

**CITY OF GRANT
MINUTES**

DATE : October 3, 2017
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:55 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 Swanson; City Engineer, Brad Reifsteck; and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

PUBLIC INPUT

(1) Mr. Jerry Helander, 6261 Jasmine, commented on cities having the authority to establish criteria for citizens running for office.

(2) Ms. Tina Lobin, 11034 Irish Avenue came forward and thanked those on the Council that act with professionalism and also stated she is not in support of solar community farms.

(3) Ms. Kristin Sachwitz, All Energy Solar, commended the City on the fast turnaround on the solar ordinance and stated there are too many restrictions in the residential portion of the draft ordinance such as the required setbacks.

(4) Mr. John Smith, 10244 67th Lane, came forward and stated there is a state statute that covers eligibility of those running for office.

(5) Mr. Jerry Linser, 10317 Jody Avenue, expressed much concern regarding the dumping of hazardous waste in the City of Grant asking if there was Council action to allow it and what was the basis for allowing it.

PLEDGE OF ALLEGIANCE**SETTING THE AGENDA**

Council Member Carr moved to approve the agenda removing Item Ai, Complaint Process, Item Aiii, Gas Tax for Cities under 5,000 Residents and Item Av, Town Hall use Policy and Procedure. Council Member Kaup seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting nay.

CONSENT AGENDA

September 5, 2017 City Council Meeting Minutes Approved

September 2017 Bill List, \$58,061.89 Approved

Kline Bros. Excavating, Road
Work, \$28,927.50 Approved

Envirotech, Dust Control, \$28,259.62 Approved

City of Mahtomedi, 3rd Quarter
Fire Contract, \$33,317.50 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

Consideration of Guard Rail Placement – City Engineer Reifsteck advised the City received a quote for the work related to the Guard Rail Project along 83rd Street near Woodpile Lake and on Ironwood Ave N. H & R Construction submitted a quote for this highly specialized type of work based upon the following unit prices:

| ITEM DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | TOTAL |
|-----------------------------|----------|------|------------|-------------|
| MOBILIZATION | 1 | EA | \$3,900.00 | \$3,900.00 |
| TRAFFIC BARRIER DESIGN 8331 | 1361 | LF | \$9.75 | \$13,269.75 |
| ANCHORAGE ASSEMBLY - CABLE | 14 | EA | \$1,675.00 | \$23,450.00 |
| | | | Total | \$40,619.75 |

The 3 cable guardrail systems are typically placed on tangents or horizontal curves where average daily traffic is high or there are safety concerns, such as, steep slopes, water, stationary objects, etc.

The 3 cable guardrail systems are typically placed on tangents or horizontal curves that exceed a 1500-foot radius. The horizontal curve radius at the centerline of 83th street is approximately 900 foot, therefore, intermediate anchorage systems are required as shown in the attached layout.

To reduce costs and meet the immediate safety concerns along 83rd Street it's recommended to install guardrail near the intersection of Keats Avenue and eliminate the outer 3 segments (A, B, & E). The cost savings to eliminate the 3 segments mentioned above is approximately \$15,000.

The cost for the guardrail system along 83rd Street for all 5 segments is \$28,069.75. The cost for the two guardrail systems along Ironwood Ave is \$12,550.00

1
2 All work is scheduled to be completed as H & R Construction Schedule allows before the end of
3 November. If work is not completed until spring of 2018, they are committed to holding unit prices.
4

5 **Council Member Carr to approve Guard Rail installation as amended. Council Member Kaup**
6 **seconded the motion. Motion carried with Council Member Lanoux and Sederstrom voting**
7 **nay.**
8

9 **City Planner, Jennifer Swanson**
10

11 **Consideration of Ordinance No. 2017-53, Text Amendment to allow Community Solar Gardens**
12 **in A1 and A2 Zoning Districts** – City Planner Swanson stated the Applicant, United States Solar
13 (“US Solar”), contacted city staff to inquire about ordinances that may regulate solar development in
14 the city, and they were specifically interested in any regulations that addressed community solar
15 gardens. After reviewing the city’s ordinances, staff informed the Applicant that there are no current
16 ordinances and/or regulations related to solar development or community solar gardens (either
17 residential or commercial) which consequently means that the use is not permitted per the zoning
18 ordinance.
19

20 In addition to US Solar, the city has received other similar inquiries from solar providers/developers
21 and staff thought it prudent to inform the City Council of the potential demand for such development
22 projects in the community. After a short discussion with the City Council it was determined that the
23 City should enact a moratorium on all solar developments, both residential and commercial, so that
24 the City could appropriately study and create the appropriate ordinances and/or regulations to
25 adequately address solar development in the community. The moratorium was adopted at the regular
26 City Council meeting in June.
27

28 City Planner Swanson stated the staff report considers the Applicant’s proposed text amendments,
29 which the Applicant understands is being considered while the moratorium continues to be in effect,
30 and will remain so throughout this review process. Ultimately, the moratorium may or may not be
31 lifted at commencement of this process depending on the findings and results of this process.
32

33 The Planning Commission held a duly noticed public hearing on July 18, 2017. After discussion and
34 public testimony, the Planning Commission asked the Applicant if they were willing to work with
35 City Staff on development of an ordinance that addressed performance standards, while also allowing
36 staff some time to prepare residential standards to more appropriately address the issues identified
37 within the Moratorium. The Applicant agreed and worked with staff in preparation of a draft
38 ordinance that was subsequently considered at the Planning Commission’s regular September 19th
39 meeting. After much discussion and deliberation, the Planning Commission recommended approval
40 of the draft ordinance to the City Council with a vote of 5-1.
41

42 While the Planning Commission did recommend approval they also had some concerns about the
43 ordinance that they wanted to pass along to the City Council, including the following:
44
45

- Lot Size – There was some discussion about what the appropriate minimum lot size should be, and whether 20 acres was large enough.

Given the discussion and concern regarding lot size, staff reviewed the GIS records to determine how many lots/parcels in their current configurations on Hwy 12 and Manning Avenue would meet this standard. There are approximately 7-9 parcels that would currently meet this standard, 2 of which are golf courses, and 1 which is the School complex. IF the minimum lot/parcel size were increased to 40-acres the number of qualifying parcels would be further reduced to approximately 6; of which 2 are golf courses and 1 is the school site.

- Visual Screening – There was significant discussion about the appropriate level of required screening. Most commissioners felt it was important to screen from public right-of-way as well as from residential structures, but there was some disagreement about what an adequate screening level might be. Ultimately the decided on the language that is presented in the draft ordinance that would allow case-by-case review of a screening plan.

PROJECT SUMMARY

| | |
|--|---|
| Applicant: United States Solar (US Solar) | Request: Text amendment to Section 32-1 Definitions, and 32-245 Table of Uses to conditionally permit Community Solar Gardens in A1 and A2 |
| Owner: Joyce Welander | Zoning/Guiding: A1 |
| Owner Address: 10381 83 rd Street N (proposed change would apply to all A1 and A2 zoned properties) | Site size: 58 Acres |

City Planner Swanson stated Division 4, Section 32-116 of the City's Zoning Ordinance allows for amendments to the Zoning Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by a resident's petition. While the Applicant is not a landowner of the City, the Owner is a party to the Application and therefore has initiated the amendment for consideration in coordination with the Applicant. Through the analysis and review process the Planning Commission considered the following questions when making their recommendation:

1. Are the proposed changes consistent with the City's adopted Comprehensive Plan?
2. Are the proposed changes compatible with existing regulations and standards within the affected/applicable zoning district?
3. Will the proposed changes have a negative impact on the health, safety and welfare of the community?
4. If the proposed changes are found to be consistent; are there additional considerations that should be addressed as part of the ordinance amendments that were not contemplated in the Application?

1
2 It is important to remember when reviewing the Applicant's proposed language and amendment that
3 the changes will affect ALL properties in the City that are zoned and guided similarly (i.e. all
4 properties in the A1 and A2 zoning district). Therefore, it important to consider how the definition
5 would be applied throughout both zoning districts and whether there are any anticipated issues if the
6 definition, and addition to the Table of Uses, were applied to other similarly zoned properties when
7 considering the proposed changes.

8
9 The City's Comprehensive Plan focuses on retaining the rural lifestyle and ensuring new uses are
10 compatible with existing agricultural and rural residential uses. The Applicant's narrative includes a
11 section "Justification for the Amendments" in which it states that Community Solar Gardens would
12 be consistent with the "rural character" because they are not very visible and that if allowed to
13 develop, such community solar gardens will protect large tracts of land from further subdivision and
14 development due to the long-term lease commitment of the land from the developer/user.
15 After review and revision of the draft ordinance, the Planning Commission determined that the
16 proposed text amendment, including the additional performance standards, were consistent with the
17 adopted Comprehensive Plan and as such recommends approval to the City Council.

18
19 City Planner Swanson referred to Section 32-243 that defines the intent and purpose of the A1 and A2
20 zoning districts as,

- 21
22 A-1 *A-1 districts preserve land to be utilized for agricultural and commercial food*
23 *production on lots smaller than those required in AP districts. A-1 districts provide*
24 *areas of rural lot density housing with lots large enough for significant agricultural*
25 *activity to occur.*
26 A-2 *The A-2 districts provide rural low density housing in agricultural districts on lands*
27 *not capable of supporting long-term, permanent commercial food production. A-2*
28 *district lot sizes will provide for marginal agriculture and hobby farming.*
29

30 The proposed text amend would allow for Community Solar Gardens with a Conditional Use Permit
31 (CUP) in the A1 and A2 districts. The intent and purpose of each zoning district is focused primarily
32 on low-density rural residential land uses, and agricultural uses; however, as shown on the Table of
33 Uses in Section 32-245 of the Zoning Ordinance there are variety of uses, accessory to the principal
34 residential use, that are permitted with a CUP. Many of the conditionally permitted uses are required
35 to also follow specific performance standards which are also contained within the City's Zoning
36 Ordinance (e.g. Supper Clubs, Rural Event Facilities, Horse Boarding and Training, etc.)
37

38 After revising the ordinance to include a new Division 5, the Planning Commission recommends
39 approval of the Ordinance as presented and attached to this staff report. The majority of the Planning
40 Commission expressed that they felt that the proposed performance standards and other regulations as
41 included in the revised ordinance would adequately protect the health, safety, and welfare of the
42 community and would not negatively impact adjacent properties or neighborhoods.
43 City Planner Swanson noted the Planning Commission recommended approval (5-1) of the draft
44 ordinance as prepared and presented. Staff is requesting discussion, and possible action, from the City
45 Council.

Council Member Lanoux moved to approve Ordinance No. 2017-53, as presented. Council Member Sederstrom seconded the motion.

Mr. David Watts, Project Manager, US Solar, came forward and presented the company background and provided the benefits of community solar gardens noting they are consistent with the Comprehensive Plan and there is no impact on the community in terms of traffic, noise, etc. He indicated he worked with staff on the ordinance and the Planning Commission has recommended approval. He reviewed the draft ordinance and noted the buffer is a half mile. He commented on construction, screening, landscaping and preservation of agricultural land. It is not a commercial use and is much more like farming, is not permanent and does benefit the environment. He requested Council approval of the draft ordinance.

Mr. Watts explained the subscription process and how that benefits residents. He also outlined the lease process with property owners, federal subsidies, tax credits and the potential tariff on silicone panels and that effect of that potential tariff.

Council Member Lanoux amended the motion to delete the residential use portion of Ordinance No. 2017-53. Council Member Sederstrom agreed to the amendment.

City Planner Swanson advised a solar division within the ordinance is being created so both uses are being looked at together.

Motion failed with Council Member Carr, Kaup and Mayor Huber voting nay.

Council directed staff to prepare a residential solar ordinance for review with potential revisions to the setback, height and roof coverage.

Council Member Lanoux moved to table the residential solar discussion. Council Member Sederstrom seconded the motion. Motion carried with Mayor Huber voting nay.

City Attorney, Kevin Sandstrom (no action items)

NEW BUSINESS

Consideration of Request for Payment to Mike Regan, Keswick Flooding – Staff advised Mr. Mike Regan, Indian Hills, is requesting reimbursement to cover part of the rental costs on the pump system utilized for the flooding at Sunnybrook Lake in the amount of \$1,380.00. The Watershed District has reimbursed costs at a rate of \$2,310.00 per month. It was noted the pump system was not used in August.

Mayor Huber moved to approve Request for Payment by Mike Regan, as presented. Council Member Sederstrom seconded the motion.

1 Council Member Lanoux made a friendly amendment to the motion to included any future
2 reimbursement costs. Mayor Huber did not accept the friendly amendment to the motion.

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4 Motion carried unanimously.

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6 **UNFINISHED BUSINESS**

7
8 There was no unfinished business.

9
10 **DISCUSSION ITEMS**

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

13
14 Mayor Huber advised a memo has been sent to all City consultants advising that any more Council
15 Members who contact them directly will be billed individually. All inquiries should go through the
16 City office.

17
18 **Moratorium on Commercial Use, Council Member Sederstrom** – Council Member Sederstrom
19 stated the City can't let this type of activity happen and should put a moratorium on this type of use to
20 get it defined and regulated on a permanent basis.

21
22 **Legislative Update, Council Member Lanoux** – Council Member Lanoux advised the City was
23 invited to a tour of the Capital that he attended. Discussion items included a bill being introduced
24 into the Senate and House prohibiting schools from being built on dumps, a limit relating to open
25 enrollment and changing the requirement of the 5,000 population to receive gas tax money.

26
27 **Material Transferring per City Ordinance, Council Member Carr** – Council Member Carr stated
28 ordinances may have to be revised or put in place to remedy the current situation. A revised grading
29 permit may also be considered. Items that should be looked at include no street sweeping, times for
30 grading, amount of days for grading, frequency of trucks and volume, use of the dirt and licensing of
31 trucks.

32
33 The Council directed staff to prepare for review a revised grading permit application and potential
34 ordinance revision.

35
36 **Staff Updates (no action taken):**

37
38 There were no staff updates.

39
40 **COMMUNITY CALENDAR OCTOBER 4 THROUGH OCTOBER 31, 2017:**

41
42 **Mahtomedi Public Schools Board Meeting, Thursday, October 12th and 26th , Mahtomedi**
43 **District Education Center, 7:00 p.m.**

1 Stillwater Public Schools Board Meeting, Thursday, October 12th , Stillwater City Hall, 7:00
2 p.m.

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

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7 Council Member Carr moved to adjourn at 9:55 p.m. Council Member Kaup seconded the
8 motion. Motion carried unanimously.

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12 These minutes were considered and approved at the regular Council Meeting November 6, 2017.
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16
17 _____
18 Kim Points, Administrator/Clerk
19

Jeff Huber, Mayor