

CITY OF GRANT
MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

DATE : October 3, 2023
TIME STARTED : 6:33 p.m.
TIME ENDED : 8:56 p.m.
MEMBERS PRESENT : Councilmember Carr, Tufty, Rog, Giefer,
and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney Nick Vivian; City Planner, Jennifer Swanson; City Treasurer, Sharon Schwarze and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 6:33 p.m.

PUBLIC INPUT

Mr. Dan Gagliardi, former Planning Commissioner, came forward and stated next month he would have been a fifty-year resident of Grant. He recently moved out of Grant so is officially resigning from the Planning Commission. He thanked the Council for appointing him and stated he really did enjoy the work within the Planning Commission.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

September 5, 2023 City Council Meeting Minutes	Approved
September 2023 Bill List, \$89,234.00	Approved
Northern Salt, Dust Control, \$40,672.00	Approved
Resolution No. 2023-23, Designation of Polling Location	Approved
Final JPA, Washington County, Elections	Approved

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

STAFF AGENDA ITEMS

City Engineer, Brad Reifsteck (no action items)

City Planner, Jennifer Swanson

Consideration of Resolution No. 2023-24, Amended CUP Application, 11490 Julianne Ave N –
City Planner Swanson advised the Applicant, Jaime Benner on behalf of the Idylwood Equestrian Center submitted an application for an Amended Conditional Use Permit (CUP) to construct a new accessory building to support the current business operations. The proposed accessory building will include an office, small training/conference/yoga area, bathroom and storage area. The Applicant’s narrative describes the use of the facility as low-intensity and limited to one-on-one or small group meetings.

The information initially submitted was reviewed by the Planning Commission and a public hearing was held at the regular August 8, 2023 meeting. After discussion the Planning Commission tabled the request and asked the Applicant to revise their materials for consistency between the narrative and the architectural plans. The revised materials were reviewed by the Planning Commission at their regular September 12, 2023 meeting.

Given the background, including the Applicant’s revised materials, both staff reports as presented to the Planning Commission are included in the packets to for the review and consideration of the City Council. The Applicant’s revised attachments are also provided since they represent the most current application request.

After review of the revised materials the Planning Commission unanimously recommended approval of the Amended CUP with the conditions as noted in the staff report. A draft of the Amended CUP including conditions is provided for your review and consideration.

City Planner Swanson advised there is no change proposed to the efficiency units. The Planning Commission did recommend approval but also had some outstanding questions regarding some of the proposed uses. The City received an application describing a commercial operation but the plans submitted were for a single-family residence.

Ms. Jamie Benner, Applicant, stated the proposed building is about 20 yards from the main residence and will share a driveway. She advised she does not yet have blue prints for the pool. She stated she did not plan on having the application received as a residence. The efficiencies were removed but the building is still there. She noted she does not want anyone living on her property although someone currently is living there.

City Attorney Vivian stated plans were submitted as a dwelling. If in fact the City chooses to deny the application, findings of fact need to be found relating to health, safety and welfare. If the City believes the application fits the rural character o the area it could be approved with conditions added to ensure it is not used as a dwelling.

Staff provided a draft resolution outlining findings of fact if the City chooses to deny the application.

1
2 Findings of fact were added to the draft Resolution No. 2023-25 relating to commercial use
3 inconsistency, submission of incomplete plans and applicant having not sustained burden of proof.
4

5 **Council Member Rog moved to adopt Resolution No. 2023-25, as amended. Council Member**
6 **Tufty seconded the motion. Motion carried unanimously.**
7

8 **Consideration of Ordinance No. 2023-77, Outside Storage** – City Planner Swanson advised in
9 February 2023 the City adopted a moratorium with the purpose of allowing for study and potential
10 revision to the Exterior Storage regulations contained in the City’s Code of Ordinances. City Staff
11 researched ordinances in other communities with similar lot configurations and sizes and conducted a
12 survey with the City Council to solicit direction and feedback.
13

14 At the August 8, 2023 and September 12, 2023 Planning Commission Meetings staff presented the
15 draft ordinance for consideration and discussion. At the first reading, City Staff provided the
16 following summary of background research conducted to prepare the draft ordinance.
17

18 City Planner Swansons stated through research of other comparable municipalities with ordinances, it
19 was determined that there are many ways in which exterior (outdoor) storage can be addressed within
20 the ordinance; however, there were certain common themes that were included in most ordinances. A
21 summary is provided for your reference:
22

- 23 • Most ordinances separate regulations by “personal” and “commercial.” These terms do not
24 necessarily correspond with the zoning district.
- 25 • Most ordinances require screening and/or increased yard setbacks, especially for commercial
26 use.
- 27 • Ordinances regulate the area by percent of a lot and/or maximum square feet.
- 28 • Ordinances generally require outdoor storage areas to be located on improved surfaces.
- 29 • Ordinances generally require some type of screening when abutting a residential use or ROW.
30

31 City Planner Swanson noted this information was presented to the Planning Commission with a first
32 draft of the ordinance at their August 8, 2023 meeting. A duly noticed public hearing was held, and
33 members of the public provided testimony. The Planning Commissioners provided good feedback
34 and discussion regarding the first draft. Summary Comments included:
35

- 36 • Should include exceptions for personal vehicles, trailers, equipment.
- 37 • Clarification regarding “personal” versus “commercial” definition.
- 38 • Should include exceptions for agricultural uses and associated equipment.
- 39 • Outdoor Storage, when commercial, should be an Interim Use Permit, as opposed to a CUP.
40

41 Based on the discussion in August, Staff prepared a revised draft ordinance incorporating their
42 comments from the first reading. The second draft of the ordinance was presented to the Planning
43 Commission at the September 12, 2023 regular meeting. The Planning Commission expressed that
44 they liked the changes made in the second draft, but that they like the existing ordinance as-is.
45

1 After discussion, the Planning Commission recommended denial of the draft Ordinance because they
2 do not believe any changes or amendments to the existing Exterior Storage ordinance are necessary.

3
4 Given that the City Council adopted the Interim Ordinance placing a Moratorium on Exterior Storage
5 uses staff is bringing the draft ordinance forward for your review and consideration.

6
7 The draft ordinance was included in the packet for your review and consideration. A few items to
8 note as you review the draft ordinance:

- 9
- 10 • The Planning Commission’s recommendations regarding the ordinance are incorporated into
- 11 the draft ordinance even though they did not recommend approval.
- 12 • The objective of the ordinance is primarily to establish standards and a permit process for
- 13 exterior storage that is a commercial use – whether within the General Business or on an A1
- 14 or A2 property. The distinction of when a permit is required is whether you are storing your
- 15 own property or whether you are storing property for someone other than the occupant of the
- 16 property.

17
18 City Planner Swanson reviewed the draft ordinance relating to use and the permitting process for
19 various types of storage.

20
21 The City Council directed staff to add a note on the first page tab that refers to the exemptions.

22
23 **Council Member Giefer moved to approve Ordinance No. 2023-77, as amended. Council**
24 **Member Rog seconded the motion. Motion carried unanimously.**

25
26 **Consideration of Preliminary Plat Extension, Stillwater Oaks** – City Planner Swanson advised
27 Stillwater Oaks has requested a preliminary plat extension that was included in the packet.

28
29 **Council Member Giefer moved to approve the Stillwater Oaks preliminary plat extension, as**
30 **presented. Council Member Tufty seconded the motion. Motion carried unanimously.**
31 **City Attorney, Nick Vivan (no action items)**

32
33 **NEW BUSINESS**

34
35 **UNFINISHED BUSINESS**

36 There was no unfinished business.

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

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

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

40 Planning Commission Staffing will be on the next regular City Council meeting agenda.

41
42 **COMMUNITY CALENDAR OCTOBER 4 THROUGH OCTOBER 31, 2023:**

- 1 **Mahtomedi Public Schools Board Meeting, Thursday, October 12th and October 26th,**
- 2 **Mahtomedi District Education Center, 7:00 p.m.**
- 3 **Stillwater Public Schools Board Meeting, Thursday, October 12th, Stillwater City Hall, 7:00**
- 4 **p.m.**
- 5 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**
- 6 **Happy Halloween – Tuesday, October 31st**
- 7 **Mayor Huber called for a ten-minute recess at 8:25 p.m.**
- 8 **Mayor Huber called the meeting back to order at 8:35 p.m.**

9 **CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL AS**

10 **PERMITTED BY THE ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN. STAT.**

11 **3D.05 SUBD.3 (d) ON THE FOLLOWING LEGAL MATTER:**

12

13 **Dellwood Farms Special Assessments**

14

15 **Council Member Rog moved to go into closed session at 8:36 p.m. Council Member Giefer**

16 **seconded the motion. Motion carried unanimously.**

17

18 **Council Member Rog moved to end the closed session at 8:54 p.m. Council Member Tufty**

19 **seconded the motion. Motion carried unanimously.**

20

21 **OPEN SESSION**

22

23 **Council Member Rog moved to go back into open session. Council Member Tufty seconded the**

24 **motion. Motion carried unanimously.**

25

26 City Attorney Vivian advised the closed session was for the purpose of discussing litigation with

27 Dellwood Farms relating to special assessments. No action was taken.

28

29 **ADJOURNMENT**

30 **Council Member Rog moved to adjourn at 8:56 p.m. Council Member Giefer seconded the**

31 **motion. Motion carried unanimously.**

32

33

34 These minutes were considered and approved at the regular Council Meeting November 6, 2023.

35

36

37

38

39 _____

40 Kim Points, Administrator/Clerk

41

Jeff Huber, Mayor