

CITY OF GRANT  
MINUTES

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**DATE** : July 10, 2007  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 10:45 p.m.  
**MEMBERS PRESENT** : Councilmember Fogelson, Hinseth,  
Linner, Levitz and Mayor Carr  
**MEMBERS ABSENT** : None

Staff members present: Acting City Attorney, Dave Snyder; City Engineer, Diane Hankee; Acting City Planner, Sherri Buss; 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**

Item 10iii, City of Grant Annual Picnic was added to the regular agenda.

Item 7F, Treasurer’s Report was added to the regular agenda.

Item 10Ai, Mann Lake Access Sign was added to the regular agenda.

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

**CONSENT AGENDA**

The June 5, 2007, City Council Meeting Minutes were removed from the Consent Agenda.

Pay Voucher No. 2 (final) Allied Blacktop was removed from the Consent Agenda.

Bill List (\$200,310.99) Approved

Pay Voucher No. 2, 100<sup>th</sup> /Lansing,  
Larson Contracting, \$1,805.00 Approved

Pay Voucher No. 2, 2007 Class 5  
Surfacing, Miller Excavating, \$25,839.05 Approved

1 **Council Member Fogelson moved to approve the Consent Agenda, as amended. Council**  
2 **Member Hinseth seconded the motion. Motion carried unanimously.**

3  
4 June 5, 2007, City Council Meeting Minutes – The following statement was added to page 4, line 4  
5 “Council Member Linner noted that the DNR would not support emergency vehicles accessing the  
6 proposed sites via the Gateway Trail as access is difficult, both from Hwy 36 and Co. Road 12, and  
7 that the trail is not built to support such vehicles.”  
8

9 **Council Member Fogelson moved to approve the June 5, 2007, City Council Meeting Minutes,**  
10 **as amended. Council Member Levitz seconded the motion. Motion carried unanimously.**

11  
12 Pay Voucher No. 2 (final), 2007 Seal Coating, Allied Blacktop, in the amount of \$78,296.53 – City  
13 Engineer Hankee noted all conditions of approval outlined for final payment have been met.  
14

15 **Council Member Hinseth moved to approve Pay Voucher No. 2 (final) 2007 Seal Coating, Allied**  
16 **Blacktop, \$78,296.53, as presented. Council Member Levitz seconded the motion. Motion**  
17 **carried unanimously.**

18  
19 **PUBLIC COMMENT**

20  
21 Mayor Carr announced and thanked the 4H Club for donating a vacuum cleaner to the Town Hall.  
22

23 **COMMUNITY EDUCATION REQUEST, RUSS FRAENKEL**

24  
25 Mr. Russ Fraenkel, Community Education Representative, came forward and noted materials were  
26 previously distributed regarding this issue. He stated it is his desire to increase the partnership  
27 between the City and School District and stressed the need for more communication between cities,  
28 school district and the community education program. He requested the City participate in funding  
29 the program.  
30

31 Mr. Craig Campbell, 3765 Briarwood Avenue, came forward and stated he has been a resident of  
32 Grant for 25 years. He stated he has two sons that have been involved in community education  
33 activities for many years. He stated funds are necessary and he encouraged the City of Grant to get  
34 involved.  
35

36 Mr. Ron Berge, 8159 Jamaca Avenue, came forward and stated he has lived in Grant for seventeen  
37 years and has three children in the school district. He stated a key component is his children’s  
38 involvement in the community education programs. He stated there is a tremendous benefit from  
39 these programs and hopes the City of Grant will sponsor that.  
40

41 Ms. Kate Nussbaumb, 9850 Herron Avenue N, stated she has lived in Grant for ten years. Her family  
42 moved here for open space as well as the school district. She indicated she was very involved in the  
43 soccer program and it was a great experience. She stated she would hate to see her younger peers  
44 lose something like that.

45 Mr. Paul Lessard, 8455 Jewell Avenue N, stated he has lived in Grant for twenty years and had four  
46 girls go through the school district and community education programs. He stated he also has

1 coached many of the teams and kids as well as parents become tied to the community due to these  
2 programs.

3  
4 Mr. Kevin Donovan, 9920 Heron Avenue N, stated he has been in the City of Grant for eleven years  
5 and moved here for the nature aspect and schools. He stated he served on the school board and  
6 understand the funding challenges. He indicated he would like to bring the groups together to form  
7 partnerships to do more with less money. He stated he believes this is a win/win situation as well as  
8 being good for real estate values. The programs are a benefit to everyone.

9  
10 Mr. Fraenkel stated he is here because the program needs the City's help. There is not enough  
11 funding to do what the program needs to do. He inquired about the Council's decision making  
12 process regarding funding requests. He noted the formula for funding requests is based on population  
13 and the program is requesting \$17,000 from the City. He stated the cost per resident is .50-.55 cents  
14 per month.

15  
16 The Council indicated they would think about the request and put this item on the August Council  
17 agenda. It was noted the City of Grant does have another school district to consider and expressed  
18 concern regarding taxing all of Grant residents for one school district. The Council also suggested  
19 the possibility of soliciting private donations from Grant citizens to assist with the program funding.

## 20 21 STAFF REPORTS

22  
23 **June 2007, City of Grant Police Report, Deputy Breana Fry** – Deputy Fry was taking a call during  
24 this portion of the meeting. The June 2007 Police Report was provided to be placed on file for  
25 review at City Hall.

26  
27 **City Engineer, Diane Hankee** – City Engineer Hankee indicated her report for June 2007 was  
28 provided it would be placed on file for review. She advised Washington County is requesting letters  
29 of support from the City for the Manning Avenue Project and Manning Trail Bridge.

30  
31 Council Member Levitz suggested the City send a letter of disapproval for the Manning Avenue  
32 project noting the county is not working with residents on land acquisition.

33  
34 Council Member Linner stated a letter of support would have to include a notation that she is not in  
35 support of a traffic light at McKusick. She stated she would also like a separate letter to suggest  
36 rethinking the location of the pond. Regarding the Manning Trail Bridge, she advised the DNR has  
37 to consider horse traffic and safety of the horses.

38  
39 Council Member Hinseth stated he would prefer a bridge similar to the one on Highway 96.

40  
41 Council Member Fogelson stated he believes a bridge is necessary but the details need to be worked  
42 out. He expressed concern regarding land acquisition on the north side regarding the Manning  
43 Avenue bridge project.

44 It was the consensus of the Council that they were in favor of the concept of a bridge for the Manning  
45 Trail and that the City would not send the County a letter of support for the Manning Avenue project.

46

1 **Ideal Avenue** – City Engineer Hankee stated residents are present this evening to submit a funding  
2 proposal for the Ideal Avenue paving project.

3  
4 Mr. Dennis Tubbs, 9455 Ideal Avenue N, came forward and stated the Ideal Avenue Paving project is  
5 very close to becoming a reality. He requested the City use the dollars that were set aside for  
6 graveling go to the paving project contingent upon the funding being in place for the project. He  
7 stated it is a great opportunity and residents from the City of Grant and Mahtomedi are willing to  
8 contribute their own dollars to the project as well.

9  
10 The Council stated they would like to see some documentation from the City of Mahtomedi regarding  
11 this issue, including a project summary, proposal and funding information.

12  
13 Mr. Cliff Whitaker, 421 Emerald Lane, came forward and stated he believes is it fair that the City of  
14 Grant contribute to this project.

15  
16 **Council Member Linner moved to put the dollars designated for graveling towards the Ideal  
17 Avenue paving project. Council Member Levitz seconded the motion.**

18  
19 City Attorney Snyder noted a resolution would be prepared as well as a joint powers agreement (JPA)  
20 with the City of Mahtomedi outlining the project, plans, financing and assessments for the August  
21 City Council meetings.

22  
23 **Council Member Hinseth made a friendly amendment to the motion to include that if the  
24 project is not done this year, the City of Grant will spend those funds on graveling the roadway  
25 next year as planned, and not contribute any funds to the Mahtomedi paving project.**

26  
27 **Council Member Linner and Council Member Levitz agreed to the amendment. Motion  
28 carried unanimously.**

29  
30 City Engineer Hankee requested Council authorization to advertise for 2007-2008 Snow Removal  
31 bids. She suggested any Council changes regarding priority roads be submitted within the next week.  
32 A summary regarding the details of the contract will be forwarded to the Council tomorrow.

33  
34 **Council Member Hinseth moved to authorize the City Engineer to advertise for bids for the  
35 2007-2008 snow removal contract. Council Member Levitz seconded the motion. Motion  
36 carried unanimously.**

37  
38 **2007 Culvert Replacement** – City Engineer Hankee reviewed a memo outlining proposed 2007  
39 culvert replacement listed by priority in the amount of approximately \$41,000.

40  
41 **Council Member Hinseth moved to approve the 2007 Culvert Replacement proposal with the  
42 elimination of the two culverts under Grant Town Hall driveway. Council Member Levitz  
43 seconded the motion.**

1 After some discussion regarding the dollars that were budgeted for this project, City Engineer Hankee  
2 stated the City could wait another year to replace the culvert under 83<sup>rd</sup> Street at Kimbro Avenue and  
3 under Lawn Avenue at Maple Street.

4  
5 **Council Member Hinseth and Council Member Levitz withdrew the motion and second.**

6  
7 **Council Member Linner moved to approve the 2007 Culvert Replacement to include the**  
8 **following: culvert under 114<sup>th</sup> Street at Lansing Avenue; culvert under 110<sup>th</sup> Street 600 feet**  
9 **west of Lansing Avenue; culvert under Ideal Avenue at 105<sup>th</sup> Street; and culvert on 105<sup>th</sup> Street**  
10 **700 feet west of Inwood Avenue in the amount of approximately \$24,000. Council Member**  
11 **Fogelson seconded the motion. Motion carried with Council Member Hinseth voting no.**

12  
13 **City Planner, Sherri Buss** – A report was provided in the Council packet for June 2007 City  
14 planning activities, to be placed on file for review.

15  
16 **Swanson Variance Request** – City Planner Buss referred to the staff report regarding this issue and  
17 noted the Planning Commission recommended approval of the variance request based on hardship.

18  
19 **Council Member Levitz moved to approve Swanson Variance request, as presented. Council**  
20 **Member Hinseth seconded the motion. Motion carried unanimously.**

21  
22 **Langer CUP** – City Planner Buss referred to the staff report regarding this issue and noted the  
23 Planning Commission recommended approval of the Langer CUP based on conditions.

24  
25 Mr. Joe Plumbo, 6120 lake Elmo Avenue N, came forward and asked if the City of Grant has a land  
26 use definition for principal retail. He expressed concern regarding the definition of principal retail.

27  
28 Council Member Levitz stated the project looks like a PUD and expressed concern with one land  
29 owner and two separate businesses. She stated approval of the request is setting a precedence for a  
30 strip mall.

31  
32 Mr. David Langer, applicant and property owner, came forward and provided the background of the  
33 project noting the Planning Commission did recommend approval based on many conditions. He  
34 stated the City Attorney and City Planner advised him this was not a PUD. He indicated he sees this  
35 as an opportunity to improve the property and increase the tax base.

36  
37 Council Member Fogelson expressed concern regarding the number of acres of the site referring to  
38 the current ordinance that requires 2 ½ acres per lot.

39  
40 Council Member Hinseth stated two businesses on a three acre parcel are considered stacking of  
41 principal businesses. He stated the minimum lot size is 2 ½ acres for each business.  
42 City Attorney Snyder advised the Council may want to review the actual CUP before formal action is  
43 taken on this request. He indicated he believes something will ultimately have to change on that site  
44 in terms of use and/or the current CUP. A PUD would require a variance request also.

1 Mayor Carr referred to the current City ordinances regarding accessory use and principal use. He  
2 expressed concern regarding minimum lot size requirements and Common Interest Condo (CIC)  
3 issued by the County. He stated underlying density is an issue and PUD's are not allowed within the  
4 City. He noted CIC's do not take precedence over City Ordinances or a CUP. He also expressed  
5 concern regarding the site sharing one well and septic system.  
6

7 Council Member Linner stated she does like the change in use in the proposal. She stated a CIC  
8 should have a CUP in place and the two proposed uses are similar but the City does not allow  
9 shopping malls. She indicated she is not totally opposed to the plan but there are still too many  
10 unanswered questions.  
11

12 **Council Member Hinseth moved to deny the Langer CUP application based on the minimum**  
13 **lot size requirement per business in the general business zone as outlined in the City's**  
14 **ordinance. Council Member Levitz seconded the motion.**

15  
16 Council Member Fogelson suggested the Council table this issue until resolution is found on issues  
17 including a CIC and PUD.  
18

19 Mr. Ken Rolf, Attorney for Mr. Langer, came forward and stated the original CUP applies to all three  
20 buildings. The City could leave the original CUP on that one building and amend the CUP for the  
21 other two buildings.  
22

23 **Council Member Linner moved to table the Langer CUP application to the August 2007 City**  
24 **Council meeting. Council Member Fogelson seconded the motion. Motion failed with Mayor**  
25 **Carr, Council Member Levitz and Council Member Hinseth voting nay.**

26  
27 **The original motion made by Council Member Hinseth and seconded by Council Member**  
28 **Levitz carried unanimously.**  
29

30 City Attorney Snyder noted a resolution with findings denying the CUP application would be  
31 provided at the August 2007 City Council meeting for Council action.  
32

33 **Building Inspector, Jack Kramer** – Building Inspector Kramer provided his report for June 2007 to  
34 be placed on file for review.  
35

36 **Loggers Trail** – Building Inspector Kramer referred and reviewed a memo dated June 29, 2007 from  
37 the City Attorney outlining revisions to the existing conditional use permit agreed upon by the City  
38 Attorney, Building Inspector and Mr. Pohl.  
39

40 Mr. Pohl came forward and noted he has agreed to the conditions noting he wanted a clarifying point  
41 regarding the structure must either be removed in its entirety or upgraded to a permanent status by  
42 September 1, 2010.  
43

44 **Council Member Hinseth moved to accept the CUP revisions as outlined by the City Attorney**  
45 **and Building Official. Council Member Fogelson seconded the motion.**  
46

1 Mayor Carr advised Mr. Pohl that the City would like to see the plans for the permanent structure  
2 soon than later.

3  
4 Building Inspector Kramer came forward and stated he is in agreement with the revisions of the CUP  
5 noting he feels the liability lies with the structural engineer and owner of the property. The state has  
6 also indicated there is no liability to the building inspector or to the City.

7  
8 **Council Member Hinseth amended the motion to include that the follow up letter from the**  
9 **structural engineer be added as an addendum to the CUP. Council Member Fogelson agreed to**  
10 **the amendment.**

11  
12 Mayor Carr noted he hopes Mr. Pohl will get a permanent clubhouse.

13  
14 Mr. Pohl confirmed he does agree and will adhere to the revisions of the CUP.

15  
16 **Motion carried with Council Member Linner voting nay.**

17  
18 City Attorney Snyder advised an amended CUP would be provided at the August City Council  
19 meeting for Council consideration.

20  
21 **City Attorney, Dave Snyder** – City Attorney Snyder provided a report for June 2007 to be placed on  
22 file for review. He provided the Council with an update on the Sanderson issue.

23  
24 The Council directed City Attorney Snyder to follow up on the Sanderson issue and proceed with  
25 action if necessary being mindful of costs incurred by the City.

26  
27 **CUP Annual Enforcement** – Mayor Carr advised he would like the CUP annual enforcement  
28 process in place by January 2008.

29  
30 **Resolution No. 2007-04, Denial of Gateway Vista Major Subdivision, Brad Reiland** – Mr.  
31 Reiland came forward and stated he did not have the opportunity to speak at the last City Council  
32 meeting regarding his application. He stated he is currently working on trying to extend the  
33 roadways by including more parcels within the project. That would remove the variance aspect of the  
34 plan. He requested the Council table the resolution to enable him time to pursue various options. He  
35 noted he would provide a clear waiver of statutory time limits for action on the request.

36  
37 **Council Member Fogelson moved to adopt Resolution No. 2007-04, as presented, with the**  
38 **provision that the City waive additional fees if the plan comes back before the Council. Motion**  
39 **failed with no second.**

40  
41 **Council Member Hinseth moved to adopt Resolution No. 2007-04, as presented. Council**  
42 **Member Levitz seconded the motion.**

43  
44 Mayor Carr recommended the City consider waiving any addition fees, escrow dollars and variance  
45 fees if the project moves forward with revisions.

46

1 **Motion carried unanimously.**  
2

3 **Resolution No. 2007-03, Denial of Conditional Use Permit, Tom Dvorak – Council Member**  
4 **Hinseth moved to adopt Resolution No. 2007-03, as presented. Council Member Linner**  
5 **seconded the motion. Motion carried unanimously.**  
6

7 **City Treasurer Report** – City Treasurer Mikkelsen distributed income statements to the Council  
8 outlining the next steps that would be taken. He stated he will review all transactions to date and will  
9 issue a statement next week. Those transactions would be used for the 2008 budget process. He  
10 indicated he would be working with Council Member Fogelson on the escrow accounts. He provided  
11 the background on the recent Sales Use Tax Audit noting the bill was reduced approximately \$7,000  
12 after Tautges reviewed the bill. Tautges will be making a recommendation on what items are taxable  
13 for future reference.  
14

15 City Treasurer Mikkelsen stated he would address assessments relating to the Ideal Avenue Paving  
16 project at the next meeting noting it does not make sense for the city to bond for \$22,000.  
17

### 18 OLD BUSINESS

19  
20 **Ordinance Codification, Kim Linner** – Council Member Linner provided a handout outlining the  
21 differences in codification services from MuniCode and Americal Legal. She recommended the City  
22 move forward with the codification project obtaining the services from MuniCode noting there is an  
23 additional charge of \$150 to get all the documents in a Word format.  
24

25 **Council Member Linner moved to accept the bid from MuniCode for codification services and**  
26 **use the yearly internet service. Council Member Fogelson seconded the motion. Motion**  
27 **carried unanimously.**  
28

29 Mayor Carr suggested Council Member Linner speak to the webmaster regarding the services that  
30 will be provided by MuniCode.  
31

32 **Town Hall Maintenance Project, Kim Linner** – Council Member Linner stated everyone received  
33 the project scope noting the steps to the basement would not be replaced with this project. She stated  
34 the steps could be done when and if the basement is upgraded.  
35

36 **Council Member Fogelson moved to approve the project specifications and move forward with**  
37 **obtaining quotes for the Town Hall Maintenance Project. Mayor Carr seconded the motion.**  
38 **Motion carried unanimously.**  
39

### 40 NEW BUSINESS

41  
42 **Acceptance of 2006 Audit Report** – City Treasurer Mikkelsen referred to the 2006 Audit Report  
43 indicating there are some things regarding the process that he would like to improve upon for next  
44 year.  
45



1 **Council Member Fogelson moved to accept the 2006 Audit Report, with the MD & A Letter, as**  
2 **presented. Council Member Hinseth seconded the motion.**

3  
4 Council Member Hinseth referred to page 28 and corrected it to read “Gravel and Paved Road  
5 Maintenance”.

6  
7 Council Member Linner noted she was disappointed the Council did not meet with the auditor to  
8 review the audit.

9  
10 **Motion carried with Council Member Linner voting nay.**

11  
12 **2008 Budget Process** – Mayor Carr asked the Council to go through the Chart of Accounts  
13 Definitions that was distributed and send them to the City Clerk. The Clerk will keep a master copy  
14 at the City office. Some of the line items may be eliminated based on a recommendation from the  
15 City Treasurer.

16  
17 City Treasurer Mikkelsen advised he would develop a preliminary budget for Council to review prior  
18 to the August City Council meeting.

19  
20 **Council Member Fogelson moved to extend the regular Council meeting fifteen minutes.**  
21 **Mayor Carr seconded the motion. Motion carried unanimously.**

22  
23 City Treasurer Mikkelsen requested Council approval to make a payment on the grader in the amount  
24 of approximately \$46,000, which is due by July 20, 2007.

25  
26 **Council Member Levitz moved to approve the grader payment, in the amount of approximately**  
27 **\$46,000, due by July 20, 2007. Council Member Fogelson seconded the motion. Motion carried**  
28 **unanimously.**

29  
30 **DISCUSSION ITEMS**

31  
32 **City Council Reports:**

33  
34 **Road Commissioner Report, Brad Hinseth –**

35  
36 **Brushing Update** – Road Commissioner Hinseth provided an update on brushing within in the City  
37 and advised the City is currently over budget. He stated there are oaks that need to be trimmed in  
38 areas that brushing has been done and requested the Council approve trimming to be done in the  
39 amount of up to \$2,000.

40 It was the consensus of the Council to move forward with Oak trimming in the amount of up to  
41 \$2,000.

42  
43 **Dust Control** – Road Commissioner Hinseth advised the dust control projects throughout the City  
44 went very well this year. Residents have been calling and obtaining their own treatments to  
45 roadways. The dust control treatments save the City money on maintenance and grading.

46

1 **Paved Road Update** – Road Commissioner Hinseth provided an update on work done to paved roads  
2 and stated the work has gone very well and been well received by residents.

3  
4 **Mann Lake Sign** – Road Commissioner Hinseth proposed the City purchase signs for the Mann  
5 Lake Access that indicate “Private Property, No Access” in the amount of up to \$300.

6  
7 **Mayor Carr moved to authorize Road Commissioner Hinseth to order “Private Property, No  
8 Access” signs for Mann Lake for a \$300 maximum cost. Council Member Levitz seconded the  
9 motion. Motion carried unanimously.**

10  
11 **Roadside Mowing Proposal** – Road Commissioner Hinseth referred to a mowing proposal submitted  
12 by Mr. Charles Brabender included in the Council packets. He noted new blades for the mower  
13 would cost approximately \$100.

14  
15 **Council Member Hinseth moved to accept the roadside mowing proposal from Mr. Brabender,  
16 as presented. Council Member Levitz seconded the motion. Motion carried unanimously.**

17  
18 **City Clerk Probationary Review, Kim Linner** – Council Member Linner advised she requested a  
19 six month review when the current City Clerk was hired.

20  
21 The Council suggested the possibility of a special meeting August 6, 2007, 6:30 p.m., prior to the  
22 regular City Council meeting for the purpose of conducting a performance review of the current City  
23 Clerk.

24  
25 **City of Grant Annual Picnic** – Council Member Fogelson provided an update on the first annual  
26 City of Grant picnic advising it was success. He noted the events and vendors and thanked everyone  
27 for their participation.

28  
29 **COMMUNITY CALENDAR JULY 10 THROUGH JULY 31, 2007:**

30  
31 **Comprehensive Plan Meeting, Monday, July 23, 2007, Town Hall, 6:30 p.m.**

32  
33 **Planning Commission Meeting, Monday, July 23, 2007, Town Hall, 7:00 p.m.**

34  
35 **ADJOURN**

36  
37 **There being no further business, Council Member Levitz moved to adjourn at 10:45 p.m.  
38 Council Member Linner seconded the motion. Motion carried unanimously.**

39  
40 These minutes were considered and approved at the regular Council Meeting, August 6, 2007.

41  
42  
43  
44  
45 \_\_\_\_\_  
46 Kim Points, City Clerk

\_\_\_\_\_  
Tom Carr, Mayor

APPROVED