

CITY OF GRANT
MINUTES

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DATE : January 2, 2024
TIME STARTED : 6:30 p.m.
TIME ENDED : 7:08 p.m.
MEMBERS PRESENT : Councilmember Carr, Rog, Giefer,
and Mayor Huber
MEMBERS ABSENT : Tufty

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

CALL TO ORDER

The meeting was called to order at 6:30 p.m.

PUBLIC INPUT

Mr. Jeff Schafer, Jamaca Avenue N, came forward and stated the lack of winter this year makes the fuel surcharge very unfair to residents.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

December 5, 2023 City Council Meeting Minutes	Approved
December 2023 Bill List, \$67,735.36	Approved
Clerk 2023 Pay Increase – 3% per 2024 Budget	Approved
Kline Bros., Road Work, \$21,638.75	Approved
Croix Valley Inspector, \$52,403.16	Approved

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

2023 YEAR IN REVIEW, MAYOR HUBER

1 Mayor Huber stated he wanted to thank everyone in the City, staff, Council Members and
2 Contractors. He stated he is working with a very cohesive team. The City should be very proud of its
3 fiscal responsibility. He also thanked residents and stated he looks forward to continuing the good
4 work in the new year.

5 .

6 **STAFF AGENDA ITEMS**

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8 **City Engineer, Brad Reifsteck**

9

10 **Consideration of Resolution No. 2024-02, Approving Plans and Specifications and Ordering Advertisement for**
11 **Bids, Knollwood Drive Street Improvements** – City Engineer Reifsteck advised the Council authorized WSB to
12 prepare plans and specifications for the Pavement Rehabilitation project at the June 28, 2023 regular
13 Council meeting.

14

15 The project would address roadways with deteriorating pavements using full-depth reclamation
16 (FDR). A full-depth reclamation technique reclaims the existing pavement and underlying aggregate
17 base and adds new pavement to the surface.

18

19 The proposed improvements include street reclamation, subgrade preparation and bituminous paving
20 for Knollwood Drive.

21

22 The opinion of probable cost for this project is \$249,076. This includes a ten percent (10%)
23 contingency factor.

24

25 Staff intends bids to be received for opening on February 28, 2024. Staff will bring the bids to the
26 City Council for consideration at the April 2, 2024, regular meeting immediately following the
27 assessment hearing.

28

29 Staff is recommending that the City Council adopt Resolution No. 2024-02, which approves the plans
30 and specifications and authorizes the advertisement for bids for the Knollwood Drive Street
31 Improvement Project.

32

33 **Council Member Giefer moved to approve Resolution No. 2024-02, as presented. Council**
34 **Member Rog seconded the motion. Motion carried unanimously.**

35 **City Planner, Jennifer Swanson**

36

37 **Consideration of Resolution No. 2024-03, SiteOne Land Use Application** – City Planner Swanson
38 advised in November a preapplication meeting was held with Jacob Steen from Larkin Hoffman
39 representing SiteOne Landscape Supply, LLC (“SiteOne”) the new operator of the site formerly
40 known as Hedberg’s Supply and Landscape. SiteOne intends to operate the site similarly to
41 Hedberg’s with a reduction in the intensity of the nursery operations. The existing CUP classifies the
42 nursery operations as the principal use, and the hardscape or landscape supply operations are
43 classified as accessory uses. The uses permitted under the CUP are legally non-conforming uses per
44 the City Code, and the CUP permits the continuation of the uses provided the conditions are met.

45

1 SiteOne is proposing to continue the uses as established within the CUP but to essentially allow for
 2 the accessory use to be established as a principal use in conjunction with the nursery uses. After
 3 reviewing the code it was determined that this request could be processed under **Section 32-83**
 4 **Change from one nonconforming use to another**. Since SiteOne is not proposing to change any of
 5 the structures, buildings, site, or any other operational conditions stated in the CUP, the request to
 6 change the accessory landscape supply use to a principal use most closely aligns with the intent and
 7 purpose of Section 32-83.

8
 9 The following staff report is provided for your review and consideration of the request.

10
 11 Public Hearing

12 No public hearing is required per Section 32-83 Change from one nonconforming use to another.

13
 14 **Application Summary**

<p>Applicant: Jacob Steen Larkin Hoffman on behalf of SiteOne Landscape Supply, LLC Owner: Forty Acres Real Estate LLC</p>	<p>Land Use: RR-AG Zoning: A2 – Agricultural Small Scale Acres: ~40 Acres</p>
<p>Address: 8400 60th Street North Grant, MN 55082</p>	<p>Request: To modify from one non-conforming use to another per City Code 32-83. The existing non-conforming uses will continue per the Conditional Use Permit, with modification of an accessory use to a principal use.</p>
<p>Location Description and PIDs: PID 3303021340002 North of 60th Street N and east of the Gateway Trail corridor (visible from Highway 36 frontage)</p>	

16
 17 As stated in the Applicant’s narrative, SiteOne is proposing to operate a landscape supply business
 18 from the site. The property was granted a Special Use Permit (SUP) in 1974 to operate a commercial
 19 green house and nursery from the site. The SUP was later amended and granted a Conditional Use
 20 Permit (CUP) in 1990 for a Commercial Greenhouse and Nursery with accessory Garden Center.
 21 Most recently Hedberg Supply and Landscape operated from the site consistent with the principal and
 22 accessory uses identified within the CUP.

23
 24 Mayor Huber called for a short recess at 6:44 p.m.

25
 26 Mayor Huber called the meeting back to order at 6:49 p.m.

27
 28 SiteOne now wishes to use the site for similar purposes, but proposes that the accessory garden center
 29 use be changed to a principal use. This request is made to better align with the intended operations,
 30 and to respond to water appropriation restrictions from the MNDNR associated with White Bear
 31 Lake. Since water will be heavily restricted it is impractical to run a large nursery operation on the
 32 site, but the site is still desirable for the Garden Center uses established within the CUP.

1 No other changes to the site, buildings or conditions of operation are proposed. The request is only to
2 change the Garden Center use from an accessory to a principal use so that the operator does not have
3 to be concerned with the percentage of business associated with the nursery versus garden center use.

4
5 City Planner Swanson stated the accessory garden center use is a legally non-conforming use per the
6 Table of Uses. Divion 3 Nonconformities of the City code establishes the standards associated with
7 the continued use of property and structures when a use is non-conforming. Since the uses are clearly
8 defined within the CUP if the Applicant uses the site consistent with the CUP the non-conforming
9 uses are permitted to operate into perpetuity. Section 32-83 Change from one nonconforming use to
10 another further stipulates that:

11
12 “A nonconforming use may be changed only to a use permitted in the district in which it is
13 located; except that if no structural alterations are made, a nonconforming use of a building
14 may be changed to another nonconforming use of the same or a more restrictive classification,
15 and provided such change is approved by the board of adjustment and appeals as hereinafter
16 provided...”

17
18 As stated by the Applicant, SiteOne is proposing to operate a business on the site that is generally
19 consistent with the terms and conditions established within the Conditional Use Permit that was
20 granted in 1990. SiteOne is not proposing any significant alterations or changes to the buildings or
21 site, and will follow the conditions established within the CUP. The request is to change the Garden
22 Center use, which is established as a legally non-conforming accessory use, to a legally non-
23 conforming principal use.

24
25 As stated in Section 32-83 the change from one non-conforming use to another is permitted provided
26 that the use is of the same classification or similar. The prior operations included a mix of both
27 nursery and garden center uses, and the operator intends to reduce the percent of the nursery
28 operations which will consequently increase the percent of the operations dedicated to the garden
29 center uses. The shift of the garden center from an accessory to a principal use is partially driven by
30 the Applicant’s operations plan but is also partially due to the lack of available water to support a
31 large-scale commercial nursery operation. There will be no exterior or obvious changes in the
32 operation from a public perspective, but the garden center uses will become a more dominant
33 proportion of the business. This shift or change from the principal nursery use to include the garden
34 center use will have no significant impact to the health, safety or welfare of the community. Further
35 no significant impacts to the roads, neighborhoods or surrounding area are anticipated provided the
36 conditions of the CUP are met.

37
38 Given the circumstances it is reasonable for SiteOne to request formal approval and/or documentation
39 that permits the garden center use to shift from an accessory to a principal use on the site; however,
40 since there are no significant changes to the operations an amendment to the CUP is not warranted.
41 As a result, staff believes that documenting the change per Section 32-83 and memorializing the shift
42 by Resolution will allow SiteOne to operate a nursery and garden center as a principal use on the site.

43
44 City Planner Swansons note the City Engineer has reviewed the proposed change and does not have
45 any additional comments. As indicated in the staff report and the Applicant’s narrative there are no
46 changes to the site or buildings contemplated as part of this application.

1 No other agencies have review authority over the subject request since there are no changes to the site
2 proposed.

3
4 **Council Member Giefer moved to approve Resolution No. 2024-03, as presented. Council
5 Member Rog seconded the motion. Motion carried unanimously.**

6
7 **NEW BUSINESS**

8
9 **Consideration of Ordinance No. 2024-81, 2024 Fee Schedule** – Staff advised there are no proposed
10 changes to the 2024 Fee Schedule.

11
12 **Council Member Giefer moved to approve Ordinance No. 2024-81, as presented. Council
13 Member Rog seconded the motion. Motion carried unanimously.**

14
15 **Consideration of Resolution No. 2024-01, Summary Publication of Ordinance No. 2024-81** –
16 Staff advised Resolution No. 2024-01 authorizes summary publication of Ordinance No. 2024-81.

17
18 **Council Member Giefer moved to adopt Resolution No. 2024-01, as presented. Council
19 Member Rog seconded the motion. Motion carried unanimously.**

20
21 **Consideration of 2024 City Council Meeting Schedule** – Staff advised the 2024 meeting schedule
22 takes into consideration of holidays and elections. Staff noted all meetings are subject to change as
23 well as be cancelled if there are no agenda items.

24
25 **Council Member Carr moved to approve the 2024 Meeting Schedule revising the July meeting
26 date to June 25. Council Member Rog seconded the motion. Motion carried unanimously.**

27
28 **Consideration of 2024 Appointment List** – Staff advised no changes are proposed to the
29 appointment list per 2023. Staff recommended the Roads Supervisor, Ken Johnson, be added as a
30 Fire Warden.

31
32 **Council Member Carr moved to approve the 2024 Appointment List, as amended. Council
33 Member Giefer seconded the motion. Motion carried unanimously.**

34
35 **Consideration of Earned Sick and Safe Time Employment Policy** – Staff advised per the 2023
36 Legislative Session, every City must adopt the Earned Sick and Safe Time Employment Policy.

37
38 **Council Member Giefer moved to approve Earned Sick and Safe Time Employment Policy, as
39 presented. Council Member Rog seconded the motion. Motion carried unanimously.**

40
41 **UNFINISHED BUSINESS**

42 There was no unfinished business.

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

44 **Staff Updates (updates from Staff, no action taken)**

1 **City Council Reports/Future Agenda Items**

2

3 **COMMUNITY CALENDAR JANUARY 3 THROUGH JANUARY 31, 2024:**

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

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

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

9

10 **ADJOURNMENT**

11 **Council Member Giefer moved to adjourn at 7:08 p.m. Council Member Carr seconded the**
12 **motion. Motion carried unanimously.**

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15 These minutes were considered and approved at the regular Council Meeting February 6, 2024.

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Kim Points, Administrator/Clerk

Jeff Huber, Mayor

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