

CITY OF GRANT
MINUTES

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

DATE : January 2, 2019
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:57 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, and Mayor Huber
MEMBERS ABSENT : Council Elect Giefer and Rog

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) Mr. Jerry Helander, Jasmine Avenue N, came forward and announced the open house on January 16 relating to the Hwy 36 and Manning Avenue project.
- (2) Mr. Bob Tufty, 6635 Jasmine Avenue N, came forward and referred to the new Council Members noting what a great job they did on the Planning Commission.
- (3) Mr. James Drost came forward and commented on solar energy and the problems associated with solar farms.
- (4) Mr. Gary Baumann, 10060 Joliet Avenue N, came forward and suggested the city get rid of Rinc2 by voting yes to the ice rink and let the City of Mahtomedi deal with them.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

This item was removed from the agenda.

SETTING THE AGENDA

Council Member Kaup moved to approve the agenda with the removal of Oath of Office. Council Member Carr seconded the motion. Motion carried unanimously.

CONSENT AGENDA

December 2018 Bill List, \$55,186.06

Approved

1	H & R Construction, Keats Guardrail Project,	
2	\$20,240.63	Approved
3		
4	Kline Bros. Excavating, Road Work, \$19,172.50	Approved
5		
6	2019 Clerk Pay per Approved 2019 Budget	Approved
7		
8	Video Tech 2019 Contract	Approved
9		

10 **Council Member Kaup moved to approve the consent agenda, as presented. Council Member**
 11 **Carr seconded the motion. Motion carried unanimously.**

12
 13 **2019 YEAR IN REVIEW, MAYOR JEFF HUBER**

14
 15 Mayor Huber welcomed everyone to a new year and thanked everyone for the changes that have been
 16 made in the City. He stated with the new Council there is going to be vigorous debate and good
 17 policy set for the City. He wished everyone a Happy New Year and said he looked forward to 2019.
 18

19 **STAFF AGENDA ITEMS**

20
 21 **City Engineer, Brad Reifsteck (no action items)**

22
 23 **City Planner, Jennifer Swanson**

24
 25 **Consideration of Resolution No. 2019-01, Amended CUP Application for Construction and**
 26 **Operation of Ice Arena, Mahtomedi School Campus, 8678 75th Street North – City Planner**
 27 Swanson advised the Applicant, Rinc 2, is requesting an Amendment to the existing Conditional Use
 28 Permit (CUP) on the Subject Property to permit the construction and operation of an Ice Arena. The
 29 existing CUP permits the operation and use of portions of the Mahtomedi School Campus for Athletic
 30 Field Uses but does not address the construction and operation of an Ice Arena. In August of 2015
 31 the Applicant contacted the City to determine what steps and processes would be necessary to permit
 32 the construction and operation of an Ice Arena on the Mahtomedi School Campus. At that time, the
 33 City’s Staff, including Attorney, indicated that either a new CUP or an Amendment to the existing
 34 CUP would be necessary since the Ice Arena use was not identified within the current CUP that
 35 addresses the Athletic Field Uses on the site. In August of 2016, the Applicant made a formal
 36 application to the City to Amend the Conditional Use Permit for Athletic Field Uses, thus initiating
 37 the process.
 38

39 On December 18, 2018 the Planning Commission held a duly noticed public hearing at their regular
 40 meeting. Several members of the public provided testimony, both in support and opposition of the
 41 proposed Ice Arena. A summary of the testimony is provided as background for consideration of the
 42 City Council:
 43

- 44 ▪ Those that spoke in favor, sited the lack of an Ice Arena in the area to supports the Mahtomedi
 45 Schools and the youth hockey programs. Given the proposed location as part of the

1 Mahtomedi School Campus, the proposed location seemed reasonable to those in favor of an
2 arena.

- 3 ■ The public noted that an Ice Arena, particularly in an area that so heavily participates in the
4 sport, will be a community gathering space and good for the area's youth and families.
- 5 ■ Some environmental concerns were raised, though nothing specific to the EAW or the EAW
6 process.
- 7 ■ Testimony regarding the 'use' as an Ice Arena was questioned, and whether the appropriate
8 'use' is commercial and therefore the site should be rezoned to accommodate the Ice Arena. If
9 rezoning to Commercial is necessary, then the public questioned whether the Ice Arena is
10 appropriate since that would not be consistent with the rural character of the community.
- 11 ■ One member of the public inquired as to whether or not the existing CUP was being followed
12 and evaluated by the City regularly. Noting that the existing permit should be followed before
13 allowing an amendment to the permit.
- 14 ■ Concerns regarding traffic and parking were noted and identified. This was discussed
15 particularly in reference to events. Circulation internal to the site was mentioned, and
16 ingress/egress onto CSAH 12.
- 17 ■ Questions regarding hours of operation were noted, and some testified that they would like to
18 see similar hours of operation for the Ice Arena as other athletic field uses on the site.
- 19 ■ Though not under the purview of the Planning Commission, some members of the public
20 commented on the financial viability of arena and questioned what happens to the facility if it
21 fails since it is a private non-profit that proposes to construct and operate the facility.

22
23 In addition to the public testimony, the Planning Commission discussed the proposal, and provided
24 the following feedback:

- 25
26 ■ Some commissioners expressed concern regarding the accurate and true number of parking
27 spaces needed to support the use, particularly if the facility was at maximum capacity (1,200
28 spectators).
- 29 ■ Internal circulation, particularly pedestrian connections between overflow parking areas and
30 the Ice Arena were discussed. Some commissioners questioned whether people would walk
31 between overflow areas and the Ice Arena, or if they would resort to parking along CSAH 12
32 or internal roadways/driveways. This discussion resulted in an additional proposed condition
33 to include proper wayfinding and lighting between overflow parking areas and the Ice Arena.
- 34 ■ The commission asked about fire services given the type of facility (refrigeration, etc.) and
35 wanted verification that such use would not increase the City's rates. While financial
36 impact/analysis is not generally under the purview of the planning commission, they have
37 proposed a draft condition for consideration of the City Council to address this concern.
- 38 ■ Access (ingress/egress) was discussed as well as the event management plan. There was
39 discussion whether the event management plan should be instituted during all events (not just
40 those exceeding 600), but ultimately no changes to the draft conditions were provided.

- 1 ▪ As noted within the Public Testimony, commissioners also questioned what happens if the
- 2 facility fails given that the owner/operator is a private non-profit.
- 3 ▪ Commissioners also requested an opinion from the City Attorney regarding the Commercial
- 4 Use question but did not request that such response be a condition of the permit.

5
6 After discussion, and with the items as noted, the Planning Commission unanimously recommended
7 approval of the Amended Conditional Use Permit for the Ice Arena, with the conditions as noted by
8 staff and as amended by the commission. A draft of the Amended CUP has been included as
9 Attachment A, for the review and consideration of the City Council.

10
11 The following staff report is generally as presented to the Planning Commission, with some
12 modifications and clarifications based on the Applicant’s presentation, public testimony and Planning
13 Commission discussion. The City Engineer’s is as follows:

14 **Site Comments:**

- 15 1. A complete site, utility, grading and drainage plan to scale must designed and signed by a
- 16 registered civil engineer in the State of Minnesota be submitted for review prior to
- 17 construction.
- 18 2. Traffic Signs and devices shall be installed per Minnesota Manual on Uniform Traffic Control
- 19 Devices for Streets and Highways.
- 20 3. Show proposed parking lot, driveway and walk spot elevations.
- 21 4. Show limits of clearing and grading.
- 22 5. A separate erosion control plan is required that will accompany the grading plan. The plan
- 23 shall be compliant with all City and National Pollutant Discharge Elimination
- 24 System(NPDES) permit standards.
- 25 6. Provide pavement sections for all roadways, trails and parking lots

26 **Stormwater Management Comments:**

- 27 7. A complete Storm water Report meeting the requirements of the appropriate watershed
- 28 organizations must be submitted for review.
- 29 8. Show emergency overflow routes shall be provided for all basins in addition to the normal
- 30 pipe outlet. If pipe is installed to provide for an emergency overflow, label it as the emergency
- 31 overflow.
- 32 9. Show or define access routes for maintenance purposes to all manholes, inlets, and/or outlets
- 33 at ponding areas that are outside of public right of way.
- 34 10. The Applicant shall submit an approved RCWD permit prior to construction.
- 35 11. The Applicant shall submit an approved NPDES permit to the City prior to construction.
- 36 12. The Applicant shall submit an approved Grading permit from the City of Grant prior to
- 37 construction.

38
39 The following summary of the City’s review efforts and timelines to-date associated with the Subject
40 Application are provided to the Planning Commission for reference:
41

- 1 ▪ August 2016: Application for Amendment CUP to permit Ice Arena construction and
2 operations is submitted to the City.
- 3 ▪ City Staff determines that the Amended CUP Application is complete.
- 4 ▪ August 25, 2016 Staff prepares a memo to request that the City Council order the preparation
5 of an Environmental Assessment Worksheet (EAW) by a third-party consultant to properly
6 evaluate the proposed project.
- 7 ▪ September 6, 2016 Regular City Council Meeting, the City Council orders the preparation of
8 the discretionary EAW to evaluate the proposed project. Due to ordering the EAW, the
9 review timeline permit Minnesota State Statutes 15.99 is paused to allow for environmental
10 review.
- 11 ▪ September 2016 – January 2017 the draft EAW is prepared by BayWest and Traffic Impact
12 Group.
- 13 ▪ January 31, 2017 Draft #1 of EAW is submitted to EQB for public review and comment. The
14 Project Description proposes to construct the Ice Arena within the dump/waste extents and to
15 use pilings to support the structure.
- 16 ▪ February 6 – March 8, 2017 Public Comment Period is Open
- 17 ▪ February 22, 2017 City of Grant holds Public Open House for review of Draft EAW
- 18 ▪ March – April 2017 City of Grant’s consultant, BayWest, compiles and reviews comments
19 received during the Public Comment period. After review, BayWest concludes that a
20 declaration cannot be made and that additional information is necessary to make a
21 determination regarding the EAW. BayWest discusses with the EQB the need to obtain
22 additional information from the Project Proposer to make sure the City is compliant with the
23 EQB’s rules. After discussion with the EQB, BayWest informs the Project Proposer that
24 additional information is need.
- 25 ▪ April 17, 2017 – February 2018 The Project Proposer prepares the Additional Work as needed
26 and identified by BayWest. During this time, the Project Proposer works with the MPCA on a
27 VRAP (Voluntary Response Action Plan) and supplemental processes to ensure the MPCA
28 will permit the construction of the proposed Ice Arena. As a result of the effort to achieve
29 approval from the MCPA, the Project Proposer changed their construction proposal to
30 excavate the dump and remove the waste, and to replace it with clean fill thus changing the
31 Project Description. As a result, the EAW was required to be amended to consider the revised
32 Project Description, and to allow for another public comment period.
- 33 ▪ May 25, 2018 Revised EAW is submitted to the EQB for release and a second public
34 comment period based on the amended Project Description.
- 35 ▪ June 6 – July 8, 2018 The 30-day Public Comment Period is opened.
- 36 ▪ July 9 – August 3, 2018 BayWest prepares Response to Comments, Findings of Fact and
37 Notice of Decision regarding the amended EAW. Based on comments received, approvals
38 from the MPCA regarding the revised project description, BayWest recommends that the City
39 Council find that there is no need for further environmental review.

- 1 ▪ August 7, 2018 The Resolution of No Need, and Response to Comments and Findings of Fact
- 2 are on the agenda for review. The City Council adjourns the meeting early without taking
- 3 action.
- 4 ▪ September 4, 2018 The City Council adopts Resolution 2018-15, finding that there is no need
- 5 for additional environmental review based on the information contained within the EAW.
- 6 ▪ October 11, 2018 Rinc 2 formally applied for the Amended Conditional Use Permit (the
- 7 subject of this Application) with the revised materials as presented within the EAW.

8

9 Rinc 2 was required to submit revised drawings and plans in this submission because the construction

10 and development plan for the proposed Ice Arena changed as a result of the EAW process. The

11 October 11th submittal materials include the prior materials from 2016, as well as revised drawings

12 based on the materials reviewed as part of the EAW process that was completed in 2018. For

13 purposes of this Staff Report and the City Engineer’s review memo the most current available

14 drawings were reviewed and where possible Staff has identified the date of the Plan for clarification.

15 Based on Staff’s review, there are some drawings and plans that will need to be updated to reflect the

16 revised construction/development plan. Where updated information is needed staff has noted and

17 identified within the respective staff reports. Because of the history and extensive quantity of

18 information contained within the submitted materials, staff has identified a few key documents to

19 highlight within this Staff Report. Staff encourages the Planning Commission to review all of the

20 other submitted information, and the purpose of highlighting key documents is to help

21 Commissioner’s understand what pieces of information have been reviewed and where official action

22 has occurred, and to highlight where some issues or updates are needed as part of the City’s CUP

23 process. A list of key documents highlighted within this staff report are provided in the list at the end

24 of this report.

25

26 **Project Summary**

27

Applicant: Rinc 2 (c/o Alex Rogosheske, Esq.)	Site Size: ~4 Acres – Disturbed (Total Parcel Area 60.57 Acres)
Owner: ISD 832	PIDs: 2803021130001 (2803021240002, 2803021240001 Existing Parking & Drainage)
Zoning & Land Use: A-1	Existing Use: The property is used as part of the Mahtomedi School Campus; there are two existing CUPs recorded against the subject PID, 1) The Wildwood Elementary School CUP, and 2) The Athletic Fields CUP
Address: 8678 75 th Street N.	Request: A Conditional Use Permit (CUP)

28 The Applicant, Rinc 2, and Owner, ISD 832, are proposing to Amend the existing Conditional Use

29 Permit for Athletic Fields (Attachment **A**: Amended CUP) to allow for the construction and operation

30 of an Ice Arena as part of the existing CUP. The proposed project would disturb an approximately 4-

31 acre portion of the Mahtomedi School Campus, and no subdivision is contemplated or proposed as

32 part of this request. A summary of the proposed project is provided as follows:

33 *Existing Site Use:* The existing parcel is used for a combination of uses including an Elementary

34 School (Wildwood), stormwater management (ponds), athletic fields including multi-purpose and

1 soccer fields, and internal roads and parking lots. The proposed Ice Arena is located near the western
2 edge of the subject parcel and would be located on approximately 4-acres that is currently used as a
3 multi-purpose field (See Attachment A: Site Aerial).

4 *Owner & Applicant Agreement:* The Applicant, Rinc 2, has entered a Ground Lease with the Owner,
5 ISD 832, that would permit the Applicant to construct and operate the proposed Ice Arena on the
6 Subject Site. A copy of the lease has been provided and was included in the Applicant's materials.
7 The Ground Lease indicates a period from 2016 through 2036, with option to extend the period
8 through 2056 provided Rinc 2 is not default of any of the terms or conditions of the Lease. (See
9 Second Amended Ground Lease dated March 2017) Ownership of the property would remain ISD
10 832, and Rinc 2's proposed project would operate to benefit the School District's facilities and
11 athletic fields as described within the Applicant's narrative.

12 *Traffic, Main Access and Parking:* The proposed Ice Arena is accessed from CSAH 12 (75th Street N)
13 which is a shared access location with Wildwood Elementary School located to the southeast of the
14 proposed Ice Arena. There are internal connector roads throughout the Mahtomedi School Campus
15 that would be used to provide connections and access to the High School and Middle School located
16 to the west of the proposed Ice Arena. A traffic study was prepared by Traffic Impact Group as a part
17 of the EAW process, which was coordinated with Washington County to ensure that the study would
18 also include additional information need for access permitting. After the completion of the EAW
19 process, Washington County requested additional information and the Applicant updated the traffic
20 study which was submitted to Washington County for review (See Memo Additional Traffic Analysis
21 October 16, 2018) There is an existing parking lot that was constructed to serve the athletic fields on
22 site, which is located southwest of the proposed Ice Arena. The existing parking lot has 203 parking
23 spaces (195 + 8 Handicap Stalls). The Applicant and Owner propose to use this parking lot as the
24 main parking lot to serve the Ice Arena, which will be shared with the athletic fields and High School
25 overflow. (See Site Plan C1.1, dated June 14, 2016) As noted in subsequent sections of this report, the
26 Applicant and Owner have agreed that during events, overflow parking will be directed to the
27 Elementary School Parking lot and the parking lot near the tennis courts.

28 *Utilities:* The proposed Ice Arena would be connected to municipal water and wastewater services
29 which are currently provided to the Mahtomedi School Campus by the City of Mahtomedi. There are
30 two letters contained in the Applicant's materials, both on behalf of the City of Mahtomedi from
31 WSB. The first letter dated January 10, 2017 indicates that there is enough capacity in the City's
32 water and wastewater infrastructure to serve the Ice Arena. The second correspondence dated
33 October 1, 2018 indicates that the City of Mahtomedi has planned for the Ice Arena within its updated
34 2040 Comprehensive Plan so that if the project is approved no Comprehensive Plan Amendment will
35 be required as the City has guided and planned for the improvements. (See Correspondence from
36 WSB on behalf of Mahtomedi)

37 *Environmental Review:* The proposed project was evaluated to determine the potential for
38 environmental impact since the proposed Ice Arena location is on a former dump site (See Letter from
39 Minnesota Pollution Control Agency dated January 4, 2018; page one provides a summary of the site
40 history). As indicated in the letter, the Applicant and Owner have prepared a Response Action Plan
41 that was approved by the MPCA, and provided that the conditions as stated within the memo are met,
42 they will issue necessary permits to allow for the construction and operation of the Ice Arena in the
43 proposed location. This information was included in the revised EAW, which was provided for
44 review during the 2018 public comment period. On September 4, 2018 the City Council adopted
45 resolution 2018-15, determining that there is "no-need" for additional environmental review based on

1 the information contained and evaluated in the EAW. This resolution and finding closed the EAW
2 process. Several mitigation measures were indicated and identified within the EAW, which are
3 included within this staff report as draft conditions.

4 *Operations:* The proposed Ice Area includes an NHL-size single sheet of ice, team rooms for high-
5 school boys and girls varsity, and leagues. The proposed operations include public use spaces such as
6 concessions, skate changing, ticketing and restrooms. The Ice Arena includes seating initially to
7 accommodate 600 spectators with a full build out of up to 1,200 spectators. The facility includes
8 space for mechanical and equipment spaces for refrigeration and resurfacing. The principal use of the
9 facility is as a hockey arena, and the Applicant has indicated flexibility in the possibility of allowing
10 other accessory or secondary uses in the facility when not in use as a hockey arena. The number of
11 employees is anticipated to range from one (1) to seven (7) depending on the activities planned on a
12 particular day. Obviously during events, more employees will be necessary, including potential traffic
13 operations/control assistance as noted in the Traffic Analysis memo.

14
15 *Hours of Operation:* The Applicant indicates within their narrative that the exact hours of operation
16 have not been determined but proposes to allow for the facility to be open daily from 5:00 AM to
17 12:00 AM. Though not stated specifically, staff understands that the facility would be open and
18 operational on a year-round basis.

19
20 City Planner Swanson stated that according to the City Code, Conditional Use Permits are subject to
21 the process and review criteria stated in City Code Section 32-152. Although this request is to Amend
22 an existing Conditional Use Permit, the following standards are still applicable since the Ice Arena
23 use is new and not currently present or addressed within the existing CUP. The City Code further
24 states the following for consideration when reviewing a Conditional Use Permit (32-141):

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

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

31 Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a
32 conditional use permit.

33 The City Council should note that the only conditions in the existing CUP that are subject to review
34 or modification within this process are those conditions that would be directly affected or related to
35 the proposed Ice Arena amendment. So, for example the existing parking lot that was approved as
36 part of the original Site Plan for the Athletic Fields is now proposed to also accommodate the Ice
37 Arena. Therefore, any specific conditions in the existing CUP that relate to the parking lot are open
38 for discussion in this process.

39
40 The proposed project is sited on an approximately 4-acre portion of a larger 60.57 Acre property. The
41 existing larger site includes the Wildwood Elementary School, internal roadways, parking lots,
42 surface water management features and ponds, wetlands, park/recreational area, soccer fields,
43 baseball fields and open spaces with vegetated buffers along the northern edge. The Ice Arena site is
44 located northeast of Existing Athletic Parking ‘A’, and north of the existing drive and infiltration
45 areas as noted on the plans. Currently this portion of the site is used as open recreational field area,

1 used for La Crosse, Soccer and other field activities. There are no wetlands on the 4-acre portion of
 2 the site per the Rice Creek Watershed District’s correspondence. As described in the correspondence
 3 from the MPCA dated January 4, 2018, from the 1950s to the 1970 the 4-acre Ice Arena site was
 4 within a 10-acre portion of the property used for “disposal of municipal, solid, demolition and
 5 industrial waste.” This area is shown in gray and denoted as “Contaminated Soils” on the Applicant’s
 6 Grading & Utility Plan dated July 1, 2016. At this time the contaminated soils remain on site.

7
 8 The Subject Site is guided A-1 and is currently used for the Mahtomedi School Campus. The City’s
 9 Comprehensive Plan describes the A-1 land use designation as primarily large lot residential and
 10 agricultural uses, but further states that some non-residential uses are permitted through conditional
 11 use permit. The existing Mahtomedi School Campus is a conditionally permitted Public School, and
 12 the associated Athletic Fields have also been reviewed and approved as part of the City’s CUP
 13 processes. The proposed Ice Arena use is an extension of the Athletic Field Use and is considered as
 14 part of the School’s existing CUP which was deemed consistent with the City’s Comprehensive Plan.

15
 16 As noted in the Public Hearing, public testimony questioning whether the site was required to be re-
 17 zoned, and subsequently re-guided to a commercial use was provided. Staff responded at the
 18 Planning Commission meeting that the Athletic Field uses were determined, in prior applications
 19 dating back to the 1970s, to be an accessory use of the “Public School” use and therefore the Ice
 20 Arena is a conditionally permitted accessory use to the Public School campus. A short memo from
 21 the City’s Attorney will also be provided under separate cover as requested by the Planning
 22 Commission addressing this issue.

23
 24 The City of Grant zoning ordinance conditionally permits Public Schools and their accessory uses
 25 within the A1 and A2 zoning districts. The following dimensional standards are provided for your
 26 review and consideration.

27
 28 The following site and zoning requirements in the A-2 district regulate the site and proposed project:

Dimension	Standard
Lot Size	20 Acres
Frontage – public road	300’
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
Height of Structure	35’
Driveway Setback	5’
Parking Lot setback	10’ from ROW
Wetland Setback Structure (Buffer)	75’ (50’)

29
 Lot Size/Area: The proposed Ice Arena is located on the Wildwood Elementary School parcel which is approximately 60.57 Acres. Section 32-1 Definitions, requires all Public or Private Schools to have a minimum of 20 contiguous acres. The portion of property that will be disturbed to construct the Ice Arena is approximately 4 acres; however, there is no

subdivision proposed as part of this project. While the Ice Arena will be sited on a portion of the property, the site will remain contiguous and exceeds the City's minimum lot area for Public Schools.

As proposed the proposed site and project meet the City's ordinance requirements.

Setbacks & Frontage: Section 32-1 requires all public schools to be located on parcels that are a minimum of 20-contiguous acres, and that such sites must have frontage on a State or County roadway. The proposed Ice Arena (and existing Mahtomedi School Campus) have frontage on CSAH 12 (75th Street North) which is a County Road. Additionally, the City requires a minimum of 300-feet of frontage for all lots/parcels, and the existing parcel has over 1,600-feet of frontage on CSAH 12.

As proposed, the existing site and proposed project meet the City's ordinance requirements.

Section 32-246 of the City's ordinances require that all structures must be setback a minimum of 150-feet from the centerline of an Arterial roadway. The proposed structure is setback approximately 430-feet from the centerline of CSAH 12. ***As proposed the Ice Arena's location meets the City's front-yard setback ordinance requirements.***

Parking Area
(Location & Spaces): The Applicant is proposing to utilize and share the existing parking lot on site that was constructed to support the Athletic Fields which was a condition of site plan approval of the existing CUP. The existing parking lot currently has 195 standard stalls and 8 handicap accessible stalls with total parking available of 203 stalls. It is staff's understanding that the parking lot also serves as overflow parking for High School permit parking, but that a limited number of stalls are used for this purpose on a regular basis.

The City's current ordinance does not specify a parking ratio to determine how many spaces are needed to adequately serve the facility. As described in the narrative the Phase I spectator seating is 600, while a phase II condition is 1,200 (Note that there is no exterior physical changes between phase I and phase II, and it is simply the interior spectator seating that will be adjusted). While not detailed within the narrative, the analysis in the Traffic Study (See Traffic Study as part of EAW, and the Additional Traffic Analysis dated October 16, 2148) analyzes the 600-spectators as an event condition that does not reflect daily conditions. However, if the Traffic Study information is utilized with the assumption that there are 2.1 persons per vehicle, then the number of parking spaces need to support an event with 600 people would 285 stalls. This is more than is currently available at the main proposed parking lot and would not support the Phase II condition of

1,200. Staff followed up with the Applicant to discuss the plan for overflow parking during events. The Applicant has indicated that the existing Wildwood Elementary School parking lot and the existing parking lot located near the tennis courts would serve as overflow parking during events. Based on plan submitted with the Wildwood Elementary School project, there are approximately 130-stalls at the Elementary School, and additional 125-parking stalls at the tennis courts. This would make total available parking of approximately 540-stalls. This is slightly less than what be needed if the facility is maxed out at 1,200 spectators (ratio results in needed 580-stalls). ***While this condition is likely in the future, staff would recommend that the Applicant provide verification of total number of stalls available in all three parking lots since as-builts were not used to calculate the numbers (preliminary plan sent from 2011 was used to calculate).***

From a daily use perspective, it is assumed that regular team practices would result in between 20 and 50 vehicles onsite at a time with the higher counts expected as teams change/crossover. Based on that projection, the proposed main parking lot would be adequate to accommodate the expected cars, while still providing parking spaces for other users on site.

Based on the information provided and reviewed, the proposed main parking lot is adequate to function and serve expected daily use of the facility. More information regarding anticipated Phase II conditions (1,200 spectators) would be needed to ensure adequate parking is available.

Driveway/Circulation: As part of the EAW process a Traffic Study was completed by Traffic Impact Group to evaluate the potential impact of the proposed use on the ingress/egress into the site. Since the Ice Arena is located near the main entrance which serves the elementary school, the proper/safe functioning of this intersection is critical. Per the Traffic Study, the intersection and internal traffic flow would be acceptable under the Phase I condition. However, if and when Phase II occurs, and additional spectator space is added then proper mitigative measures will be necessary during events to ensure that safe ingress/egress from the site can occur. The recommended mitigation contained in the supplemental traffic study dated October 2018 includes an event management plan to address potential traffic flow issues. It is unclear if Washington County has formally reviewed the recommendations regarding the proposed mitigation, but it has been submitted to Washington County for their review and comments. Staff will reach out to Washington County to understand their current perspectives and will provide written or verbal update to the City Council, if available, at the meeting. ***Staff recommends including a condition in the Conditional Use Permit that all event parking mitigation, acceptable to Washington County and***

the City, must be provided at every event.

In addition to car circulation, pedestrian traffic flow is important given the location of the proposed Ice Area in relation to the main access drive. The main entrance to the Elementary School runs along the eastern edge of the parking lot and then heads directly east just south of the proposed Ice Arena. This makes the pedestrian plan important to try and keep pedestrians crossing into the Ice Arena off the ‘main drive’ to the extent possible. The site design, as shown on the figure noted as “Site Plan – C1.1” shows how the Applicant proposes to use vegetation as a guide to the main entrance into the Ice Arena. While the vegetation helps, it seems likely that users of the Ice Arena may still wander into the “main drive” particularly if the ‘stubs’ at the end of the parking rows are not medians/curbs. Staff would recommend some additional measures to help guide pedestrians away from the main drive. ***Staff recommends the Applicant consider additional crosswalk striping, medians, or other pedestrian markers to help reduce potential conflicts.***

Finally, in the case of overflow parking, the Applicant has stated that the Tennis Court parking lot as well as the Elementary School parking lot will be used. The site plan does not show the pedestrian routes between these parking lots and the Ice Arena. Since the Ice Arena will be most active during the winter, walking on shoulders/grass areas is not feasible given that there will likely be snow accumulation/piles. Staff has concerns that walking on the driveways/access will not provide safe pedestrian routes given the volume of traffic as well as winter conditions. ***As a result, staff recommends that a condition be included in the CUP that requires the applicant to prepare a pedestrian plan and that such plan must be reviewed and approved by the City Staff, including the City Engineer, to ensure that there is a safe route between the overflow parking areas and the Ice Arena.***

Architecture, Building
Height, Foundation

The proposed Ice Arena is approximately 46,091 square feet and is oriented east-west on the site. The main entrance to the facility is on the western façade and connected to the parking lot via a sidewalk and some vegetation. Given the proposed use, there is little fenestration and articulation on the facades, with the exception of the western façade that includes the main entrance vestibule area and three windows on the elevation. The proposed structure’s maximum height is 29-feet, and steps down to 18-feet on the east elevation. ***As proposed, the Ice Arena meets the City’s Ordinance requirements for architecture and maximum height.***

Staff would note the foundation and some special construction/architectural characteristics of the Ice Arena that are not typically reviewed as part of a CUP process. However, given the background and history of the Site, staff notes a few specific site

characteristics that will be evaluated/reviewed by both the City's Engineer (where applicable) and the Building Official (State or Local). As background the EAW process resulted in a revised construction plan that now involves removing the waste material currently on-site directly within the disturbance area (building pad) and bringing in clean fill to support the foundation of the new Ice Arena. Secondly, as described in the Response Action Plan approved by the MPCA, the construction will also include the installation of a Vapor Barrier on the foundation and vapor mitigation system. Staff identifies these characteristics as reference but has not completed any review or analysis as they are permitted and reviewed through the building permit and MPCA RAP processes.

Lighting

Section 32-321 addresses lighting standards, specifically related to non-residential uses. The proposed plan does not identify any outdoor lighting, and existing lighting in the parking lot or along the internal driveways is not identified. Staff contacted the Applicant for additional information regarding proposed lighting, and the Applicant's architect stated that the existing parking lot is lit and no changes are proposed. There will be some lighting along the sidewalk to the facility, and on the perimeter of the building. All lighting will be hooded and downlit with the primary function as pedestrian safety and wayfinding. Staff also notes that a full plan indicating lighting on internal driveways was not provided. Additional information regarding the lighting of these driveway is important particularly related to event situations where overflow parking will occur in nearby parking lots. Staff provided additional clarification during the Planning Commission meeting that if sidewalks/pedestrian ways are provided between the overflow parking areas and the Ice Arena that a lighting plan should be shown and developed to ensure these walkways are properly lit. ***The Applicant should provide a lighting plan that identifies lighting on the proposed structure, as well as lighting in the parking lot, along the drives and any proposed pedestrian-ways to the Tennis Court Parking Lot and the Wildwood Elementary School Parking lot. Staff recommends including a condition that such plan shall be required to demonstrate compliance with the City's lighting standards and ordinances.***

Utilities (Municipal Water & Septic):

The Mahtomedi School Campus facilities are the only buildings/uses served by municipal water and wastewater services in the City of Grant. The City of Mahtomedi has indicated that the current pipes (water and wastewater) serving the School Campus are adequate to serve the Ice Arena. The City has provided two correspondence indicating that 1) infrastructure is adequate and available, and 2) that they have updated their 2040 Comprehensive Plan to include and plan for the Ice Arena.

1 The City Engineer has reviewed the subject application and has provided a memo for your review and
2 consideration. At this time, more/updated information is necessary to perform a complete review,
3 since several of the drawings and information were completed prior to the revised construction plan.
4

5 **Other Agency Review**

6

7 The Applicant is working with several agencies on the proposed Ice Arena project, and many of those
8 agencies will have some permitting or other required approval process. As discussed, Washington
9 County has actively been working with the Applicant, and the City during the EAW process, on the
10 access permits and traffic mitigation during events. The Applicant has submitted a permit request to
11 the Rice Creek Watershed District and that memo was provided with the submittal documents.
12 Additionally, if the CUP is granted, the Applicant will need work with the City of Mahtomedi,
13 Minnesota Department of Health, and all other agencies having permitting authority over the water
14 and sanitary sewer connections to serve the facility.
15

16 As directed by the Planning Commission, Staff has provided a draft Amended Conditional Use Permit
17 and Resolution of Approval that is attached to this staff report for your review and consideration.
18 Please note, that the amended permit includes conditions as approved during the 2011 process that
19 have been completed. No changes to the conditions have been made, but instead remain as approved,
20 except as noted.
21

22 Mr. Alex Rogesheske, Applicant, came forward and stated the information provided to the Council
23 was a lot but was necessary but was important as he wanted everyone to have all the information. He
24 introduced the team that was presented to answer all questions. He stated the lease that will be in
25 place was included in the packet of information is good for twenty years. He explained the ground
26 lease and language included in the lease, the non-profit corporations, insurance requirements, during
27 and after constructions, liability responsibilities and the bond process. He stated he will check on
28 insurance on incidents in the parcing lot and the school district does control all signage and naming
29 rights to the rink. All policies of the school district have to be adhered to.
30

31 Mr. Ken Hobberman, Landmark Environmental, came forward and stated that no permits were
32 required per the enfronmental report but the MPCA does sign off on the VRAO and the entire project
33 is documented. The environemental consultants will be on site and the MPCA can be on site at any
34 time and do inspections. Weekly reports are submitted to the MPCA.
35

36 The Council did indicate concerns relating traffic issues, pedestrian paths and lighting.
37

38 City Attorney Snyder advised the City does not have the authority to interfere with te hlease between
39 the two parties. The City does have the authority to look at the lease and ensure that it exists as it is
40 an assesory to the public use.
41

42 **Council Member Kaup moved to table Resolution No. 2019-01 to the February City Council**
43 **Meeting. Council Member Carr seconded the motion. Motion carried unanimously.**
44

45 **City Attorney, Dave Snyder (no action items)**
46

NEW BUSINESS

1
2
3 **Consideration of December 4, 2018 City Council Meeting Minutes – Council Member Carr**
4 **moved to approve the December 4, 2018 City Council Meeting Minutes, as presented. Council**
5 **Member Kaup seconded the motion. Motion carried unanimously.**

6
7
8 **Consideration of December 4, 2018 Truth in Taxation Meeting Minutes – Council Member**
9 **Carr moved to approve the December 4, 2018 Truth in Taxation Meeting Minutes, as**
10 **presented. Council Member kaup seconded the motion. Motion carried unanimously.**

11
12 **Consideration of Ordinance No. 2019-58, 2019 Fee Schedule – Staff advised a draft 2019 Fee**
13 **Schedule was included in the Council packet. No changes were proposed from the 2018 Fee Schedul.**

14
15 **Council Member Kaup moved to approve Ordinance No. 2019-58, as presented. Council**
16 **Member Carr seconded the motion. Motion carried unanimously.**

17
18 **Consideration of Resolution No. 2019-02, Summary Publication of Ordinance No. 2019-58 –**
19 **Staff advised Resolution No. 2019-02 authorizes a summary publication or Ordinance No. 2019-58.**

20
21 **Council Member Carr moved to adopt Resolution No. 2019-02, as presented. Council Member**
22 **Kaup seconded the motion. Motion carried unanimously.**

23
24 **Consideration of 2019 City Council Meeting Schedule – Staff advised a 2019 City Council**
25 **Meeting schedule was included in the Council packets for consideration. All meetings are subject to**
26 **change.**

27
28 **Council Member Kaup moved to approve the 2019 City Council Meeting Schedule, as**
29 **presented. Council Member Carr seconded the motion. Motion carried unanimously.**

30
31 **Consideration of 2019 Appointment List – Staff advised a draft 2019 Appoint List was included in**
32 **the Council packets for consideration. No changes were proposed from the 2018 Appointment List.**

33
34 **Council Member Carr moved to approve the 2019 Appointment List, as presented. Council**
35 **member Kaup seconded the motion. Motion carried unanimously.**

36
37 **Consideration of Resolution No. 2019-03, Resolution Supporting a Respectful Workplace – Staff**
38 **advised Resolution No. 2019-03 outlines support of a respectation workplaces and was suggested by**
39 **the League of Minnesota Cities.**

40
41 **Council Member Kaup moved to adopt Resolution No. 2019-03, as presented. Council Member**
42 **Carr seconded the motion. Motion carried unanimously.**

43
44 **Consideration of Resolution No. 2019-04, Designating 2019 Polling Location – Staff advised the**
45 **City must designated a polling location every year even in during the off election year.**

1
2 Council Member Kaup moved to adopt Resolution No. 2019-04, as presented. Council Member
3 Carr seconded the motion. Motion carried unanimously.

4
5 **UNFINISHED BUSINESS**

6
7 **Consideration of Resolution No. 2018-25, US Solar Text Amendment Applicationn (Applicant**
8 **has requested this item be tabled to the February Council meeting)** – Mayor Huber advised the
9 application has requested this item be tabled. He indicated he does not see an issue although a
10 discussion does need to be held prior to the February meeting. He suggested the City schedule a
11 special meeting prior to the February meeting.
12

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

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

16
17 **City Council Reports/Future Agenda Items**

18
19 No items were discussed to be placed on a future agenda.

20
21 **COMMUNITY CALENDAR JANUARY 3 THROUGH JANUARY 31, 2019:**

22
23 **Mahtomedi Public Schools Board Meeting, Thursday, January 10th and 24th, Mahtomedi**
24 **District Education Center, 7:00 p.m.**

25 **Stillwater Public Schools Board Meeting, Thursday, December 10th, Stillwater City Hall, 7:00**
26 **p.m.**

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

28 **City Office Closed, Martin Luther King Day, Monday January 21st**

29 The Council directed staff to schedule a special meeting.

30
31 Mayor Huber took a five minute recess at 8:25 pm.

32
33 Mayor Huber reconvened the meeting at 8:30 p.m.

34
35 **EXECUTIVE SESSION PURSUANT TO Minn. Stat. 13D.05 Subd. 3 “ATTORNEY CLIENT**
36 **PRIVILEGE” TO DISCUSS PENDING LITIGATION LANOUX, ET AL. V. GRANT ET AL.**

37
38 **Council Member Kaup moved to go into closed session at 8:30 pm. Council Member Carr**
39 **seconded the motion. Motion carried unanimously.**

40
41 **Council Member Kaup moved to reconvene into open session at 8:55 p.m. Council Member**
42 **Carr seconded the motion. Motion carried unanimously.**

43

1 City Attorney Snyder advised the purpose of the closed session was to discuss pending litigation
2 relating to Lanoux et. al. v. Grant at. al..
3

4 Those present included Council Members Kaup, Carr, Mayor Huber, City Clerk Points, City
5 Attorney Snyder, City Attorney Reuvers and League Attorney Gavigilio. No action was taken.
6

7
8
9 **ADJOURNMENT**

10
11 Council Member Carr moved to adjourn the meeting at 8:57 p.m. Council Member Kaup
12 seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting
13 nay.
14

15
16
17
18
19
20
21 These minutes were considered and approved at the regular Council Meeting February 5, 2019.
22
23
24

25
26 _____
Kim Points, Administrator/Clerk

27 _____
Jeff Huber, Mayor
28