

CITY OF GRANT  
MINUTES

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**DATE** : March 2, 2020  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 8:35 p.m.  
**MEMBERS PRESENT** : Councilmember Rog, Giefer,  
Schafer and Mayor Huber  
**MEMBERS ABSENT** : Carr

Staff members present: Acting City Attorney, Chris Johnson; City Engineer, Brad Reifsteck; 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. Gary Baumann, 10060 Joliet Avenue, came forward and stated he resigned from the Planning Commission noting he has nothing to do with City of Grant government.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

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

**CONSENT AGENDA**

February 4, 2020 City Council Meeting Minutes Approved

February Bill List, \$65,298.12 Approved

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

**STAFF AGENDA ITEMS**

**City Engineer, Brad Reifsteck**

**Consideration of Resolution No. 2020-09, Declaring Costs and Set Assessment Hearing**– City Engineer Reifsteck advised Resolution 2020-09 declares costs and sets a public assessment hearing.

1  
2 City Engineer Reifsteck provided the following facts:

- 3
- 4 • The City Council received the feasibility report at the September 3rd, 2019 regular council  
5 meeting.
  - 6
  - 7 • The City Council ordered the public improvement for the project following a noticed public  
8 hearing at the October 1, 2019 and November 4<sup>th</sup>, 2019 regular council meetings.
  - 9
  - 10 • The City Council approved the Plans and Specifications and Ordered the Advertisement for  
11 Bids on January 7, 2020 regular council meeting. Bids were received on February 6<sup>th</sup>, 2020.  
12
  - 13 • The project costs to be incurred for the improvement is \$465,080.00. Project costs includes  
14 items, such as, construction, engineering, legal, financing and administrative costs. The City  
15 has budgeted and is contributing \$42,320.00 to the Project. Therefore, the total amount to be  
16 assessed is \$422,760.00.
  - 17
  - 18 • Projects funded using special assessments are required by law to follow Minnesota State  
19 Statute, Chapter 429. A public hearing is required to consider the adoption of assessments.  
20 This hearing is proposed to be held at the April 7th, 2020 City Council meeting.  
21

22 **Council Member Schafer moved to adopt Resolution No. 2020-09, as presented. Council**  
23 **Member Giefer seconded the motion. Motion carried unanimously.**

24

25 **Consideration of Resolution No. 2020-10, Declaring Costs to be Assessed and Ordering**  
26 **Preparation of Proposed Assessments for the 2020 Street Improvements Project** – City Engineer  
27 Reifsteck advised Resolution No. 2020-10 declares costs to be assessed and orders preparation of  
28 proposed assessments for the 2020 Street Improvements project.  
29

30 **Council Member Geifer moved to adopt Resolution 2020-10, as presented. Council Member**  
31 **Schafer seconded the motion. Motion carried unanimously.**  
32

33 **Consideration of Resolution No. 2020-12, Declaring Adequacy of Petition and Ordering**  
34 **Preparation of Report** – City Engineer Reifsteck advised Resolution 2020-12 Declares Adequacy of  
35 Petition and Ordering Preparation of Report. A petition was received from property owners of the  
36 area known as the Pine Tree Estates requesting a Feasibility Study be completed for roadway  
37 improvements. The streets included are as follows:  
38

- 39 • Heron Ave (north of Highway 96<sup>th</sup>),
- 40 • 99<sup>th</sup> Street North,
- 41 • 99<sup>th</sup> Street Court North,
- 42 • 99<sup>th</sup> Street Circle North,
- 43 • 101<sup>st</sup> Street North  
44

1 The signed petitions account for 35% (18 / 52) of the property owners within the project limits, the  
2 minimum required by state law and the City assessment policy, to authorize the City Engineer to  
3 prepare a Feasibility Study.

4  
5 **Council Member Giefer moved to adopt Resolution No. 2020-12, as presented. Council**  
6 **Member Schafer seconded the motion. Motion carried unanimously.**

7  
8 **Consideration of Potholing Quotes** – City Engineer Reifsteck advised A new roadway patching  
9 contract is recommended for pothole repair and other roadway maintenance on paved roads.  
10 Brochman Blacktopping Company has been completing this work for the last several years. The  
11 existing contract with Brochman Blacktopping Company expires on April 30, 2020.

12  
13 City Engineer Reifsteck requested consideration of approval of a new contract with lock equipment  
14 and labor pricing until March 1, 2023.

15  
16 **Council Member Giefer moved to approve a two year contract with ARC Paving with pricing**  
17 **as presented. Council Member Rog seconded the motion. Motion carried unanimously.**

18  
19 **City Planner, Jennifer Swanson**

20  
21 **Consideration of Resolution No. 2020-06, Consideration of Conditional Use Permit for Wildlife**  
22 **Rehabilitation and Veterinary Activities, 10629 Jamaca Avenue North** – City Planner Swanson  
23 advised the Applicant, Wildlife Rehabilitation Center of Minnesota, has applied for a Conditional Use  
24 Permit to allow for the construction and operation of a wildlife rehabilitation facility. At the regular  
25 meeting on February 4, 2020 staff provided a detailed presentation addressing the proposed  
26 operations and site configuration. After discussion, consideration of the planning commission  
27 recommendation, and public testimony the City Council determined that additional information was  
28 needed prior to making a final decision. The following staff report provides a summary of the revised,  
29 updated and/or supplemental information provided since the February meeting. Please reference your  
30 staff report dated January 28, 2020 for specific information, as this memo only summarizes the  
31 supplementation information received since the February meeting. Given the additional information  
32 the draft Conditional Use Permit has been updated to reflect the additional information.

33  
34 At the February 4, 2020 meeting, the City Council requested that the site plan be updated to  
35 demonstrate the demolition plan, and to identify new structures. The City Council requested  
36 additional information and data regarding anticipated daily traffic and parking needs to support the  
37 facility.

38  
39 Since the meeting, the Applicant has provided the following additional information:

- 40  
41
  - Supplemental Narrative Dated February 20, 2020
  - Updated and Revised Site Plan
  - Traffic Memo/Trip Generation Statement prepared by Traffic Impact Group

1 The following staff report is provided for your review and consideration of the supplemental  
 2 information provided by the Applicant.

3  
 4 City Planner Swansons stated the site plan dated February 21, 2020 has been updated to show 1)  
 5 revised building locations in a more ‘campus’ type of configuration; 2) the relocated Waterfowl  
 6 structure to meet applicable setbacks; 3) revised parking area to accommodate 35-vehicles; 4)  
 7 proposed screening/landscape areas; and 5) demolition plan.

8  
 9 The provided Site Plan is an improvement from the plan reviewed by the Planning Commission and  
 10 City Council as it more clearly demonstrates the intended uses for the site. As noted in the  
 11 Applicant’s supplemental narrative, all caging areas denoted adjacent to structures will not be  
 12 enclosed and instead will be double fenced areas. As a result, the following inventory of accessory  
 13 structures is provided:

14  
 15 **Table 1: Accessory Building Tabulation**

Facility Type	Size	Number	Total SF
Existing Accessory Buildings	Various	12	~9,845
Proposed Accessory Buildings to be demolished	Various	6	~(2,925)
Proposed Main Nursery Facility	~60’ x 100’	1	~6,000
Waterfowl Facility	~60 x 100’	1	~6,000
<b>Estimated Total Accessory Buildings</b>			<b>18,920 SF</b>

16  
 17 At the City Council meeting, Council members requested that the site contain no more than 20,000  
 18 square-feet of accessory structures. As proposed, the total square footage meets this request. Staff has  
 19 updated the draft CUP to reflect that no more than 20,000 square feet of accessory building may be on  
 20 site, and if additional square-footage is requested that an amendment to the permit would be required.

21  
 22 All proposed structures and caging areas have been moved to meet a minimum setback of 100-feet  
 23 from all property lines. Additionally, the Waterfowl structure has been moved and is more than 400-  
 24 feet from the wetland/pond edge, and is setback approximately 80-feet from the steep slope area. The  
 25 Applicant will be required to work with the Browns Creek Watershed District (BCWD) during the  
 26 permitting process to ensure the proposed structures meet their applicable setback requirements. The  
 27 Main Nursery Structure has been relocated further east on the site, and the associated caging areas are  
 28 setback approximately 100-feet from the ridge of the steep slope. Staff recommends that at the time of  
 29 building permit application that the City Engineer and the BCWD review the site location to ensure  
 30 that all setback requirements are met.

31  
 32 A detailed landscape plan, including plant schedule, is not provided but the Site Plan has been  
 33 updated to include proposed coniferous screening areas. These areas are identified in locations around  
 34 the perimeter of the “building campus” to reduce the visual impact of the activities from adjacent

1 properties. The Coniferous Screening areas are identified along 107<sup>th</sup> Street N., north of the proposed  
2 Nursery Structure and caging areas, as well as along the northeastern corner of the property.  
3 Additional structuring is proposed southwest of the Waterfowl Structure. Staff appreciates the  
4 Applicant's forethought in providing screening, but additional details regarding these areas should be  
5 incorporated into the final permit if they are a requirement of the permit. Staff would request the City  
6 Council discuss this requirement, and offers the following considerations:

- 7
- 8     ▪ A condition could be incorporated that the Applicant must contact the Washington  
9     Conservation District to prepare a landscape plan, including plant schedule, and such plan  
10     shall be submitted to the City for review and approval by the City Planner and Engineer.
- 11     ▪ The Applicant could be required to prepare a detailed landscape plan that includes a plant  
12     schedule. Typically, we have required a landscape guaranty for such conditions to cover the  
13     landscaping for not less than 2-years.
- 14     ▪ A condition could be incorporated that once the landscape plan has been approved, that such  
15     landscaping shall remain in good health, or replaced, into perpetuity.
- 16     ▪ Or, the City Council could determine that the landscaping is not a condition of the permit, but  
17     could encourage the Applicant to make such improvements.

18

19 City Planner Swanson advised the proposed parking area now encompasses 10,000 square feet which  
20 can accommodate approximately 33-vehicles. In meeting with the Applicant, there is additional  
21 parking available on the current graveled areas to the east of the existing principal structure that can  
22 accommodate between 5 and 7 vehicles. If both areas are considered collectively, in addition to  
23 potential parking areas near the Main Nursery Structure, there is adequate parking provided based on  
24 the Applicants described operations. The Applicant did not include any information regarding  
25 proposed surface type. However, when staff met with the Applicant after the February Council  
26 meeting, he indicated that he does not want to pave the area but would prefer to use an alternate  
27 surface type that is more porous and sustainable. Specific specifications were not provided.

28

29 The Site Plan also notes that the parking area will be "illuminated" but does not provide details or  
30 specifications regarding the lighting. Given the location of the parking area, and the potential light  
31 fixture type and height, it may not be visible from any right-of-way or adjacent residential uses.  
32 However, staff would recommend that a light detail and potential photometric plan be provided so  
33 that staff can review and approve such lighting plan prior to issuance of a building permit for the  
34 Main Nursery, Waterfowl Structure or a grading permit for the parking lot.

35

36 While the size is adequate, the surface type is still unknown. Staff recommends including a condition  
37 that the parking lot design and plan be completed to the satisfaction of the City Engineer and City  
38 Building Official prior to a building permit being issued for any new structure on the site.

39

40 City Planner Swanson noted the Applicant engaged Traffic Impact Group to prepare a trip generation  
41 statement for the proposed operations (see attached Memo dated February 17, 2020). As noted, there  
42 is an anticipated 152 daily trips to and from the site. Staff passed this memo onto Washington County  
43 for their review and consideration. At the time of this memo, a formal response from the Traffic

1 Engineer has not been provided, but their Planner Ms. Terwedo has indicated that they still have  
2 concerns about the access into and out of the site from the existing driveway.

3  
4 Staff is working with the Applicant and the County to determine if a meeting is needed to discuss the  
5 operations and find an acceptable solution to all parties. Staff has indicated to the County that the City  
6 does not want access from 107<sup>th</sup> Street, and that solution must be identified Jamaca. Staff will  
7 provide a verbal update of any progress at the City Council meeting. A condition has been included  
8 in the permit to indicate that access must come from Jamaca, and that is the responsibility of the  
9 Applicant to work with the County to identify a permanent solution.

10  
11 The Council discussed additional conditions relating to landscaping, dustless surface on parking lot  
12 and access restrictions.

13  
14 Mr. Phil Jennings, Application, came forward and stated he is not proposing any additional lighting or  
15 security lighting. Low lights will be for the parking lot. He stated he will do whatever type of  
16 parking lot surface the City requires.

17  
18 **Council Member Schafer moved to adopt Resolution No. 2020-06, as amended. Council**  
19 **Member Giefer seconded the motion. Motion carried with Council Member Rog voting nay.**

20  
21 **Acting City Attorney, Chris Johnson (no action items)**

## 22 23 NEW BUSINESS

24  
25 **Consideration of Planning Commission Appointment** – Staff advised after the conclusion of the  
26 last submittal date for Planning Commission applications a current Planning Commissioner resigned  
27 resulting in two open seats. Staff recommended the City open the application period to residents that  
28 are interested and schedule interviews prior to the April Council meeting with consideration of  
29 appointment during that meeting.

30  
31 **Council Member Schafer moved to table Consideration of Planning Commission Appointments.**  
32 **Council Member Rog seconded the motion. Motion carried unanimously.**

33  
34 **Consideration of Resolution No. 2020-11, Preliminary Assessment that Comcast Cable**  
35 **Franchise Should Not be Renewed** – Cable Commissioner Huber provided the background of the  
36 Cable Franchise and recommended the Council approve Resolution No. 2020-11.

37  
38 **Council Member Rog moved to adopt Resolution No. 2020-11, as presented. Council Member**  
39 **Schafer seconded the motion. Motion carried unanimously.**

40  
41 **Consideration of Fire Services Contract Between the City of Stillwater and the City of Grant –**  
42 **Council Member Rog moved to approve Fire Services Contract, as presented. Council Member**  
43 **Schafer seconded the motion. Motion carried unanimously.**

## 44 45 UNFINISHED BUSINESS

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There was no unfinished business.

**DISCUSSION ITEMS** (no action taken)

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

**City Council Reports/Future Agenda Items**

No items were placed on a future agenda.

**COMMUNITY CALENDAR MARCH 3 THROUGH MARCH 31, 2020:**

**Mahtomedi Public Schools Board Meeting, Thursday, March 12<sup>th</sup> and 26<sup>th</sup>, Mahtomedi District Education Center, 7:00 p.m.**

**Stillwater Public Schools Board Meeting, Thursday, March 12<sup>th</sup>, Stillwater City Hall, 7:00 p.m.**

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

**Presidential Primary Election, March 3, 2020, 7:00 am to 8:00 p.m., Woodbury Lutheran Oak Hill Campus**

**ADJOURNMENT**

**Council Member Schafer moved to adjourn the meeting at 8:35 p.m. Council Member Rog seconded the motion. Motion carried unanimously.**

These minutes were considered and approved at the regular Council Meeting April 7, 2020.

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Kim Points, Administrator/Clerk

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Jeff Huber, Mayor