

**CITY OF GRANT
MINUTES**

DATE : May 2, 2017
TIME STARTED : 7:01 p.m.
TIME ENDED : 9:02 p.m.
MEMBERS PRESENT : Councilmember Carr, Kaup, Sederstrom
Lanoux and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Kevin Sandstrom; City Planner, Jennifer Haskamp; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:01 p.m.

PUBLIC INPUT

(1) Mr. Bob Tufty, Jasmine Avenue, came forward and advised the burn restrictions have been lifted and burn permits are available.

(2) Mr. Chris Lucke, 7395 Ideal Avenue, came forward and stated he spoke with the Metropolitan Council who indicated there is no pressure on the City of Grant to develop or change density. They have no plans to extend water and sewer into Grant and he strongly opposes any annexation.

PLEDGE OF ALLEGIANCE**SETTING THE AGENDA**

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

CONSENT AGENDA

April 4, 2017 City Council Meeting Minutes Approved

April 2017 Bill List, \$51,396.36 Approved

Kline Bros. Excavating, Road
Work, \$10,796.25 Approved

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

STAFF AGENDA ITEMS**City Engineer, Brad Reifsteck**

Consideration of Road Contractor Extension – City Engineer Reifsteck advised the Road Contractor contract provides for a one year extension. The extension provides for the same rates as the last two years. He stated the Road Contractor has done a great job and recommended approval of the extension.

Mayor Huber stated the insurance requirements are in place and there is a termination clause. He added KEJ has been an excellent contractor for the City.

Council Member Lanoux stated the City needs to go out for a request for proposal due to the contract amount and the contractor is using subcontractors.

City Attorney Sandstrom advised the City does not need to go out for bids. The Council has the authorization to approve a contract extension.

Council Member Carr moved to approve a one year contract extension with KEJ, as presented. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux voting nay and Council Member Sederstrom abstaining.

City Planner, Jennifer Haskamp

Consideration of Resolution No. 2017-08, Major Subdivision Application, Farms of Grant – City Planner Haskamp advised the Applicant, Bob Appert on behalf of Streetcar Holdings is requesting approval of a Preliminary Plat to subdivide the properties located at 11253 and 11601 75th Street North. The properties have historically been known as the “Carlson Farm” and the “Masterman Farm” and both farms contain several PIDs of varying acreages (see table below). Collectively the Carlson Farm and Masterman Farm contain approximately 318 acres, and the Applicant is proposing to subdivide the properties into 29 rural residential lots and 2 large-lot agricultural properties. The following summary information is provided to assist in your review and consideration:

Applicant: Streetcar Holdings, LLC	Site Size: ~318 Acres (Total)
Owners: Robert Carlson Estate (Linda Powell, trustee) David Washburn (Masterman Farm)	Request: Major Subdivision – Preliminary Plat To create 31 lots
Zoning & Land Use: A-1 Proposed Plat Name: Farms of Grant	PIDs Carlson: 2503021310002 (6.18 Ac.) 2503021320001 (73.16 Ac.) 2503021340001 (74.96 Ac.)

	3603021210001 (40.05 Ac.)
Address: 11253 75 th Street N. (Carlson) 11601 75 th Street N. (Masterman)	PIDs Masterman: 2503021420003 (12.26 Ac.)
	2503021430002 (20.08 Ac.)
	2503021420002 (25.43 Ac.)
	2503021430001 (20.11 Ac.)
	3603021120002 (8.87 Ac.)
	3603021120001 (31.24 Ac.)

The proposed Project will create 31 new lots on approximately 318 acres located just south of 75th Street North (CR-12) and west of Manning Avenue (CR-15). The existing properties currently make up two farms that have historically been known as the Carlson Farm and the Masterman Farm. The following key aspects of the proposed Project and provided as a summary of the Application:

- The Proposed project will create 31 new lots; 29 of the created lots will range in size between 5.00 Acres and 7.31 Acres, and 2 of the lots will contain 53 and 74 acres respectively. There is an existing homestead on proposed Lot 1, Block 1 which contains approximately 53 acres, and there is an exclusion parcel/homestead located on the north boundary of the Project approximately 1,400' west of the eastern property line.
- The 29 "rural residential" lots will be a part of a homeowners' association (HOA) and will be subject to a set of restrictive covenants that are yet to be developed. The Applicant and Owner have indicated that the HOA documents and Covenants will be developed after the Preliminary Plat, if approved, and prior to Final Plat approval.
- The two (2) large lots (approximately 53 and 74 acres) will be allowed to continue agricultural uses if desired by the existing, and/or future owners. There is an existing principal structure and accessory buildings on Block 1, Lot 1, while Block 1, Lot 17 does not contain a structure and would be developed as part of the Project, but would not become a part of the HOA. The right to continue agricultural uses will be protected within the Covenants, and will also be declared within the Development Agreement and recorded against the subject properties.
- The Applicant is proposing to phase the Project, and anticipates platting approximately 10 lots in each phase, starting first with the lots from the west with access from Lake Elmo Avenue and then progressing eastward. (See Phase Plan Exhibit F)

- 1 • While the Project is proposed to be phased, the Applicant would construct the entire extents of
2 the roadway with the first phase.
- 3 • All 31 lots would be served with individual wells and individual septic systems. The
4 Preliminary Plat has identified primary and secondary drainfields associated with each lot,
5 excluding Lot 1, Block 1 that has an existing principal structure and thus an existing well and
6 septic system that would continue to serve the property.
- 7 • The existing properties are bordered by Lake Elmo Avenue North (CR 17) on the western
8 property line, and 75th Street North (CSAH 12) on the northern property line. Both roadways
9 are County Roads and the proposed roadway as summarized in the subsequent bullet will
10 require coordination and discussion with Washington County since they will be the permitting
11 authority for access onto their roadways.
- 12 • The proposed Project includes one long curvilinear roadway that would provide access to all
13 lots in Block 1 excluding Lot 1, and all lots in Block 2. The new roadway connects on the
14 southwest corner of the property from Lake Elmo Avenue North and then traverses the
15 southern half of the properties before heading north and connecting to 75th Street North
16 (CSAH 12) on the northern boundary of the site.
- 17 • Lot 1, Block 1 will continue to utilize their existing driveway which connects to CSAH 12
18 directly north of their principal and accessory buildings.
- 19 • The rural residential lot sizes are fairly large and could accommodate a variety of housing
20 styles and plans. As such the Applicant anticipates all homes in the subdivision will be
21 custom built, and that lots will be custom graded once house plans are developed.

22 City Planner Haskamp advised that on March 16, 2017 the Planning Commission held their regular
23 Planning Commission meeting and a duly noticed Public Hearing for consideration of the proposed
24 Farms of Grant Preliminary Plat ("Project"). After public testimony and discussion, the Planning
25 Commission requested additional information from the Applicant to address the comments and
26 concerns as presented during the meeting and public hearing.

27
28 Following the meeting the Applicant submitted the additional information as requested, which was
29 subsequently considered by the Planning Commission at their regular meeting on April 18, 2017.
30 Staff prepared a report summarizing the additional information, which also included a list of draft
31 conditions for review and consideration by the Planning Commission. On April 18, 20th the Planning
32 Commission unanimously recommended approval to the City Council of the Farms of Grant
33 Preliminary Plat with the draft conditions as presented and modified.

As stated in the March 8, 2017 staff report, the proposed Project is subject to the City's and the BCWD's stormwater rules and regulations. The Applicant is working through the permitting process with the BCWD, and if any substantive changes to the preliminary plat are required to comply with the BCWD rules, the Project may be subject to additional review by the Planning Commission. Staff would recommend including this as a condition of Preliminary Plat approval.

Washington County has reviewed the proposed access locations as stated within their letter dated March 23, 2017. The County has reviewed the Spack Memo and are requesting dedicated left-turn lanes at both CR-17 and CSAH 12. A meeting with the Applicant, Washington County and staff is likely to be held in the later part of this week. Staff will provide a verbal update from the meeting, provided the meeting occurs prior to the Council meeting.

Additionally, the Applicant has submitted an application to Washington County for preliminary review of the soil sampling conducted for the septic drainfields. At the time of this report the County had not responded. Staff will provide a verbal update, if available, at the City Council meeting and would recommend including a condition that Final Plat will not be granted without preliminary review from Washington County.

City Planner Haskamp noted draft resolution 2017-08 is provided for Council review and consideration. The Resolution is drafted with the recommended conditions as considered and amended by the Planning Commission.

Council Member Carr stated the plan is a very nice clean subdivision on a beautiful piece of property and it is good for Grant. It maintains the current density and is a great development. The only concern is what may happen in the future with the larger parcels. The City does not allow cluster development and does not require park fees. He suggested they include in their agreement what types of uses will not be done on those parcels. He also recommended the screening be put on their own property as opposed to the neighbors.

Council Member Lanoux moved to approve the development contingent on the City reviewing the open meeting violation that was submitted. Council Member Sederstrom seconded the motion. Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.

City Engineer Reifsteck advised the County has jurisdiction over the potential road improvements and access points.

City Planner Haskamp advised there has been lots of discussion with the County regarding the safety of the access and how many counts will be added to the system. An analysis was done on the entire project in terms of the residential lots. If there is a future change of use and intensity on the larger lots a new traffic study may be required. The right of way show on the plat is enough right of way to accommodate turn lanes.

Mr. Dave Washburn, Applicant, came forward and stated the screening trees were located on the neighbors property for better screening and discussions are still being held with them. The larger lots are good farm land and does meet the requirements of the Comprehensive Plan. He stated they are

1 aware of marketing situations in terms of future uses on that land and will take those suggestions
2 under advisement.

3
4 Mr. Bob Appert, Applicant, came forward and stated the project would begin this fall and the road
5 will probably be constructed in its entirety. Snowmobile access on the property will be addressed
6 within the HOA.

7
8 Council Member Lanoux expressed appreciate for the applicants understanding of road and building
9 costs and asked if he would sit on the Roads Committee.

10
11 **Council Member Carr moved to adopt Resolution No. 2017-08, as presented. Council Member**
12 **Kaup seconded the motion. Motion carried unanimously.**

13
14 **City Attorney, Kevin Sandstrom**

15
16 **Consideration of Moratorium for Ordinance Development** – City Attorney Sandstrom advised
17 City of Grant has received inquiries about potential development of so-called “solar farms,” also
18 referenced as solar energy systems, solar power plants, photovoltaic power stations, or solar parks.
19 These systems are often built in large, open tracts of land such as existing farm fields. They essentially
20 consist of a large parcel of property covered in a series of solar panels, and then a system of
21 collection/distribution connected to the panels for the electricity created by those solar panels.

22
23 The understanding is that the generated electricity is then often sold back to the local power company as
24 a means of generating revenue from the solar farm, as opposed to sale to local residents or internal use
25 of the electricity.

26
27 These sort of property uses are typically regulated by conditional use permits or other zoning
28 regulations. I can certainly foresee a number of potential issues with them, including visual clutter/sight
29 line problems, storm water runoff, dangerous high voltage equipment, potential for being an attractive
30 nuisance to children or vandals, impacts on wildlife, and potential health risks, which could be
31 addressed with appropriate regulations. The City of Grant does not presently have any regulations in
32 place to oversee the development and operation of solar farms.

33
34 As the Council is likely aware, the law permits a moratorium ordinance to be enacted to restrict or
35 prohibit certain types of development, so that the city can preserve the *status quo* and complete a
36 comprehensive study and enact permanent zoning and licensing regulations relating to a given land use.
37 A moratorium ordinance is well-suited to the present situation of a potential for solar farm development
38 where the City has no existing regulations for such uses.

39
40 Moratoriums are put in place by enactment and publication of an interim ordinance pursuant to Minn.
41 Stat § 462.355, subd. 4, stating the need for a halt on certain development in order to conduct study and
42 enact new regulations. The interim ordinance may regulate, restrict, or prohibit any use, development,
43 or subdivision within the City for a period **not to exceed one year** from the date it is effective.

1 Because a moratorium is a zoning-related restriction, we recommend holding a **public hearing** prior to
2 enactment of the moratorium, per Minn. Stat. § 462.352, subd. 3 (stating “No zoning ordinance or
3 amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency
4 or by the governing body. A notice of the time, place and purpose of the hearing shall be published in
5 the official newspaper of the municipality at least ten days prior to the day of the hearing.”) He added
6 there is the potential for a text amendment application submittal to the City.

7
8 Mayor Huber advised the City has done this type of moratorium on development in the past to draft
9 ordinances for a specific use.

10
11 Council Member Carr stated the City can draft an ordinance defining the use and limit the use in certain
12 zones.

13
14 Council Member Sederstrom stated it makes sense for the City to work through the text amendment
15 application in an effort to save dollars.

16
17 City Attorney Sandstrom advised the City has the ability to work through a text amendment application
18 within a moratorium.

19
20 **Council Member Kaup moved to direct staff to prepare a moratorium ordinance for the June**
21 **Council meeting. Council Member Carr seconded the motion. Motion carried with Council**
22 **Member Lanoux voting nay.**

23
24 **NEW BUSINESS**

25
26 **Consideration of City Assesor Contract Extension** – Mayor Huber advised the contract extension
27 is for a term of another year with no additional costs. The City Assessor has been with Grant many
28 years now and does do a great job.

29
30 **Council Member Lanoux moved to approve the City Assessor Contract Extension, as presented.**
31 **Council Member Sederstrom seconded the motion. Motion carried unanimously.**

32
33 **Consideration of Resolution No. 2017-09, Request for Annexation** – Mayor Huber advised he
34 received a call from the Mayor of Mahtomedi regarding two Grant Council Members approaching
35 him about annexing two properties in Grant. A proposal from a developer was then mailed out after
36 discussions with those two Council Members. The proposal was included in the Council packet and
37 outlines a plan for the property if the land is annexed into the City of Mahtomedi. The City does not
38 allow annexation and that is why they became a City.

39
40 Council Member Lanoux referred to a document from 2002 that indicates there is a superfund site in
41 the City of Grant. The City of Mahtomedi is willing to take that property and would take all public
42 water and sewer out of Grant. The City should not fight this annexment as it would put the ice arena
43 on the other side of the road. It would provide for a twenty acre park and no City liability. The
44 annexation of both properties is a win win situation for both cities. The City would lose if this issue
45 went to court.

1
2 **Council Member Lanoux moved to open up a public hearing before a determination is made on**
3 **the annexation. Council Member Sederstrom seconded the motion. Motion failed with Council**
4 **Member Carr, Kaup and Mayor Huber voting nay.**

5
6 Council Member Carr stated the City will not have to fight in court for no annexation. The City of
7 Mahtomedi did not want to annex the property many years ago. He indicated strong support for no
8 annexation within the City of Grant. He stated he does not want to set precedence. A development
9 would be welcome on that property. In addition, the letter sent out is inaccurate. The site in question
10 used to be a dump site but it was cleaned up, which was good for Grant. He stated he is not against
11 the hockey rink but it shouldn't be on that property. There are zero park fees in Grant and the City
12 does not have the means to maintain a park. Maintenance dollars would be better spent on the roads as
13 everyone in Grant has their own park.

14
15 Mayor Huber stated real progress in the City could be made if certain Council Members refrained
16 from cherry picking simple statements for campaigning purposes only. An EAW is being done on the
17 ice rink proposed location. The original CUP for District 832 was included in the packets that refers
18 to development of the site and no City liability. In addition, the high school site has always had
19 water.

20
21 Council Member Carr stated when the property was annexed the City was a township. The City of
22 Mahtomedi did not take the property then. The Township worked with the School District and kept
23 the property. The matter was settled forty years ago.

24 **Council Member Carr moved to adopt Resolution No. 2017-09, as presented. Council Member**
25 **Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom**
26 **voting nay.**

27
28 **UNFINISHED BUSINESS**

29
30 There was no unfinished business.

31
32 **DISCUSSION ITEMS**

33
34 **City Council Reports/Future Agenda Items (no action taken):**

35
36 Council Member Lanoux stated the City newsletter included fake news relating to the school district
37 taxes.

38
39 Mayor Huber advised there are two school districts within the City of Grant. The City is not going to
40 put out two newsletters for the different districts. The budget article was information to residents
41 relating to the City budget and taxes, not the school districts.

42
43 **Staff Updates (no action taken):**
44

1 **2017 Special Roads Projects** – City Engineer Reifsteck advised a list of potential projects will be
2 included for the June Council meeting. The Transportation bill did include some small cities funding.

3
4 **2017 Seal Coat/Road Project Neighborhood Meeting** – City Engineer Reifsteck advised a
5 neighborhood meeting was held with the residents within the 2017 seal coat project area. It was a
6 well-attended meeting and the process of special assessments within a road project. The deadline is
7 May 26 to move forward with a special roads project.

8
9 **City Legals Process** – City Attorney Sandstrom advised he will prepare a memo to send to the
10 Council regarding the City legals process.

11
12 **COMMUNITY CALENDAR MAY 3 THROUGH MAY 31, 2017:**

13
14 **Mahtomedi Public Schools Board Meeting, Thursday, May 11th and 25th, Mahtomedi District**
15 **Education Center, 7:00 p.m.**

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

17 **City Office Closed, Monday, May 29th, Memorial Day Holiday**

18 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
19

20 **ADJOURN**

21 **Council Member Kaup moved to adjourn at 9:02 p.m. Council Member Carr seconded the**
22 **motion. Motion carried unanimously.**

23
24
25
26 These minutes were considered and approved at the regular Council Meeting May 2, 2017.
27
28
29
30

31 _____
32 Kim Points, Administrator/Clerk
33

Jeff Huber, Mayor