1 2 3	CITY OF GRANT MINUTES		
4 5 6 7 8 9	DATE TIME STARTED TIME ENDED MEMBERS PRESENT MEMBERS ABSENT	 : March 6, 2007 : 7:06 p.m. : 10:30 p.m. : Councilmember Fogelson, Hinseth, Linner and Mayor Carr : Levitz 	
11 12 13	Staff members present: City Attorney, N Lee Bloomquist (part); and City Clerk, K	lick Vivian; City Engineer, Diane Hankee; Deputy Sheriff, im Points	
14 15 16 17	CALL TO ORDER Mayor Carr called the meeting to order a	t 7:05 p.m.	
18 19 20	PLEDGE OF ALLEGIANCE		
21 22 23	SETTING THE AGENDA Item 8F, Hidden Bay Refund, was added	to the regular agenda.	
24 25	Item 8G, Potter Refund, was added to the regular agenda.		
262728	Item 11Ci, Road Brusher Proposal, was r		
29 30 31	Item 11Ciii, Maintenance Savings, was re Item 11Civ, Gravel Update, was added to		
32 33	Item 11Cv, Road Commissioner Cell Pho		
343536	Item Dia, Sanderson Zoning Enforcemen	at, was added to the regular agenda.	
37 38 39	Council Member Linner moved to approve seconded the motion. Motion carried una	ve the agenda as amended. Council Member Hinseth animously.	
40 41	CONSENT AGENDA		
42 43 44	Item 4A, February 6, 2007 City Council 1 Item 4B, Expenditures, was removed from	Meeting Minutes was removed from the Consent Agenda.	
45	nom +b, Expenditules, was lemoved not	iii iiic Conseilt Agenua.	

1 2	Item 4C, Planning Commission Government Training Reimbursement, Chris Bray, was removed from the Consent Agenda.	
3		
4 5	February 6, 2007 City Council Meeting Minutes – The following changes were made the February 6, 2007 City Council Meeting Minutes:	
6 7 8	Page 4, line 21, was changed to read "as presented, and in the future".	
9 10	Page 4, line 36, "City Clerk Welander" was changed to "Heritage Preservation Committee Chair Welander".	
11 12 13	Page 5, line 22, the word "Unicode" was corrected to "Municode".	
14 15	Page 8, line 13, was corrected to read "Road Commissioner Cell Phone".	
16 17	Page 11, line 35, was corrected to read "Jamaca Avenue and 63 rd Street".	
18 19 20	Council Member Fogelson moved to approve the February 6, 2007 City Council Meeting Minutes, as amended. Council Member Linner seconded the motion. Motion carried unanimously.	
21 22	Expenditures – Mayor Carr noted the Potter Escrow Refund amount was less than previously approved. This item was pulled from the Expenditure List.	
2324252627	Council Member Fogelson moved to amend the approved regular agenda adding Item 9C, Clarification of \$10.00 Fee, Bob Carlson. Mayor Carr seconded the motion. Motion carried unanimously.	
28 29	Council Member Linner moved to approve the Expenditure List, as amended. Council Member Fogelson seconded the motion. Motion carried unanimously.	
30 31 32	PUBLIC COMMENT	
33 34 35 36	Mr. Bill Madeline, resident of Grant, came forward and urged the Council to reappoint Ms. Joyce Welander to the Planning Commission. He stated Ms. Welander does deserve another term on the Commission.	
37 38 39 40	Mr. Bob Bielenberg, 11360 80 th Street, came forward and stated the railroad tracks utilized by the Minnesota Zephyr at 88 th Street are in need of repair. The boards have been removed and there is a huge dip that is very dangerous.	
41 42 43 44	City Engineer Hankee stated she has been trying to contact a representative for the Railway as they were supposed to fix this problem. She stated she would like to work with the City Attorney to formally present a request for repair of the railway tracks.	
45		

STAFF REPORTS

February 2007, City of Grant Police Report, Deputy Lee Bloomquist – Deputy Bloomquist provided the February 2007 Police Report to be placed on file for review. He noted the meeting this evening will be the last meeting he will be attending for the City of Grant. He also distributed and reviewed a proposal to the City Council to consider regarding loose horses within the City of Grant. He requested the City Council consider the proposal at some point in the future.

Council Member Linner indicated she would forward an electronic copy of the proposal to the Washington County Mounted Patrol and Grant Trail Rangers for discussion if Deputy Bloomquist could provide it to the City Clerk.

City Engineer, Diane Hankee – City Engineer reviewed her report for February 2007 noting the report would be sent to City Hall Wednesday, March 7, 2007. The report will be placed on file for review.

City Engineer Hankee provided an update to the Council regarding the MCPA Permit, Ideal Avenue Paving Project, Grading permit, 110th Lansing Easement and Seal Coating. She noted it appears that seal coating would be the most beneficial process for the City to move forward with. She stated the next step is to provide the Council with proposals and bids.

City Planner, Dick Thompson – A report was provided in the Council packet for February City planning activities, to be placed on file for review.

Comprehensive Plan Update – A brief update from City Planner Thompson was provided in the Council packets. Mayor Carr noted there are dollars provided in the current budget for the Comprehensive Plan Update.

Council Member Hinseth moved that the City request a proposal from TKDA to assemble and gather all the information relating to the Comprehensive Plan and put it into a readable, professional form to allow the City Council to put their time into the heart of the plan, the policy statements. Council Member Linner seconded the motion. Motion carried unanimously.

The City Council also directed the City Clerk to notify the Metropolitan Council that the City of Grant will be submitting the updated Comprehensive Plan during the first quarter of 2008.

Mr. Paul Bruggeman came forward and distributed new plans for the proposed project. He reviewed the new plan and asked for Council input.

The Council expressed concern regarding Lot 3 being a flag lot, the 300 foot circle being in the rightof-way and the four for forty acre guideline.

Ms. Sharon Schwartz came forward and also expressed concern regarding a gas line being located on the property and the right-of-way.

City Attorney, Nick Vivian:

Sanderson Zoning Enforcement – City Attorney Vivian advised a lawsuit has been filed regarding

- 2 this issue. The complaint has not been answered. The City Council can either file a motion for a
- default judgment or consider Mr. Nelson's current proposal.

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- 5 Mr. Mark Nelson, 9391 Jeffrey Blvd, came forward and provided the background regarding this
- 6 issue. He noted he has had problems with the contractor and the Mahtomedi Fire Department has
- shown an interest in burning the house for training purposes, which would be done in May, 2007.

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Mayor Carr and Council Member Hinseth expressed concern regarding Mr. Nelson's current proposal and of Mr. Nelson adhering to the new timeline due to what has occurred in the past.

10 11

City Attorney Vivian stated the soonest the case would be scheduled on the court's calendar is 3-4 weeks. Seven to fourteen days would be allowed for demolition of the structure. Therefore, the City is looking at 5-6 weeks to remove the structure through the City's process.

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The Council suggested the possibility of Mr. Nelson providing additional escrow dollars to allow the City to remove the structure if he does not remove the structure within two months. Another possibility is Mr. Nelson providing a letter of credit to allow the City money to remove the structure.

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Mayor Carr moved to allow Mr. Nelson to provide a letter of credit within the next two weeks to the City in the amount of \$20,000 to remove the structure and cooperate with the City Attorney to submit the paperwork to allow the City access to the property if the City has to take the structure down if it has not removed by May 6, 2007. Also, at this point burning the structure is not an option unless a letter is received from the Mahtomedi Fire Department and MPCA indicating they can burn the structure. In additional to the removal of the structure, the site will be leveled and the septic/well will also be removed within the same time frame. Council Member Linner seconded the motion.

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Motion carried with Council Member Fogelson abstaining.

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Escrow Report – City Attorney Vivian advised there is currently a number of delinquent escrow accounts held by the City at this time. In general, the majority of the delinquent accounts dates back several years and lack significant documentation. Some of the accounts involve companies and individuals who do business regularly with the City of Grant. He recommended that the City inform these companies and individuals that they will not receive any further permits or services from the City of Grant until such time as their escrow accounts are brought current and/or replenished to an amount which adequately protects the City's interests. He stated it is understanding that City Engineer Diane Hankee has already started this process.

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For individuals and companies which may apply to the Council for liquor licenses and/or other permits, the City should require escrow accounts to be brought current prior to the issuance of any further licenses and/or permits. This requirement can lawfully be used as a condition upon which the Council will grant such licenses and permits.

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The City's third option is to utilize the mechanism provided by Minn. Stat. §514.67, which states that all charges and expenses for any inspection, examination, or other governmental service of any nature now or hereafter authorized or required by law... shall constitute and be a first and prior lien from the

date of such inspection, examination, or service upon all property in this state subject to taxation as

- 2 the property of the person from whom such charges and expenses are by law authorized or required to
- 3 be collected. For escrow accounts delinquent less than two years, the City can certify the delinquent
- 4 amount to the county for collection in the manner provided by the statute.
- 5 For all other outstanding escrow balances, the only opportunity for collection will be conciliation or
- 6 small claims court. The difficulty with this approach as indicated above is that many of the files
- 7 provided lack sufficient documentary evidence to prove the City's claim that the individuals and
- 8 companies owe the City the delinquent amounts. Given the time and expense it will require my office
- 9 to pursue these matters, and provided that the files lack sufficient documentation, it may well be in
- the City's best interest to cut its losses and make certain from this point forward that its policies and
- procedures eliminate the opportunity for these issues in the future.
- 12 The Council directed City Attorney Vivian to move forward and work with the City Treasurer on a
- specific course of action for each individual escrow account.
- Ordinance Codification At the February City Council meeting, City Attorney Vivian was directed
- to to contact companies regarding codification of the City's Code. Three proposals for codification
- services were received prior to the City Council meeting. American Legal Publishing Corporation, in
- conjunction with the League of Minnesota Cities, General Code and Municipal Code Corporation
- submitted proposals.

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- The League of Minnesota Cities and American Legal Publishing have submitted a proposal whereby
- the City would be obligated to pay the sum of \$7,400 for codification excluding zoning, subdivision,
- shoreline ordinances, or the sum of \$10,450 for codification including zoning, subdivision and
- shoreline ordinances. The League's proposal includes a CD with the code provided in Word Perfect
- or Microsoft Word format, publication of the code to the Internet at an additional \$250 per year and
- additional services which can be selected based on the Council's preference. Attached is the League's
- 26 proposed codification services agreement for your review and consideration.

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- The General Codes proposal includes a base price investment of \$8,985, which appears to include the
- 29 City's entire code. In addition, a maintenance fee of \$550 per year is charged for publication to the
- 30 Internet for each year that the City maintains the code on the Internet. As the code is supplemented,
- 31 the Internet files are updated or replaced so that the Internet version of the code continues to
- accurately and completely reflect the text of the printed code. Like the League's proposal, there are
- optional services which can also be purchased if selected by the City. Attached is the General Code's
 - proposal for your review and consideration.

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- Municipal Code Corporation has submitted a proposal with a base cost of \$11,045, which includes
- publication to the Internet for one year. Each additional year of publication to the web will cost
- 38 \$400.

- It should be noted that the League's proposed agreement is valid until June 30, 2007 while the
- 41 General Code's proposal remains valid through August 31, 2007. Municipal Code Corporation's
- 42 proposal is valid for ninety (90) days. If the City has not selected a proposal by those dates, the
- prices identified may be subject to revision.
- 44 City Attorney Vivan recommended the City move forward with the codification proposal from
- 45 Municipal Code Corporation.

The Council directed Council Member Linner and the City's webmaster to review the detailed proposals and make a recommendation to the City Council at the April 2007 City Council meeting.

Loggers Trail CUP – City Attorney Vivian provided the background regarding the Loggers Trail CUP noting the current CUP does not require a permanent structure be built. He stated more investigation needs to be done to determine if the omitting of that stipulation was a mistake. He advised the Council he would look into the matter further and make a recommendation at the April 2007 City Council meeting.

Mr. Dan Pohl, 8595 Kimbro Lane, came forward and referred to the June or December 2004 City Council Meeting minutes that indicated he would come back to the Council in a year and report on the progress of the golf course. At that time, the City Council reviewed the CUP and everything was compliant. Building a permanent clubhouse is based on economic viability so the Council removed the stipulation of a time frame in regard to a permanent structure. He noted he believes a permanent clubhouse will be built within seven years.

Council Member Linner suggested an inspection be scheduled with the Building Inspector to ensure compliance as well as health and life safety issues have been address. She stated she would schedule that and report back to the Council.

The Council also suggested the meeting minutes from June or December 2004 be reviewed and the City Attorney does more research and have a recommendation at the April 2007 City Council meeting.

Council Meeting Procedures, Resolution No. 2005-2006 - At the February City Council meeting, City Attorney Vivian was directed to review Resolution 2005-06, a Resolution of the City of Grant adopting council meeting procedures, agenda preparation policies, and the process and procedures used in addressing the Council at City Council meetings. The resolution indicates that the Council at the time was concerned that the public and Council have adequate information in order to address issues and concerns affecting the City and that certain procedures be in place to increase the public's knowledge of business to be considered at each Council meeting. To do so, the Council passed a resolution adopting City Council procedures which were to be attached and incorporated as Exhibit A. Attached to the resolution are what appears to be miscellaneous pages from a document which resembles Robert's Rules of Order, but appears to be modified in part to take into account meeting times and dates for the City of Grant. The document is not labeled as Exhibit A as indicated by the resolution, but I believe it to be the policy intended to be adopted by the Council at the time.

Rather than adopt piecemeal policy for operations and procedural purposes, City Attorney Vivian suggested that the Council simply consider a motion to adopt Robert's Rules of Order in total and to modify the entire procedure only as necessary. Adopting piecemeal policy and procedure is not only confusing for the Council and staff, but no doubt confuses the public as well.

If members of the Council have not had an opportunity to review Robert's Rules of Order, City
Attorney Vivian recommend either that individual Council members purchase a copy or that the City
purchase a set so there will be no further confusion regarding meeting procedure.

Mayor Carr moved to adopt Robert's Rules of Order in total, as recommended by the City Attorney.
 Council Member Fogelson seconded the motion. Motion carried unanimously.

Council Member Linner moved to create another document be created to incorporate "Exhibit A" into the City policy. Mayor Carr seconded the motion.

Council Member Linner and Mayor Carr withdrew the motion and the second of the motion.

Council directed staff to prepare a document incorporating "Exhibit A" and send to the City Council.
The Council also directed staff to determine if "Exhibit A" is written from Roberts Rules of Order.

New Bank Issue – City Attorney Vivian advised information regarding a new bank for the City was sent out to Council Members. He stated he is in support of the suggestion of moving the City's banking to Wells Fargo. He also stated there has been some difference of opinion on whether or not the City's Treasurer can move funds within the bank.

Mayor Carr indicated he was going to work with the City Treasurer about staying on with the City permenantly to oversee the accounting issues and have the City Clerk do more of the day to day treasurer duties.

Mayor Carr moved to move the City of Grant's bank to Wells Fargo. Council Member Hinseth seconded the motion. Motion carried with Council Member Fogelson voting nay.

The Council clarified that the City Treasurer can move City funds within Wells Fargo with his signature only to maximize the City's investments.

Neptune Street Lake Access and Oakleigh Dock Association – Council Member Linner advised information regarding this issue was included in the Council packets. She indicated that neighbors of the City property on Neptune Street have complained to Grant, through their attorneys, in the past about the Dock Association using the City of Grant access. Additionally, she doesn't feel that the City should not sell the access, but that perhaps the City should charge the Dock Association if they continue to wish to use the access.

The Council directed Council Member Fogelson to contact the Dock Association and discuss the access with them.

Building Inspector, Jack Kramer – A Building Report from the Building Inspector, Jack Kramer, was included in the Council packets outlining the February 2007 activities. The report will be placed on file at City Hall for review.

Hidden Bay Estates Refund – Mayor Carr advised Hidden Bay Estates has requested a permit fee refund in the amount of \$2,500.

The Council directed the City Treasurer to refund Hidden Bay Estates in the amount of \$2,500.

- Potter CUP Mayor Carr advised the refund due to Mr. Potter is a lesser amount than previously
- 2 approved by the Council. Also, a request from Mr. Potter was received outlining an even larger
- 3 escrow refund.

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- 5 Council Member Linner moved to revise the Potter CUP refund from what was previously approved
- 6 to the recommended amount from the City Treasurer in the amount of \$307.55. Council Member
- 7 Hinseth seconded the motion.

8

9 City Attorney Vivian advised the amount to be refunded should come from the City Treasurer. It is 10 the responsibility of Mr. Potter to prove that additional dollars should be refunded.

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12 Motion carried unanimously.

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The Council directed staff to send the escrow information from the City Treasurer to the City Council.

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OLD BUSINESS

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- 19 **Council Members Payment/Reimbursement, Kim Linner** Council Member Linner advised 20 information regarding this issue was included in the packets. She stated she wants to make sure all
- 21 Council Members are on the same page regarding Council Members payment/reimbursement.

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Council Member Linner moved to ensure the Council and City is consistent with receiving their yearly amount and \$25.00 per special meeting. Mayor Carr seconded the motion.

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The Council indicated they are all in agreement with the current Council Members Payment/Reimbursement.

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Council Member Linner and Mayor Carr withdrew the motion and the second of the motion.

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Town Hall Building Maintenance, Kim Linner – Council Member Linner advised she is moving forward with requesting additional quotes and also getting documents together for the site work. She stated she will bring this issue before the Council at the April 2007 City Council meeting.

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Ms. Joyce Welander, Kimbro Avenue North, came forward and stated she has a problem with the site work. There will be a large amount of grading to be done and she is concerned about the run-off going on to her property. She asked that the Watershed Districts be involved with the project.

38

The Council advised no site work will be done without proper permits and plans to ensure run off will not be an issue.

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- Clarification of \$10.00 Fee, Bob Carlson Mayor Carr advised Mr. Carlson spoke to him regarding the documentation that was requested relating to the \$10.00 fee the City will be paying Mr. Carlson.

 Mr. Carlson indicated he does write down names and addresses and that information is available in
- the permit book.

The Council indicated the information that is written down in the permit book is adequate and the City will pay Mr. Carlson the requested fee for calls, in the amount of \$10.00.

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NEW BUSINESS

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Planning Commission Appointments – Mayor Carr advised the Council must appoint two Planning Commission Members as there are two vacancies due to term expirations.

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- 9 The City did receive four applications for the vacancies. Mr. Craig Johnston and Ms. Joyce
- Welander are requesting reappointment to the Planning Commission. Mr. Todd Berg and Mr. Jeff
- Huber are the new applicants. Interviews were held prior to this evenings regular Council meeting.

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- 13 Council Member Fogelson moved to expand the Planning Commission to eleven members so all four
- of the applicants can be appointed. Mayor Carr seconded the motion. Motion failed with Council
- 15 Members Linner, Hinseth and Carr voting nay.

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17 The following votes were calculated by a roll call vote:

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- 19 Craig Johnston: Council Member Fogelson yea, Council Member Hinseth yea, Council Member
- 20 Linner yea, Mayor Carr yea.

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- 22 Joyce Welander: Council Member Fogelson yea, Council Member Hinseth nay, Council Member
- 23 Linner nay, Mayor Carr abstained.

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- Todd Berg: Council Member Fogelson nay, Council Member Hinseth yea, Council Member Linner
- yea, Mayor Carr yea.

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28 Jeff Huber: A vote was not taken.

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Mr. Craig Johnston and Mr. Todd Berg were appointed to the Planning Commission.

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DISCUSSION ITEMS

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- 34 City Council Reports, City Picnic, Scott Fogelson Council Member Fogelson advised the City
- Picnic has been scheduled for June 30, 2007. This date will be posted on the website. The picnic
- 36 committee is working on organizing activities and is looking for residents to volunteer to help. The
- picnic will also be posted in the newsletter. One suggested name for the event is Grant Hay Day.

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- 39 **Electronic Communication Between Council Members, Scott Fogelson** Council Member
- 40 Fogelson referred to information from the League of Minnesota Cities relating to electronic
- 41 communication between Council Members that was included in the Council packets. He stated he
- 42 wants to make sure the Council does not violate meeting laws and wants something documented for
- 43 the City to follow relating to this issue.

- The Council directed staff to prepare the guidelines and put on the April 2007 City Council agenda
- 46 for the Council to adopt.

Road Commissioner Report:

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Gravel Update – Road Commissioner Hinseth distributed an updated list of proposed graveling 4

- locations noting the estimated gravel cost is \$7/ton based on past bids and the City Engineer's 5
- research. He advised there is \$50,000 budgeted for gravel and requested the additional \$41,000 come 6

7 from the Capital Fund balance.

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Ms. Sharon Schwartz came forward and stated she does not believe Goodview Avenue should be done as it is mostly used by Hugo residents. She also stated that Mahtomedi may be doing a paying project that would include one of the roads listed.

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13 The Council directed Council Member Fogelson to contact the City of Hugo and Council Member Hinseth to contact White Bear Township to see if they would help with the Goodview Avenue paving 14 15 project.

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Road Commission Hinseth stated he is working on updating the road inventory and will add Road 17 Option #11 in case the Mahtomedi Ideal Avenue Paving project is completed. 18

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20 Council Member Hinseth moved to approve the 2007 graveling list, as well as explore joint funding for Goodview Avenue and add an alternate priority if Ideal Avenue is paved by a Mahtomedi 21 22 initiative. Mayor Carr seconded the motion. Motion carried unanimously.

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Road Commissioner Cell Phone – Road Commissioner Hinseth advised information regarding the cost of a cell phone for the Road Commissioner was previously distributed. He stated with the snowy weather last week he was inundated with phone calls and would like the Council to approve a cell phone for the Road Commissioner. He noted he would purchase the equipment if the City will pay for the service, insurance and activation. He also noted that the voice mail message could update callers about current road conditions.

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- Mayor Carr moved to approve the 450 minute per month plan to be paid by the City of Grant. 31
- Council Member Linner seconded the motion. 32

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Ms. Joyce Welander came forward and stated her husband was Road Commissioner for 31 years and 34 35 he did not need a cell phone. She stated she objects to the taxpayers paying for a cell phone for the Road Commission. 36

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Motion carried unanimously.

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Ouad Baseball Field Lighting – Council Member Hinseth stated he was contacted by the President 40 of the Mahtomedi Youth Baseball Association. He indicated they are exploring the possibility of 41 adding lighting to the Quad baseball fields and inquired about needing approval from the City of 42 43 Grant.

The Council directed Council Member Hinseth to ask the Mahtomedi Youth Baseball Association to contact residents whose homes back to 80th. The Council agreed that they would consider a petition signed by residents indicating the lighting plan is acceptable to them. GTS Seminars, League of Minnesota Cities, Kim Linner – Council Member Linner advised there are some training opportunities available to Council Members through the League of Minnesota Cities. She asked if Council Members need Council approval to get reimbursed for the training sessions. Mayor Carr stated Council Members who would like to attend training should provide the information to the City Clerk so that information can be included in the Council packets for Council approval. Mayor Carr also noted he is still working with the City Treasurer to define his role. Ms. Joyce Welander came forward and resigned as the Heritage Committee Chair and indicated she would disband the committee. She noted her niece is working on a History of Grant Book and the City Ordinance states the Chair of the Committee must also serve on the Planning Commission Council Member Hinseth moved to keep Ms. Welander on as interim chair of the Heritage Committee to give the Council time to explore amending the current ordinance to allow her to continue as Heritage Committee Chair. Mayor Carr seconded the motion. Motion carried unanimously. **COMMUNITY CALENDAR MARCH 6 THROUGH MARCH 31, 2007:** Planning Commission Meeting, Monday March 19, 2007, Town Hall, 7:00 p.m. **ADJOURN** There being no further business, Council Member Linner moved to adjourn at 10:27 p.m. Council Member Fogelson seconded the motion. Motion carried unanimously. These minutes were considered and approved at the regular Council Meeting, April 10, 2007. Tom Carr, Mayor Kim Points, City Clerk