

CITY OF GRANT
MINUTES

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DATE : June 5, 2018
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:49 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux 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

Mr. John Smith, 10244 67th Lane N, came forward and stated the City really should be looking into long term plans for the City roads.

Mr. Jim Drost, 8682 Jamaca Avenue came forward and commented on how sad it is when politicians demean others at public meetings for political gain.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Mayor Huber requested Item 9, Executive Session, Wednesday, June 6, 3:00 p.m. at Town Hall is added to the regular agenda. The meeting this evening will be recessed and continued tomorrow at that time.

Council Member Carr moved to approve the agenda, as revised. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

CONSENT AGENDA

- May 1, 2018 City Council Meeting Minutes Approved
- May 2018 Bill List, \$60,938.36 Approved
- Brochman Blacktopping, \$21,075.31 Approved
- 2018 Dust Control, Low Bid,

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Envirotech, \$0.869 Per Unit

Approved

Kline Bros. Excavating, Road Work, \$28,945.00

Approved

Council Member Carr moved to approve the consent agenda, as presented. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

STAFF AGENDA ITEMS

City Engineer, Brad Reifsteck (no action items)

City Planner, Jennifer Swanson

Consideration of Resolution No. 2018-10, Conditional Use Permit Application, 9080 Justen Trail North – City Planner Swanson advised the Applicants and Owners Phillip and Kristy Gusick made an application for a Conditional Use Permit (CUP) in November of 2017 to permit boarding of up to five (5) horses on their property. The initial application was deemed incomplete, and additional information was needed for staff to complete its review. In late March 2018 staff received the additional information as requested, and the following staff report provides a review and analysis of the Applicant’s CUP request.

A duly noticed public hearing was held on May 15, 2018, and letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing. No members of the public provided testimony, and the public hearing was closed.

City Planner Swansons advised after the staff presentation and public hearing, the Planning Commission discussed the Application and asked questions of the Applicant. Although no public testimony was provided, the Planning Commissioners did receive an email from a resident that was concerned about setting precedent for the number of horses and that it may detract/affect property values if properties were permitted to board that many horses on a property.

Some of the key points of discussion by the Planning Commission regarding the application are as follows:

- Permitted number of horses with CUP: The Applicant requested permission to board up to five (5) horses, but only four (4) permanently. After discussion, the Planning Commission recommended that permanent accommodations be provided to board 5 horses because it would be too subjective to determine when four versus five horses would be permitted. The following applicable staff report sections have been updated accordingly.
- Concern regarding precedent: While the Planning Commission acknowledged that this may set some ‘precedent’ the current ordinances conditionally permit the proposed use. This request is for personal boarding and involves no commercial operations. Generally, the

1 planning commission concluded that the use is consistent with the zoning and comprehensive
2 plan provided the conditions as recommended with the noted amendments are met.

3
4 After discussion, the Planning Commission unanimously recommended approval of the Conditional
5 Use Permit to the City Council for consideration.

6
7 The following staff report is generally as presented at the Planning Commission meeting. The
8 conditions, as amended, are provided in the attached draft CUP for review and consideration by the
9 City Council. A draft resolution of approval is provided that summarizes the findings as discussed by
10 the Planning Commission.

11
12 **Project Summary**

Applicants & Owners: Kristy and Phillip Gusick	Site Size: 5.38 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9080 Justen Trail N. Lot 6 Block 1, Victoria Station	PIDs: 1503021330005

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15 The Property Owners and Applicants (hereafter referred to as “Applicants”) are requesting a CUP to
16 allow for boarding of up to five (5) horses on their residential property. As indicated in the
17 Applicant’s narrative, the requested CUP is for personal use and no commercial boarding operations
18 are proposed as part of this application. The following summary of the existing site improvements as
19 described within the Applicant’s narrative (Attachment A), and shown on the site plan, are provided:

20
21 *Existing Homestead:* There is an existing homestead located on the property which is the residence of
22 the Applicants. Three of the four lot lines are bordered by right-of-way and the primary frontage of
23 the property and access is from the easterly property line which is Justen Trail N.

24
25 *Main Barn:* There is an existing barn that is approximately 45’ x 42’ with a total of 1,890 square-feet
26 that is located about 100-feet west of the principal structure. As indicated within the Applicant’s
27 narrative, there is shelter for up to four (4) horses within the barn structure. However, the Applicants
28 testified at the planning commission meeting that there is adequate area in the Main Barn to protect
29 up to five horses during periods of inclement weather. A floor plan of the barn is provided as
30 Attachment C.

31
32 *Pasture Area:* As described within the narrative, and shown on the aerial, the pasture area is entirely
33 fenced in and the fence line generally follows property lines and encloses the area west of the barn.
34 Based on the aerial and GIS information there is approximately 2.8 acres of land fenced in and used
35 for the pasture area.

36
37 *Main Access and Parking:* There is one driveway access to the property from Justen Trail North
38 which provides access to the existing home and barn. There is no additional parking beyond the

1 existing attached garage and driveway. No additional access or parking is proposed as part of this
2 application.

3
4 *Utilities:* The existing homestead is currently served by a private well and individual septic system.
5 No changes are proposed as part of this application.

6
7 *Operations:* The Applicants’ narrative describes the reason for the requested CUP to allow for
8 personal boarding of up to five (5) horses on their residential property. As stated, typically only four
9 horses (4) would be present on the property because the existing facilities only provide
10 permanent/year-round shelter for four horses. However, at certain times and weather permitting a
11 fifth horse may be present. There are no commercial boarding activities, events, breeding or any other
12 commercial use proposed as part of this application.

13
14 City Planner Swansons stated according to the City Code, Conditional Use Permits are subject to the
15 process and review criteria stated in City Code Section 32-152. The City Code further states the
16 following for consideration when reviewing a Conditional Use Permit (32-141):

17
18 “(d) In determining whether or not a conditional use may be allowed, the City will consider the
19 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on
20 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of
21 consideration in determining the effect of the use on the general welfare, public health and safety.”

22
23 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use
24 permit, and a periodic review of said permit may be required.”

25
26 Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a
27 conditional use permit.

28
29 Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide additional
30 criteria when considering CUPs for the proposed use.

31
32 The subject lot is approximately 5.38 acres, is regular in size and is described as Lot 6 Block 1 of the
33 Victoria Station subdivision. The subject parcel is bordered on three sides by roadways, including the
34 rear (west) which is Jamaca Avenue North, the side yard (south) and front yard (east) which are
35 bordered by Justen Trail North. The existing home and barn are accessed via a single driveway to the
36 easterly property line and Justen Trail North. The lot is relatively open with some vegetated buffers
37 along property lines and near the existing home. There is an existing home, barn, and fenced pasture
38 area that are proposed to support the horse boarding operations.

39
40 A wetland delineation was not submitted as part of this application, however, based upon the National
41 Wetland Inventory (NWI) and GIS information there do not appear to be any wetlands on site.

42
43 The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural
44 uses. The principal use of the property for a single-family rural residential homesite with an

1 accessory barn which is generally consistent with the goals for the A-2 land use designation as stated
 2 within the Comprehensive Plan.

3
 4 The City of Grant zoning ordinance permits “Horse Boarding and Training Facilities” for operations
 5 that exceed 1 horse per 2 grazable acres with a Conditional Use Permit. The following review is
 6 provided with respect to how the proposed project conforms, is consistent, or inconsistent with the
 7 zoning and site regulations.

8
 9 City Planner Swanson noted the following site and zoning requirements in the A-2 district regulate
 10 the site and proposed project:

11

Dimension	Standard
Lot Size	5 acres
<i>Grazable Acres</i>	<i>1 Horse per 2 Grazable Acres</i>
Frontage – public road	300’
Front Yard Setback	65’
Side Yard Setback	20’
Rear Yard Setback	50’
Height of Structure	35’
Fence	May be on property line, but not within any ROW
Driveway Setback	5’
Parking Lot setback	10’ from ROW
Wetland Setback Structure (Buffer)	75’ (50’)

Lot Size/Area: Section 32-337(f) of the ordinance requires a minimum of 5-acres for the keeping of domestic farm animals (horses) and requires a minimum of 2-acres of grazable land. The subject parcel is approximately 5.4 acres excluding right-of-way, and meets the minimum lot size for the keeping of horses.

Based on available data it appears that there approximately 4 acres of grazable land per the City’s definition. Per Section 32-337 subsection (g) the lot size would permit the keeping of 2 horses without a CUP.

The existing lot meets the city’s minimum standards for lot size and area for the keeping of horses. The existing lot size would permit the keeping of two horses, and the request to permit an additional three (3) horses requires a conditional use permit for greater density as described in Section 32-337 subsection (h).

Setbacks & Frontage: The subject property is a corner lot and has primary frontage from Justen Trail North which forms the eastern property boundary. The rear lot is bordered by Jamaca Avenue North (CR-9). The existing home is setback approximately 130-feet from the north and south property lot lines (side yards) and 137-feet from the easterly property line (front).

The barn is situated in the rear yard and is setback approximately 390-feet from the west property line (rear), 116-feet from the north and 169-feet from the south property line (side yards). *All yard setbacks of both the existing home and the barn meet or exceed the City's ordinance setback requirements. The existing principal structure meets the City's frontage requirements and front yard setbacks. No additional improvements or new structures are proposed as part of this application.*

Accessory Building
(Barn)

The existing barn is approximately 1,890 square feet and there are no other accessory buildings on site. Per Section 32-313 subsection (d) parcels between 5 and 9.59 acres are permitted up to three (3) accessory buildings with a total square footage not to exceed 2,500 SF. *The existing barn meets the City's accessory building standards for size and number permitted.*

Parking Area
(Location & Spaces):

As stated, the Applicants are not proposing to conduct any commercial boarding or other business activities on the subject property. Parking for the existing home includes an attached garage, and driveway which provides access to both the principal structure and barn. Based on the narrative, the number of visitors anticipated to the home as a result of the horse boarding is not substantially different than any other residential property in the City. *Based on the operations as proposed, staff does not believe any additional parking is warranted on site and the Applicants and any visitors have sufficient area to park cars and/or horse trailers on the site.*

Driveway/Circulation:

The principal structure and accessory buildings are accessed from a single gravel driveway which connects to Justen Trail North. The Applicants have stated that the proposed boarding is for personal use and no events or other commercial activities are proposed as part of this application. Therefore, it is anticipated that the Applicants have the ability to control traffic and timing of large vehicles and/or trailers entering and exiting the site. *Based on the proposed operations, and the existing site layout the driveways and circulation appear adequate to allow for safe ingress and egress into the operations.*

Architecture, Building
Height, Accessory
Structure Floor Plans:

The Applicants submitted a floor plan for the barn that is used to support the operations. The height of the structures is not known; however, the buildings are existing at the date of this permit application and no changes are proposed to the existing structures.

Barn:

The floor plan submitted for the Barn shows area for four (4) horse stalls, run-in area, feed and tack and hay storage. After presentation by the Applicant, the 'stalls' denoted on the floor plan are flexible and could accommodate all five (5) horses, if necessary, during periods of inclement weather. Although the Applicants requested permission to

have up to five equines on the property with only four permanently onsite, the planning commission and staff concluded this would be hard to enforce and that simply permitting up to five horses would be easier to monitor. Based on the information provided, there is adequate space to contain and board five horses on the site. Staff conducted research on a previous application to understand what facilities are necessary, particularly in winter and summer (inclement weather), for horses through the University of Minnesota Extension Services. Based on that research, it seems that the only necessary ‘improvements’ are to make sure that there is a shelter/wind break area available for all horses during winter months. In this case, the barn provides adequate permanent shelter of five horses as presented by the Applicants at the Planning Commission meeting. ***As proposed, the Planning Commission concluded and recommended that up to five horses be permitted onsite provided the conditions of the CUP are met.***

Utilities (well and septic):

The existing home is served by a well and individual septic system, which are both located on the Site Plan (Attachment B). The Applicant stated within the narrative that they have pulled water service and electrical services to the barn since they purchased the property in 2016. The existing well is located south of the home, and the septic system is located north of the home, and both are located outside of the fenced pasture area. ***As constructed and installed, the existing utilities meet setback requirements and there are no known additional improvements needed to support the proposed operations.***

Manure Management Plan/MPCA

While the City’s ordinance states that a feedlot permit for the proposed use is required from the MPCA, as researched for a previous application, given the size and scale of the proposed operations a feedlot permit is not applicable.

The Applicants submitted a Manure Management Plan as part of this application which identifies three manure management strategies including spreading, composting and removal. Their primary strategy is spreading within the pasture which requires management by dragging to ensure even spreading to prevent build up and to reduce the fly population. The methodology also supports revitalizing of the pasture. Additionally, a small compost pile has been established on the property which can be used as fertilizer. Finally, if spreading and composting is not available, excess manure is removed that cannot be adequately spread or composted. A small compost site is shown on the site plan located north of the existing home and barn, and setback approximately 105-feet from the existing septic system and drainfields.

Staff researched these practices through the University of Minnesota extension services and found this methodology to be recommended, provided proper spreading and composting practice is followed. The Applicants provided a letter from a Graduate Research Assistant at the

University of Minnesota extension services that also details additional strategies for the pasture to optimize its operation by “limiting inputs, maximizing production, and reducing environmental impacts.” (Attachment

Based on staff’s research, and materials presented, provided the Applicant follows the Manure Management Plan as submitted, staff believes these practices are adequate and meets the City’s ordinances.

Pasture Management

Given the relatively small pasture area, the Applicants provided additional narrative and support for permitting the number of horses on the property. As indicated by the letter dated August 5, 2017 from Graduate Research Assistant Michelle DeBoer, the pasture area should be adequate based on the recommendation. The recommendation by Ms. De Boer is to install a dry lot to maximize pasture productive. The dry lot is recommended to be approximately 400 square feet per horse, which is equivalent to approximately 2,000 square feet. As previously stated the pasture area is approximately 2.8-acres or 121,968 square feet, allow for the practices as recommended by Ms. DeBoer. ***With proper management, based on the supporting materials, it appears that adequate pasture area is available to support the requested number of horses on the property.***

Fence

The Applicant has stated that they have repaired portions of the fence since acquiring the property in 2016. An important aspect of the operations is to contain the horses, which requires that the fence be kept in good repair. ***Staff would recommend including a condition that the fence line must be managed, maintained and kept in good repair to ensure horses remain on the property.***

1
2 There are no site improvements proposed or considered as part of this application. The existing
3 facilities, access driveway and gravel areas are proposed to be used for the operation. Since no site
4 improvements to the site, the City Engineer does not have any additional comments.

5
6 The property is located within the Brown’s Creek Watershed District (BCWD), and the Applicants
7 have stated that they have contacted the BCWD and no permits are required to continue operations at
8 the facility. (see attached description dated September 12, 2017). ***Staff would recommend including
9 a condition that all permits from other agencies having regulatory authority over the operations
10 are the responsibility of the Applicant to obtain and maintain, as applicable.***

11
12 City Planner Swanson stated the draft Resolution of Approval with conditions and Conditional Use
13 Permit are attached for your review and consideration.

- 14
15
16 ▪ The Horse boarding operations use conforms to the City’s Comprehensive Plan for rural
17 residential and agricultural uses.

- 1 ▪ Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazable
2 acres is conditionally permitted per the City’s zoning code.
- 3 ▪ The Horse boarding operations will not be detrimental to or endanger the public health, safety
4 or general welfare of the city, its residents, or the existing neighborhood.
- 5 ▪ The Horse boarding operations is compatible with the existing neighborhood.
- 6 ▪ The Horse Boarding operations meets the conditions or standards adopted by the city through
7 resolutions or other ordinances.
- 8 ▪ The Horse boarding operations will not create additional requirements for facilities and
9 services at public cost beyond the city’s normal low-density residential and agricultural uses.

10
11 **Council Member Carr moved to adopt Resolution No. 20118-10, as presented. Council Member**
12 **Kaup seconded the motion. Motion carried unanimously.**

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

15
16 **NEW BUSINESS**

17
18 **Consideration of Jeff Schafer for Fire Warden Appointment, Administrator/Clerk** – Staff
19 advised the current Fire Warden would like to step down. Mr. Jeff Schafer, Planning Commissioner
20 has volunteered for the position and has completed all the necessary paperwork with the DNR.

21
22 **Council Member Carr moved to appoint Jeff Schafer to Fire Warden, as presented. Council**
23 **Member Kaup seconded the motion. Motion carried unanimously.**

24
25 **Acceptance of 2017 Audit Report, City Treasurer** – City Treasurer Schwarze reviewed the
26 highlights of the 2017 Audit Report noting there was a net change in the fund balance due to building
27 permits.

28
29 **Council Member Lanoux moved to consider a raise for the Mayor so he can be a full time**
30 **Mayor. Council Member Sederstrom seconded the motion. Motion failed with Council**
31 **Member Carr, Kaup and Mayor Huber voting nay.**

32
33 **Council Member Carr moved to accept the 2017 Audit Report, as presented. Council Member**
34 **Kaup seconded the motion. Motion carried with Council Member Carr, Kaup and Mayor**
35 **Huber voting yay.**

36
37 **UNFINISHED BUSINESS**

38
39 There was no unfinished business.

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

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

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4 **2019 Budget Work Session was scheduled on August 7, 2018 at 6:00 p.m. prior to the regular**
5 **Council meeting.**

6
7 **City Council Reports/Future Agenda Items**

8
9 **No items were added to the July City Council meeting agenda.**

10
11 **Council Member Carr moved to recess the meeting at 7:55 p.m. and continue at 3:00 p.m.**
12 **Wednesday, June 6, 2018. Council Member Kaup seconded the motion. Motion carried with**
13 **Council Member Lanoux and Sederstrom voting nay.**

14
15 **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION (Jane Doe v. Larry Lanoux**
16 **et. Al)**

17
18 **COMMUNITY CALENDAR JUNE 6 THROUGH JUNE 30, 2018:**

19 **Mahtomedi Public Schools Board Meeting, Thursday, June 14th and 28th, Mahtomedi District**
20 **Education Center, 7:00 p.m.**

21 **Stillwater Public Schools Board Meeting, Thursday, June 14th, Stillwater City Hall, 7:00 p.m.**

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

23 **July City Council Meeting, Thursday, June 28, 2018, Town Hall, 7:00 p.m.**

24
25 **ADJOURNMENT**

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27 **Council Member Carr moved to adjourn the meeting at 3:35 pm. Council Member Kaup**
28 **seconded the motion. Motion carried unanimously.**

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35 **These minutes were considered and approved at the regular Council Meeting June 28, 2018.**

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40 _____
41 **Kim Points, Administrator/Clerk**

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41 **Jeff Huber, Mayor**