

CITY OF GRANT
MINUTES

DATE : May 11, 2014
TIME STARTED : 7:01 p.m.
TIME ENDED : 11:24 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 Engineer, Phil Olson; City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE**SETTING THE AGENDA**

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

CONSENT AGENDA

April 1, 2014 City Council Meeting Minutes	Approved
Bill List, \$52,064.64	Approved
2014 Pricing Addition, David's Consulting	Approved
Camp Odayin Application for Exempt Permit, One Day Raffle	Approved
Resolution No. 2014-10, Pohl Subdivision	Approved
Kline Bros. Excavating, Road Maintenance, \$10,325.00	Approved

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

STAFF AGENDA ITEMS**City Engineer, Phil Olson**

Consideration of Brochman Roadway Maintenance Contract – City Engineer Olson advised new roadway patching contract is recommended for pothole patching and other roadway maintenance on paved roads. Brochman Blacktopping Company has been completing this work for the last several years. Approval of the attached contract will lock equipment and labor pricing until May 1, 2017. Pricing for patching materials is proposed to be a pass through cost from the bituminous plant since oil prices are difficult to forecast.

Below is the proposed pricing for Brochman Blacktopping Company. The original quote is also attached for review.

- \$52.00/hour: Laborer
- \$87.00/hour: Truck with driver
- \$77.00/hour: Skid loader/bucket with driver
- \$72.00/hour: Roller with operator
- \$90.00/hour: Skid loader/cold planer with operator
- \$85.00/hour: Skid loader/broom with operator
- \$30.00/hour: Tack sprayer
- \$3.00/gallon: Hot tack
- Bituminous/asphalt: Actual cost (including tax)

Council Member Bohnen advised he would like to get all the contractors and pricing in place for a future road commissioner. He noted the asphalt pricing can not be locked in for the contract.

Council Member Bohnen moved to approve Brochman Roadway maintenance Contract, as presented. Council Member Lobin seconded the motion. Motion carried unanimously.

City Planner, Jennifer Haskamp

Resolution No. 2014-11, Consideration of Dellwood Barns Wedding Venue, CUP Application, 7373 120th Street – City Planner Haskamp advised the following review is provided of additional information submitted by the Applicant in response to the recommendations and discussion held at the April 1st City Council meeting. The review which follows is focused on the additional information received since the April meeting only, and does not attempt to repeat the information contained within the staff report dated March 20, 2014.

City Planner Haskamp stated a duly noticed public hearing was held on April 1, 2014 for consideration of the CUP Application made by Mr. Jordan to operate a Rural Event Facility from an existing barn on his property. After receiving and hearing the public's concerns and comments with respect to the proposed operations, the Public Hearing was closed.

The City Council discussion following the public hearing focused on the specific elements of the site plan and proposed operations, while attempting to address some of the concerns identified by the public. The discussion concluded with Council requesting the Applicant to provide the following additional information for review and consideration at the May 1st Council meeting;

Submittal of a Sound Study performed by a professional engineer or specialist and any proposed mitigation necessary to meet the MPCA's noise standards.

- Revised site plan showing:

- » Expansion of main access driveway to 20-feet
- » Re-location of ADA compliant parking stalls, to be within 50-feet of the front door and paved and marked
- » Widened access apron onto 120th Street

- Provide additional options (fixtures) for lighting in the parking lot

In addition to the Council requested information, the Applicant has also submitted an alternative Concept Plan to accommodate the parking which is shown on the attached sheet A2.1. The proposed concept addresses some of the discussion by the Council, and neighbors with respect to the size and potential sound impact that a large single parking area may have.

City Planner Haskamp reviewed the staff report in detail noting the changes. As previously outlined, in the March 20th staff report, the Rice Creek Watershed District must review and approve of the stormwater management plans. If the Applicant revises the parking area as depicted in sheet A2.1, revised stormwater calculations will be required for submittal to the watershed district. In addition, correspondence from Washington County Environmental Services related to the septic permit was received and copy of the permit issued provided.

City Engineer Olson Plans were prepared by Afton Architects & Planners, Ltd. are dated February 27, 2014. Engineering review comments were generated from the following documents included in the submittal:

- CUP transmittal & narrative and application
- Watershed transmittal, permit application and drawings
- Site plans including:
 - Existing conditions
 - Site plan, revised April 23, 2014
 - Grading & erosion control plan
 - Building plans
 - Lighting plan
- Pre-development and post development HydroCAD models
- Alternate Parking Plan, dated April 23, 2014

City Engineer Olson advised two additional site plans (dated April 23, 2014) have been submitted since the original submittal on February 27, 2014. One plan shows overflow parking in an existing

1 gravel area south of the barn, the second plan shows an expansion of the existing gravel area behind
2 the barn for a larger parking area. These plans are shown in a plan view layout only. A revised
3 grading plan, stormwater management plan, and utility plan are required for the revised site plans. A
4 complete review cannot be completed without these submittals.

5 **SITE PLAN COMMENTS:**

- 6 1. The existing driveway access locations and the change in driveway use are required to be
7 approved by Washington County.
- 8 2. The existing driveway, access points, site, and buildings should be reviewed by the Fire
9 Marshal to ensure that the site is in compliance with fire code requirements.
- 10 3. The fence on the south side of the parking area is shown on the plan to remain in place. The
11 fence will need to be relocated due to the site grading and pond grading. The plan should be
12 updated with a revised location for the fence.

13 **GRADING PLAN COMMENTS (ORIGINAL SUBMITTAL):**

- 14 4. The proposed contours on the north and east sides of the parking lot appear to be incorrect and
15 are required to be revised.

16 **PARKING LOT COMMENTS:**

- 17 5. The proposed gravel parking lot does not meet the City's requirements for an off-street
18 parking area with a durable and dustless surface. The applicant has stated in the CUP
19 narrative that the gravel surface will be treated with calcium chloride once per year. Due to
20 the amount of traffic anticipated with the parking lot, one treatment is not believed to be
21 adequate to provide a dustless surface. Listed below is the section of City Code related to the
22 requirement for a dustless off-street parking surface.

23
24 *Sec 32-373 Surface and drainage: Off-street parking area shall be improved with a durable*
25 *and dustless surface. Such areas shall be so graded and drained as to dispose of all surface*
26 *water accumulation within the parking area. Durable and dustless surface may include*
27 *crushed rock and similar treatment for parking accessory to one unit residential structures;*
28 *all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by*
29 *the city engineer.*
30

31 The following items are additional issues due to the proposed gravel surface in the parking lot.

- 32 • A parking plan should be provided to explain how applicant will ensure that guest will
33 park as shown in the layout. It is assumed that the gravel surface will not be striped for
34 parking spaces which may change the layout of the drive lanes.
- 35 • The gravel parking lot is proposed to drain from north to south and erosion issues are
36 likely due to the large amount of runoff area. Permanent erosion control methods are
37 required to be incorporated into the plan.

- 38
39 6. The overflow parking lots should be dimensioned to show that lot will function as proposed.

40 **STORMWATER MANAGEMENT COMMENTS:**

- 41 7. A stormwater permit is required from the Rice Creek Watershed District (RCWD). The

1 applicant has submitted the original plan for review. It is unclear if the new site plans have
2 been forwarded to RCWD.

3 8. An erosion and sediment control plan needs to be submitted which meets the requirements of
4 RCWD Rule D and City Erosion Control Ordinances.

5 9. It appears that the east and west sides of the parking lot are not directed to the ponding area.
6 A swale or pipe with curb and gutter is required to direct the new impervious areas to the
7 ponding area. The swale or pipe design should include a conveyance method that prevents
8 erosion along the side slopes of the pond.

9 10. The plan is required to show the total amount of area included within the silt fence to verify if
10 an NPDES permit is required. If required, the applicant shall submit the approved permit to
11 the City.

12 11. High water elevations, pipe elevations, emergency overflow routes, and drainage routes are
13 required to be shown on the grading plan.

14 12. The outlet culvert in the stormwater model shows 6-inch CMP pipe. The minimum lateral
15 pipe diameter should be 12 inches.

16 13. A stormwater management plan is required that includes calculations for 2.5-inch rainfall
17 event to ensure stormwater pond is appropriately sized. A table summarizing pre and post
18 development discharge rates for the 2, 10, 100-year, 24-hour rainfall events is also required.

19 14. The alternate parking plan shows a ponding area south of the barn. This ponding area appears
20 to be located within the 50 foot grading buffer for the adjacent wetland edge. Additional
21 information is required to verify that the pond is outside of the 50 foot grading buffer.

22
23 City Planner Haskamp reviewed the draft resolution provided in the packet outlining thirty-seven
24 conditions of approval.

25
26 Mayor Carr stated he thought it was previously stated that a gravel parking lot would meet City
27 requirements.

28
29 City Engineer Olson stated structurally a gravel parking lot would meet the City requirements but not
30 the City Code. He did, however, indicate a gravel surface would be approved if it were dustless.

31
32 Council Member Bohnen stated a seasonable parking lot should not have to be paved. There will not
33 be any use of the parking lot during the winter so it will not be plowed. It can be gravel and be treated
34 for dust twice a year. He added he would not like to see a gravel parking lot next to a paved parking
35 lot and there are many other businesses in Grant that do not have paved parking lots.

36
37 Council Member Huber read the ordinance regarding improvements of parking areas. He stated the
38 City Engineer has recommended a paved parking lot. The City is setting precedence here and the
39 amount of cars in the lot will lead to a lot of dust. He stated he would like to see the driveway paved
40 also and wants to follow the ordinance.

41
42 Mayor Carr stated this is a new use to Grant and he believes the City has to be consistent. This is a
43 rural event center and the city should be cautious but the City does have leeway.

1 Council Member Bohnen stated this is also a working farm and marks from the farming equipment
2 would be left on asphalt.

3
4 Council Member Tronrud stated he would like to see a gravel parking lot with required dust control as
5 it is a seasonable business.

6
7 Council Member Lobin asked who would determine if the parking lot is dusty.

8
9 Mayor Carr stated the City works on a complaint bases.

10
11 It was the consensus of the Council to add to the conditions language regarding dust control to ensure
12 the parking lot remains dustless and is constructed out of a type of crushed limestone that will be put
13 down on the driveway also.

14
15 The Council discussed the lighting issue and determined the lighting plan must meet the City
16 ordinance and specifications of the City Engineer and off when there is not an event. A landscaping
17 plan will also be provided to ensure the best screening and a variety of plantings that adequately
18 screens along the north side for light and sound, to the satisfaction of the City Planner and Engineer.

19
20 The Council referred to and discussed the noise portion of the staff report noting the noise study that
21 was done only included music and a crowd was not factored in. The Council reviewed all draft
22 conditions and made revisions including another sound study should be done. An annual review
23 would also be done after the first season and no satellites could be set up outside the barn. No
24 amplified outdoor services can occur past 7:00 p.m.

25
26 **Council Member Bohnen moved to adopt Resolution No. 2014-11, as amended. Council**
27 **Member Tronrud seconded the motion. Motion carried with Council Member Huber and**
28 **Lobin voting nay**

29
30 **Resolution No. 2014-12, Consideration of Verizon Cell Tower Application , 9254 Manning**
31 **Avenue North** – The subject application was first considered at the regular April 1, 2014 City
32 Council meeting. A public hearing was held and public testimony taken regarding the proposed Cell
33 Tower construction. After discussing the proposed CUP, the City Council requested the applicant
34 provide additional information with respect to the following items:

- 35 ▪ Clarification regarding the RF maps and more detail regarding why the proposed tower cannot
36 be located within one of the Preferred Locations as defined by the City's ordinance; and
- 37 ▪ Further explanation regarding coordination with Brown's Creek Watershed District and what,
38 if any, requirements might be necessary; as well as identification of any constraints on the
39 tower or its supporting infrastructure that affect the proposed site as a result of the creek
40 crossing.

1 The Applicant, Faulk & Foster Real Estate has made an application on behalf of Verizon Wireless to
2 construct a new wireless communications cell tower at 9254 Manning Avenue North, Grant, MN. A
3 few months ago the City was contacted with respect to an historical/environmental review with
4 respect to the site. It was communicated during that process that there were no known historical
5 resources (from the City's perspective) on site, but that appropriate permits and applications from the
6 city would be required prior to construction of the cell tower. This application for a CUP is the
7 follow-up to the initial contact.

8
9 City Planner Haskamp reviewed the draft Resolution of Approval and Draft Conditional Use Permit
10 for review and consideration. If the Council determines that the CUP should be denied, the Council
11 should direct staff to prepare a resolution of denial with findings to be brought forward to the June
12 meeting.

13
14 City Engineer Olson added the Watershed District monitors the conditions of the culvert on that site.

15
16 Mr. Ralph Weingard, Falk and Faulkner, came forward and advised Verizon is agreeable to all the
17 conditions. He stated the generators are for emergency back up only. He is agreeable to the axle
18 weight limit and the fall zone will not exceed the property radius.

19
20 Ms. Colleen Schoepke came forward and commented on environmental issues as well as the absence
21 of annual reports.

22
23 The Attorney for Verizon came forward and stated Verizon is aware they have to comply with all City
24 ordinances and it is redundant to list all the ordinances within the conditions of the CUP.

25
26 Mayor Carr stated he thought other locations would have been proposed tonight and he did want other
27 options.

28
29 The Council reviewed and revised the proposed conditions of approval.

30
31 **Council Member Huber moved to adopt Resolution No. 2014-12, as amended. Council member**
32 **Bohnen seconded the motion. Motion carried with Mayor Carr voting nay.**

33
34 **Resolution No. 2014-13, Consideration of Schmidt Supper club CUP Application and Public**
35 **Hearing, 11770 Dellwood Road North** – City Planner Haskamp advised the proposed application
36 is for a Conditional Use Permit (CUP) to construct and operate a Supper Club & Banquet Facility on
37 the subject site. Prior to submitting this application for a CUP, the Applicant went through the City's
38 process to amend the City's zoning ordinance to allow for such use on properties zoned A-2. During
39 that process, the City established performance standards which added tailored requirements for
40 Supper Clubs depending on the zoning district in which a facility would be located. In March, the
41 City Council approved the text amendment to the zoning ordinance; and as such the Applicant has
42 now submitted this application for City Council review of the proposed White Pines Supper Club &
43 Banquet Facility. A duly noticed public hearing was posted for May 1st, 2014, for consideration and
44 comment of the public related to this application.

1 City Planner Haskamp stated the Applicant has applied for a CUP to construct and operate a supper
2 club, banquet facility and supplemental outdoor recreational facilities on the subject site to be called
3 the White Pines Supper Club & Banquet Facility. The following summary of the proposed site
4 improvements is provided:

5
6 Supper Club & Banquet Facility: The CUP application includes the request to construct the supper
7 club and banquet facility on the site. The proposed facility would be located near the southwestern
8 corner of the property and as submitted, is divided into 'wings' where the west half of the building
9 would be used for the supper club facilities and the east side would be used for the banquet facilities
10 with a central atrium/gathering space joining the two sides. As proposed each wing is approximately
11 5,000 square feet and is limited to one story. The facility includes an outdoor patio area on the north-
12 central side of the structure joining the two wings, as well as an outdoor patio area adjoining the
13 northeast façade of the banquet wing.

14 Recreational Facilities: As submitted the Applicant is proposing to construct two sand volleyball
15 courts initially to be located northwest of the supper club half. The Applicant has indicated a desire
16 to expand recreational facilities on the site including potential for a baseball/softball field, hockey/ice
17 rink, etc. Included within the submittal received 4/1/2014 is a potential location for the baseball field,
18 but no other future recreational uses are identified on the site plan.

19 Main Access and Parking: The Applicant has proposed to construct a paved surface parking lot which
20 would encircle the main facility on the west, south and east sides of the facility. The primary access
21 is proposed from Dellwood Avenue North (State Highway 96), with two one-way restricted
22 driveways. As designed the western most driveway would serve out-going traffic while the eastern
23 driveway would serve incoming traffic to the facility. There are no accesses proposed to Manning
24 Avenue North as a part of this plan.

25 Stormwater Control/Ponding: The proposed project is located in the Brown's Creek Watershed
26 District and is subject to their rules and regulations, as well as the City's. The proposed stormwater
27 management plan includes the installation of infiltration basins throughout the site to control for
28 additional surface water generated as a result of the increase in impervious cover on the site. Based
29 upon the proposed location there are no wetlands which encroach upon the current facilities proposed.
30 However, if future expansion occurs on the northern and northwestern areas of the site, then
31 additional wetland and creek buffers may come into effect.

32 Operations: Once the structure is constructed and operational, the Applicant has proposed to operate
33 the facility under the name White Pines Supper Club & Banquet Facility and has indicated the
34 following proposed business operations:

- 35
- 36 ▪ Hours of operation 11 AM to 1 AM daily.
- 37 ▪ Full kitchen, included food and beverage service available to both the supper club and banquet
- 38 areas
- 39 ▪ All activities can/may occur concurrently. For example an event may be hosted while a
- 40 volleyball league plays and dinners are served in the supper club.
- 41 ▪ All outdoor recreational activities will be restricted from dawn to dusk, and no outdoor
- 42 lighting is proposed for the recreational areas.
- 43 ▪ Food and/or beverage may be served on the outdoor patio areas, but no food and/or beverage
- 44 served after 9 PM in the outdoor areas.

1
2 City Planner Haskamp advised that according to the City Code the proposed uses require a
3 Conditional Use Permit. The City Code states the following for consideration when reviewing a
4 Conditional Use Permit (32-141):

5
6 “(d) In determining whether or not a conditional use may be allowed, the City will consider
7 the nature of the nearby lands or buildings, the effect upon traffic into and from the premises
8 and on adjoining roads, and all other relevant factors as the City shall deem reasonable
9 prerequisite of consideration in determining the effect of the use on the general welfare, public
10 health and safety.”

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

13 Further, Section 32-353 identifies specific performance standards for Supper Clubs which
14 must be addressed in the application and analysis. The performance standards address site and
15 operational issues such as parking, noise, utilities, and other relevant issues which must be
16 addressed in the submittal.

17
18 City Planner Haskamp noted that in order to determine the appropriateness of the proposed CUP, the
19 proposal will be reviewed for compliance and consistency with adjacent uses, the zoning district
20 regulations, the performance standards, and other supplemental regulations.

21
22 Mayor Carr opened the public hearing at 10:33 p.m.

23
24 Ms. Colleen Schoepke, 9370 Manning Avenue, came forward and stated she is opposed to the project
25 because of the extending hours, lighting and concern over that corridor on Manning in general. She
26 stated there is no planned noise control.

27
28 Ms. Paullete Jones, 11730 Dellwood Road, came forward and expressed concern regarding the
29 sweage at a commercial center noting she wants to keep private wells within the City of Grant.

30
31 The public hearing was closed at 10:36 p.m.

32
33 Council Member Huber stated he would like to see a Deputy in place for wedding receptions and
34 would like the lightin off when one portion of the parking lot is closed. He would also like to see
35 some kind of exterior grease container so nothing goes into Brown’s Creek.

36
37 Mayor Carr stated the noise levels must meet the curent MPCA standards. He epxressed concern
38 regarding the project being done in a reasonable amount of time and would like a condition relating
39 to that.

40
41 A short recess was called at 11:05 p.m.

42
43 The meeting was reconvened at 11:10 p.m.

44
45 Mayor Carr expressed concern regarding a potential accident and the potential of a service road.

1 City Engineer Olson stated the County would have to permit another access there. The proposed
2 access is fairly standard for this type of development.

3
4 Council Member Huber suggested the possibility of an easement to the cell tower property.

5
6 The Council discussed the CUP and its conditions noting additions and revisions.

7
8 **Council Member Bohnen moved to direct staff to prepare a resolution of approval for the June**
9 **consent agenda. Council Member Lobin seconded the motion. Motion carried unanimously.**

10
11 **City Attorney, Nick Vivian – No action items.**

12
13 **NEW BUSINESS**

14
15 **Consideration of Resolution No. 2014-14, Nicholson-Stillwater Oaks LLC Liquor License –**
16 **Administrator/Clerk Points advised the owner of Sawmill Golf has applied for a new liquor license.**

17
18 **Mayor Carr moved to adopt Resolution No. 2014-14, based on a satisfactory background check.**
19 **Council Member Huber seconded the motion. Motion carried unanimously.**

20
21 **UNFINISHED BUSINESS**

22
23 There was no unfinished business.

24
25 **DISCUSSION ITEMS**

26
27 **City Council Reports:**

28
29 Mayor Carr stated he met with the Stillwater Fire Chief and went over contracts. They are continuing
30 to look at having another fire truck at the public works building for residents in that area. He stated
31 he will continue working with May and Stillwater Township on these issues.

32
33 Council Member Lobin stated a location for the new siren has been identified and she will let
34 everyone know when it is installed.

35
36 **Staff Updates:**

37
38 There were no staff updates.

39
40 **COMMUNITY CALENDAR MAY 2 THROUGH MAY 31, 2014:**

41 **Mahtomedi Public Schools Board Meeting, Thursday, May 8th, 2014, Mahtomedi District**
42 **Education Center, 7:00 p.m.**

43 **Stillwater Public Schools Board Meeting, Thursday, May 8th and May 22nd, 2014, Stillwater**
44 **City Hall, 7:00 p.m.**

1 **Charter Commission Meeting, Thursday, May 15th, 2014, Mahtomedi City Hall, 7:00 p.m.**

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

3
4 **ADJOURN**

5
6 **There being no further business, Council Member Huber moved to adjourn at 11:24 p.m.**
7 **Council Member Lobin seconded the motion. Motion carried unanimously.**

8
9 The City Council adjourned to a work session to take public comment. No one was present to speak
10 and no action was taken.

11
12 These minutes were considered and approved at the regular Council Meeting June 3, 2014.

13
14
15
16
17 _____
18 Kim Points, Administrator/Clerk

19 _____
Tom Carr, Mayor