

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

November 16, 2009

Present: Glenn Larson, Craig Johnston, Wally Anderson, Tom Stangl, Dean Strehlau and Kevin Fernandez

Absent: Bob Zink

Staff Present: City Planner, Angela Torres; City Clerk, Kim Points

1. **CALL TO ORDER**

Chair Larson called the meeting to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

MOTION by Commissioner Johnston to approve the agenda, as presented. Commissioner Strehlau seconded the motion. MOTION carried unanimously.

4. **APPROVAL OF MINUTES**

Typographical and spelling corrections were made to the draft minutes.

MOTION by Commissioner Strehlau to approved the September 21, 2009 Minutes, as amended. Chair Larson seconded the motion. MOTION carried unanimously.

5. **NEW BUSINESS**

Public Hearing, Minimum Requirements, Ordinance No. 2009-16 – Chair Larson summarized the ordinance revisions noting it organizes the ordinance requirements for the purpose of easy reference of the City Code. The revision does not change the intent of the ordinance or any definitions.

Chair Larson opened the public hearing at 7:11 p.m. There was no one present to speak.

Chair Larson closed the public hearing at 7:12 p.m.

MOTION by Commissioner Anderson to recommend approval of Ordinance No. 2009-16, as presented. Commissioner Strehlau seconded the motion. MOTION carried unanimously.

Public Hearing, Grazable Acres, Ordinance No. 2009-18 – Chair Larson stated that the attempt of the ordinance revisions is to replace the existing ordinance with a clear objective, more easily understood explanation of grazable acres. He read the current ordinance definition noting it is vague and leads to issues. He read the new proposed verbiage to more clearly define grazable acres.

Chair Larson opened the public hearing at 7:21 p.m.

Mr. Loren Sederstrom, 9330 107th Street, came forward and stated if it is not broken don't fix it. He stated the current ordinance is more restrictive than the state regulations. Anything that is tillable is grazable. He suggested the ordinance state that. The proposed ordinance infringes upon the rights of property owners. The objective is to keep Grant rural. He questioned why the ordinance would be changed now. He added there is no problem with the current ordinance.

Chair Larson advised the City is in litigation right now. One source of that litigation is the vagueness of the current ordinance.

Mr. Craig Leiser, 10300 Kismet Lane, came forward and stated he used to have horses but no longer does. The current ordinance he would not be allowed to have horses. A representative from Brown's Creek Watershed District can do wetland delineations. Watersheds were established to keep water safe. Currently, all water is somewhat impaired. He read the rules of Watershed Districts relating to vegetation. Anything that impacts the vegetative buffer will impact wetlands and recommends that anything not used for grazing will affect the ground water.

Mr. Keith Mueller, 10705 Kimbro Avenue, came forward and asked if the Planning Commissioners are appointed or elected. He asked if the City Council requested the PC review the ordinance or it was the PC that initiated it. He stated he feels like there is an undisclosed agenda here. He stated he has 10 acres and currently two horses. He stated he would like to have another horse but with new ordinance he could not. He indicated he is not in favor of an ordinance clarifying how many horses he can have. He stated he hopes the Council will listen to residents because they don't like it. He recently learned that the home, driveway and wetlands will restrict the number of animals permitted. There is already too much government and residents don't need them to tell us how many animals we can have. It appears as the ordinance is going from too vague to way too restrictive. People live in the country to be in the country.

Mr. Ed Collova, 7373 120th Street, came forward and stated the restrictions being discussed would have a huge impact on his property. Wetlands put in and the effect of fewer animals would lower the value of his property. He asked why the City is trying to change that due to litigation.

Mr. John DeWitt, 10420 110th Street, came forward and suggested the City slow down on this issue. He stated he has 3 horses on his property. He invited Washington County out to review what he is doing on his property. Based on the new ordinance he would have to get rid of his horses. The County said he was doing a very good job with his land and animals. He stated he does not believe he would be grandfathered in. He displayed a map of his property of 14 acres. The new ordinance would not have grazable acres to accommodate 3 horses. The new ordinance would take him out of the horse business and he has a serious issue with that.

Mr. Steve Willard, 7810 Jamaca, stated all horses can't be on grass. No where in the ordinance does it consider paddocked horses where feed is controlled. That issue needs to be addressed so the ordinance is thorough. If the City is going to do this it should be done right.

Mr. Paul Mulcahy, 7109 Jamaca, stated the proposed ordinance is not clear relating to feedlots. There are areas termed as sacrifice areas that he presumes are excluded from the grazable acres. Six months out of the year there are not any grazable acres in the state due to the snow cover. The real problem is manure management and water quality. Those issues should be addressed and not grazable acres. Declining property values are also an issue.

Mr. Bob Dugny, 11202 Lansing, stated it comes down to respect for animal owners that they have the ability to manage and take care of their own animals. A lot of farms, such as Victoria Station, would be put out of business with this ordinance. All of the horses there are paddocked. Animal owners love their animals and do take care of them properly. Proper management is the key element here. There is always an exception to the rule but 99% of people in this community are responsible. Grazable acres is the not the issue. People need to learn how to manage animals. He suggested the City just go with the current Washington County ordinance.

City Planner Torres explained the process to evaluate someone's property to determine grazable acres. She noted there are ways to have more animals on a property that allowed such as a CUP. The City is not considering changing animal units. Washington County's ordinance is similar to animal units but the question as far as wetlands is deferred to the Conservation District and other agencies. The point of clarifying the ordinance is to uniformly and consistently determine the wetland areas.

Mr. Dewitt continued stated he sent a note to Council Member Hinseth regarding this issue. He read the note referring to the statement about people being irresponsible with this issue. He asked who is being irresponsible.

Ms. Sherrie Collins, Victoria Station Farm Manager, came forward and asked that the boarding facilities be addressed. She stated she is concerned that the Planning

Commission may have issued with boarding facilities. People need to look at the big picture.

Mr. Leiser clarified that the City must set up its own ordinances. County ordinances apply to townships only.

Ms. Christine Flug, 8324 60th Street, came forward and stated she is the one. She referred to water quality and asked how the City's water quality compares to other cities that don't have horses. She stated it has never been established how much horses really affect the water. Failed septics contribute more than horses do. Grazable acres are not based on nutrition or what you feed horses. Grazable acres refer to manure management. One per two acres came about because there is a built in overkill. It only takes .8 acres to graze a horse. She suggested the term grazable be left out of the ordinance and it be left at the one per two. She noted the litigation has nothing to do with why everyone is here this evening or grazable acres.

Mr. Steve Bohnen, 9224 60th Street, advised it is not prohibited to graze over wetlands and it is not required to have fenced areas for horses. This really has to do with having enough space for horses and it does not mean you have to have grass. Dirt doesn't mean it is not grazable. Sacrifice areas promote good health of pasture land. He stated that what he read the City is taking those areas away from grazable acres and this is not right. It is not illegal to graze horses on buffer zones yet the City wants to take that away from property owners. The City can't change where horses eat. One per 2 is a guideline and is idiot proof. It appears that the City wants to micromanage. It is much simpler to take off an acre for the homestead and divide it by two. Of the 22 cities that he researched, only one uses the term dry in their ordinance. He suggested the City take that term out. He stated he has property rights, ownership rights and does not want to spend thousands of dollars to delineate property that he purchased.

Ms. Donna McRued, 7700 Kimbro, came forward and stated it sounds like most people present do not want a more restrictive ordinance. It is not fair to restrict people who do follow the rules. She suggested the City look at a nuisance ordinance for people who do not follow the rules.

Ms. Allison Eckland, came forward and stated she had a lot of calls on this. Comments included not wanting people to pollute and want everyone to be good neighbors. Grazable acres and defining that seems to be the issue. She read the proposed ordinance and commented on fees, costs and surveys that would be paid for by property owners. The City needs to consider that because it is concerning to residents.

Mr. Joe Genereux, 9777 Joliet Ave, came forward and stated he agrees with those that spoke against the proposed ordinance. The wetland system was put into place in the 1950's. There is not necessarily an application in this case. There should be a very

compelling reason to change rules on property owners. Pollution should be an enforcement issue to those and only those that are causing it.

Ms. Linda Mirsch, 904 1st Street, came forward and asked if it was possible to have a volunteer committee appointed to look at all these issues.

Mr. Corey Granstrand, 11130 Julianne Avenue, asked what the Planning Commissioners think about the issue and noted he thinks the 1 per 2 is a great solution.

Mr. Ceary Olsen, 8650 105th Street, stated he thinks the City needs to further think through the issues and appoint an advisory committee. He referred to animal units in the ordinance pointing out the restrictions regarding wild ducks and turkeys.

Ms. Catherine Nicholson, 11675 Keats, came forward and stated class 1 and 2 wetlands do not show on aerial photos.

Mr. Wayne Sarappo, 8770 105th Street, came forward and referred to the ordinance section that talks about the zoning administrator determining grazable acres. He asked how that would be enforced and if it would be based on a complaint. He suggested the City should not try to have guidelines and enforcement in the same ordinance.

Mr. Sederstrom came forward and stated 1 per 2 is the guideline and it should be left at that. All of this is being made unnecessarily complicated.

Mr. Jeff Anderson, 11750 80th Street, stated there are all kinds of agencies to mandate this. The City should use them as enforcement and keep the City of Grant out of it. It is getting way too complicated.

Mr. Larry Leroux, 9711 Keswick, asked when the Council would be making a decision and noted they all would be present.

Mr. Des Sweurles, 10291 Lansing, stated that manure control seems to be the issue and suggested some City property be turned into a compost site.

Mr. Steve Bohnen stated there is not bite for enforcement within the ordinance and the City keeps saying it is doing this because the ordinance can't be enforced.

Ms. Joyce Welander, 83rd Street, came forward and stated she is an advocate for agriculture. Manure has been used out at Trout Air and they have the best trout and you can eat them.

Chair Larson closed the public hearing at 9:30 p.m.

MOTION by Chair Larson to table Ordinance No. 2009-18 to the next Planning Commission Meeting. Commissioner Strehlau seconded the motion. MOTION carried unanimously.

.Public Hearing, Wind Energy Systems Ordinance –

Chair Larson tabled the public hearing on the Wind Energy Systems Ordinance.

Public Hearing, CUP Application for Collocation on Existing Wireless Facility, 6077 Lake Elmo Avenue – City Planner Torres reviewed the application and recommended approval based on conditions outlined in the staff report.

Mr. Daniel Dean, Representative for Clear Wire, came forward and stated they would like to collocate on two towers within the City. He provided the background on the company and gave a brief description of their plan.

City Planner Torres stated they will be adding six antennas on the existing towers in two locations.

Ms. Catherine Nicholson, 11675 Keats, came forward and asked if there are any negative health effects.

Mr. Dean advised there are none as the antennas are wireless.

Chair Larson closed the public hearing at 9:43 p.m.

Motion by Commissioner Anderson to recommend approval of CUP Application, 6077 Lake Elmo Avenue, as presented. Chair Larson seconded the motion. MOTION carried unanimously.

Public Hearing, CUP Application for Collocation on Existing Wireless Facility, 8930 60th Street North - City Planner Torres reviewed the application and recommended approval based on conditions outlined in the staff report.

Chair Larson opened the public hearing at 9:44 p.m. No one was present to speak.

Chair Larson closed the public hearing at 9:44 p.m.

MOTION by Commissioner Strehlau to recommend approval of CUP Application, 8930 60th Street, as presented. Chair Larson seconded the motion. MOTION carried unanimously.

6. OLD BUSINESS

7. NEXT PLANNING COMMISSION MEETING

The next Planning Commission Meeting is scheduled for Monday, December 21, 2009, 7:00 p.m.

8. ADJOURNMENT

MOTION by Chair Larson to adjourn the meeting at 9:49 p.m.
Commissioner Strehlau seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk