is similar to other businesses in the City that include landscape supply/hardscape/nursery/agricultural types of operations and that such existing businesses in the City operate with a Conditional Use Permit; and that provided the conditions are met, there should be minimal or no adverse impacts to the surrounding neighborhood and residential properties. The Planning Commission recommended approval (5-2) of the proposed Conditional Use Permit with the conditions as noted in the draft permit.

The following staff report has been updated to reflect the discussion and presentation at the Planning Commission but is generally as presented by staff at the meeting.

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Applicant: Pete Mogren, Mogren's Firewood	Site Size: 101.5 Acres
Owner: Mike Regan	
Land Use: RR-AG Zoning: A2 – Agricultural Small Scale	Request: Conditional Use Permit (CUP)
Address: 10151 75 th Street North Grant, MN 55082	Location Description and PIDs: PID 26.030.21.33.0001, subject property generally located southeast of Keats Ave. N. and 75 th St. N. (CSAH 12)

The Applicant is requesting a CUP on the subject property for the Firewood processing operation. A summary of the proposed use is as follows:

- Cutting and processing the firewood
- Loading and operation of a kiln dryer
- Delivery of firewood
- Occasional customer pick-up
- Year-round operation, with Spring/Summer being the slow season
- Operating hours as detailed below

In the applicant's narrative they describe the operations as being similar to a landscape supply and agricultural use. As described, the operations would occur on site between two and five days a week, with average time per day between six and seven hours. The applicant has indicated that the variation in hours will occur based on whether it is the busy or slow season. (E.g., there is higher demand for firewood during the cold season). In the applicant's narrative, they have indicated that they have purchased an electric processor to replace the current processor to reduce the noise associated with the operations. The new electric processor will be quieter than the current processor and is scheduled to arrive in June 2022.

During the presentation at the Planning Commission the Applicant indicated that no work will be conducted on the weekends, and they are comfortable with only operating Monday through Friday with the stated hours of operation on weekdays only. Further, they indicated that they are comfortable with no retail operations on the site, which is a recommended condition for inclusion within the draft Permit.

City Planner Swanson advised the City Code states the following for consideration when reviewing a Conditional Use Permit (32-141):

"(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety."

(e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required."

Section 32-245 Table of Uses establishes the list of permitted and conditionally permitted uses in the City. Subsection (b) states, "Uses shall be allowed according to the use table in subsection (c) of this section. When a specific use is not listed, the closest similar listed use shall determine the restrictions and conditions which apply."

The parcel is generally located southeast of Keats Ave. N. and 75th St. N. (CSAH 12) and is bordered by rural residential parcels on the westerly border of the site, and large lot/agricultural uses border the south and easterly property lines. The area is generally developed with a mix of agriculture, rural residential and golf course uses.

10151 75th Avenue North, PID 26.030.21.33.0001

The parcel is described as being in the Southwest Quarter of Section 26, Township 30 North, Range 21 West. The parcel is approximately 101.5 acres, is fairly regular in shape, and is bordered by 75th Street North on the north. The majority of the site is wooded with a large agricultural field in the central portion of the property. The perimeter of the site is heavily vegetated and the proposed use will be located within the area cleared of large trees and vegetation.

The site is guided RR/AG – Rural Residential/Agricultural in the City's adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential and agricultural uses with limited non-residential uses that require a CUP. The proposed firewood processing operation is similar to other agricultural and nursery/landscape supply businesses in the City that operate with a CUP. Depending on the conditions established for the firewood processing operations and provided a CUP is obtained, the proposed firewood processing operation could be consistent with the adopted comprehensive plan.

The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibit). The following dimensional review is provided for review and consideration.

The following site and zoning requirements in the A-2 district related to the proposed application. The following review is conducted focusing on the submitted site plan.

Dimension	Standard
Minimum Lot Area per non-	5 Acres, or as per permit
residential structure (Sec. 32-313(b))	
Frontage on an Improved Public Road	300'
Front Yard Setback along Arterials	150'
Side Yard Setback (from street in case	65'
of corner lot)	
Side Yard Setback (from interior lot	20'
lines)	
Rear Yard Setback	50'
Height of Structure	35'
Accessory Buildings (# and Total SF)	No limit

Impervious surface coverage	50%
Floor Area Ratio	30%

Proposed Use

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The Applicant's narrative describes the proposed use as a firewood processing operation. Section 32-245 Table of uses does not specifically identify firewood processing operations as a use. As indicated previously, subsection (b) of the Table of Uses states that if a use is not expressly identified on the table, then the most similar use should be considered. The Applicant's narrative suggests that the most similar type of use is an agricultural and landscape supply type of business. The proposed use has similarities with both; however, a landscape supply use is also not on the City's table of uses. The proposed use is most similar to the nursery/landscape/hardscape businesses that are currently in operation in the City. All businesses of this type (e.g., Hegberg, Buberl, etc.) operate with a Conditional Use Permit in the A-1 or A-2 zoning districts. As such, staff believes that a CUP is the appropriate permit. The Planning Commission determined (5-2) that the proposed use is similar to the other businesses noted, and thus a CUP is required. The City Council may either agree, or disagree, with the Planning commission and must determine that the use is similar to other uses permitted in the City and on the Table of Uses.

Lot Area and Accessory Building Standards

The subject property is approximately 101.5 acres and is used for a non-residential structure. Section 32-313(b) states that the maximum building size is established for a CUP based on the lot size. As identified, there is no limit on maximum total square footage on lots larger than 20 acres.

There is no limit on number of accessory buildings allowed. For non-accessory, non-dwelling structures, the limit is determined as per the Permit (CUP).

Setbacks

As shown on the Site Plan, the operation is located in the northwest portion of the property. The kiln is located approximately 300' from the westerly property line and 450' from the northerly property line and 75th Street North frontage. The identified processing area is approximately 345' from the eastern property line and 495' from the northerly property line and road frontage.

The existing building on the site is setback approximately 370' from the eastern property line and 540' from the northerly property line.

The identified operations area (with the kiln, stockpiles, loading and processing area and the existing building) is setback approximately 300' from the easterly property line, 360' from the northerly property line and more than 1,500' from both the westerly and southerly property line. The setback area north and west of the proposed operation are heavily vegetated and mitigate any current view of the operations. As proposed, the area designated for operations meets the City's ordinance.

Operations

The hours of operation given in the narrative are as follows:

- Running the wood processor: 8:30 am − 3:00 pm, 1 − 2 days a week
- Loading truck for delivery: Between 8:30 am 3 pm, 1-3 days a week. This includes delivery of firewood so the delivery truck would be loaded 3-4 days onsite between these hours.
- The kiln runs consecutively for 36 hours when no one is present onsite.

The Applicant indicated during the Planning Commission meeting that they are comfortable limiting the operations to Monday through Friday, with no weekend operations. The modified hours are identified in the attached CUP for your review and consideration.

The Planning Commission agreed with the City Staff that no client pickup or retail sales are permitted on site. The intent is that this business has a low impact on the site, the roads and the surrounding neighborhood. A condition is included within the attached CUP that no on-site client pickup is permitted, and no retail sales are permitted under this CUP. Any proposed changes may require an amendment to the Permit, due to the increase in traffic, signage, etc., which were not evaluated as part of this process.

Noise

The subject operations were brought to the attention of the City due to a concerned neighbor regarding the noise generated on the Site. The staff investigated the complaint and determined that the operations required a Permit to operate, and thus the Applicant applied for this CUP. The City's noise standards are established consistent with the MPCA's noise regulations, and all operations must demonstrate compliance with the standards. The applicant has indicated that the new electric processor will be significant quieter than the current processor, however, it is unknown what the noise and/or decibel levels area associated with the operation and if they comply with the noise standards.

Staff has included a condition in the attached CUP that all operations on site must comply with the MPCA's noise standards that set regulations for duration, decibel levels and time of day. It is the Applicant's responsibility to ensure that all equipment used and purchased to support the operation will comply with the established standards.

There are no new buildings or landscaping being proposed as part of this application.

The property is within the Brown's Creek Watershed District, and the Applicant must obtain any necessary permits from the Watershed.

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The Planning Commission recommended 5-2 to approve the Conditional Use Permit with the conditions as noted. A draft of the CUP and the resolution are attached for your review and consideration.

City Planner Swanson explained the Interim Use Permit process noting that means of permitting could apply. The Interim Use permit would not run with the land like a CUP. Conditions of approval could be added relating to the DNR and logs being transported to the property.

Council Member Rog moved to table Resolution No. 2022-09, as presented. Council Member Carr seconded the motion. Motion carried unanimously with a roll call vote.

City Attorney, Dave Snyder (no action items)

NEW BUSINESS

Consideration of In-Person Meetings – Staff advised the City of Grant City Council has been conducting City meeting via zoom since April, 2020 due to a pandemic. Many cities have in fact resumed in person meetings for quite some time as they have the space to be outfitted for safety equipment such as partitions, social distancing, etc. The City of Grant has limited space at Town Hall to provide the same. A small percentage of cities are continuing meetings via zoom indefinitely.

With the installation of Wi-Fi at Town Hall, the City will be able to accommodate a hybrid approach for those that are not comfortable to attend but would still like to participate. Consultants will continue to attend meetings virtually unless staff determines an agenda item would require in person attendance. The Planning Commission will continue to monitor the situation but continue with zoom meetings until further notice.

I will note that no residents have complained about conducting meetings via zoom. A couple of Council Members and Planning Commissioners have encouraged getting back to in-person meetings as soon as possible.

Mayor Huber moved to resume in-person meeting when the infrastructure has been completed at Tówn Hall. Council Member Carr seconded the motion. Motion carried with Council Member Rog voting nay with a roll call vote.

Accept 2021 Audit – Staff advised the 2021 Audit was completed and will be filed with the State. The Council needs to formally accept the Audit.

Council Member Giefer moved to accept the 2021 Audit, as presented. Council Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

Consideration of Resolution No. 2022-10, Primary and General Election Judges – Staff advised Resolution No. 2022-10 provides for a list of election judges to be utilized in the 2022 primary and general election.

Council Member Giefer moved to adopt Resolution No. 2022-10, as presented. Council
Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

1	Set 2023 Budget Work Session – Staff requested the Council schedule a 2023 Budget Work Session.
2 3 4	A 2023 Budget Work Session was scheduled on Tuesday, August 2, 2022 at 6:00 p.m.
5	UNFINISHED BUSINESS
6	There was no unfinished business.
7	<u>DISCUSSION ITEMS</u> (no action taken)
8	Staff Updates (updates from Staff, no action taken)
9	City Council Reports/Future Agenda Items
0 1	COMMUNITY CALENDAR JULY 1 THROUGH JULY 31, 2022:
2	Mahtomedi Public Schools Board Meeting, Thursday, July 14th and July 28th, Mahtomedi District Education Center, 7:00 p.m.
4	Stillwater Public Schools Board Meeting, Thursday, July 14th, Stillwater City Hall, 7:00 p.m.
5	Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.
6 7	<u>ADJOURNMENT</u>
8 9 0	Council Member Giefer moved to adjourn the meeting at 8:38p.m. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.
1 2 3 4	These minutes were considered and approved at the regular Council Meeting August 2, 2022.
4 5 6	Kim Points Administrator/Clerk Jeff Huber Mayor

07/01/2022 To 07/30/2022	Date Range:
All Funds	Fund Name:

07/25/2022 WSB & Associates	07/25/2022 Washington County Public Works Total For Check	07/25/2022 Press Publications Total For Check	07/25/2022 City of Willernie Total For Check	07/25/2022 Washington Conservation District Total For Check	07/25/2022 Ready Watt Electric Total For Check	07/25/2022 Bremer Bank Total For Check	Total For Check			07/25/2022 SHC, LLC	Total For Check			07/25/2022 Kline Bros Excavating	Total For Check	07/25/2022 Payroll Period Ending 07/30/2022	Date <u>Vendor</u>
15570 15570 15570 15570	15569 15569	15568 1 5568	15567 15567	15566 15566	15565 15565	15564 15564	15563	15563 15563	15563 15563	15563 15563	15562	15562	15562	15562	15559	15559	Check #
Engineering - June22	invoice#204493 - Lights 17 & 36	Filing Affidavits	Jan-June Rent	2nd Quarter Billing - MS4	Siren Maintenance	2020 Road Project Bond				Planning Services				Road Maintenance		July22	Description
z	z	z	z	Z	z	z				z				z		z	Void
Engineering Fees - General Seal Coating/Crack Filling MS4 Special Road Projects	Street Lights	Election Expenses	Rental City Office	MS4	Siren Warning System	2019/2020 Road Project			Escrow	City Planner Pre-App		Special Road Projects	Road Shouldering	Grader Contractor		Clerk Salary	Account Name
100-41203-300- 100-43112-300- 100-43118-300- 100-43128-300-	100-43117-330-	100-41303-351-	100-41316-210-	100-43118-300-	100-42007-220-	100-43136-510-		922-49320-300- 999-49320-300-	100-49320-300-1003 100-49320-300-107	100-41209-300- 100-41319-300-		100-43128-301-	100-43108-301-	100-43101-301-		100-41101-100-	F-A-O-P
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468.25 296.00 210.25 132.75	93.00 93.00	37.98 37.98	2,849.29 2,849.29	185.71 185.71	878.00 878.00	11,261.91 11,261.91	3,430.25	220.50 1 47 .00	698.25 477.75	1,486.75 400.00	41,479.50	29,585.75	1,132.50	5,486.25	4,213.43	4,213.43	Total

Report Version: 03/31/2015

Fund Name: All Funds

Date Range: 07/01/2022 To 07/30/2022

07/25/2022 KEJ Enterprises	07/25/2022 CliftonLarsonAllen Total For Check 07/25/2022 Northern Salt Total For Check	07/25/2022 Washington County Sheriff Total For Check 07/25/2022 Waste Management Total For Check	07/25/2022 MN Department of Labor & Industry Total For Check 07/25/2022 CenturyLink Total For Check		<u>Date</u> <u>Vendor</u> Total For Check 07/25/2022 Croix Valley Inspector Total For Check
15579 15579 15579 15579 15579 15579 15579 15579 15579 15579	15577 15577 15578 15578	15575 15575 15576 15576	15573 15573 15574 15574	15572 15572	Check # 15570 15570 15570 15570 15571
Road Contractor	2021 Audit Billing Final Dust Control#1	Jan-June 22 Services Recycling -	2nd Quarter Building Permit Surcharge City Phone	Monthly Assessment Services - July	Description Building Inspector
z	z z	z z	z z	z	Z Void
Animal Control Town Hall Mowing Ball Field Maintenance Road Engineering Fees Road Garbage Removal Gravel Road Costs Magnesium Choride Road Sign Replacement Culvert Repair Snow & Ice Removal Road Brushing	Audit Fees Magnesium Choride	Police	Building Permit Surcharge City Office Telephone	Property Assessor	Account Name Utility/ROW Permits Grading Permit Escrow Building Inspection
100-42006-300- 100-43006-300- 100-43102-300- 100-43102-300- 100-43105-300- 100-43107-300- 100-43110-300- 100-43111-300- 100-43113-300- 100-43113-300-	100-41201-300- 100-43107-210-	100-42001-300- 100-43011-384-	100-42005-210-	100-41208-300-	F-A-O-P 100-43132-300- 100-43135-300- 955-49320-300- 100-42004-300-
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83.00 125.00 125.00 166.14 167.00 20.84 41.67 83.84 20.84 5,686.67 2,250.00	2,700.00 2,700.00 44,157.00 44,157.00	73,933.60 73,933.60 5,601.48 5,601.48	2,505.70 2,505.70 165.50	2,173.00 2,173.00	Total 725.00 326.25 142.50 2,301.00 12,231.60

Report Version: 03/31/2015 Page 2 of 3

Fund Name:

Total For Selected Checks	07/25/2022 Xcel Energy	07/25/2022 T-Mobile		07/25/2022 IRS	07/25/2022 PERA	<u>Date</u> <u>Vendor</u>	Date Range: 07/01/202
Total For Check		Total For Check	Total For Check		Total For Check	Total For Check	07/01/2022 To 07/30/2022
XcelEFT13 XcelEFT13	XcelEFT13 XcelEFT13	TMEFT10 TMEFT10	EFT159 EFT159	EFT159 EFT159	15580 15580 15580	<u>Check #</u> 15579 15579	
	Utilities	City Cell		Payroll Taxes	PERA	Description	
	z	z		z	z	<u>Void</u>	
Street Lights	Town Hall Electricity Well House Electricity	Road Expenses - Other	Social Security Expens	Clerk FICA/Medicare Clerk Medicare	Clerk PERA Clerk PERA Withholding	Account Name Road Side Mowing	
100-43117-381-	100-43004-381- 100-43010-381-	100-43116-210-	100-41107-100-	100-41103-100- 100-41105-100-	100-41102-120- 100-41108-100-	<u>F-A-O-P</u> 100-43115-300-	
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50.98 283.56 221,853.79	59.63 172.95	20.00 20.00	350.55 1,290.70	432.53 81.98	424.06 367.52 791.58	<u>Total</u> 500.00 9,270.00	



WASHINGTON COUNTY SHERIFFS OFFICE 15015 62ND ST N PO BOX 3801 STILLWATER MN 55082

To: GRANT CITY PO BOX 577 WILLERNIE MN 55090

Invo	ice
Invoice Number:	203164
Account Number:	27164
Due Date	7/23/22
Amount Enclosed:	\$
Federal Tax Id:	41-6005919

Please return top portion with payment. Thank You.

				Invoice		
Date	Number	Туре	Due Date	Remark		Amount
6/30/22	203164	Invoice	7/23/22	JAN-JUN 2022 POLICE SI		\$73,933.60
declare un	der the penalties of it has been paid	of law that this acco	unt claim or de	emand, is just and correct	Invoice Total	\$73,933.60
	_		nty and mail to	the address above.	Sales Tax	
					Balance Due	\$73,933.6

CITY OF GRANT, MINNESOTA RESOLUTION NO. 2022-11

RESOLUTION OF DENIAL OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR VICTORIA STATION BOARD STABLE AND INDOOR RIDING ARENA AT 9250 DELLWOOD RD. N.

WHEREAS, Sam Scott has applied for an Amendment to the Conditional Use Permit on the property located at 9250 Dellwood Road North ("Subject Property") in the City of Grant, Minnesota; and

WHEREAS, the subject property was granted a Conditional Use Permit (CUP) for the Victoria Station Board Stable and Indoor Riding Arena in 1993; and

WHEREAS, the original 1993 CUP was granted and recorded against approximately 55-acres, and the permit must be amended if any changes to the land area or uses are proposed; and

WHEREAS, the Applicant proposes to subdivide the 55-acre parcel and vacate approximately 17-acres of land from the 1993 CUP; and

WHEREAS, the Applicant proposes to Amend the 1993 CUP to accurate reflect the land area and to amend the necessary conditions to allow for the continuation of the Horse Boarding and Indoor Riding Arena operation; and

WHEREAS, a duly noticed Public Hearing took place on June 8, 2022; and

WHEREAS, on June 8, 2022 the Planning Commission recommended approval of the application to Amend the CUP subject to certain conditions; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission and the Applicant's request at regular City Council meetings which took place on June 28, 2022 and August 2, 2022.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby

Resolution No.: 2022-11

County of Washington

Page 2 of 3

deny the request of the Sam Scott for an Amended Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City's Zoning Ordinance which provides that a Conditional Use Permit may be granted "if the applicant has proven to a reasonable degree of certainty" that specific standards are met. The City Council's Findings relating to the standards are as follows:

- A wetland delineation of the parcel was not complete and therefore the number of grazable acres could not be determined, and therefore the number of permitted horses could not be appropriately established based on the current applicable ordinances.
- The request for Minor Subdivision of the subject property was denied on Jun 28, 2022 and therefore no new legal description of the parcels was created.
- The Applicant is engaged in continuing litigation with the City regarding the status of the Justen Trail roadway easement, including the rights to use and access the road established by the easement and the maintenance and management of the roadway.
- Access to the property, including that portion used for the horse boarding and riding arena, is provided by Justen Trail N., and maintenance of that access is critical to the continued operations.
- Given the continuing litigation, it cannot be determined that the permitted operations of the CUP will not adversely impact adjacent or adjoining properties given the status regarding the rights to use and access the road, and the undetermined maintenance responsibility associated with the roadway.

		Jeff Huber, Mayor	
State of Minnesota)) ss.		

Adopted by the Grant City Council this 2nd day of August 2022.

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I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on ______, 2022 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such (County, Minnesota this	•	corporate seal of the City of Grant, Was, 2022.	hington
		Kim Points	
		Clerk	
		City of Grant	

Resolution No.: 2022-11

Page 3 of 3



LIABILITY COVERAGE - WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to pstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

PH: (651) 281-1200

TF: (800) 925-1122

FX: (651) 281-1298

www.lmc.org

	LMCIT Member Name:
×	Check one: The member DOES NOT WAIVE the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.
	The member WAIVES the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.
	Date of member's governing body meeting:
	Signature: Position: Hanin/Well.



Memorandum

To: Honorable Mayor and City Council, City of Grant

Kim Points, Administrator, City of Grant

From: Brad Reifsteck, PE, City Engineer

WSB & Associates, Inc.

Date: July 25, 2022

Re: 80th Street and Ingberg Ct Roadway Improvements – Resident Petition.

WSB Project No. 020929-000

Actions to be considered:

A motion to adopt a Resolution Declaring the Adequacy of Petition and Ordering Preparation of Report for the 80th Street and Ingberg Ct Roadway Improvements.

Facts:

A petition was received by 50% of the affected property owners for major roadway improvements along 80th Street and Ingberg Ct as shown on the attached map.

The signed petitions account for 9 / 18 or 50% of the property owners within the project limits, exceeding the 35% needed for the city to authorize the City Engineer to prepare a Feasibility Study, the first step in the procedures per the City's current assessment policy.

Action: Discussion.

Attachments: Resolution, Map, letter to council with signed petition

5-31-2022

City of Grant PO BOX 577 Willernie, MN 55090

Dear City Honorable Mayor and City Council Members,

I am writing to ask the City Council to consider roadway improvements along 80th St N from Hickory Street to the corner of Ingberg Ct. Improvements are also requested to include Ingberg Ct at the intersection with 80th St N to street address 8250 Ingberg Ct N.



Residents in our neighborhood have been increasingly concerned with vehicles going too fast on 80th St N., the constant battle with mud / ice, and the related safety impacts. Therefore, along with paving this section of road, we ask the City to consider speed control options in the improvement.

Our neighborhood understands the City's assessment policy which requires at least thirty-five (35) percent of the abutting properties owners sign the petition in order for the Council to consider ordering the completion of a Feasibility Report, the first step in the Special Assessment Process.

I have attached a petition signed by 39% of impacted property owners, which meets the requirement mentioned above.

Sincerely,

Kevin Hines

8170 Ingberg Cir N

Enclosure: Signed Petition

Resident Petition Authorizing Roadway Improvement Project Feasibility Report

Map ID	Address	Owner Name	Signature	Date
33.0020	8020 80 th St N	Gonzalez-Sosa		
22.0001	8015 80 th St N	Bartness		
22.0002	8047 80 th St N	Hoff		
22.0005	8119 80 th St N	Klein		
33.0001	8118 80 th St N	Deak		
22.0003,4	8169 80 th St N	Kees	1111	7-14-2
21.0003	8265 80 th St N	McNulty	KMylles	7-14-22
33.0003	8140 80 th St N	Armstrong	7, 31, 33, 7	
33.0002	80 th St N	Pino	1.	
33.0011	8174 80 th St N	Debilzan	Joh ah	5714/2
33.0022	8210 80 th St N	Sorum	Burfo	5/4/2
21.0005	8247 80 th St N	Rutkiewicz		
34.0019,18	8120 Ingberg Ct N	Pederson	Jenniff Qdersor	5/14/22
34.0016,17	8170 Ingberg Cir N	Hines	K-1.H->	5-14
34.0014,15	8230 Ingberg Ct N	Piazza	Plan	5.14
34.0012,13,21	8250 Ingberg Ct N	Ward	M-176	5.14
34.0003-7	Ingberg Ct N	Bruner	0.,	Value
33,0004-6	8154 Ingberg Cir N	Linnihan	deal	5/14/22

CITY OF GRANT

WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2022-12

RESOLUTION DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF REPORT

BE IT FURTHER RESOLVED by the City Council of Grant, Minnesota:

- 1. A certain petition requesting the reconstruction of 80th Street N from the Grant City limits to Ingberg Court and Ingberg Court from 80th Street to address 8250 Ingberg Court N, filed with the City Council May 31, 2022, is hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minn. Stat. Section 429.035.
- 2. The petition for proposed improvement is hereby referred to the city engineer and that person is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affect parcels.

Adopted this 2nd day of August 2022 by the City Council of Grant, Minnesota.

	Jeff Huber, Mayor	
ATTEST:		
Kim Points, City Clerk		



Memorandum

To: Honorable Mayor and City Council, City of Grant

Kim Points, Administrator, City of Grant

From: Brad Reifsteck, PE, City Engineer

WSB & Associates, Inc.

Date: July 25, 2022

Re: 2022 Pavement Management Project

WSB Project No. 020684-000

Actions to be considered:

A motion to award a contract for the 2022 Pavement Management Project contract to the lowest responsible bidder.

Facts:

The following streets were approved by Council for roadway maintenance work in 2022:

110th Street117th StreetJasmine Court118th StreetKeystone Avenue65th Street N

Kimbro Avenue Lansing Avenue Justin Trl Neighborhood

Manning Avenue Ct Irish Avenue Woodlawn Ac Neighborhood

Manning Avenue Ct Irish Avenue Woodlawn Ac Neighborhood Ironwood Avenue Keswick Ave

This year's project was to include a combination of crack repair and fog seal. Two Quotes

Allied Blacktop Company – Total Bid Amount is \$62,260.00¹
Northwest Asphalt Inc – Total Bid Amount is \$69,113.00¹

¹The prices above do not include the line item to fog seal.

were received on July 21, 2022 as follows:

Northwest Asphalt did not include a quote for the fog seal line item as they do not have the resources to provide this type of work. Allied Blacktop Company quote did include a price for the fog seal line item in the amount of \$38,750.00.

If Council were to award the full contract amount, including the fog seal, the total amount of the contract is \$101,010.00.

Attachments: Project location Map

Action: Discussion. Motion to Award Contract

Cablecast Rate Proposal

City of Grant As Proposed starting August 2022 Review after 12 months.

Work Performed:

Provide video services with provided equipment for city council meetings on the 1st Tuesday of each month. Dates may shift based on Holidays. Additional special meetings covered as requested.

Rate: *rate includes pre-meeting setup time

- Up to three hour meeting (typically 7pm-10pm)	\$150
- Each hour after 3 hours	\$30

Provider Ken Ronnan

clerk@cityofgrant.us

From: Nick Vivian < NVivian@eckberglammers.com>

Sent: Friday, July 22, 2022 1:28 PM

To: City Clerk

Cc: mayorhuber@cityofgrant.us; Tom Weidner

Subject: City of Grant - Request for Proposal - Civil and Prosecution Legal Services

Kim:

Thanks for reaching out today. It was very nice to connect. I'm glad to hear you are doing well. On behalf of Eckberg Lammers, I would like to submit a proposal to serve as the City Attorney for the City of Grant. The general hourly rate for services will be \$250. Development services passed through will be billed at \$275 per hour. I will be the lead attorney managing the relationship and will be assisted by Attorneys Christina Benson and Tom Loonan. As noted, I have a current conflict with Grant Council meeting dates but I will work to resolve that conflict and will work with my colleagues to ensure coverage.

Our retention as the City Attorney will be conditioned upon the City of Grant also awarding us its contract for Prosecution Services. We served as the City's Prosecutor for many years. We propose to provide Prosecution Services for a monthly fee of \$2,500. Tom Weidner and Joe Van Thomme lead our Prosecution team.

We are excited to have the opportunity to serve the City of Grant. Should the City County approve this proposal, I will send over our Contract. We prefer a term of five years but are open to discussion.

Nick

Nicholas Vivian Attorney



Direct: 715-808-8843 | Fax: 715-386-6456

eckberglammers.com



Hey Kim, we spoke earlier, and you were having your intern help out with scanning and filling out Permit documents that were all handwritten on paper and were being filled out manually. There were a few mis-keyed docs and various addresses that were not in your County provided parcel Database and I think we might be able to help out a bit with your process. A few items that we could do that might makes things easier are:

- X
- 1. We can use Laserfiche Dynamic Fields to turn your Address type in fields into Dropdowns. This basically uses your Database that you already have to make the Street Name, House Number, Pin, Zip, etc fields all dropdowns. We would start by you choosing the Street Name from a dropdown list, once chosen it will limit the options for House Number to only the relevant house numbers. Then once you choose the right house number, it will automatically fill in the Pin/Zip fields. This would help with any spelling mistakes or missing suffix issues you seem to have with hand keying all the addresses in.
- 2. We did notice a few addresses that went to the Manual review folder because the address wasn't in your County Parcel Database (You said these were likely new addresses). We could (and tell me if this would be helpful or not) build you a Laserfiche Form, which is just an online form you can fill out, and it would allow you to maintain that list of addresses and let you add new ones into the database. You would just hit the form and have to type in the new address you're looking to add (House number, Street Name, PIN, and Zip I think are the only fields you use on your Laserfiche Template), you would then submit the form and that address would then be inserted into the Parcel Database so you could then choose the address from the dropdown after that.
- 3. This one I'm just guessing on, but you mentioned your address database came from the county at some point. I'm not sure how you got it into SQL before, but if that was something we helped you with initially, we could write a process to intake new County Address Spreadsheets to allow you to keep your address list more up to date. Again, this one may or may not be helpful and I'm not sure what frequency you get those lists from the county, just an idea.
- 4. Online Permit Process. I know you mentioned it a bit as a "someday" project, but I'm just adding it to this email since I'm going to loop in Nathan your Solutions Manager here at OPG-3 as well so they're aware you might be interested in some kind of an Online Permitting solution someday and would like to explore those options with us and see what we could do for you.



- 1. 2 Hours
- 2. 2 Hours
- 3. 3 Hours
- 4. No estimate for this as it would need more discussion and review to properly estimate.

Let me know what you think about the suggested items and if these make sense or not, we can always have a call to discuss as well, just let us know, thanks!





City Council Report for July 2022

To: Honorable Mayor & City Council Members

From: Jack Kramer Building Official

City Code Enforcement Activity:

1. No new violations to Report.

Abated City Code Violation:

- 1. Mr. David Och 9515-83rd. St. N. Violation of City Code Section 32-316 (B) Storage.
- a. Mr. Och was storing old furniture and assorted junk on the property, currently the property is in compliance with the City Code.

Building Permit Activity:

1. 39 (Thirty-Nine) Building Permits have been issued with a total valuation of \$1,031,147.15.

Respectfully submitted,

Jack Kramer

Building Official

2022-165	Stucco Repair	Stephens	9888 Indigo Trl. N.	6/14/2022 \$	9,250.00	es	181.25	\$ 135.93	\vdash	,	8	4.62
2022-166	Re-Roof	Hedin	8991 Ideal Ave.N.	6/15/2022 \$	-	69	237.25	\$ 177.93	93		69	99.9
2022-167	Re-Roof	Redmann	10920 Imwood Ave. N.	6/15/2022 \$	39,009.00	€	543.25	\$ 407.43	-		69	19.50
2022-168	Re-Roof	Johnson	10286 Kismet Lane.N.	6/15/2022 \$	23,754.12	63	377.25	\$ 282.93	⊢	1	69	11.87
2022-169	Mini-Split Heater	Kresen	7691 Jamaca Ave. N	6/15/2022 N/A		₩	80.00	\$ 60.00	\vdash	,	s	1.00
2022-170	Plg. Remodel	Schmid	9370-96th. St.N.	6/16/2022 N/A		€9	80.00	\$ 60.00	\$	1	s	1.00
2022-171	Re-Roof	Macias	7557 -101 St. N.			₩	111.25	\$ 83.43	-		69	2.50
2022-172	Re-Roof	Clarkson	10659-83rd. St. N.	6/18/2022 \$	13,000.00	↔	223.25	\$ 167.65	-	ı	69	6.50
2022-173	Gas Fireplace	Halbe	7076- 115th. St.	6/18/2022 N/A		s	80.00		\$	١	ક્ક	1.00
2022-174	Ventilation System	Holien	7173 Loan Oak Trail	6/20/2022 N/A		49	80.00	\$ 60.00	8	\$0.00	69	1.00
2022-175	Re-Roof	Kneip	8921 Ideal Ave.N.	6/21/2022 \$	26,592.62	မာ	411.95	\$ 308.96	\$ 96		63	13.29
2022-176	Re-Roof	Healy	11691 Irish Ave.N.	6/21/2022 \$	15,000.00	₩	251.25	\$ 188.43	-		63	7.50
2022-177	Re-Roof	Stranngl	9963 Janmaca Ave.	6/21/2022 \$	31,514.46	69	462.45	(,,	-		ક્ર	15.75
2022-178	Gas Line	Kresen	7691 Jamaca Ave. N	6/21/2022 N/A		€9	80.00	\$ 60.00	-	1	s	1.00
2022-179	Lean -To	Anderson	9085 Jeffreu Ave. N	6/22/2022 \$	18,000.00	₩	293.25	\$ 219.93	H		69	9.00
2022-180	Windows	Kramer	7971-120th. St. N.	_	63,692.00	↔	741.75	\$ 556.31	-	1	မှာ	31.84
2022-181	Demolition	Bruner	8432-80th. St.N.	6/24/2022 N/A		₩	100.00	\$ 75.00	\$		s	1.00
2022-181	Solar System	Mogren	11033-66th. St. N.		-	8	\vdash	\$ 1,005.71	\vdash	871.61	69	80.71
2022-182	Re-Roof	Anderson	8833-80th. St. N.	6/25/2022 \$	_	↔	-	\$ 316.53	-		မှာ	13.58
2022-183	Re-Roof	Cournoy	6808-117th. St. N.	6/27/2022 \$	30,000.00	€9	-	\$ 316.68	_		69	15.00
2022-184	Air Conditioner	Rubin	9733 Justin Trl. N.	6/27/2022 N/A		₩.	80.00	\$ 60.00	\vdash		49	1.00
2022-185	Gas Fireplace	Collins	11695 Lockridge Ave.	6/27/2022 N/A		69	-		_	1	69	1.00
2022-186	Re-Roof	Ruth	9820 Justen Trail N.	6/29/2022 \$	27,000.00	€9	411.95	\$ 308.96	\$ 96	,	8	13.50
2022-187	Re-Roof	Schwartz	7400 Dellwood Rd. N.	6/29/2022 \$		49		\$ 422.58	-	ŧ	69	21.00
2022-188	Windmill	Blasena	9121-96th. St. N.	6/29/2022 \$	7,500.00	€9	153.25	\$ 114.93	-		49	3.75
2022-198	Air Conditioner	Palme	7707-120th. St. N.	7/1/2022 N/A		မှာ	_	\$ 60.00	-	1	↔	1.00
2022-199	Re-Roof	Lund	11076-66th. St. N.			8	-	\$ 272.43	43 \$	-	မှာ	11.50
2022-200	Re-Roof	Anderson	9160 Joliet Ave. N.		\neg	43	-		-	ı	63	14.23
2022-201	Re-Roof	Engelbretson	11260 Lansing Ave.		17,900.00	49	427.05	\$ 320.28	-		↔	8.95
202-202	Windows	Stewart	8614 Manning Ave.		174,174.00	₩	-	\$ 1,056.05	_	1	ક્ક	87.08
2022-203	Plumbing New Home	Bond	9980-110th. St. N.	7/7/2022 N/A		↔	-	\$ 60.00	\$ 00	1	€9	1.00
2022-204	Re-Roof	Witthaus	10305 Hadley Ct. N.	7/7/2022 \$	31,000.00	မှာ	-	\$ 339.26	-	•	49	15.50
2022-205	Re-Roof	Jeatran	9301 lvy Ave. N	7/7/2022 \$	55,717.95	မှာ	699.75	\$ 524.81	_	1	63	27.85
2022-206	HVAC Newv Home	Magnuson	8275 Jamaca Ave. N.	7/8/2022 N/A		₩	80.00	\$ 60.00	-		69	1.00
2022-207	Re-Roof	Sheehan	9120-64th. St. N.	7/8/2022 \$	24,700.00	↔	391.75	\$ 293.81	8	-	69	12.35
2022-208	Air Conditioner	Jones	11730 Deliwood Rd.	7/8/2022 N/A	(A	₩	80.00	fA.	69		69	1.00
202-209	Deck	Fesser	1175 Lawn Ave.		5,600.00	69		\$ 93.93	33	81.41	မှ	2.80
2022-210	Plg Commercial Bldg	Two Silos	7040-117th. St/ N.		\rightarrow	s	-		\rightarrow	-	မှာ	43.18
2022-211	Re-Roof	Femrite	[11959 Imperial Ave.N.]	7/9/2022 \$	31,000.00	S	436.85	\$ 327.63	89 89	-	↔	15.50

\$1 031,147.15 \$ 13 787.26 \$10.265.52 \$ 953.02 \$ 527.51

Monthly total