

CITY OF GRANT
MINUTES

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DATE : April 10, 2007
TIME STARTED : 7:05 p.m.
TIME ENDED : 10:25 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth (7:45 pm),
Linner, Levitz and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Diane Hankee; Deputy Sheriff, Breana Fry (part); Building Inspector, Jack Kramer (part); and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 8F, Road Commissioner Report, was moved to Item 11D under Discussion Items.

Council Member Linner moved to approve the agenda as amended. Council Member Levitz seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Item 4B, Expenditures, was moved to Item 11E under Discussion Items.

March 6, 2007 City Council Meeting Minutes	Approved
Pay Equity Report	Approved
Hidden Bay Estates Refund, \$2,296.05	Approved

Council Member Fogelson moved to approve the Consent Agenda, as amended. Council Member Levitz seconded the motion. Motion carried unanimously.

PUBLIC COMMENT

There was no public comment.

STAFF REPORTS

1
2 **March 2007, City of Grant Police Report, Deputy Breana Fry** – The March 2007 Police Report
3 was provided to be placed on file for review.

4
5 **City Engineer, Diane Hankee** – City Engineer reviewed her report for March 2007 and noted it
6 would be placed on file for review.

7
8 **Storm Water Pollution Prevention Program** – City Engineer Hankee advised every year the City is
9 required to submit a MPCA by June 30. The focus of the meeting this evening is public education
10 and outreach, public participation and involvement. Suggestions for this purpose include posting
11 information on the City's website and publishing articles in the City's newsletter.

12
13 City Engineer Hankee noted the City's current status of water resource related issues advising the
14 City is required to implement one of the following: formal adoption of watershed district's
15 management plan or development and implementation of a local surface water management plan.
16 She also reviewed the status of the City's MS4 Permit noting the City is still waiting for comments
17 on the SWPP that was submitted June 1, 2006.

18
19 City Engineer Hankee advised she would work with the webmaster and City Attorney to ensure the
20 City is in compliance. She noted Erosion Control Books are available at the City office for review.

21
22 **Grading Permit Application Resolution** – City Engineer Hankee distributed a copy of the grading
23 permit application for review.

24
25 Council Member Levitz moved to accept the Grading Permit Application Resolution with the cubic
26 feet of 50-1,000 cu.yd. charged base fee of \$200. Fee for over 1,000 cu.yd will be charged the base
27 fee plus \$.05/cu.yd above 1,000. Additionally, moving over 10,000 cu.yd requires City Council
28 approval. Council Member Fogelson seconded the motion. Motion carried unanimously.

29
30 City Engineer Hankee noted they are still waiting on bids for Mahtomedi's Ideal Avenue Paving
31 Project and the layout plans for the intersection of Manning Avenue and Hwy 36 are available at the
32 City office.

33
34 **City Planner, Dick Thompson** – A report was provided in the Council packet for March City
35 planning activities, to be placed on file for review.

36
37 **CUP Annual Enforcement** – A brief update from City Planner Thompson was provided in the
38 Council packets.

39
40 Mayor Carr stated the City has the right to review and enforce CUP's. He stated he would like a
41 policy in place for that purpose. The City also needs a fee to accomplish that goal.

42
43 City Attorney Vivian advised an annual CUP enforcement with a fee is an option the City could
44 explore. He indicated he is hesitant to recommend that right now because applicants pay for the CUP
45 up front. He stated he needs to determine if the City can charge a fee for CUP enforcement. He
46 advised he would make a recommendation at the next Council meeting.

1
2 It was the consensus of the Council to direct the City Attorney to move forward and investigate the
3 possibility of a CUP enforcement fee and make a recommendation at the May 2007 City Council
4 meeting.

5
6 Deputy Sheriff Fry came forward and introduced herself to the City Council as the new Deputy for
7 the City of Grant and provided her background.

8
9 **City Attorney, Nick Vivian** – City Attorney Vivian referred to his staff report that was included in
10 the Council packets to be placed on file for review.

11
12 **Loggers Trail CUP** – City Attorney Vivian advised on Monday, April 9, 2007, he and Mayor Tom
13 Carr met with Dan Pohl and Attorney Mark Vyvyan at the Sawmill Golf Course to discuss the
14 Conditional Use Permit for Logger's Trail Golf Course. Recently, City Building Official Jack
15 Kramer red-tagged the Logger's Trail operation for violation of the course's CUP.

16
17 During the meeting, we reviewed the most recent CUP which provides that the temporary clubhouse
18 was to be approved by the Building Inspector and/or the City Engineer. At the time the structure was
19 erected, Mr. Pohl indicates that he was working very closely with WSB Engineer Jay Kennedy. Mr.
20 Pohl stated that he was never told that he needed to obtain a building permit for the temporary
21 clubhouse. On this basis, Mr. Pohl argues that he is not in violation of the CUP. Similarly, Mr. Pohl
22 states that he was never required to obtain a Certificate of Occupancy.

23
24 Reviewing the Building Official's letter explaining his decision to red tag the Logger's Trail
25 operation, it is clear that certain items must be completed in order to ensure the safety of the
26 temporary clubhouse. Other items must be completed to ensure handicap accessibility and code
27 compliance. Minnesota Administrative Rule 1300.0190 provides that temporary structures shall
28 conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and
29 sanitary requirements of the code as necessary to ensure the public health, safety, and general
30 welfare. The last part of the Rule provides the City with the discretion to allow deviation from the
31 code for temporary structures.

32
33 At the meeting, a plan for bringing the building in to compliance was discussed while allowing the
34 operation to continue. The following steps were identified:

- 35
36 1. Immediate contact with Building Official to determine which items need to be
37 completed immediately to ensure that the building is safe.
38 2. Completion of the safety-related items within five (5) days or as soon as possible
39 thereafter.
40 3. Inspection by a Structural Engineer certifying that the building is structurally sound
41 within ten (10) days or as soon as possible.
42 4. Issuance by the City of a Certificate of Occupancy recorded against the property
43 indicating that the temporary club house is not a permanent structure and must be
44 removed within seven (7) years of recording. The Certificate of Occupancy will also
45 state that the holder of the CUP for the property is require to certify the safety on an
46 annual basis.

- 1 5. Removal of the red tag by the City.
- 2 6. Contact with the Building Official to determine which items need to be completed to
- 3 remedy remaining issues.
- 4 7. Completion of the identified items within thirty (30) days.

5
6 City Attorney Vivan advised Mr. Pohl and his attorney have expressed a willingness to work with the
7 City to ensure that the City's demands are met. He recommended the City consider the action plan
8 provided above.

9
10 City Attorney Vivian noted that additionally, the City should require Mr. Pohl apply for a building
11 permit as soon as possible. That requirement should be added to the above action plan.

12
13 Mr. Pohl came forward and stated he does want to ensure the building is safe. All issues are
14 negotiable and a longest length of time that the City will allow structure be there would allow him
15 the greatest amount of flexibility. He provided an update on steps that have already been taken to
16 ensure safety of the building.

17
18 It was suggested that Mr. Pohl is not in compliance with a beverage and food license and this be
19 added as a condition on the action plan.

20
21 Council Member Hinseth arrived at 7:45 p.m.

22
23 Building Inspector Kramer advised he would be looking into the sanitary conditions. The code is
24 very strict on that issue. All of the outstanding issues have to be addressed to ensure public safety.
25 He reviewed the requirements regarding modular buildings and the addition to that building. The
26 building would still be considered a temporary structure even after it is up to code.

27
28 Mr. Pohl stated the other building on the property does not have a permit. That structure holds range
29 balls and machinery. He stated he is concerned about whether or not they are trying to make the
30 building safe or achieve a code.

31
32 It was the consensus of the Council to direct Mr. Pohl to apply for two building permits. The City
33 will also determine if there is a fee for not already having a building permit.

34
35 Building Inspector Kramer reviewed all of the outstanding issues and stated they would be addressing
36 them as soon as possible.

37
38 City Attorney Vivian stated he would have the necessary paperwork completed by Friday and the
39 building inspector would also receive the draft documents. He stated he would like a report from the
40 structural engineer within the next week and Mr. Pohl should apply for the building permits as soon
41 as possible.

42
43 The City Council discussed the issue of changing the number of years that the City would allow the
44 temporary structure to remain as stated on the action plan. Options included three years, possibly
45 five years or possibly none. Council Member Levitz raised the issue with the temporary structure and
46 the time that it has been allowed to be there.

1
2 Mr. Pohl stated he would be giving up a lot of flexibility if that is changed. He noted the City will be
3 reviewing this yearly and could change this stipulation at any time.

4
5 City Attorney Vivian stated the Council has the right to review any CUP within the City and enforce
6 the conditions of the CUP. He stated the CUP should be amended during this process and the
7 language on the time allowed for the structure could be changed.

8
9 Mr. Ken Hertz, representative for the Nikkelson Trust, came forward and suggested the Council
10 explore the idea of what is fair in this situation. He stated that anything that happens at Loggers Trail
11 affects the Sawmill Golf Course. He stated he and his client would like to know what happened with
12 the original CUP. He stated five years for a temporary structure is a very long time and affects
13 Sawmill Golf Course financially. He asked the Council to consider that and requested a copy of the
14 original CUP.

15
16 Council Member Fogelson moved to hold a public hearing at the May 1, 2007 City Council meeting
17 to discuss modification of the Loggers Trail CUP. Council Member Levitz seconded the motion.
18 Motion carried unanimously.

19
20 Mayor Carr moved to approve action plan as presented by City Attorney Vivian, lift the red tag after
21 the structural engineer approves the safety of the building and hold a public hearing at the next
22 Council meeting. Council Member Fogelson seconded the motion. Motion carried unanimously.

23
24 **Heritage Committee Ordinance** - City Attorney Vivian stated the Council discussed the possibility
25 of changing the language within the Heritage Committee Ordinance at the last Council meeting to
26 allow Ms. Welander to continue as committee chair.

27
28 Council Member Hinseth moved to change the language within the Heritage Committee Ordinance to
29 read "the Heritage Preservation Committee shall consist of at least three members who shall be
30 residents of the City and serve without compensation". Mayor Carr seconded the motion.

31
32 City Attorney Vivian suggested a friendly amendment to include the language "to be appointed by
33 the City Council".

34
35 Council Member Hinseth accepted the amendment to the motion. Mayor Carr accepted the
36 amendment to the motion. Motion carried unanimously.

37
38 **Building Inspector, Jack Kramer** – A Building Report from the Building Inspector, Jack Kramer,
39 was included in the Council packets outlining the March 2007 activities. The report will be placed on
40 file at City Hall for review.

41
42 **City Treasurer, Bob Mikkelsen** – City Treasurer Mikkelsen distributed and reviewed a report
43 regarding his activities in the last month.

44
45 The Council requested year end figures for 2006 prior to the audit as well as notice when the City
46 funds are transferred to Wells Fargo.

1
2 **OLD BUSINESS**

3
4 **Adopt Guidelines for Electronic Communications** – At the March 6, 2007 City Council meeting,
5 Council directed staff to draft an Electronic Communications between Council Members for the City
6 of Grant for the Council to consider adopting as City policy.

7
8 The attached policy is taken from and recommended from the League of Minnesota Cities.

9
10 City Attorney Vivian clarified the law regarding conversations between Council Members.

11
12 Council Member Fogelson stated he believes the City should reinforce the following of open meeting
13 laws by adopting this policy.

14
15 Council Member Linner moved to table adopting the Guidelines for Electronic Communications
16 indefinitely. Mayor Carr seconded the motion. Motion carried with Council Member Fogelson
17 abstaining.

18
19 **Ordinance Codification, Kim Linner** – Council Member Linner advised she reviewed two of the
20 price proposals for the City of Grant Ordinance Codification. Because one of the proposal requires
21 the ordinances be submitted in an electronic format, she suggested the City have the ordinance
22 documents typed and organized. Then the City could determine if they should move forward with
23 Ordinance Codification.

24
25 Mr. Glenn Larson, Jody Avenue Court North, City Webmaster, came forward and expressed concern
26 regarding the price of the ordinance codification noting there is a lot of word processing that needs to
27 take place before the ordinance codification. He also suggested the City do the word processing
28 before determining whether or not the City should spend the dollars on codification.

29
30 City Attorney Vivian stated the City of Lakeland is currently codifying their ordinances with the City
31 Clerk doing the work. The process entails more than word processing and does include legal work.
32 The goal of the process is consistency and having the ability to update. He stated he believes doing
33 the work in-house may cost just as much as having a company doing the work.

34
35 Council Member Linner recommended hiring a person to get all the ordinances typed and then see
36 where the City should go from there. She provided the individuals background and stated she could
37 have the documents completed by June 2007 for a cost of \$20-25 dollars per hour. She noted she is
38 not sure how much time the project would take to complete as it is not clear how many order
39 ordinances require re-typing from a paper copy.

40
41 The Council indicated they would like an estimate of time that it would take to complete the project.
42 Ms. Sharon Schwartz, Joliet Avenue, came forward and stated she believes Ordinance 50 is on a disc.
43 She stated when the ordinances were originally put on the website they were all in Word format. She
44 suggested the City try to find those discs first.

1 Council Member Hinseth moved to direct Council Member Linner to work with her contact to begin
2 assembling the ordinances with \$1,000 cap on the fee and review the progress at the next Council
3 meeting. Council Member Levitz seconded the motion.

4
5 Council Member Hinseth amended the motion to indicate Council Member Linner find another
6 individual to complete the project if her original contact is not available. Council Member Levitz
7 agreed to the amendment of the motion. Motion carried with Council Member Fogelson voting nay.

8 9 **NEW BUSINESS**

10
11 **Video Equipment, Sheila Davis** – Ms. Davis reviewed the bid for the new video equipment. She
12 noted the City purchases the equipment and is then reimbursed from the Cable Commission up to
13 \$37,000.

14
15 The Council directed Ms. Davis to obtain another quote for the equipment including a ceiling camera,
16 microphones, switcher and electric and cable video recording information.

17
18 Ms. Karen Gotchberg, resident of Grant, came forward and stated the franchise fee the City receives
19 from the Commission could be used to purchase the equipment. She stated the City would receive
20 approximately \$10,000 this year from the franchise fee.

21
22 **Sale of 560 Gallon Fuel Tank to Craig DeWolf, Brad Hinseth** - The City of Grant owns a fuel tank
23 that is located at the Dewolf Farm and is no longer used by the City. It was used to fuel the grader
24 when Mr. Dewolf was the City's grader operator. Mr. Dewolf is interested in buying the tank.

25
26 The tank size is 560 gallons, has an electric pump, and was purchased by the City of Grant
27 approximately three years ago for approximately \$1,000. Mr. Dewolf has offered the City of Grant
28 \$650 for the tank.

29
30 Mayor Carr moved to approve the sale of the fuel tank, as presented. Council Member Levitz
31 seconded the motion. Motion carried unanimously.

32 33 **DISCUSSION ITEMS**

34
35 **City Council Reports** – Council Member Fogelson advised he completed the certification for the tax
36 meeting next week.

37
38 Mayor Carr advised he has been working with the City Treasurer on getting the City's finances in
39 order.

40
41 Council Member Linner advised everyone received copies of Planning Application Forms. She is
42 meeting with the Planner next week to discuss those forms. It was suggested that the applications
43 include a statement requiring applicants come before the Council with concept plans prior to going
44 before the Planning Commission. She also asked that the Council review the City newsletter because
45 it has to go to the printer tomorrow.

1 **Meeting Minutes/Website Timeline, City Clerk** – The City Council has discussed various options
2 regarding the posting of “Draft” minutes on the City of Grant website and the timeline relating to that
3 issue.

4
5 Several Council Members have indicated they would prefer the draft minutes be posted on the
6 website as opposed to waiting until meeting minutes have been approved.

7
8 Staff is proposing a timeline for draft minutes to be posted on the website: Staff can provide the City
9 Council with the draft minutes within one week of the City meeting. The Council could then review
10 the draft minutes for major inaccuracies and return those corrections to the City Clerk. Depending
11 upon Council schedules, the draft minutes could then be posted within two weeks of the City
12 meeting.

13
14 Another option is for the City to utilize the attached Expanded Agenda. The purpose of an expanded
15 agenda is to document only the actions of the City Council pertaining to each agenda item. An
16 expanded agenda can be completed very quickly and could be sent to the webmaster the day after a
17 Council meeting.

18
19 Staff is requesting Council direction regarding this issue.

20
21 Mayor Carr moved to adopt the expanded agenda to be sent to the City Council the day after a
22 Council meeting and have it posted on the website within two days of the Council meeting. Council
23 Member Hinseth seconded the motion. Motion carried unanimously.

24
25 Mayor Carr moved to adopt the policy of having draft meeting minutes sent to the City Council
26 within one week of a Council meeting allowing the Council Members one week to make changes and
27 send back to the City Clerk. Motion carried unanimously.

28
29 The Council determined only approved minutes would be posted on the City website.

30
31 **Resolution No. 2005-06, Exhibit A, City Clerk** – At the March 6, 2007 City Council meeting, the
32 Council directed staff to determine where the attached “Exhibit A”, to Resolution No. 2005-06
33 originated from and whether or not it is a part of the adopted Robert’s Rules of Order.

34
35 Staff has looked into this issue and has determined Exhibit A is not directly a part of Robert’s Rules
36 of Order or the League of Minnesota Cities Handbook. Staff has concluded that Exhibit A was
37 drafted from several different sources and compiled specifically for the City of Grant.

38
39 Council Member Fogelson moved to adopt only Roberts Rules of Order and not “Exhibit A” .
40 Council Member Linner seconded the motion amending it to include the section on Addressing the
41 Council from Exhibit A be noted at the bottom of City Council agendas.

42
43 Council Member Fogelson accepted the amendment. Motion carried unanimously.

44
45 **Road Commissioner Report, Brad Hinseth** – The following report was provided from Road
46 Commissioner Hinseth:

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1) As a result of the coldest early-April in 57 years, spring road maintenance start up has been slowed.

- a) Grading began April 2 and will catch up to the regular schedule as weather permits.
- b) Pothole repair will began April 9, weather permitting.

2) Spring Road Weight Limit of 5 tons per axle began March 11 and is in effect until further notice.

3) Mahtomedi is repairing the closed southbound lane of Ideal Ave south of the High School until late April.

4) The County Board has voted not to renew any expiring municipal snow plowing service contracts. Grant's contract with the County is expiring this June. We will be looking for snow plowing services for next winter.

5) Attached is a dust control proposal for Council discussion and approval.

Road Commissioner Hinseth reviewed the Dust Control Proposal and requested Council approval.

Mr. Gene Anderson, 120th and Ironwood, came forward and stated residents on his street have financed dust control for their street on their own. He stated he believes it has extended the life of the roadway by approximately six years. There are a couple of spots on the road that do need to be fixed, however. He stated he believes dust control pays for itself.

Council Member Hinseth moved to approve the Dust Control Proposal as presented. Council Member Levitz seconded the motion.

Council Member Fogelson stated the dust control budget needs to be a reviewed item next year as the City is \$8,000 over budget.

Motion carried unanimously.

Expenditures – Council Member Linner requested clarification regarding an item on the Expenditure List.

Council Member Fogelson moved to approve the Expenditures, as presented. Mayor Carr seconded the motion. Motion carried unanimously.

CLOSED SESSION

Public Purchase of Private Easement and Right of Way, Diane Hankee -

Mayor Carr moved to go into a closed session at 10:10 p.m. Council Member Linner seconded the motion. Motion carried unanimously.

1 The purpose of the closed meeting is to discuss the purchase of 110th and Lansing right of way.

2
3 The Council provided direction to the City Engineer regarding negotiations for the purchase of
4 easement and right of way at 110th and Lansing Avenue.

5
6 Mayor Carr moved for the Council to go back into an open session at 10:23 p.m.. Council Member
7 Linner seconded the motion. Motion carried unanimously.

8
9 City Attorney Vivian advised he would make a recommendation regarding escrows at the next
10 Council meeting. He also noted Mr. Sanderson is not providing a letter of credit but plans on having
11 the City's requirements met by May 6, 2007.

12
13 **COMMUNITY CALENDAR APRIL 10, 2007 THROUGH APRIL 30, 2007:**

14
15 **Board of Appeal and Equalization Meeting, Monday, April 16, 2007, Town Hall, 6:00 p.m.**

16
17 **Planning Commission Meeting, Monday, April 16, 2007, Town Hall, 7:00 p.m.**

18
19 **City of Grant Clean Up Day, Saturday, April 21, 2007, 9:00 a.m. to Noon**

20
21 **City of Grant Clean Up Day, Rain Date, Saturday, April 28, 2007, 9:00 a.m. to Noon**

22
23 **ADJOURN**

24
25 There being no further business, Council Member Fogelson moved to adjourn at 10:25 p.m. Council
26 Member Hinseth seconded the motion. Motion carried unanimously.

27
28 These minutes were considered and approved at the regular Council Meeting, May 1, 2007.

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Kim Points, City Clerk

Tom Carr, Mayor