

CITY OF GRANT  
MINUTES

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**DATE** : September 6, 2022  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 8:47 p.m.  
**MEMBERS PRESENT** : Councilmember Carr, Rog, Giefer,  
Schafer and Mayor Huber  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Brad Reifsteck; City Planner 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**

Ms. Ellie Bruner, 8432 80<sup>th</sup> Street, came forward and indicated she is against the proposed road project.

Ms. Christina Benson, Eckberg Lammers, came forward and introduced herself stating she is looking forward to working with the City.

**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 with a roll call vote.

**CONSENT AGENDA**

August 2, 2022 City Council Meeting Minutes	Approved
August 2022 Bill List, \$70,221.28	Approved
Back to Black, Potholing, \$18,375.00	Approved
City of Mahtomedi, 3 <sup>rd</sup> Quarter Fire Contract, \$38,624.00	Approved

Council Member Rog moved to approve the consent agenda, as presented. Council Member Giefer seconded the motion. Motion carried unanimously with a roll call vote.

**STAFF AGENDA ITEMS**

**City Engineer, Brad Reifsteck**

**Consideration of Gravel Maintenance Bids** – City Engineer Reifsteck advised The current gravel road maintenance agreement with Kline Bros, Inc. expired. Kline Brothers has agreed to continue providing these services under the current agreement until the City awards a new contract.

The services provided include routine maintenance of the City’s gravel roadways, including graveling, hauling, and grading. The contractor is responsible for furnishing all personnel and equipment.

Quotes were received from two contractors for pricing by the hour based upon activity performed as follows:

Description				Kline Bros	Miller Excavation
No	Mat. No.	Item	Units	Unit Price	Unit Price
1	2123.6 10	MOTOR GRADER	HR	\$105.00	\$145.00
2	2123.6 10	SKID STEER	HR	\$115.00	\$125.00
3	2123.6 10	TRUCKING AGGREGATE BASE	HR	\$100.00	\$128.00

Staff is recommending Council approve and enter a new Gravel Road Maintenance Contract with Kline Bros Excavation.

**Council Member Schafer moved to approve Kline Gravel Maintenance Bid, as presented. Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

**Consideration of 2022 Special Roads Project, Guard Rail** – City Engineer Reifsteck advised Each year the city funds a special roads project. Projects in year’s past have included roadway patching, mitigating roadway flooding, installing guardrails, roadway stripping & signing, etc.

This year’s special project will include replacing an existing guardrail along 118<sup>th</sup> Street and installing new guard rail along Ironwood Avenue.

Quotes forms were sent to known and reliable contractors that specialize in plate beam guardrail installation. The table below summarizes the total quote from each contractor.

Contractor	Total Cost
InSite Contracting	\$41,495.00
H & R Construction	\$62,681.07

1 The special roads budget is approximately \$70,000. The City staff is recommending award to InSite  
2 Contracting from Forest Lake , Mn in the amount of \$41,495.00

3  
4 **Council Member Giefer moved to approve the InSite Contracting Guard Rail Bid, as presented.**  
5 **Council Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

6  
7 **Consideration of Resolution No. 2022-12, Road Petition and Ordering of Project** – City Engineer  
8 Reifsteck advised a petition was received by 37% of the affected property owners for major roadway  
9 improvements along 80<sup>th</sup> Street and Ingberg Ct.

10  
11 A neighborhood meeting was held with abutting property owners on Thursday August 25<sup>th</sup>. The  
12 impetus for the meeting was to gather all property owners to discuss the city’s road policy and to  
13 include the residents living on Ingberg Cir and Ingberg Ct that were not included with the original  
14 petition. 14 property owners attended the meeting. The discussion at the meeting was very  
15 constructive with most of the attendees sharing their opinions on pavement versus a gravel road.

16  
17 The signed petition received accounts for 10 / 27 or 37% of the property owners within the project  
18 limits, exceeding the 35% needed for the city to authorize the City Engineer to prepare a Feasibility  
19 Study.

20  
21 City policy expresses preference for more than 50% of the owners of buildable units along the  
22 roadway being assessed sign the petition. The current petition is less than what is expressed in policy,  
23 therefore, staff’s recommendation is to not adopt the resolution declaring the adequacy of the petition  
24 and not to proceed with a feasibility report at this time.

25  
26 **Council Member Schafer moved to deny Resolution No. 2022-12, as presented. Council**  
27 **Member Giefer seconded the motion. Motion carried unanimously with a roll call vote.**

28  
29 **City Planner, Jennifer Swanson**

30  
31 **Consideration of Ordinance No. 2022-67, Text Amendment, Section 32-245 Table of Uses,**  
32 **Firewood Processing** - City Planner Swanson stated the Applicant, Pete Mogren on behalf of  
33 Mogren’s Firewood, is requesting an amendment to the City Code section 32-245 Table of Uses to  
34 allow for firewood processing in the A-2 zoning district with an Interim Use Permit. As stated on the  
35 Application the request is for “wood” processing, but as further described in the Narrative the request  
36 is to permit firewood processing so that the Applicant may operate a small-scale business from the  
37 subject property.

38  
39 This Application is NOT for a specific project on a specific site and if enacted would apply to all land  
40 zoned A2. The Owner information is a required condition of a Text Amendment Application as  
41 stated in Section 32-116 which identifies that “an amendment to this chapter may be initiated by the  
42 city council, the planning commission or by petition of affected property owners...”

43  
44 A duly noticed public hearing was held on August 10 at 6:30 PM to consider the proposed text  
45 amendment to the zoning ordinance. No public testimony was provided regarding the request. After  
46 the public hearing was closed the Planning Commission discussed the Applicant’s proposed changes

1 and considered the recommendation of staff. The Planning Commission unanimously recommended  
2 approval of the text amended with changes and modifications as included in the attached draft  
3 ordinance. A summary of the Planning Commission recommendations is provided:

- 4
- 5 • Include language in the definition and the performance standards that no process with any  
6 chemicals is permitted.
- 7 • Add additional language to the performance standards that prohibits processing with any  
8 chemicals, no manufacturing of products that require assembly or fasteners is permitted; no  
9 roof trusses or similar types of products may be produced onsite.
- 10 • Revise language to require compliance with any agency having jurisdiction over the  
11 processing.
- 12

13 The following staff report is generally as-presented to the Planning Commission with updates to  
14 reflect their discussion.

15  
16 City Planner Swanson stated in March of 2022 the Applicant applied for a Conditional Use Permit to  
17 operate Mogren's Firewood, a small-scale firewood processing operation, from the property located  
18 at 10151 75<sup>th</sup> Street N., Grant, MN. The application was processed and considered by both the  
19 Planning Commission and City Council. On June 28, 2022 the City Council discussed the proposed  
20 operation and determined that the operation was not consistent with the adopted Table of Uses and  
21 that a text amendment should be considered to more appropriately match the proposed use with the  
22 City's permitted uses.

23  
24 After the meeting the Applicant withdrew the previous application for a Conditional Use Permit, and  
25 immediately submitted an Application for this Text Amendment as recommended by the City  
26 Council. The Applicant has also submitted an application for an Interim Use Permit that would  
27 comply with an amended ordinance. The review and staff report for the Interim Use Permit is the  
28 subject of the next agenda item.

29 Division 4, Section 32-116 of the City's Zoning Ordinance allows for amendments to the Zoning  
30 Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by a  
31 resident's petition. When considering the proposed text amendment, the Planning Commission  
32 should consider, at a minimum, the following:

- 33
- 34 1. Are the proposed changes consistent with the City's adopted Comprehensive Plan?
- 35 2. Are the proposed changes compatible with existing regulations and standards within the  
36 affected/applicable zoning district?
- 37 3. Will the proposed changes have a negative impact on the health, safety and welfare of the  
38 community?
- 39 4. If the proposed changes are found to be consistent; are there additional considerations that  
40 should be addressed as part of the ordinance amendments that were not contemplated in the  
41 Application?

42 It is important to remember when reviewing the Applicant's proposed language and amendment that  
43 the changes will affect all properties in the City that are zoned and guided similarly (i.e. all properties  
44 in the A2 zoning district).

1 The Planning Commission determined that additional considerations should be addressed beyond  
2 those provided in the Applicant's submission. The attached draft ordinance includes the  
3 recommendations of the Planning Commission and incorporates the Applicant's request but provides  
4 additional standards.

5 City Planner Swanson advised the City's Comprehensive Plan focuses on retaining the rural lifestyle  
6 and ensuring new uses are compatible with existing agricultural and rural residential uses in the A1  
7 and A2 zoning district. The Applicant's proposed use is described as a small-scale firewood  
8 processing operation that does not include retail operations. Provided the use is properly defined, is  
9 limited in its intensity and is accessible to major roadways it should be consistent with the intent and  
10 purpose of the Agricultural/Rural Residential land use designation.

11 Section 32-243 defines the intent and purpose of the A2 zoning districts as,

12 *A-2 The A-2 districts provide rural low density housing in agricultural districts on lands*  
13 *not capable of supporting long-term, permanent commercial food production. A-2*  
14 *district lot sizes will provide for marginal agriculture and hobby farming.*

15 The existing A-2 zoning district is predominantly developed with rural residential uses, but there are  
16 some non-residential uses that are permitted within the district provided certain conditions are met.  
17 As described in the applicant's narrative and in the applicant's testimony during their previous  
18 application process the proposed use would be non-retail, and would be conducted during limited  
19 hours. The intent of the operations is to be low-impact, low-intensity and not a large-scale operation.  
20 Provided the use is properly defined, is limited in the intensity, has adequate access and is non-retail  
21 the proposed use should be consistent with the A-2 zoning district.

22  
23 The Applicant's request is to add "Fire Wood Processing" to Table 32-245 Table of Uses as an  
24 Interim Use in the A2 Zoning District.

25  
26 While the Applicant's proposed operation is for a specific site if the City's ordinance is amended the  
27 use will be permitted with an Interim Use Permit on any parcel zoned A2. Given that the change  
28 would affect all properties with the A2, staff provides the following draft language and considerations  
29 for discussion:

- 30 • **Use Description.** Modify the Applicant's proposed land use category to: "Forestry Products  
31 and Processing (non-retail)." This use would encompass and include firewood processing and  
32 storage but provides a broader use category that could capture similar uses that may be  
33 compatible with the City's predominantly agricultural and rural residential uses.
- 34 • **Proposed Definition.** The following draft definition is included in the draft ordinance and  
35 reflects the Planning Commission's recommendation to include description that no chemical  
36 processing is permitted.
  - 37 ○ *Forestry Products and Processing means* the storage and processing of forestry  
38 products on a site that does not include public access or public retail sales. Any  
39 processing conducted as part of the use may not use any chemicals. Examples of such  
40 use may include, but is not limited to, firewood processing, wood processing, wood  
41 storage or logging. This use does not include the removal of existing trees or  
42 vegetation on the site for processing, which may be subject to a different land use and  
43 permitting process.

- 1 • **Proposed Performance Standards.** The following performance standards related to the use  
2 are provided and have been updated to include the recommendations of the Planning  
3 Commission. Please note that all other applicable ordinance standards shall remain in effect.  
4 For example, the operation must comply with the MPCA noise standards and must comply  
5 with the City’s light and sign ordinances. Additionally, similar to a Conditional Use,  
6 reasonable condition specific to a site or project may be included in any approved Interim Use  
7 Permit. The following performance standards are in addition to the City’s existing standards.
  - 8 ○ The operation must be located on a site/lot with a minimum of 20-acres.
  - 9 ○ The operation must have direct access to a paved collector roadway and must obtain  
10 all necessary driveway permits from the applicable agency.
  - 11 ○ The operation, including structures, parking, storage area, and any operation related  
12 uses may not exceed 15,000 square feet in area.
  - 13 ○ No chemicals may be used for the processing of the products on site.
  - 14 ○ No manufacturing of products that require fasteners or assembly is permitted.  
15 Examples of such products include roof trusses.
  - 16 ○ The operation must be setback a minimum of 100-feet from any adjacent residential  
17 uses.
  - 18 ○ The operation must be fully screened from any public right-of-way or adjacent  
19 residential use.
  - 20 ○ No retail or public sales may be conducted from the site.
  - 21 ○ All appropriate permits and/or permission from the applicable local, state or federal  
22 agency must be obtained regarding the wood products brought to the site. All species  
23 and wood products processed on site must comply with the applicable agency’s rules  
24 and regulations.

25 The Planning Commission unanimously recommended approval of the proposed text amendment. A  
26 draft Ordinance is attached reflecting their recommendation for your review and consideration.

27 City Planner Swanson noted no permits that were researched were limited to a primary structure.  
28 There are several properties within the City that do not have a primary residence on them. The  
29 Council also has the authority to put conditions on all permits that are applied for. She stated the  
30 performance standards for this use could be increased to 40-acre parcels and setbacks of any property  
31 line of 200 feet.

32 **Council Member Rog moved to approve Ordinance No. 2022-67, as amended. Council Member  
33 Schafer seconded the motion.**

34 **Mayor Huber made a friendly amendment to include the site must be located on a County or  
35 State paved road. Council Member Rog and Schafer agreed to the friendly amendment.**

36 **Motion carried with a roll call vote with Council Member Carr voting nay.**

37 **Consideration of Resolution No. 2022-16, Summary Publication of Ordinance No. 2022-67 –**  
38 City Planner Swanson stated Resolution No. 2022-16 allows for a summary publication of Ordinance  
39 No. 2022-67.

40

1 **Council Member Giefer to adopt Resolution No. 2022-16, as presented. Council Member Rog**  
 2 **seconded the motion. Motion carried unanimously with a roll call vote.**

3  
 4 **Consideration of Resolution of Resolution No. 2022-17, Interim Use Permit for Firewood**  
 5 **Processing, 10151 75<sup>th</sup> Avenue N** – City Planner Swanson advised the Applicant, Pete Mogren,  
 6 Mogren’s Firewood, is requesting an Interim Use Permit (IUP) on the subject property to allow for  
 7 the processing and selling of firewood. The use includes cutting and processing firewood that is dried  
 8 using a large kiln on site. The Site Plan shows the location of the existing building on the property,  
 9 the stockpile locations for the processing operations and the location of the kiln.

10  
 11 In June the Applicant’s proposed operation was reviewed as Conditional Use Permit application by  
 12 the Planning Commission and the City Council, and it was determined through the process that the  
 13 proposed use was not adequately addressed on the City’s Table of Uses. The City Council  
 14 recommended that the applicant consider applying for an amendment to the City’s zoning ordinance  
 15 that would more directly match the proposed business operation.

16  
 17 The Applicant submitted an application for a text amendment that was reviewed by the Planning  
 18 Commission at their regular meeting on August 10, 2022. A duly noticed public hearing was held,  
 19 and after closing the Planning Commission unanimously recommended the approval of the text  
 20 amendment which is the subject of the first planner agenda item on September 6, 2022. This  
 21 application for an Interim Use Permit must be considered after the text amendment, because it may  
 22 only be considered if the text amendment is approved by the City Council.

23  
 24 The staff report that follows is consistent with the materials submitted during the June application  
 25 review process. Some minor updates have been made, including review for consistency with the  
 26 proposed text amendment that includes certain performance standards regarding the operation.

27  
 28 An Interim Use Permit (IUP) is granted to a specific use or business and is NOT given to the land. As  
 29 summarized in subsequent sections of this report, the IUP is generally granted for a certain period of  
 30 time which may be actual (such as 5 -years) or based on the occurrence of certain event (e.g. the  
 31 Comprehensive Plan changes the land use designation).

32 Staff recommends discussion of the appropriate time-period of the IUP for the subject use based on  
 33 the information provided in the Application and in this report.

34  
 35 A duly noticed public hearing has been set for the City Council meeting on September 6, 2022. Please  
 36 note that any use requiring an Interim Use Permit on the Table of Uses is permitted to bypass the  
 37 Planning Commission and have direct consideration by the City Council.

38  
 39 **Application Summary**

40

<p><b>Applicant:</b> Pete Mogren, Mogren’s Firewood  <b>Owner:</b> Mike Regan</p>	<p><b>Site Size:</b> 101.5 Acres</p>
<p><b>Land Use:</b> RR-AG  <b>Zoning:</b> A2 – Agricultural Small Scale</p>	<p><b>Request:</b> Interim Use Permit (IUP)</p>

<b>Address:</b> 10151 75 <sup>th</sup> Street North Grant, MN 55082	<b>Location Description and PIDs:</b> PID 26.030.21.33.0001, subject property generally located southeast of Keats Ave. N. and 75 <sup>th</sup> St. N. (CSAH 12)
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1  
 2 The Applicant is requesting an IUP on the subject property for the firewood processing operation that  
 3 is considered a Forestry Products and Processing (non-retail) use on the Table of Uses. A summary of  
 4 the proposed use is as follows:

- 5
- 6 • Cutting and processing the firewood
- 7 • Loading and operation of a kiln dryer
- 8 • Delivery of firewood
- 9 • Occasional customer pick-up
- 10 • Year-round operation, with Spring/Summer being the slow season
- 11 • Operating hours as detailed below
- 12

13 As described, the operations would occur on site between two and five days a week, with average  
 14 time per day between six and seven hours. The applicant has indicated that the variation in hours will  
 15 occur based on whether it is the busy or slow season. (E.g. there is higher demand for firewood  
 16 during the cold season). In the applicant’s narrative, they have indicated that they have purchased an  
 17 electric processor to replace the current processor to reduce the noise associated with the operations.  
 18 The new electric processor will be quieter than the current processor and is scheduled to arrive in  
 19 June 2022.

20  
 21 During the process in June, the Applicant indicated that no work will be conducted on the weekends,  
 22 and they are comfortable with only operating Monday through Friday with the stated hours of  
 23 operation on weekdays only.

24  
 25 City Planner Swanson advised Section 32-219 of the City Code provides the Application, Procedure  
 26 and Public Hearing process for an Interim Use Permit. As stated, Interim Use Permits are processed  
 27 similar to a CUP, except that the public hearing may be conducted by the City Council. The City  
 28 Code states the following for consideration when reviewing a Conditional Use Permit (32-141):

29  
 30 “(d) In determining whether or not a conditional use may be allowed, the City will consider the  
 31 nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on  
 32 adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of  
 33 consideration in determining the effect of the use on the general welfare, public health and safety.”

34 (e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use  
 35 permit, and a periodic review of said permit may be required.”

36  
 37 Section 32-245 Table of Uses establishes the list of permitted, conditionally permitted and permitted  
 38 by interim use in the City. Provided the text amendment is approved, the proposed firewood  
 39 processing operation is consistent with the Forestry Products and Processing (non-retail)uses and  
 40 requires and Interim Use Permit and must comply with the stated performance standards.

41



1 The parcel is generally located southeast of Keats Ave. N. and 75<sup>th</sup> St. N. (CSAH 12) and is bordered  
 2 by rural residential parcels on the westerly border of the site, and large lot/agricultural uses border the  
 3 south and easterly property lines. The area is generally developed with a mix of agriculture, rural  
 4 residential and golf course uses.

5  
 6 **10151 75<sup>th</sup> Avenue North, PID 26.030.21.33.0001**

7 The parcel is described as being in the Southwest Quarter of Section 26, Township 30 North, Range  
 8 21 West. The parcel is approximately 101.5 acres, is fairly regular in shape, and is bordered by 75<sup>th</sup>  
 9 Street North on the north. The majority of the site is wooded with a large agricultural field in the  
 10 central portion of the property. The perimeter of the site is heavily vegetated and the proposed use  
 11 will be located within the area cleared of large trees and vegetation.

12  
 13 The site is guided RR/AG – Rural Residential/Agricultural in the City’s adopted Comprehensive  
 14 Plan. Land within the RR/AG land use designation is generally described as supporting rural  
 15 residential and agricultural uses with limited non-residential uses that require a CUP or IUP.  
 16 Provided the operation complies with the standards established within the Text Amendment and an  
 17 IUP is obtained the firewood processing operations will be consistent with the adopted  
 18 comprehensive plan.

19  
 20 The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibit). The  
 21 following dimensional review is provided for review and consideration.

22  
 23 The following site and zoning requirements in the A-2 district related to the proposed application.  
 24 Please note that the standards established in the draft Text Amendment are provided, but may be  
 25 revised if the language is not adopted The following review is conducted focusing on the submitted  
 26 site plan.

27

<b>Dimension</b>	<b>Standard</b>
Minimum Lot Area	20 Acres
Operational Area	15,000 SF
Frontage on an Improved Public Road	300’
Front Yard Setback along Arterials	150’
Side Yard Setback (from any adjacent residential use)	100’
Rear Yard Setback(from any adjacent residential use)	100’
Height of Structure	35’
Accessory Buildings (# and Total SF)	No limit
Impervious surface coverage	50%
Floor Area Ratio	30%

28  
**Proposed Use**                      The proposed use is a “Forestry Products and Processing (non-retail)”  
 use which is permitted within the A1 and A2 zoning district with an  
 Interim Use Permit. The proposed use is subject to the conditions and  
 criteria as adopted through the text amendment process.

**Lot Area and Accessory Building Standards**

The text amendment stipulates that Forestry Products and Processing uses may only be conducted on a lot or parcel that is 20-acres or larger. The existing parcel is 101.5 acres, which meets this standard.

The text amendment states that areas used for the operation may not exceed 15,000 SF. The intent of limiting the operational size is to limit the intensity and scale of the operation. As shown on the site plan, the operational area is approximately 14,200 SF and complies with this standard.

The subject property is approximately 101.5 acres and is used for a non-residential structure. Section 32-313(b) states that the maximum building size is established for a CUP or IUP based on the lot size. As identified, there is no limit on maximum total square footage on lots larger than 20 acres.

There is no limit on number of accessory buildings allowed. For non-accessory, non-dwelling structures, the limit is determined as per the Permit (IUP).

**Setbacks and Screening**

As shown on the Site Plan, the operation is located in the northwest portion of the property. The kiln is located approximately 300’ from the westerly property line and 450’ from the northerly property line and 75<sup>th</sup> Street North frontage. The identified processing area is approximately 345’ from the eastern property line and 495’ from the northerly property line and road frontage.

The existing building on the site is setback approximately 370’ from the eastern property line and 540’ from the northerly property line.

The identified operations area (with the kiln, stockpiles, loading and processing area and the existing building) is setback approximately 300’ from the easterly property line, 360’ from the northerly property line and more than 1,500’ from both the westerly and southerly property line. The setback area north and west of the proposed operation are heavily vegetated and mitigate any current view of the operations. *As proposed, the area designated for operations meets the City’s ordinance.*

The proposed language in the text amendment requires that all Forestry Product and Processing operations must be fully screened from the public right-of-way and any adjacent residential uses. As shown on the aerial, the operations are tucked away behind significant vegetative screening which fully screens the operation from CSAH 12 and the adjacent residential properties. This vegetation must be maintained as long as the IUP and operations are active.

**Operations**

The hours of operation given in the narrative are as follows:

- Running the wood processor: 8:30 am – 3:00 pm, 1 – 2 days a week
- Loading truck for delivery: Between 8:30 am – 3 pm, 1 – 3 days a

week. This includes delivery of firewood so the delivery truck would be loaded 3 – 4 days onsite between these hours.

- The kiln runs consecutively for 36 hours when no one is present onsite.

The Applicant indicated during the previous application process, that they are comfortable limiting the operations to Monday through Friday, with no weekend operations.

Per the language in the draft text amendment, no retail operations are permitted from the site. ***Staff recommends that a condition be included within the permit that no on-site customer sales or retail operations are permitted on the site.***

**Noise**

The subject operations were brought to the attention of the City due to a concerned neighbor regarding the noise generated on the Site. The staff investigated the complaint and determined that the operations required a Permit to operate, and thus the Applicant applied for the text amendment and this IUP. The City’s noise standards are established consistent with the MPCA’s noise regulations, and all operations must demonstrate compliance with the standards. The applicant has indicated that the new electric processor will be significant quieter than the current processor, however, it is unknown what the noise and/or decibel levels area associated with the operation and if they comply with the noise standards.

***Staff recommends has included a condition in the attached IUP that all operations on site must comply with the MPCA’s noise standards that set regulations for duration, decibel levels and time of day.*** It is the Applicant’s responsibility to ensure that all equipment used and purchased to support the operation will comply with the established standards.

**Miscellaneous**

The draft text amendment requires any use that proposes to bring forestry products including wood/timber/etc., to a site from another location to obtain any necessary permits or permissions regarding quantity, specie, etc., from the applicable Federal, State, or local agency. The Applicant has indicated that their raw product is brought to the site from both Minnesota and Wisconsin. As such, staff recommends including a condition that both the MnDNR and WisDNR must be contacted, and any necessary permits obtained to ensure compliance with the applicable state rules.

- 1
- 2 City Planner Swanson noted there are no new buildings or landscaping being proposed as part of this
- 3 application. The property is within the Brown’s Creek Watershed District, and the Applicant must
- 4 obtain any necessary permits from the Watershed.
- 5

1 Staff is recommending approval of the IUP for Mogren's Firewood. A draft Interim Use Permit is  
2 attached to this Staff Report for your review and consideration.

3  
4 City Planner Swanson stated the permit is for a five-year term and then it expires. The applicant  
5 would have to submit for an amended IUP application to renew. She also noted a condition of  
6 approval is that all required permits from other agencies must be submitted to the City.

7  
8 **Council Member Schafer moved to open the public hearing at 8:14 p.m. Council Member**  
9 **Giefer seconded the motion. Motion carried unanimously with a roll call vote.**

10  
11 Ms. Karen Millet, 7420 Keats Avenue, came forward and stated she was concerned about the use but  
12 now feels better about it. She questioned a 200 foot setback asking if it should be more.

13  
14 **Council Member Giefer moved to close the public hearing at 8:18 p.m. Council Member Rog**  
15 **seconded the motion. Motion carried unanimously with a roll call vote.**

16  
17 **Council Member Rog moved to adopt Resolution No. 2022-17, with the attachment of the site**  
18 **plan. Council Member Giefer seconded the motion. Motion carried with a roll call vote with**  
19 **Council Member Carr voting nay.**

20  
21 **City Attorney, Nick Vivian**

22  
23 **Consideration of Resolution No. 2022-13, Resolution Approving Joint Powers Agreement, State**  
24 **of MN, City of Grant on behalf of City Attorney** – City Attorney Vivian advised the three legal  
25 items on the agenda relate to the criminal prosecution contract. Resolution No. 2022-13 approves the  
26 Joint Powers Agreement.

27  
28 **Council Member Schafer moved to adopt Resolution No. 2022-13, as presented. Council**  
29 **Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

30  
31 **Consideration of Court Services Subscriber Amendment to CJDN Subscriber Agreement** – City  
32 Attorney Vivian stated the Subscriber Amendment Agreement allows Eckberg Lammers to access  
33 information on behalf of the City of Grant.

34  
35 **Council Member Rog moved to approve Court Services Subscriber Amendment to CJDN**  
36 **Subscriber Amendment, as presented. Council Member Giefer seconded the motion. Motion**  
37 **carried unanimously with a roll call vote.**

38  
39 **Consideration of State of Minnesota Joint Powers Agreement** – City Attorney Vivian advised the  
40 Subscriber Amendment allows the prosecutions team to work with the State on behalf of the City of  
41 Grant.

42  
43 **Council Member Rog moved to approve State of Minnesota Joint Powers Agreement, as**  
44 **presented. Council Member Giefer seconded the motion. Motion carried unanimously with a**  
45 **roll call vote.**

46

1 **NEW BUSINESS**

2  
3 **Consideration of Resolution No. 2022-14, 2023 Preliminary Budget** – City Treasurer Schwarze  
4 presented the preliminary 2023 budget as determined during the budget work sessions.

5  
6 **Council Member Giefer moved to adopt Resolution No. 2022-14, as presented. Council**  
7 **Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

8  
9 **Consideration of Resolution No. 2022-15, Establishing Preliminary 2023 Levy** – City Treasurer  
10 advised the preliminary 2023 Levy is based on the preliminary 2023 budget. The Levy can decrease  
11 in December when the final budget and levy are approved.

12  
13 **Council Member Schafer moved to adopt Resolution No. 2022-15 as presented. Council**  
14 **Member Rog seconded the motion. Motion carried unanimously with a roll call vote.**

15  
16 **UNFINISHED BUSINESS**

17 There was no unfinished business.

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

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

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

21  
22 **COMMUNITY CALENDAR SEPTEMBER 7 THROUGH SEPTEMBER 30, 2022:**

23 **Mahtomedi Public Schools Board Meeting, Thursday, September 8<sup>th</sup>, and September 22<sup>nd</sup>,**  
24 **Mahtomedi District Education Center, 7:00 p.m.**

25 **Stillwater Public Schools Board Meeting, Thursday, September 8<sup>th</sup>, Stillwater City Hall, 7:00**  
26 **p.m.**

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

28  
29 **ADJOURNMENT**

30 **Council Member Rog moved to adjourn the meeting at 00 p.m. Council Member Giefer**  
31 **seconded the motion. Motion carried unanimously with a roll call vote.**

32  
33 These minutes were considered and approved at the regular Council Meeting October 4, 2022.

34  
35  
36  
37  
38 \_\_\_\_\_  
39 Kim Points, Administrator/Clerk

37  
38 \_\_\_\_\_  
39 Jeff Huber, Mayor