

CITY OF GRANT
MINUTES

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DATE : June 5, 2007
TIME STARTED : 7:05 p.m.
TIME ENDED : 10:45 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth,
Linner, Levitz and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Diane Hankee; City Planner, Berry Farrington; Building Inspector, Jack Kramer (part); and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Fogelson moved to approve the agenda as presented. Council Member Levitz seconded the motion. Motion carried unanimously.

CONSENT AGENDA

The May 1, 2007, City Council Meeting Minutes were removed from the Consent Agenda.

Bill List (Check #10001-10026, \$60,634.56)	Approved
Allied Blacktop, Pay Request #1, \$13,488.34	Approved
Miller Excavating, Pay Request #1, \$65,702.00	Approved

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

May 1, 2007, City Council Meeting Minutes – Page 5, line 7 was changed to read “addressed septic and well issues”. Page 5, line 14 was changed to read “City in 2002 and again in 2004 that was

1 acceptable and thoroughly negotiated". Page 4, line 20 the word "at" was changed to "as". Page 6,
2 line 32 the word "anticipated" was changed to "possible".

3 4 **PUBLIC COMMENT**

5
6 Mr. John Wojtowicz, 11521 88th Street, came forward and expressed concern regarding the Sawmill
7 Dump. He stated nothing has been done about the garbage and junk at the site in question. He
8 indicated people are dumping things there frequently. He stated someone told him that Mr. John
9 McCarthy is giving permission for people to dump their garbage there. He stated he has called the
10 Deputy Sheriff's Office many times.

11
12 The Council advised Mr. Wojtowicz to continue to call the Sheriff's Office and provide license plate
13 numbers if possible.

14 15 **WASHINGTON COUNTY UPDATE, JOE LUX**

16
17 Mr. Joe Lux, Washington County, provided an update for the Council on the Manning Avenue
18 Project noting the City Council had previously approved the final plan. He also reviewed the
19 proposed project schedule indicating major construction would occur during the 2008 construction
20 season. He discussed the two properties that would have the most impact from the project pointing
21 out the proposed location of a pond.

22
23 Mr. Rob Jacobs, 7400 Manning Avenue, came forward and stated discussions with the County are
24 going well. He stated he is willing to work with the property owners, City and County about moving
25 property lines. He indicated he is waiting to see offers and then negotiations would move forward.

26
27 The Council indicated they are willing to work with everyone to find a solution for the two most
28 affected property owners. The Council directed the City Attorney to work with the County on those
29 solutions.

30
31 City Engineer Hankee noted she would have to sign off on the County's plan on behalf of the City.
32 She indicated she would bring forward any resolutions necessary before the final plan is signed.

33 34 **STAFF REPORTS**

35
36 **May 2007, City of Grant Police Report, Deputy Breana Fry** – Mayor Carr referred to the May
37 2007 Police Report that was provided to be placed on file for review and noted there have recently
38 been several bear sightings within the City of Grant.

39
40 **City Engineer, Diane Hankee** – City Engineer Hankee reviewed her report for May 2007 and noted
41 it would be placed on file for review. She noted the Stoffer easement agreement has been signed.
42 She also provided an update on the City of Mahtomedi's Ideal Avenue project advising there are
43 some residents who would like the City Council to consider using gravel dollars toward the cost of
44 paving the roadway.

45
46 The Council indicated they do need a request in writing from the residents for review.

1
2 City Engineer Hankee reviewed three possible funding options if the Council chose to allow
3 assessments of Grant residents wishing to contribute to the paving of Ideal Avenue.

4
5 The Council indicated they would like a recommendation regarding the best source of funding from
6 the City Treasurer.

7
8 **City Planner, Dick Thompson** – A report was provided in the Council packet for May 2007 City
9 planning activities, to be placed on file for review.

10
11 **Dvorak CUP Application** – Berry Farrington, TKDA, presented the staff report for the Dvorak CUP
12 application noting the Planning Commission has recommended approval of the request based on
13 conditions.

14
15 Building Inspector Kramer provided the background on the red tags on the Dvorak property noting
16 the County Sheriff's Department was involved in one incident.

17
18 City Engineer Hankee stated soil testing has not been done on the fill that is being brought in to the
19 property. She stated the Watershed District has indicated they are not concerned about the issue but
20 soil testing could be added as a condition of approval.

21
22 Mr. Tom Dvorak, applicant, came forward and provided the history on the project, red tags and his
23 intent to construct a pole barn and plant trees.

24
25 Council Member Hinseth expressed concern about the applicant defying the City's ordinances and
26 staff, and the instances of abusive behavior of the applicant and his contractors toward City staff and
27 the applicant's neighbors.

28
29 The Council expressed concern regarding damage to roads from the trucks coming in, increased
30 traffic, soil testing and escrow dollars. Mayor Carr noted that per City Ordinance, fines and penalties
31 can be incurred for violating the current permit.

32
33 **Council Member Hinseth moved to direct staff to prepare a resolution including findings to**
34 **deny the Dvorak CUP application. Council Member Levitz seconded the motion. Motion**
35 **carried unanimously.**

36
37 The City Council indicated Mr. Dvorak is not allowed to bring in any additional dirt or fill to his
38 property.

39
40 **Reiland Subdivision Application** – Berry Farrington provided the staff report regarding the Reiland
41 Subdivision application noting the Planning Commission recommended approval based on conditions
42 including a Development Agreement be executed.

43
44 Council Member Fogelson noted that Fire Department has indicated they are very concerned about
45 access to this site if the development is approved.

46

1 Council Member Linner noted that the DNR would not support emergency vehicles accessing the
2 proposed sites via the Gateway Trail as access is difficult, both from Hwy 36 and from Co. Rd 12,
3 and that the trail is not built to support such vehicles.

4
5 Council Member Hinseth stated he is in favor of the subdivision because developing at one lot per ten
6 acres is good for Grant, but he opposes the variance request.

7
8 **Council Member Levitz moved to direct staff to prepare a resolution and findings to deny the**
9 **Reiland Subdivision application and variance request. Council Member Fogelson seconded the**
10 **motion. Motion carried unanimously.**

11
12 **City Attorney, Nick Vivian** – City Attorney Vivian provided his report for May 2007 to be placed
13 on file for review. He noted a Default Judgment was granted to the City regarding removal of the
14 Sanderson structure. If the structure is not removed within 30 days Mr. Sanderson will be in
15 contempt of court.

16
17 **CUP Annual Enforcement** – City Attorney Vivian advised a \$75.00 - \$100.00 administrative fee
18 can be charged for the enforcement of CUP's. He stated he is going to draft an ordinance to
19 administratively review all CUP's and also create a process for CUP's that need more detailed
20 compliance checks.

21
22 Mayor Carr distributed a list of CUP's within the City. He noted he has circled the CUP's that the
23 City may want to look at first. He asked all Council Members to review the list.

24
25 City Attorney Vivian noted he also needs to look at a review process for expired CUP's noting CUP's
26 do expire if they are not used within a year.

27
28 **Loch Zoning Enforcement** – City Attorney Vivian advised the Loch property is in violation of the
29 City's zoning ordinance regarding excess debris. He stated Mr. Loch is still not in compliance and
30 recommend the City pursue compliance in district court.

31
32 **Council Member Hinseth moved to direct the City Attorney to take legal action on the Loch**
33 **property for zoning violations as outlined by staff. Council Member Fogelson seconded the**
34 **motion. Motion carried with Council Member Linner abstaining.**

35
36 **Escrow Update** – City Attorney Vivian advised he will work with the City Treasurer regarding an
37 update on the City's escrow accounts.

38
39 **Iverson Debris Issue** – City Attorney Vivian provided an update to the Council on the Iverson debris
40 issue noting this item would be back before the Council for action if they are not compliant.

41
42 Ordinance 2007-02, Grading Permits and Certificates of Compliance for Land Reclamation –

43
44 **Council Member Fogelson moved to approve Ordinance 2007-02, as presented. Council**
45 **Member Levitz seconded the motion. Motion carried unanimously.**

46

1 **Building Inspector, Jack Kramer** – Building Inspector Kramer provided a report on May 2007
2 Building activities to be placed on file for review.

3
4 **Loggers Trail CUP Public Hearing** – Building Inspector Kramer proved the Council with an update
5 on Loggers Trail noting the improvements that have been made. He advised the only outstanding
6 issues are potable water, unisex bathrooms and septic.

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

8
9 Mr. Dan Pohl, President of Sawmill Inc., came forward and stated that based on the feedback he has
10 received regarding this issue, a lot of people are wondering why this is even an issue. He provided
11 the background noting he believes the CUP was amended in 2004 lifting the restriction of a
12 permanent clubhouse being built within two years. He stated he has worked with staff to address the
13 outstanding issues noting how they have been resolved. He stated he has lived up to the contract. He
14 expressed concern regarding the possibility of the City now wanting to change that contract. If there
15 is a change it needs to be fair and reasonable or he will not participate.

16
17 Ms. Erin Anderson, 80th Street, came forward and stated he believes Sawmill Inc., has done a great
18 job and the club house is very appealing as it is. He indicated he feels it is very common for golfers
19 in the state of Minnesota to us a biffy and stated he hopes he does not have to use the restroom here at
20 Grant Town Hall.

21
22 Mr. Charles Kalisto, 12458 Irish Avenue in Hugo, came forward and stated he has a vested interest in
23 Sawmill Inc. He stated he wants the City Council to honor the current CUP because to do otherwise
24 would be wrong. He stated this is not an issue of legalities only a perception of wrong doing.
25 Changing the CUP would provide too many hardships.

26
27 Mr. Joe Sockalosky, 9220 Knollwood Drive N, came forward stating he is a physician and the
28 clubhouse is not unsafe or unhealthy. He stated he has used the clubhouse and facilities at Loggers
29 Trail numerous times. He encouraged the Council to look at Sawmill and Loggers Trail as assets to
30 the City. He stated it seems the issue is one of providing a piece of paper and the City should not
31 change the rules in the game after the fact.

32
33 Mr. Bob Melenberg, 88th Street, came forward and stated he was an original investor and employee.
34 He stated they have been told along that there would be issues with permits and the building and the
35 current CUP should not be changed.

36
37 Mr. Ken Hertz, Attorney, came forward and stated he is present on behalf of Maryann Nikkelson. He
38 stated there is no concern about the original CUP but there is concerns regarding the amended CUP.
39 He stated there was no notice of a public hearing for the amended CUP. The original CUP has a time
40 parameter and the amended CUP does not. There is also the issue of fairness and when the clubhouse
41 becomes a permanent structure.

42
43 Mr. Bob Nikkelson, White Bear Lake, came forward and expressed concern regarding health and
44 safety issues in relation to sanitary issues. He asked the Council to take a serious look at those issues.

45

1 Mr. Kalisto came forward and stated this is not an issue of safety or health but a personal vendetta.
2 He asked the Council to look at the motivation behind this.

3
4 Mayor Carr closed the public hearing at 9:10 p.m.

5
6 Council Member Fogelson stated the safety issues need to be addressed if the clubhouse is going to
7 remain a temporary structure. He indicated there needs to be a timeline for the temporary structure.

8
9 Council Member Hinseth noted there are different standards for a historical building, such as the
10 Town Hall. He stated the issue is not personal and he would like the code complied with.

11
12 Council Member Levitz stated she would like to know Mr. Pohl's intention regarding the clubhouse
13 remaining temporary or the structure being permanent.

14
15 Mayor Carr stated building permits are needed and the rules need to be followed to move forward.
16 He asked when Mr. Pohl believes a permanent structure would be constructed.

17
18 Mr. Pohl stated he wants to make it clear that every reference in the agreement regarding permits
19 referred to a permanent structure only. He stated he believes it is reasonable to put a timeline on a
20 temporary clubhouse but he would like a five year window with three years being the shortest amount
21 of time that would be acceptable. He noted the Council would allow a temporary septic for one year
22 only.

23
24 **Mayor Carr moved to accept the building with potable water and all improvements that have**
25 **been made, and to allow the CUP to allow the structure for three years. If a permanent**
26 **structure is not built within three years the temporary structure will have to comply with the**
27 **current building code for a permanent structure and construction must be underway by**
28 **September 1, 2010. Council Member Fogelson seconded the motion.**

29
30 Council Member Linner suggested a friendly amendment to include a letter from the structural
31 engineer be required now stating that the building is structurally safe and sound. Mayor Carr and
32 Council Member Fogelson agreed to the friendly amendment to the motion.

33
34 Building Inspector Kramer advised he would not be able to issue a Certificate of Occupancy unless
35 the building complies with the building code for a permanent building.

36
37 Council Member Linner stated that the State Building Code is very clear about requirements for
38 obtaining building permits. She noted that the Logger's Trail Developers Agreement and the CUP
39 both had numerous references to the owner applying for various permits, including building permits
40 for the clubhouse and for the storage shed, both of which were constructed without building permits.
41 The code does not differentiate between temporary and permanent structures with regards to health,
42 safety, and the general welfare of the public in a commercial facility. She stated that for the Council
43 to override the state building code requirements and the City's Building Official, it would be inviting
44 unnecessary liability on the City, which she is not willing to do.

45

1 City Attorney Vivian suggested he work with the Building Inspector regarding the Certificate of
2 Compliance and other legal issues.

3
4 **Council Member Levitz moved to table the Loggers Trail CUP to the July 10, 2007 City**
5 **Council meeting. Mayor Carr seconded the motion. Motion carried with Council Member**
6 **Linner abstaining.**

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9 **OLD BUSINESS**

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11 **Ordinance Codification, Kim Linner** – Council Member Linner provided an update on the project
12 noting she does not have a clear recommendation.

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14 Council Member Fogelson referred to the proposals for the project noting the point is to have clear
15 definitions for the City. Codification of the ordinances will ultimately protect the City and save the
16 City money.

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18 Mr. Glenn Larson, Jody Avenue Court, Webmaster for the City, came forward and stated he has tried
19 to make it very clear that he does not want someone else to provide the web services to the City. He
20 stated if the City could get the ordinances in word documents he would take care of the rest.

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22 **Council Member Fogelson moved to work with Council Member Linner to put together**
23 **information from the two companies regarding prices for the exact codification services that**
24 **would be needed by the City. Council Member Levitz seconded the motion. Motion carried**
25 **with Council member Hinseth voting nay.**

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27 **2007-2008 Snow Plowing, Brad Hinseth** – Road Commissioner Hinseth referred to information
28 distributed regarding past costs for snow plowing within the City. He indicated he would provide the
29 City Engineer with the information and work with her to get specifications for the City to obtain bids.

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31 City Engineer Hankee indicated she could have the specifications done by the July meeting to go out
32 for bids and award the bid at the August meeting.

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34 **NEW BUSINESS**

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36 There was no new business.

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38 **DISCUSSION ITEMS**

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40 **City Council Reports:**

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42 **City of Grant Picnic** – Council Member Fogelson reviewed the schedule noting the City Picnic is
43 from 2:00 p.m. to 8:00 p.m. He asked that Council Members arrive at 1:30 p.m. Everything is set up
44 and finalized and any additional volunteers can contact Luanne Fogelson.

45

1 **Road Commissioner Report, Brad Hinseth** – Road Commissioner Hinseth reviewed a report to be
2 placed on file for review. He indicated both sealcoating and dust control, weather permitting, would
3 be completed this week.

4
5 **Mayor Carr moved to extend the regular Council meeting by ten minutes. Council Member**
6 **Levitz seconded the motion. Motion carried unanimously.**

7
8 **Town Hall Maintenance Project Update, Kim Linner** – Council Member Linner stated she
9 continues to work on this project. Once the documents are done she would meet with interested
10 contractors here at the Town Hall. She stated she would like to have bids by the July Council
11 Meeting.

12
13 **Mayor Carr moved to extend the meeting for five more minutes. Council Member Hinseth**
14 **seconded the motion. Motion carried unanimously.**

15
16 Ms. Joyce Welander, Kimbro Avenue, came forward and stated she had contacted the Road
17 Commissioner for tree service at Town Hall. She stated tree limbs are falling over the fence that the
18 4-H Club had installed.

19
20 Ms. Welander stated she would be willing to contact the Town Hall maintenance/field caretaker to
21 take care of the tree limbs.

22
23 The Council determined that the ball field caretaker could remove the limbs or the Mayor would
24 direct the appropriate staff.

25
26 Council Member Fogelson advised Browns Creek Watershed District may have dollars available for
27 water surface management at Town Hall in conjunction with the Town Hall maintenance project.

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30 **COMMUNITY CALENDAR JUNE 1, 2007 THROUGH JUNE 30, 2007:**

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32 **Comprehensive Plan Meeting, Monday, June 18, 2007, Town Hall, 6:30 p.m.**

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34 **Planning Commission Meeting, Monday, June 18, 2007, Town Hall, 7:00 p.m.**

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36 **City of Grant Picnic, Saturday, June 30, 2007, Town Hall, 2:00 p.m. – 8:00 p.m.**

37
38 **ADJOURN**

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40 **There being no further business, Council Member Levitz moved to adjourn at 10:45 p.m.**
41 **Mayor Carr seconded the motion. Motion carried unanimously.**

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43 These minutes were considered and approved at the regular Council Meeting, July 10, 2007.

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Kim Points, City Clerk

Tom Carr, Mayor

APPROVED