

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

May 16, 2011

Present: Glenn Larson, Tom Stangl, Bob Tufty, Terry Derosier, Loren Sederstrom, Mark Wojcik and Becky Siekmeier

Absent: None

Staff Present: City Planner, Jennifer Haskamp; City Attorney, Nick Vivian; City Engineer, Diane Hankee; City Engineer, Phil Olson; and City Clerk, Kim Points

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

MOTION by Commissioner Wojcik to approve the agenda with the addition of visitors being here to make presentations. Commissioner Derosier seconded the motion.

Commissioner Siekmeier inquired about the presentations. Chair Sederstrom advised the DNR, Washington County and the Metropolitan Council are in attendance and are prepared to make presentations this evening.

MOTION carried with Commissioners Siekmeier and Stangl voting nay.

4. APPROVAL OF MINUTES, APRIL 18, 2011

Spelling and typographical errors were corrected.

MOTION made by Commissioner Derosier to approve the April 18, 2011 minutes with the addition of his list of requirements for the School District for the record. Commissioner Wojcik seconded the motion. MOTION carried with Commissioner Tufty voting nay.

Commissioner Larson noted for the minutes that changes to the draft CUP were made within the discussion of the athletic improvements and expansion of the tennis courts and ball fields.

MOTION by Commissioner Derosier to approve the April 18, 2011 minutes noting changes to the draft CUP were made. Commissioner Wojcik seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

There was no new business to address.

6. OLD BUSINESS

A. ISD #832 Conditional Use Permit Request, Elementary School Site Plan – Mr. Kyle Colvin, Metropolitan Council, Sewer Department, came forward to address the Planning Commission.

Commissioner Derosier asked if the water and sewer extension within the City of Grant for the proposed school would open Pandora's Box in terms of utilities within the City.

Mr. Colvin advised there is a private agreement for the entire parcel in regard to utilities. There is no expectation at this time from the Metropolitan Council that services will be provided to other properties. If the city of Grant wants to extend utilities that is up to the discretion of the City. A review would be required and the regional system does currently have the capacity to provide service to the new school.

Mr. Joe Gustafson, Washington County Traffic Engineer, came forward and stated the mission is to make sure the traffic is safe and has a good flow. He referred to the letter from the County dated March 13 and reviewed the three recommended conditions of approval noting the first condition relating to CSAH 12 is an absolute. Conditions two and three relating to an additional site egress on CSAH 9 can be accommodated but additional work and cost would be required. A potential driveway up to 80th Street would require eminent domain and that has not been discussed with the other agencies involved.

Mr. Kent Skaar, DNR, Parks and Trails Division, stated realignment of the trail to the north resulting in multiple crossings doesn't seem to make sense and is a safety issue. He stated the DNR doesn't like to see any additional trail crossings and would prefer they be separated. But it is a reasonable proposal and the cost of a bridge is high. The bridge at Century Avenue was \$1.5 million and this one would be longer. The DNR would support a separated grade and will work together with the community to obtain that. Some dollars for that type of project are a cost share and some are grant dollars.

Mr. Steve Wogalmot, School Board, came forward and distributed information clarifying the number of projected students as well as number of cars dropping off and picking up. He noted Washington County controls the access points on County roads. The County has suggested the Jamaca access. He commented on the three issues that have been raised relating to sewer and water, pollution and traffic claims as well as distributed information to address those issues. He noted the risk to people on the trail from busses is far less than the risk that currently exists. He stated the School District does not have \$1 million dollars to build a bridge over the existing trail.

A representative from Landmark Environmental came forward and referred to a map of the site where chemical waste was disposed of as well as the demolition of debris. The chemical waste area is the furthest from the proposed building site. The underground storage tanks have been removed. There was no petroleum contamination found after all the clean up actions were completed. He explained what Landmark Environmental

actually does in relation to environmental issues noting they have been in business for over ten years.

Mr. Peter Coyle, Attorney on behalf of the School District, came forward and pointed out that the state statute allowing conditional use permits does state conditions of approval have to be reasonable and related to use. He stated they have to have a factual basis to the actual project and if the standards are met the application must be granted. Public comments are a part of the process but are not facts and cannot be used as basis for denial. He concluded stating that this project has been in the works for quite some time and all agencies involved have addressed all outstanding issues. The conditions documented at this point are reasonable and the School District is entitled to a recommendation of approval this evening.

City Attorney Vivian stated the legal standard relating to CUP's is very clear. The scope of use, impacts and conditions have been discussed and the Planning Commission is required to make a recommendation tonight.

City Planner Haskamp stated everyone has her staff report and she has nothing else to add but will answer questions.

Mr. Wogalmot advised the proposal as it stands indicates the access is only open on school days in the morning and afternoon. There has been no discussion regarding school special events.

City Attorney Vivian advised the recommendation is based on specific language with the draft CUP that is provided. Those conditions regulate and control the use. Any changes to that and the School District would have to go through the City process to amend the CUP.

Commissioner Derosier referred to condition #2 and asked about the escrow for landscaping. City Planner Haskamp advised the Council separated the escrows and are requiring a letter of credit.

Chair Sederstrom advised he would take limited public comment. She noted

MOTION by Commissioner Derosier to allow public comment. Commissioner Wojcik seconded the motion.

Commissioner Siekmeier made a friend amendment to limit comments to two minutes for a total of 30 minutes if public comment is taken at all.

Commissioner Siekmeier noted she believes it is prudent for the Commission to discuss the actual CUP and conditions.

Commissioner Larson proposed the Commission look at and discuss the outlined conditions.

Commissioner Siekmeier withdrew her friendly amendment.

MOTION failed with Commissioner's Siekmeier, Tufty, Stangl and Larson voting nay.

Chair Sederstrom reviewed the draft conditions independently.

City Planner Haskamp added language to condition #2 regarding the NNG easement and the approval of driveways.

Commissioner Derosier recommended conditions #4 relating to the Jamaca access is removed.

Commissioner Larson stated he is strongly opposed to that access but the County has the jurisdiction. The City has no authority to eliminate it. He urged the County to reconsider.

Mr. Gustafson advised the County will eliminate the Jamaca access and move forward with an access on County Road 12 but there will be additional costs that the City will be responsible for. He advised the County does believe the safest option is an access at Jamaca. A cost share is an option for the signal light that would be required on County Road 9. Costs shares are determined by legs and would be split by the agencies. The total cost would be approximately \$300,000 and the City would be responsible for a third of that.

City Attorney Vivian advised the County has presented the options and consequences of those options. The City has to evaluate those and determine if the plan in front of them meets the ordinances and if the attached conditions and modifications have to be factual findings based on the record. The DNR has indicated the proposal is reasonable. Findings that the proposal is in fact not safe have to be presented. Health safety and welfare are the criteria for findings. The PC's job is to evaluate the record that has been presented and make a recommendation to the Council.

Mr. Wogalmot advised this is an expensive project and much more than expected. He stated they are supportive of a bridge but cannot bare the expense of installing one.

Commissioner Siekmeier proposed a condition be added that the school promotes fewer auto drop-offs as well as walking and biking and bus riding. She also suggested the possibility of utilizing the access for busses only until a study proves the car exit is needed.

Mr. Gustafson advised that would require an amendment to the CUP and the County believes a car exit is necessary now. If it turns out it is not needed the gate can stay down but that restriction is in the CUP.

City Attorney Vivian advised that the City could consider a review after 3-6 months for safety issues and to provide the current traffic numbers.

Commissioner Larson noted it is difficult to document facts that relate to impact on the use of the land.

MOTION by Commissioner Derosier to strike conditions #4, 5, 6 from the draft CUP and replace them with the requirement for a traffic signal, roundabout or other access point to be provided on County Road 12 for bus and auto traffic. Chair Sederstrom seconded the motion.

Mr. Gustafson advised the recommendation from the County at that point would be that the access is a City street and maintained by the City. The County would not participate in the cost share unless it is a priority. The County is setting this up so a signal light is not needed and it is not supportive of that condition.

MOTION failed with Commissioner's Larson, Stangl, Tufty and Siekmeier voting nay.

MOTION by Commissioner Siekmeier to add a condition regarding the promoting of reducing care drop-offs through marketing or incentives and one relating to the auto exit being closed if the car traffic is lower than expected after the school opens. Commissioner Tufty seconded the motion.

City Planner Haskamp advised a condition could be added that a traffic study is completed and submitted for review after the first school year has been concluded.

Commissioner Siekmeier withdrew the first proposed condition.

MOTION by Commissioner Siekmeier to add a condition that a traffic study is required after the first school year and submitted to the City Council to review as part of the annual CUP review process. Commissioner Wojcik seconded the motion. MOTION carried unanimously.

Chair Sederstrom continued reviewing each of the proposed conditions. Revisions were made to conditions #8, 13, 14, 16 and 18 as noted by the City Planner for Council consideration.

Chair Sederstrom stated a condition should be added regarding any potential future liability and indemnification.

City Attorney Vivian stated the CUP and conditions attached to it have to relate to the use on the site. A reference to the City's noise ordinance will be added to the conditions identical to what was stated in the athletic improvements CUP.

MOTION by Commissioner Wojcik to recommend approval to the City Council based on the conditions outlined in the staff report, revisions to those conditions and the added conditions as outlined. Commissioner Siekmeier seconded the motion. MOTION carried with Commissioner Derosier voting nay.

7. NEXT PLANNING COMMISSION MEETING

The next Planning Commission Meeting is scheduled for Monday, June 20, 2011, 7:00 p.m.

8. ADJOURNMENT

MOTION by Commissioner Derosier to adjourn the meeting at 10:54 p.m. Commissioner Wojcik seconded the motion. MOTION carried unanimously.

*Planning Commission Meeting Minutes
May 16, 2011*

Respectfully submitted,

Kim Points
City Clerk

APPROVED