

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

November 17, 2008

Present: Glenn Larson, Craig Johnston, Wally Anderson, Bob Zink, Dean Strehlau, Jeff Huber and Holly Borrelli

Absent: None

Staff Present: City Planner, Sherri Buss, 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**

Chair Larson noted there are two public hearings this evening. The purpose of the public hearings is for those who have an interest in the agenda item to make public comment. When the public hearings are closed there will no longer be audience participation unless a Planning Commission Member requests additional information.

Chair Larson advised Item 6A, Flug Major Subdivision, has been removed from the agenda as the applicant has formally withdrawn the application.

MOTION by Chair Larson to approve the agenda as amended. Commissioner Johnston seconded the motion. MOTION carried unanimously.

4. **APPROVAL OF MINUTES**

a. Minutes October 20, 2008

Typographical and spelling corrections were made to the draft minutes.

MOTION by Commissioner Anderson to approve the October 20, 2008 Minutes, as amended. Commissioner Huber seconded the motion. MOTION carried unanimously.

5. **NEW BUSINESS**

a. **Comprehensive Plan, Public Hearing, Sherri Buss** - City Planner Buss provided a brief overview noting work has been done for the past year to update the Comprehensive Plan that goes through 2030. The Plan will have to be updated again in ten years. She stated the Plan has not been changed much from the 1998 Plan as the general policies and goals are the same. The Metropolitan Council required a local Surface Water Management Plan that was added as well as a Solar Access Policy. The revised Plan is very similar but was updated to meet the new requirements. The draft Plan is on the City's website and allows for comments to be made. A resident from the community also noted the typos within the Plan.

City Planner Buss advised the Planning Commission should make a recommendation for approval and or changes to the City Council. The Plan will be sent to the Metropolitan Council late December 2008. Comments have been received from surrounding communities indicating they have not identified any issues with the revised Plan.

Chair Larson opened the public hearing at 7:14 p.m.

Ms. Joyce Welander, 83rd Street, came forward and asked why the choices for land owners regarding Conservation Easement, Green Acres and Ag Preserve were removed from the Plan.

City Planner Buss advised the committee took that policy out of the Plan.

Ms. Christine Flug, 8324 60th Street, came forward and asked if the removal of those policies changes anything relating to City Ordinances or has any impact to land owners.

City Planner Buss advised the removal of those policies has no impact to land owners and does not change any of the City Ordinances. It was taken out to discourage the idea of cluster development. It will not affect anyone's ability to utilize those programs. The City could put in a statement referring to those programs as available to land owners.

Commissioner Johnston advised that whole section of the Plan was revised to make the policies tie better tie into the goals of the Plan.

Chair Larson closed the public hearing at 7:25 p.m.

Commissioner Huber stated a lot of time was put into the revised plan and it looks like a good document. The omission of those programs does not change the ability to utilize them.

MOTION by Commissioner Huber to recommend approval of the revised Comprehensive Plan to the City Council. Commissioner Zink seconded the motion. MOTION carried unanimously.

b. Charitable Gambling Ordinance, Public Hearing – Chair Larson provided the history of the draft ordinance noting the City currently does not have a gambling ordinance. An establishment within the City has requested to have pull tabs available to their customers. The draft ordinance is going through the City process and will go to the City Council for action. The City has three options: 1) not have an ordinance at all 2) approve the draft ordinance, and 3) prohibit charitable gambling completely within the City.

Chair Larson opened the public hearing at 7:30 p.m.

Mr. Steve Bohnen, 9224 60th Street, came forward and asked to see the draft ordinance.

Mr. Bohnen was advised the draft ordinance was included in the public packet in the back of the room.

Chair Larson advised the ordinance gives the authority to the City of Grant to allow an establishment to have charitable gambling. The requests for charitable gambling at an establishment would be considered on a case by case basis. The ordinance also indicates the City would receive 10% of the net profits to use for lawful purposes.

Mr. Kerry Townsend, owner of Windy Acres, came forward and also provided a brief background. He stated he wants to be able to participate in charitable gambling and also make a donation to the City of Grant. He stated he was the one that pointed out there was no current ordinance within the City. He also stated he would like to do something similar to Twin Peaks including pull tabs and meat raffles sponsored by the Lake Elmo Jaycees organization. He stated it is an opportunity for Grant to have some additional revenue. He added he will not be charging the Jaycees any rent until they give it a try and see how it goes. He also noted he does not get any portion of the profits.

Commissioner Johnston stated the language within the Ordinance needs to be air tight and he would like clarification on the term net profits vs. net revenues.

Mr. Townsend stated the language is clearly defined by the state and also regulated heavily by the state including a yearly audit. He stated he provided 280 signatures on a petition in favor of having pull tabs at Windy Acres. He guessed approximately 35% of the signatures came from Grant residents. He stated he does not believe pull tabs bring criminals into the community or create a nuisance.

Mr. Jim Mullin, 11922 Imperial, came forward and inquired about the number of liquor licenses within the City and if any of them have charitable gambling. He clarified that

Windy Acres can participate in charitable gambling even if the City does not have an ordinance. He suggested the City hold off on a gambling ordinance unless the Planning Commission believes it is a nuisance stating he believes the City should limit government. The City could at some point in the future adopt an ordinance after the City sees how it goes and if it should in fact be regulated.

Chair Larson noted the ordinance allows the City to better control charitable gambling within the City and the income from it is only a part of the ordinance.

Ms. Christine Flug, 8324 60th Street, came forward and stated she would like to see the difference between the draft ordinance and the state statute relating to charitable gambling.

Mr. Steve Bohnen, 60th Street, came forward and referred to the three options the City has and stated he hopes the City does not prohibit charitable gambling. The City does have the opportunity to get some additional revenue from charitable gambling. He stated he does not gamble but would be the first to purchase a pull tab if they are allowed at Windy Acres. He stated it may help the owner draw some customers and he hopes it works out for him.

Chair Larson closed the public hearing at 8:02 p.m.

Commissioner Huber stated if the City does nothing in terms of the ordinance Windy Acres could still go ahead and that would be troublesome. The ordinance is the establishment of restrictions relating to charitable gambling.

The Planning Commission discussed concerns including the language within the ordinance, limiting the number of charitable games, and the definition of net profits. Another concern was the City receiving revenue from charitable gambling and becoming dependent on that revenue stream.

MOTION by Chair Larson to recommend approval of the draft ordinance with the exclusion of the 10% donation to the City and all incurred City costs be covered by a flat fee to be determined by the City Council. Commissioner Huber seconded the motion. Motion failed.

Mr. Townsend advised there are no fees to the City and no additional paperwork. Grant residents have already received donations from the Jaycees. Stillwater High School received \$90,000 last year. He stated he doesn't believe the City can charge a fee in lieu of the donation.

Commissioner Huber read the section of the ordinance pertaining to fees and stated that should be determined by the City Council.

After discussion, the vote was taken on the original motion.

MOTION carried with Commissioner Strehlau and Commissioner Zink voting nay.

Commissioner Huber read section 9 of the ordinance relating to premises and suggested the City look into tying the charitable gambling into liquor license holders to ensure the activity is done only at those establishments. That does not restrict non-profit organizations from charitable gambling.

MOTION by Commissioner Johnston to modify the language within the ordinance to eliminate the 10% donation to the City and clarify the definition of net profits. Commissioner Huber seconded the motion. Motion carried with Commissioner Strehlau voting nay.

Commissioner Huber clarified that the 10% City donation would then be a part of the Jaycees fund, taking them from 70% to 80%, to be spent within the City of Grant.

c. Zoning Map Issue Update, Sherri Buss – City Planner Buss provided the background of the issue noting a recent zoning enforcement action identified a discrepancy in the zoning classification of a property as shown on the City's adoption 1998 Comprehensive Plan Zoning Map vs. the 2005 Zoning District Map.

City Planner Buss advised the issue was presented to the City Council at the November 6 City Council meeting. The Council requested the Planning Commission review the issue and make a recommendation on further action. The Planners have since completed site visits to each of the properties listed on the chart included to identify the apparent current use of the land. After visiting the properties, it is the opinion of the Planners that the use of each property is in conformance with the zoning from the 1998 Plan. The Planners recommend that the relevant maps in the Comprehensive Plan be revised to reflect the zoning assigned to the properties in the 1998 Zoning Map.

Ms. Welander came forward and stated there have only been two properties within the City that have been rezoned.

MOTION by Chair Larson to recommend to the City Council that they adopt the 1998 map as the official City zoning map. Commissioner Huber seconded the motion. MOTION carried unanimously.

6. OLD BUSINESS

a. **Flug Major Subdivision Request, Sherri Buss** – Upon adoption of the agenda, this item was removed.

7. **NEXT PLANNING COMMISSION MEETING**

The next Planning Commission Meeting is scheduled for December 15, 2008, 7:00 p.m.

Chair Larson noted the December Planning Commission may be cancelled. He thanked Commissioner Huber for his service on the Planning Commission.

8. **ADJOURNMENT**

MOTION by Commissioner Johnston to adjourn the meeting at 9:10 p.m. Commissioner Zink seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

APPROVED