

CITY OF GRANT  
MINUTES

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**DATE** : March 7, 2023  
**TIME STARTED** : 6:35 p.m.  
**TIME ENDED** : 7:58 p.m.  
**MEMBERS PRESENT** : Councilmember Tufty, Rog, Giefer,  
and Mayor Huber  
**MEMBERS ABSENT** : Councilmember Carr

Staff members present: City Attorney, Nick Vivian; 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 6:35 p.m.

**PUBLIC INPUT**

**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**

February 2023 Bill List, \$50,651.05 Approved

City of Mahtomedi, 1<sup>st</sup> Quarter Fire Contract, \$40,555.25 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. 2023-08, Ordering Preparation of Plans/Specifications and Calling Public Hearing on Road Improvements** – City Engineer Reifsteck advised to authorize by resolution the receipt by City Council of a Feasibility Report, Preparation of Plans and Specifications, and scheduling Public Improvement Hearing for the Honeye Avenue, 115<sup>th</sup> Street, and Hillcrest Court Street Improvement Project.

1 **Facts:**

- 2
- 3 1. Roadway improvements were petition by adjacent parcel owners.:
  - 4 • Honey Avenue N
  - 5 • 115<sup>th</sup> Street N
  - 6 • Hillcrest Court N
- 7 2. The Council authorized preparation of the Feasibility Report on November 1, 2022.
- 8 3. The total project cost is estimated at \$511,692, including construction, engineering, legal and
- 9 administrative costs.
- 10 4. The project is anticipated to be funded using City Maintenance dollars and special
- 11 assessments in accordance with City’s special assessment policy. Special assessments account
- 12 for approximately 75% of the total project costs. City funding would be responsible for the
- 13 remaining 25% of total project costs.
- 14 5. The amount of City of Grant funding for this project is estimated at \$127,923. This city
- 15 participation amount is higher compared to city street improvements in the past because parcel
- 16 density within the project limits is much less and the assessment must not exceed the special
- 17 benefit per Minnesota State Statute 429.
- 18 6. A preliminary assessment roll is included in the Feasibility Report that identifies assessment
- 19 amounts for the benefitting properties.
- 20 7. Staff is recommending a public hearing be held at the April 4, 2023 Council meeting.
- 21

22 **Council Member Giefer moved to adopt Resolution No. 2023-08, as presented. Council Member**  
23 **Tufty seconded the motion. Motion carried unanimously.**

24 **City Planner, Jennifer Swanson**

25  
26 **PUBLIC HEARING, Consideration of Resolution No. 2023-07, Approving the Vacation of**  
27 **Public Road and Alley Right-Of-Way, Withrow Plat** – City Planner Swanson advised the  
28 Applicant, Aaron Stewart, has requested (petitioned) the City to consider vacating a portion of unused  
29 public road and alley right-of-way generally a part of Block 4 of the Withrow plat. In the Spring of  
30 2022, the Applicant met with the City Staff to describe the proposed request to vacate portions of  
31 alley and road right-of-way that were intended to serve the old Withrow plat which was planned to be  
32 developed with several small urban sized lots on a traditional road and alley grid with municipal  
33 services. As the City Council is aware of today, the town of Withrow plat was never developed and  
34 only a few homes were developed in the area and municipal services were never installed to support  
35 an urban town center configuration. After the City adopted its minimum lot sizes in the 60’s the  
36 Withrow plat became non-conforming, and contiguous lots under the same ownership were combined  
37 to create larger – though still nonconforming – lots. While contiguous lots have generally be  
38 combined to the extent possible and the configuration is generally set, the old Withrow right-of-way  
39 that was intended to serve as local roads and alleyways remains intact because they are publicly  
40 dedicated. Based on this history, the Applicant is requesting that the public road and alley that abuts  
41 his property be vacated and combined with his property so that a larger contiguous area is available  
42 for single-family uses.

43  
44 A duly noticed public hearing has been scheduled for March 7, 2023 at 6:30 P.M. All property  
45 owners within ¼-mile were provided individual letters that identified the proposed right-of-way to be  
46 vacated.

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**Application Summary**

<b>Applicant/Owner:</b> Aaron Stewart	<b>Area to be Vacated:</b> 19,277 SF (0.44 Acres)
<b>Land Use:</b> RR-AG <b>Zoning:</b> A2 – Agricultural Small Scale	<b>Request:</b> Vacation of public road and alley right-of-way to be added to adjacent property (PID 020302122016).
<b>Address:</b> XXX 119 <sup>th</sup> Street North Grant, MN 55082	<b>Location Description and PIDs:</b> PID 020302122016, generally north of 119 <sup>th</sup> Street North and south of the Railroad right-of-way

The Applicant is petitioning the City to vacate a portion of unused road and alley right-of-way adjacent to their existing vacant lot. The proposed vacated area would be combined with the existing property. As shown on the attached Certificate of survey, that portion of the right-of-way that is fully bordered by the subject property would be vacated in full and combined with the subject lot, and that portion of the right-of-way that is only partially bordered by the subject property is vacated to the centerline of the dedicated right-of-way. The total area proposed for vacation is approximately 0.44 Acres and if combined with the subject parcel would result in a total lot/parcel area of approximately 2.44 Acres.

City Planner Swanson advised the City Code does not expressly identify a process for vacation of public right-of-way, therefore Minnesota State Statute 412.851 Vacation of Streets takes precedence. The following language is provided for your reference and consideration:

“The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing...”

The following analysis is provided based on the requirements as established by MN State Statute 412.851:

*“Then council may vacate...on its own motion or on petition of a majority of the owners of land abutting on the street, alley...”*

As shown on the Certificate of Survey the Applicant is proposing to vacate the following:

- To the centerline of the dedicated right-of-way on Second Street. The property adjacent to this right of way is comprised of two (2) property owners, one of which is the Applicant. The amount of right-of-way adjacent to the Applicant represents at least 50% of the right-of-way and at least 50% of the owners.

- 1 • The full vacation of the Alley from old lots 5 and 12, and the west half to the centerline of the  
2 alley from historic lot 9 to 12. There are two property owners that abut this alley right-of-way  
3 and the Applicant represents more than 75% of the frontage along the right-of-way and at  
4 least 50% of the Owners.
- 5 • To the western half of the centerline of the dedicated right-of-way on First Street. There are  
6 three property owners that abut the First Street right-of-way and the Applicant represents only  
7 33% of the Ownership. However, the Applicant represents more than 60% of the frontage  
8 along the right-of-way.

9  
10 The Applicant’s petition is generally valid and appears to meet the spirit and intent of the Statute.  
11 However, agreement or written correspondence from the property owners adjacent to the First  
12 Street right-of-way either as part of the public hearing or submitted separate is recommended  
13 given the ownership composition.

14  
15 *“No vacation shall be made unless it appears in the interest of the public to do so...”*

16  
17 City Planner Swanson stated the request to vacate that portion of unused right-of-way does not appear  
18 to be serving any public purpose. At one time when the historic plat of Withrow was contemplated  
19 these rights-of-way would have been imperative to the property functioning of small urban scale lots.  
20 historical configuration. As such, there is no public purpose to these rights-of-way, and by vacating  
21 this area and adding it back into the lots the resulting lot area becomes more conforming with the  
22 City’s current standards.

23  
24 The City Engineer has reviewed the proposed vacation and does not have any additional comments.  
25 As indicated in the Staff Report, there are no future plans to develop the historic right-of-way and  
26 therefore there is no public purpose.

27  
28 No other agencies have review authority over the subject request since the rights-of-way are unused  
29 and undeveloped.

30  
31 The City Staff is requesting discussion regarding the proposed vacation. A resolution of approval is  
32 provided for your review and consideration, and may be amended or modified based on the  
33 discussion and public testimony provided during the Public Hearing.

34  
35 **Council Member Giefer moved to open the public hearing at 7:07 p.m. Council Member Tufty**  
36 **seconded the motion. Motion carried unanimously.**

37  
38 No one was present for public hearing.

39  
40 **Council Member Giefer moved to close the public hearing at 7:12 p.m. Council Member Tufty**  
41 **seconded the motion. Motion carried unanimously.**

1 Council Member Tufty moved to adopt Resolution No. 2023-07, as presented. Council Member  
2 Giefer seconded the motion. Motion carried unanimously.

3 **Consideration of Wildlife Rehabilitation Center Development Agreement** – City Attorney Vivian  
4 advised there was a minor change in the site plan that was approved during the CUP process for the  
5 Wildlife Center. The proposed Development Agreement outlines the current site plan and what will  
6 happen moving forward with the site and allows for an emergency access per Washington County.

7 City Planner Swanson stated the site is 30 acres and the number of accessory buildings on the site  
8 was capped through the CUP process. The current site plan lowers the amount of square footage for  
9 accessory buildings allowed on the site.

10 City Attorney Vivian revised the language in the Development Agreement to indicate the additional  
11 access is for emergencies only and is not the primary access to the site.

12  
13 **Council Member Tufty moved to approve Wildlife Rehabilitation Center Development**  
14 **Agreement, as amended. Council Member Giefer seconded the motion. Motion carried**  
15 **unanimously.**

16  
17 **City Attorney, Nick Vivian (no action items)**

18  
19 **NEW BUSINESS**

20 **Consideration of February 7, 2023 City Council Meeting Minutes – Council Member Rog**  
21 **moved to approve the February 7, 2023 City Council Meeting Minutes, as presented. Council**  
22 **Member Giefer seconded the motion. Motion carried with Council Member Tufty abstaining.**

23  
24 **UNFINISHED BUSINESS**

25 There was no unfinished business.

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

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

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

29  
30 **COMMUNITY CALENDAR MARCH 8 THROUGH MARCH 31, 2023:**

31  
32 **Mahtomedi Public Schools Board Meeting, Thursday, March 9<sup>th</sup> and March 23<sup>rd</sup>, Mahtomedi**  
33 **District Education Center, 7:00 p.m.**

34  
35 **Stillwater Public Schools Board Meeting, Thursday, March 9<sup>th</sup>, Stillwater City Hall, 7:00 p.m.**

36  
37 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

38 **CLOSED SESSION - Pursuant to Minn. Stat. 13D.05 Subd. 3 (a) – Evaluation of the**  
39 **performance of an individual who is subject to its authority. – Road Supervisor**

40 **Council Member Giefer moved to go into closed session at 7:27 p.m. Council Member Rog**  
41 **seconded the motion. Motion carried unanimously.**

1 **Council Member Rog moved to go back into open session at 7:49 p.m. Council Member Tufty**  
2 **seconded the motion. Motion carried unanimously.**

3 City Attorney Vivian advised the purpose of the closed session was for the Council to discuss a  
4 contract with KEJ for Road Supervisor duties for the City of Grant. Terms of the contract were  
5 discussed and is now before the Council for consideration.

6 **Council Member Rog moved to approve Road Supervisor Contract with KEJ, as presented.**  
7 **Council Member Tufty seconded the motion. Motion carried unanimously.**

8 **ADJOURNMENT**

9 **Council Member Rog moved to adjourn at 7:58 p.m. Council Member Giefer seconded the**  
10 **motion. Motion carried unanimously.**

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13 These minutes were considered and approved at the regular Council Meeting April 4, 2023.

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18 \_\_\_\_\_  
19 Kim Points, Administrator/Clerk

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Jeff Huber, Mayor