

CITY OF GRANT  
MINUTES

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**DATE** : December 3, 2013  
**TIME STARTED** : 7:04 p.m.  
**TIME ENDED** : 8:47 p.m.  
**MEMBERS PRESENT** : Councilmember Bohnen, Tronrud, Huber, Lobin and Mayor Carr  
**MEMBERS ABSENT** : None

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

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

Item 9C, Update of Video Taping of Charter Commission, was added to the regular agenda.

**Council Member Bohnen moved to approve the agenda, as amended. Council Member Tronrud seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

November 4, 2013 City Council Meeting Minutes	Approved
Bill List, \$68,424.07	Approved
City of Stillwater, 2 <sup>nd</sup> Half Fire Contract, \$46,243.00	Approved
City of Mahtomedi, 4 <sup>th</sup> Quarter Fire Contract, \$29,601.75	Approved
Kline Bros., Road Maintenance, \$18,221.25	Approved
Miller Excavating, Jocelyn Lane Culvert, \$34,582.00	Approved

1 Council Member Bohnen moved to approve the Consent Agenda, as presented. Council  
2 Member Lobin seconded the motion. Motion carried unanimously.

3  
4 **CONCEPT PLAN REVIEW, HIGHWAY 96 & MANNING AVE. COUNTRY CLUB, ED**  
5 **SCHMIDT**

6  
7 Mayor Carr advised Mr. Schmidt was present at the last meeting and he doesn't believe there was  
8 much clarity then. The issue is there is nothing in the ordinance that fits the proposed use. He stated  
9 he does like the concept plan but he would like to figure out the best way to proceed. He stated the  
10 Council will have a discussion and Mr. Schmidt can indicate when he feels he has the clarification  
11 that is needed.

12  
13 Mr. Ed Schmidt came forward and stated he would like to proceed with an application and would like  
14 to know the easiest way to do this.

15  
16 Council Member Bohnen stated he would like to know what staff thinks can be approved as far as the  
17 proposed use.

18  
19 Mayor Carr stated this is a policy decision for the Council to make.

20  
21 City Planner Haskamp stated there are a couple of current uses that could accommodate this use. A  
22 country club, lodge or commercial recreation would be allowed in the A2 zone. A supper club is not  
23 allowed in the A2 zoning district.

24  
25 City Attorney Vivian advised the lack of definitions within the code is the problem. The question  
26 becomes what is the definition of these uses. He could apply for a country club but will have the  
27 burden of proofing the use fits what is commonly known as a country club. There are also two other  
28 uses that could accommodate the proposal if the Council believes it is another use or if the Council  
29 thinks it would be better to move forward with a text amendment. The Council can define the uses if  
30 they choose to do so.

31  
32 Council Member Lobin stated there are two golf clubs in the City but they have to close at 10:00 p.m.  
33 If the proposed use is called a country club, they would have to have the same rules as the golf clubs.

34  
35 Council Member Tronrud inquired about the ramifications of approving a CUP with different  
36 conditions as a current CUP with similar uses.

37  
38 City Attorney Vivian advised every application is different and on its own. Every business of a  
39 similar type will not have the same conditions. The City has to consider the facts and circumstances  
40 of each application.

41  
42 Council Member Huber asked if there are any current CUP's with a country club designation.

43  
44 City Planner Haskamp stated she is not aware of any CUP's with a country club designation.

45

1 Council Member Huber stated he feels that a country club and a golf club are very different. The  
2 proposal is for a country club. Others are fee to amend their CUP so why would the City change  
3 zoning? The City can define country club. He stated he should have seen an application come  
4 forward this month for a CUP. He stated he is confused as to why Mr. Schmidt is back for another  
5 concept plan review.

6  
7 Mayor Carr stated there is no definition for country club so the City can't say that is what it is.  
8 Applewood and Loggers have to close at 10:00 p.m. There is a definition for supper club. Good  
9 government should be consistent. He stated he understands the City can apply different conditions to  
10 different CUP's but he doesn't think the City should do that. If the proposed business fails and Mr.  
11 Schmidt needs to change the type of business it could be an issue. The other option is to call it  
12 something different all together. The City does have a text amendment application.

13  
14 Council Member Tronrud stated he likes the idea of the business but no use fits it perfectly. It is the  
15 applicant's decision on how to apply. He added that he would like to see a use that fits the proposed  
16 business better than what the City currently has.

17  
18 Council Member Bohnen stated he would not go back and compare old CUP's that were issued under  
19 different zoning standards, different times and different City Council's. There are 19,000 cars that  
20 travel at this corner every day. The parcel can handle this use and the impact is minimal. He stated  
21 he does not think the City should be in the business of telling people what to do if their business  
22 should fail. If the proposed business were to fail and be sold it would be up to the new owner to  
23 perhaps change the use. He added he is not going to suggest changing the zoning uses for the A2  
24 zone.

25  
26 Mayor Carr stated that both Loggers and Applewood are on County roads. Supper clubs are allowed  
27 in the A1 zone. If the City were to focus on supper club, the definition can be tweaked to mandate it  
28 is only allowed on County roads, State roads, etc. He advised he is concerned about the future of the  
29 City of Grant.

30  
31 Council Member Huber stated that exploring Mr. Schmidt's business model prior to a CUP is not  
32 applicable. A CUP for a country club could be conditioned on the athletic facilities. Changing the  
33 definition of supper club because it is allowed in the A1 zone can be done next month. He stated he  
34 does not see the point of changing zoning for supper clubs when the City can just define country club.

35  
36 Mayor Carr requested a poll of the Council Members:

37  
38 Council Member Lobin stated in her opinion the use should be supper club to allow for a future use.

39  
40 Council Member Huber stated he believes the City should define country club.

41  
42 Mayor Carr stated he would like to see a new use or a text amend to allow a supper club in the A2  
43 zone.

44

1 Council Member Tronrud stated he would like a new use or pursue supper club although country club  
2 is the closest use.

3  
4 Council Member Bohnen stated he would support changing the ordinance. However, if he is applying  
5 tomorrow he can't advise him to apply for something that is not currently allowed.

6  
7 **STAFF AGENDA ITEMS**

8  
9 **City Engineer, Phil Olson – No action items.**

10  
11 **City Planner, Jennifer Haskamp**

12  
13 **Proposed Text Amendment Application** – City Planner Haskamp advised the applicant, Scott  
14 Jordan, attended the September City Council meeting and presented a concept plan to run and operate  
15 a wedding/banquet venue from the existing barn on his property located at 7373 120<sup>th</sup> Street North,  
16 Grant, MN. Through the course of discussion at the concept plan review, it was determined that the  
17 proposed use is not something currently addressed within the City's ordinances and therefore a  
18 proposed amendment to the text of the zoning ordinance would be necessary in order to consider such  
19 a use. As such, Mr. Jordan has submitted an application for consideration by the Council of  
20 amending the text to allow the proposed use.

21  
22 City Planner Haskamp reviewed the staff report and noted a public hearing has been scheduled for  
23 this evening and also on January 7, 2014. Staff will prepare draft findings at the direction of the City  
24 Council upon completion of the public hearing and discussion at the Council meetings.

25  
26 City Planner Haskamp advised staff is seeking direction from the Council with respect to the  
27 proposed language. Specifically staff is looking for direction on the following: 1) consistency with  
28 the Comprehensive Plan; 2) thoughts on "seasonal business" or "rural event facility"; 3) clarification  
29 and/or standards that maybe should be added in a new section of the code.

30  
31 Mayor Carr stated a general Council discussion should be held tonight regarding the application. He  
32 stated the Planner did a good job on reviewing the application and the staff report. He agreed that  
33 seasonal business is too broad and noted there are not many differences between the A1 and A2 Zone.

34  
35 Council Member Bohnen stated he agrees with putting the use in both A1 and A2 zones but direct  
36 access to a state or county road should be included.

37  
38 Mayor Carr opened the public hearing at 8:00 p.m.

39  
40 Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and stated the notice in the paper refers to A1 zoning  
41 and the Council is talking about the A2 zone, which is very confusing. She asked if the proposal  
42 conforms to the City's Comprehensive Plan and noted a previous proposal for a stable with a grocery  
43 store was turned down. She stated she believe this is leap frog development and supper clubs are not  
44 allowed in any zone. She stated the proposal is a commercial use and commercial uses belong on  
45 Highway 36.

1 Mr. Larry Lanoux, Keswick Avenue, came forward and stated the City has a City Council making  
2 decisions and the Council disbanded the Planning Commission. The Planning Commission should be  
3 looking at this proposal. The applicants did not have the opportunity to go before the Planning  
4 Commission.

5  
6 Ms. Sharon Schwarze, Joliet Avenue, came forward and stated she lives across the street from a  
7 property that could be a potential venue if this is changed. She stated she moved out to Grant to be  
8 near farms, not large venues. Businesses use tax dollars in terms of security and safety services.  
9 Many cities are considering an overlay district on the edges of their cities and suggested the City look  
10 into that option.

11  
12 Mr. Bob Tufty, Jasmine Avenue, came forward and stated he thought storage on that site would be a  
13 good use. He stated it is a beautiful property.

14  
15 The public hearing was continued to the January City Council meeting.

16  
17 Mayor Carr advised setbacks, screening, security and alcohol sales are very important to this type of  
18 use. He stated he would not like to see pole barn events and would like this structured so it does not  
19 allow that.

20  
21 City Attorney Vivian advised neighboring properties will get notice of a CUP hearing and will have  
22 the opportunity again to speak. The City of Scandia just approved a similar use that does not allow  
23 amplified music and has to be up to commercial code. The City will draft an ordinance that makes  
24 sense for the City of Grant.

25  
26 Ms. Schwarze came forward and stated that in the past, the City has sent out notices to make  
27 neighbors aware of zoning changes.

28  
29 City Attorney Vivian advised there is no requirement to notice neighbors because the proposed  
30 change is not land specific.

31  
32 Council Member Bohnen advised he supports the change in both A1 and A2 zones on properties that  
33 are on a state or county road and would prefer a more specific use.

34  
35 Council Member Huber stated he would like to limit this type of use to a specific number of  
36 properties within the City and also want limited amplified music outdoors.

37  
38 Council Member Tronrud stated he likes the rural even facility use. His concerns have been  
39 addressed but he does want the use to be up to commercial code and fire code.

40  
41 Mayor Carr advised if it were restricted to heritage farms that would self-limit the number of these  
42 types of use.

43  
44 City Planner Haskamp confirmed there is interest in adding a use for a rural event facility. She  
45 proposed the addition of architectural standards.

1 City Attorney Vivian advised the application will be on the January Council meeting agenda with the  
2 intent of Council action.

3  
4 **City Attorney, Nick Vivian – No action items.**

5  
6 **NEW BUSINESS**

7  
8 **Resolution No. 2013-24, 2014 Final Budget -** City Treasurer Schwarze reviewed the 2014 final  
9 budget resolution noting the public hearing was held earlier this evening. No one was present to  
10 speak a the public hearing.

11  
12 Council Member Bohnen inquired about the potential change in the treasurer line item.

13  
14 Mayor Carr advised he has no problem with increasing that line item but the timing is bad.

15  
16 Council Member Huber agreed and stated he would like to talk about that increase during the  
17 preliminary budget time.

18  
19 **Council Member Huber moved to adopt Resolution No. 2013-24, as amended. Council Member**  
20 **Tronrud seconded the motion. Motion carried unanimously.**

21  
22 **Resolution No. 2013-25, 2014 Certification of Levy –** City Treasurer Schwarze reviewed the levy  
23 certification resolution.

24  
25 **Council Member Bohnen moved to adopt Resolution No. 2013-25, as presented. Council**  
26 **Member Huber seconded the motion. Motion carried unanimously.**

27  
28 **Resolution No. 2013-26, 2014 Liquor License, Applewood Golf Club – Council Member Huber**  
29 **moved to adopt Resolution No. 2013-26, as presented. Council Member Bohnen seconded the**  
30 **motion. Motion carried unanimously.**

31  
32 **Resolution No. 2013-27, 2014 Liquor License, Gausthause – Council Member Huber moved to**  
33 **adopt Resolution No. 2013-27, as presented. Council Member Bohnen seconded the motion.**  
34 **Motion carried unanimously.**

35  
36 **Resolution No. 2013-28, 2014 Liquor License, Indian Hills Golf Club – Council Member Huber**  
37 **moved to adopt Resolution No. 2013-28, as presented. Council Member Bohnen seconded the**  
38 **motion. Motion carried unanimously.**

39  
40 **Resolution No. 2013-29, 2014 Liquor License, Loggers Trail – Council Member Huber moved to**  
41 **adopt Resolution No. 2013-29, as presented. Council Member Bohnen seconded the motion.**  
42 **Motion carried unanimously.**

43  
44 **UNFINISHED BUSINESS**

1 **Stillwater Fire Contract, Mayor Carr** – Mayor Carr advised he did speak with the Stillwater City  
2 Administrator and the proposed increase is going to happen. The City is limited regarding options  
3 and he thinks the City needs to approve the contract. Further discussion regarding this issue can  
4 occur in the future.

5  
6 **Council Member Bohnen moved to accept the Stillwater Fire Contract, as presented. Council  
7 Member Lobin seconded the motion. Motion carried unanimously.**

8  
9 **Resolution No. 2013-18, Investment Policy, Sharon Schwarze** – City Treasurer Schwarze reviewed  
10 the draft policy noting the minor changes and recommended approval based on those revisions.

11  
12 Council Member Huber referred to page 2 and requested “investment officials” also be changed to  
13 “investment advisor”.

14  
15 **Council Member Bohnen moved to adopt Resolution No. 2013-18, as amended. Council  
16 Member Tronrud seconded the motion. Motion carried unanimously.**

17  
18 **DISCUSSION ITEMS**

19  
20 **City Council Reports:**

21  
22 Mayor Carr referred to a copy of a letter from the County relating to the Metropolitan Council’s  
23 forecasts.

24  
25 **Staff Reports:**

26  
27 There were no updates from staff.

28  
29 **Update of Video Taping of Charter Commission, Council Member Bohnen** – Council Member  
30 Bohnen advised the last Charter Commission meeting was not successfully taped. He asked the City  
31 Council to think about options to help with the recording of Charter Commission meetings.

32  
33 Mayor Carr advised the City Attorney has stated expenses for the Charter Commission have to relate  
34 directly to the Charter document.

35  
36 City Attorney Vivian advised the City should adhere to state statute whether video recording expenses  
37 are reimbursed or not.

38  
39 Council Member Bohnen stated he believes the City Council has the authority to spend dollars on the  
40 video taping of Charter Commission meetings. Residents need to be able to view the meetings.

41  
42 Council Member Huber stated the City can’t do that legally. There must be some training issues with  
43 the recording of the meetings. The playback of those meetings is allowed because there is no  
44 expense.

1 **COMMUNITY CALENDAR DECEMBER 4 THROUGH DECEMBER 31, 2013:**

2 **Mahtomedi Public Schools Board Meeting, Thursday, December 12, 2013, Mahtomedi District**  
3 **Education Center, 7:00 p.m.**

4 **Stillwater Public Schools Board Meeting, Thursday, December 5<sup>th</sup> and 19<sup>th</sup>, 2013, Stillwater**  
5 **City Hall, 7:00 p.m.**

6 **Charter Commission Meeting, Thursday, December 19, 2013, Mahtomedi City hall, 7:00 p.m.**

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

8  
9 **ADJOURN**

10  
11 **There being no further business, Council Member Huber moved to adjourn at 8:47 p.m.**  
12 **Council Member Tronrud seconded the motion. Motion carried unanimously.**

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14  
15 These minutes were considered and approved at the regular Council Meeting January 7, 2014.

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20 \_\_\_\_\_  
21 Kim Points, Administrator/Clerk

20 \_\_\_\_\_  
21 Tom Carr, Mayor