

CITY OF GRANT
MINUTES

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DATE : December 3, 2019
TIME STARTED : 7:00 p.m.
TIME ENDED : 7:43 p.m.
MEMBERS PRESENT : Councilmember Carr, Rog, Giefer,
and Mayor Huber
MEMBERS ABSENT : None

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

CALL TO ORDER

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

PUBLIC INPUT

(1) Ms. Angela Wentz, 68th Court North, came forward and inquired about any further progress on potential road flooding in the spring in the Sunnybrook area.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

| | |
|---|----------|
| November 2019 Bill List, \$54,734.37 | Approved |
| Kline Bros. Excavating, Road Work, \$35,745.00 | Approved |
| City of Stillwater, 2 nd Half Fire Contract, \$59,767.50 | Approved |
| City of Mahtomedi, 4 th Quarter Fire Contract, \$34,346.50 | Approved |
| Brochman Blacktopping Co., \$22,848.49 | Approved |

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

3
4 **STAFF AGENDA ITEMS**

5
6 **City Engineer, Brad Reifsteck (no action items)**

7
8 **City Planner, Jennifer Swanson**

9
10 **Consideration of Resolution No. 2019-22, Application for Conditional Use Permit to Board up**
11 **to Sixteen (16) Horses on Property, 9104 68th Street North** – City Planner Swanson advised the
12 applicant is not present this evening due to an illness. The City is in the appropriate time requirements
13 for consideration and the item could be tabled so the applicant can be present to answer any questions
14 from the Council.

15
16 **Council Member Rog moved to table Consideration of Resolution No. 2019-22 to the January**
17 **2020 City Council meeting. Council Member Carr seconded the motion. Motion carried**
18 **unanimously.**

19
20 **Consideration of Resolution No. 2019-23, Minor Subdivision Application, 7781 and 7995**
21 **Kimbro Avenue North** – City Planner Swanson advised the Applicants and Owners Isaac and Jenna
22 Klaehn, and Owners Pat and Deanna Herold, are requesting an exchange of lands or minor
23 subdivision of property located at 7781 and 7995 Kimbro Avenue North. The proposed exchange of
24 land is for an approximately 33-foot wide strip of land that provides private access to three abutting
25 lots (7955, 7975, and 7995 Kimbro) which is currently owned by Herolds which is a non-contiguous
26 parcel at 7781 Kimbro Ave N.

27
28 A duly noticed public hearing was held at the regular Planning Commission meeting on November
29 19, 2019 at 6:30 PM. There were no members of the public present, and no testimony was provided or
30 submitted.

31
32 Once the public hearing was closed, the Planning Commission discussed the application briefly
33 before making a motion to recommend approval of the minor subdivision to the City Council with the
34 conditions as noted in the attached resolution.

35
36 The following staff report is generally as presented to the Planning Commission. Additions are noted
37 with an underline.

38
39 **Project Summary**

| | |
|---|------------------------|
| Applicants & Owners 7995 Kimbro Ave N | Isaac and Jenna Klaehn |
| Owner 7781 Kimbro Ave | Pat and Deanna Herold |

| | |
|--------------------|--|
| N | |
| PIDs: | 260302112004 and 2603021120001 |
| Lot Size: | <u>7995 Kimbro – 4.5 Acres</u> <u>7781 Kimbro – 26.29 Acres</u> |
| Zoning & Land Use: | A-2 |
| Request: | Lot Line Rearrangement (Minor Subdivision) to transfer approximately 42,900 square feet from 7781 Kimbro Avenue N to 7995 Kimbro Avenue N. |

1
 2 The Applicant and Owners are requesting a lot line rearrangement of two existing lots to transfer
 3 approximately 42,900 square feet from the property located at 7781 Kimbro Avenue N to 7995
 4 Kimbro Avenue N. The proposed lot line rearrangement will not result in any new lots, and the
 5 42,900 square foot strip of land will continue to be used to provide access to the properties located at
 6 7955, 7975 and 7995 Kimbro Avenue N. The current private access is owned by the Herolds whose
 7 property is located at 7781 Kimbro Avenue N which is a non-contiguous parcel. The purpose of the
 8 lot line rearrangement is for the access strip to be owned by a property owner with contiguous land.
 9 The purpose of the land will not change as a result of the exchange, and the land will continue to be
 10 used as a private access for the three lots which abut the property.

11
 12 The City’s subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in
 13 Section 30-9, 30-10 and 30-11. The sections of the code that relate to dimensional standards and other
 14 zoning considerations are provided for your reference:

- 15 Secs. 12-261
- 16 Secs. 32-184
- 17 Secs. 32-246
- 18 Secs. 32-313

19
 20 City Planner Swanson advised there are two parcels that are the subject of this Application including
 21 the property located at 7995 Kimbro Avenue North and 7781 Kimbro Avenue North, and there are
 22 two additional affected parcels located at 7955 and 7975 Kimbro Avenue North. The lots in their
 23 current configuration were created in the 1960s, which predated the City’s ordinance that require a lot
 24 to have frontage on a public road. As a result, the lots located at 7975 and 7995 Kimbro Avenue were
 25 considered legally conforming even though they did not have frontage on a public road. Both parcels
 26 were permitted to be accessed from a private driveway easement that was owned by the property
 27 located at 7781 Kimbro Avenue North which abuts their southerly lot line. The private driveway
 28 access area is a strip of land approximately 33’ wide by 1300’ long and extends the full width of the
 29 properties located at 7955, 7975 and 7995 Kimbro Avenue. The existing private driveway currently
 30 provides access to all three lots, and no access is provided to any other surrounding land or parcels.

31
 32 The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use
 33 designation. The proposed minor subdivision/lot line rearrangement of the two Parcels does not
 34 result in any new lots being created. The minor subdivision/lot line rearrangement as proposed meets
 35 the density requirements as established in the Comprehensive Plan.

36

1 The following site and zoning requirements in the A-2 district are defined as the following for lot
 2 standards and structural setbacks:
 3

| Dimension | Standard |
|---------------------------------------|----------|
| Lot Area | 5 acres |
| Lot Width (public street) | 300' |
| Lot Depth | 300' |
| FY Setback – County Road (Centerline) | 150' |
| Side Yard Setback (Interior) | 20' |
| Rear Yard Setback | 50' |
| Maximum Height | 35' |

4
 5 The proposed configuration does not result in any new lots and it does not change the existing
 6 conditions since the land transfer is simply a transfer of ownerships. It should be noted that the strip
 7 of land does not meet the City’s roadway standards, and that the strip of land was created to a historic
 8 cartway standard. As such, a new access road could not be installed within the strip and meet the
 9 City’s roadway specifications.

10
 11 No new access will be created as a part of this request, and all properties will continue to use their
 12 existing access. However, given that the strip of land that is proposed for transfer as part of this
 13 subdivision provides access to not only the subject lot, but also to the two adjacent lots to the west it
 14 is imperative that access to all three lots be protected and preserved. Since the land is owned by a
 15 private property owner, it is essential that the private driveway easement be maintained into
 16 perpetuity so that the properties at 7955 and 7975 Kimbro Avenue are preserved. ***Staff would***
 17 ***recommend that a condition be included in the approval that the driveway easement must be***
 18 ***perpetual, and that the easement must be submitted to the City Attorney for review and approval***
 19 ***prior to recording the deeds.***

20
 21 The proposed configuration is generally subject to the standards that are contained within Chapter 30
 22 for minor subdivisions in the City. Some additional considerations regarding this request are as
 23 follows:
 24

- 25 • The configuration results in an irregular shaped lot, which is generally discouraged in the
 26 City’s subdivision standards for design. However, the situation is unique in that the strip of
 27 land that is transferred is generally for access and was sized to a historic standard cartway.
- 28 • Shared driveways are discouraged particularly to public right-of-way. This condition is
 29 existing and is considered legally non-conforming. However, as noted in previous sections the
 30 private (shared) driveway access must be preserved to ensure access to 7955 and 7975 Kimbro
 31 Avenue North.
- 32 • The transfer of approximately an acre results in the property at 7995 increasing to
 33 approximately 5.5 acres, and increases the allowable accessory structure square footage and
 34 quantity per Section 32-313 of the City’s Code. The property at 7781 Kimbro remains greater

1 than 20 acres, and thus there is no impact to the permitted accessory building square footage
2 or quantity.

3
4 There are no other agencies that are required to review the subject application. The proposed
5 rearrangement does not create any new lots or propose any new structures, driveway accesses,
6 construction or other site work. As a result, no other agency review is necessary.

7
8 City Planner Swanson noted the Planning Commission unanimously recommends approval of the
9 Minor Subdivision to the City Council with the conditions as noted in the draft Resolution.

10
11 **Council Member Giefer moved to adopt Resolution No. 2019-23, as presented. Council**
12 **Member Rog seconded the motion. Motion carried unanimously.**

13
14 **City Attorney, Dave Snyder (no action items)**

15
16 **NEW BUSINESS**

17
18 **Consideration of October 1, 2019 City Council Meeting Minutes** – Staff noted draft meeting
19 minutes were included in the City Council packets for review.

20
21 **Council Member Giefer moved to approve the November 4, 2019 City Council Meeting**
22 **Minutes, as presented. Council Member Carr seconded the motion. Motion carried with**
23 **Council Member Rob abstaining.**

24
25 **Consideration of Resolution No. 2019-24, 2020 Final Budget** – City Treasurer Schwarze requested
26 Council consideration for the final 2020 budget noting there are no changes from the preliminary
27 budget that was approved in September.

28
29 **Council Member Giefer moved to adopt Resolution No. 2019-24, as presented. Council**
30 **Member Rog seconded the motion. Motion carried unanimously.**

31
32 **Consideration of Resolution No. 2019-25, Establishing Final 2020 Levy** – City Treasurer
33 Schwarze noted there are no changes from the preliminary levy that was approved in September.

34
35 **Council Member Giefer moved to adopt Resolution No. 2019-25, as presented. Council**
36 **Member Rog seconded the motion. Motion carried unanimously.**

37
38 **Consideration of Resolution No. 2019-26, MoGrow Inc. 2020 Liquor License Renewal** – Council
39 **Member Giefer moved to adopt Resolution No. 2019-26, as presented. Council Member Rog**
40 **seconded the motion. Motion carried unanimously.**

41
42 **Consideration of Resolution No. 2019-27, Schones Inc. 2020 Liquor License Renewal** – Council
43 **Member Giefer moved to adopt Resolution No. 2019-27, as presented. Council Member Rog**
44 **seconded the motion. Motion carried unanimously.**

1 **Consideration of Resolution No. 2019-28, Loggers Trail Golf Club 2020 Liquor License**
2 **Renewal - Council Member Giefer moved to adopt Resolution No. 2019-28, as presented.**
3 **Council Member Rog seconded the motion. Motion carried unanimously.**
4

5 **Consideration of Resolution No. 2019-29, Cozzies's Tavern Inc. 2020 Liquor License Renewal –**
6 **Council Member Giefer moved to adopt Resolution No. 2019-29, as presented. Council**
7 **Member Rog seconded the motion. Motion carried unanimously.**
8

9 **Consideration of Resolution No. 2019-30, Dellwood Barn Weddings, LLC 2020 Liquor License**
10 **Renewal – Council Member Giefer moved to adopt Resolution No. 2019-30, as presented.**
11 **Council Member Rog seconded the motion. Motion carried unanimously.**
12

13 **Consideration of Resolution No. 2019-31, Applewood Hills, LLC 2020 Liquor License Renewal**
14 **– Council Member Giefer moved to adopt Resolution No. 2019-31, as presented. Council**
15 **Member Rog seconded the motion. Motion carried unanimously.**
16

17 **Consideration of Appointment to Declared Vacant Council Seat –** Mayor Huber advised there is a
18 vacant Council seat that the City Council can consider an appointment for. He suggested any
19 residents interested in being appointed submit a letter of interest to the City. An appointment to the
20 vacant seat will be considered at the January 2020 City Council meeting.
21

22 Staff advised a notice will be posted on the City website to request letters of interest be submitted no
23 later than December 20, 2019.
24

25 **UNFINISHED BUSINESS**

26
27 There was no unfinished business.

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

29
30 **Staff Updates (updates from Staff, no action taken)**

31
32 **City Council Reports/Future Agenda Items**

33
34 No items were placed on a future agenda.
35

36 **COMMUNITY CALENDAR DECEMBER 4 THROUGH DECEMBER 31, 2019:**

37
38 **Mahtomedi Public Schools Board Meeting, Thursday, December 12th, Mahtomedi District**
39 **Education Center, 7:00 p.m.**

40 **Stillwater Public Schools Board Meeting, Thursday, December 12th, Stillwater City Hall, 7:00**
41 **p.m.**

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

1 City Office Closed, Tuesday, December 24th and Wednesday, December 25th, Christmas
2 Holiday

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4 **ADJOURNMENT**

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6 Council Member Giefer moved to adjourn the meeting at 7:43 p.m. Council Member Rog
7 seconded the motion. Motion carried unanimously.

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15 These minutes were considered and approved at the regular Council Meeting January 7, 2020.
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20 _____
Kim Points, Administrator/Clerk

Jeff Huber, Mayor

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