

CITY OF GRANT  
MINUTES

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**DATE** : August 6, 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: City Attorney, Nick Vivian; City Engineer, Diane Hankee; City Planner, Sherri Buss; City Treasurer, Bob Mikkelsen; 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 9E, Brown’s Creek Watershed District Appointment, was added to the regular agenda.
- Item 9F, Agenda Definitions, was added to the regular agenda.
- Item 8A, CUP List, was added to the regular agenda.
- Item 8D, Update on Oakleigh Dock Association, was added to the regular agenda.

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

**CONSENT AGENDA**

- The July 10, 2007, City Council Meeting Minutes were removed from the consent agenda.
- The July Bill List (\$95,162.69) was removed from the consent agenda.
- Rosebud Escrow Refund was removed from the consent agenda.

2007 Election Judges Approved

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

1 July 10, 2007, City Council Meeting Minutes – Council Member Levitz referred to page 6, line 32,  
2 and corrected her vote to a nay vote indicating she had meant to vote nay. The Council agreed to the  
3 change.

4  
5 Page 3, line 45, was changed to read “Avenue bridge project”.

6  
7 Page 5, line 29 was corrected to “Plumbo”. Page 10, line 19 was corrected to read “Signs for dry  
8 hydrant area on Irish Avenue”.

9  
10 **Council Member Linner moved to approve the July 10, 2007, City Council Meeting Minutes, as**  
11 **amended. Council Member Levitz seconded the motion. Motion carried unanimously.**

12  
13 July Bill List (\$95,162.69) – Council Member Fogelson confirmed that the monthly mobilization fee  
14 paid to the County was the last bill for the 2006-2007 snow plowing.

15  
16 **Council Member Fogelson moved to approve the July 2007 Bill List (\$95,162.69) after**  
17 **verification from Washington County regarding the mobilization fee. Council Member Hinseth**  
18 **seconded the motion. Motion carried unanimously.**

19  
20 Rosebud Escrow Refund – City Treasurer Mikkelsen advised the escrow account has been zeroed out  
21 and he would like to do some research on this item. He noted he believes there was an accounting  
22 error.

23  
24 **Council Member Linner moved to table the Rosebud Escrow Refund until the September 2007**  
25 **City Council meeting. Council Member Levitz seconded the motion. Motion carried**  
26 **unanimously.**

27  
28 **PUBLIC COMMENT**

29  
30 Mr. Brad Reiland, Gateway Vista, came forward and advised the Council he would be coming back  
31 to the City with a different concept plan at some point in the future. He briefly reviewed the revised  
32 plan and asked for direction from the Council.

33  
34 The City Council indicated the through road is very important. The Council asked Mr. Reiland to  
35 work with the Planning Commission and noted the City does not have a master plan for the area. The  
36 plan needs to meet the current City ordinances and the Council is not opposed to a phasing plan in  
37 theory as long as there is an access. The Council also suggested the possibility of adjusting the lot  
38 line so it is straight.

39  
40 **COMMUNITY EDUCATION REQUEST, RUSS FRAENKEL**

41  
42 Mr. Russ Fraenkel, Community Education Representative, came forward and again requested the  
43 City budget \$17,184 in 2008 to participate in a partnership with the Community Education Program.  
44 He noted the purpose statement of the program and thanked the Council for the opportunity to discuss  
45 the funding request again.

1 Ms. Kristine Leach, 9696 Dellwood Road, came forward and stated she is a former student within the  
2 school district and participant in the community education programs. She stated she is in favor of the  
3 City participating in the proposed partnership. She stated the program has a lot to offer residents and  
4 the request is reasonable.

5  
6 Mr. Kevin Donovan, 9920 Heron Avenue N, came forward and stated the City of Grant has one of  
7 the lowest tax rates within the state. He referred to the idea of private citizens voluntary giving  
8 money to the program and stated it is a good idea but not practical. This is a partnership between the  
9 City, school district and residents. Resources need to be put into people.

10  
11 Mr. Fraenkel commented on the fairness issue that was previously raised stating people who  
12 participate in the programs don't necessarily distinguish which school district they are in. The  
13 community education program has an open enrollment policy and programs are open to all residents.

14  
15 The Council indicated fairness is an issue as far as the City's other school district. The request would  
16 be considered during the 2008 budget process. Council Member Levitz suggested the funds that the  
17 school district owes the City for the environmental cleanup of the dump site could be used to fund the  
18 request.

## 19 20 STAFF REPORTS

21  
22 **June 2007, City of Grant Police Report, Deputy Breana Fry** - The July 2007 Police Report was  
23 provided to be placed on file for review at City Hall.

24  
25 **City Engineer, Diane Hankee** – City Engineer Hankee indicated her report for July 2007 was  
26 provided to be placed on file for review.

27  
28 **Ideal Avenue Paving Project** – City Engineer Hankee advised all but one assessment waiver has  
29 been returned.

30  
31 **Ideal Avenue Maintenance Agreement** – City Attorney Vivian presented Resolution No. 2007-07,  
32 Resolution Adopting Special Assessment for North Ideal Avenue Improvement Project, Joint Powers  
33 Agreement (JPA) for assessment collection and JPA for common roadway maintenance.

34  
35 City Attorney Vivian reviewed the changes in the documents and outlined the new language added to  
36 update the agreement.

37  
38 The Council requested City Attorney Vivian make some minor changes to both Joint Powers  
39 Agreements.

40  
41 **Council Member Fogelson moved to adopt Resolution No. 2007-07, as presented. Council**  
42 **Member Linner seconded the motion. Motion carried unanimously.**

43  
44 **Council Member Linner moved to approve the Joint Powers Agreement between the City of**  
45 **Mahtomedi and the City of Grant for Assessment Collection and Transfer of Funding Related**

1 **to the North Ideal Avenue Paving Project, as amended. Council Member Fogelson seconded**  
2 **the motion. Motion carried unanimously.**

3  
4 **Council Member Hinseth moved to approve the Joint Powers Agreement for Common**  
5 **Roadway Maintenance, as amended. Council Member Fogelson seconded the motion.**

6  
7 **Council Member Hinseth added a friendly amendment to include the condition that approval is**  
8 **based on the only substantial change in the agreement related to Ideal Avenue area**  
9 **maintenance as a result of the paving.**

10  
11 City Attorney Vivian advised he would review the previous Joint Powers Agreement and notify the  
12 Council if there are any substantial changes in the document.

13  
14 Council Member Fogelson agreed to the friendly amendment. Council Member Linner reminded the  
15 Council that it was only approved if the project moves forward this year.

16  
17 **Motion carried unanimously.**

18  
19 **2007-2008 Snow Plowing** – City Engineer Hankee advised the snow plowing project was  
20 competitively bid. However, no bids were received. Two potential bidders indicated they would  
21 have to purchase new equipment. She requested that the bids be converted to proposals and sent out  
22 again. A recommendation will then be made at the September 2007 Council meeting.

23  
24 City Engineer Hankee reviewed and answered questions regarding the July 2007 staff report. The  
25 Council advised staff needs to enforce the double fee when residents are doing work without the  
26 necessary permits. Council Member Linner referred to fence replacement issue at 7080 Jocelyn  
27 Avenue and stated residents are not allowed to put a fence in the City's right-of-way.

28  
29 **City Planner, Sherri Buss** – A report was provided in the Council packet for July 2007 City  
30 planning activities, to be placed on file for review.

31  
32 **Northern Natural Gas CUP** – City Planner Buss provided the background for the Northern Natural  
33 Gas CUP and variance application noting the Planning Commission recommended approval based on  
34 conditions.

35  
36 Mr. Hal Wilsie, Northern Natural Gas, came forward and reviewed the site plan noting the land in  
37 front of the station is County property and that is why there is no landscaping planned in that area.  
38 He advised Northern Natural Gas does have a permit from the County and an easement from the  
39 landowner. The jog in the site plan is due to the County right-of-way also.

40  
41 Council Member Hinseth suggested an additional condition of approval relating to a maintenance  
42 escrow in the amount of \$5,000.00.

43  
44 Mr. Wilsie outlined the location of the current station on Highway 36. He stated the population  
45 increase projections and increased need for natural gas is based on growth within all of Washington  
46 County.

1  
2 Mr. Michael Underwood, Northern Natural Gas, came forward and explained that their customer is  
3 Xcel Energy. They have the need for more natural gas and this is the best location to service the area.

4  
5 Council Member Hinseth stated he does not like the idea of accommodating growth that is not with in  
6 the City of Grant but this is an essential utility.

7  
8 **Mayor Carr moved to approve the variance and CUP based on Washington County approvals,**  
9 **Planning Commission conditions and a required maintenance escrow of \$5,000.00. Council**  
10 **Member Fogelson seconded the motion. Motion carried unanimously.**

11  
12 The Council directed staff to prepare the CUP and variance to be placed on the consent agenda for  
13 the September 2007 City Council meeting.

14  
15 **Resolution No. 2007-06, Denial of Bruggeman Subdivision** – City Planner Buss outlined  
16 Resolution No. 2007-06, Denial of Bruggeman Subdivision.

17  
18 Mr. Paul Bruggeman came forward and stated this is the fifth time he has come before the City. He  
19 stated he was encouraged by the Planning Commission and City Council to move forward with the  
20 project. He stated he is not sure what happened but he would like the resolution tabled or will  
21 withdraw his application. He noted he has spent a lot of money on the project.

22  
23 Council Member Linner stated her stand on the application has never changed. She indicated she is  
24 uncomfortable with the irregular lot lines, the filling of wetlands, and an outbuilding on the property  
25 for five years and the long driveway. She noted there are some neighbors opposed to the project and  
26 that the application is finally complete allowing for full review.

27  
28 Mayor Carr advised the Council did originally have concerns and issues have come up since initial  
29 review of the concept plan.

30  
31 City Attorney Vivian stated the Council can waive the six month waiting period if the project is  
32 denied this evening.

33  
34 Mr. Bruggeman formally withdrew his application.

35  
36 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for July 2007 to be placed on  
37 file for review.

38  
39 **Amended Loggers Trail CUP** – City Attorney Vivian stated he would have the amended Loggers  
40 Trail CUP ready for execution on Wednesday.

41  
42 Council Member Linner stated she would like to have the original CUP and the amended CUP for  
43 review prior to execution.

44  
45 City Attorney Vivian stated he would have that for the September 2007 City Council meeting after  
46 Mr. Pohl has executed it and prior to the Mayor executing the amended document.

1  
2 **Hejney Lot Line Adjustment** – City Attorney Vivian advised this issue related to a proposed sale of  
3 the property. There is a lot overlap and the Council could approve the lot adjustment or it could be  
4 handled administratively without Council approve. He noted the adjustment will benefit the Hejney  
5 property and it would then comply with the current setbacks.

6  
7 The Council directed staff to handle the lot adjustment administratively.

8  
9 **Resolution No. 2007-05, Denial of Langer CUP** – Mayor Carr advised a letter from Mr. Langer was  
10 received requesting more time to explore options. Mr. Langer would like this issue tabled.

11  
12 City Attorney Vivian stated Mr. Langer could waive the time limit for Council action. The proposed  
13 development could potentially meet the current ordinance based on some options that need time to  
14 explore.

15  
16 Mr. David Langer, 10900 60<sup>th</sup> Street, came forward and advised he is more than willing to waive the  
17 statutory time requirement for Council action and he would provide that in writing.

18  
19 **Council Member Hinseth moved to deny the Langer CUP application unless Mr. Langer**  
20 **provides an unequivocal letter to the City Attorney stating he waives the 120 day deadline for**  
21 **action from the City of Grant. Council Member Linner seconded the motion.**

22  
23 Council Member Hinseth advised he is trying to avoid a situation where if the City does not act on  
24 applications the plan moves forward. He stated the letter from Mr. Langer should be provided within  
25 one week or the application would be denied. He indicated Mr. Langer could then come back before  
26 the Council at the September Council meeting.

27  
28 City Attorney Vivian stated that even if the plan is revised it does not have to go before the Planning  
29 Commission again.

30  
31 After Mr. Langer explained the extent of his possible changes to his proposal, Council Member  
32 Hinseth withdrew the motion.

33  
34 Mr. Langer formally withdrew the application.

35  
36 The Council suggested the City may waive additional fees but an adequate escrow amount will be  
37 necessary to continue with the process. The Council also requested the Planning Commission discuss  
38 “primary vs. secondary use” at their next meeting.

39  
40 **Building Inspector, Jack Kramer** – Building Inspector Kramer provided his report for July 2007 to  
41 be placed on file for review.

42 **City Treasurer, Draft 2008 Budget, Bob Mikkelsen** – City Treasurer Mikkelsen summarized the  
43 preliminary 2008 budget noting it is a draft and it will change and it is a balanced budget. He stated  
44 he would like input from the Council on the budget and a forecast for the rest of 2007 so the City will  
45 have adequate reserves. He suggested a special meeting to go over the details of the budget and reach  
46 a consensus.

1  
2 The Council determined each Council Member would do his or her own research and send their  
3 changes, comments, concerns to the treasurer prior to the budget meeting on September 4, 2007.  
4 Another meeting will be scheduled if necessary.

5  
6 **OLD BUSINESS**

7  
8 **CUP List** – Mayor Carr stated everyone did receive a copy of the CUP list. He asked the Council  
9 and City Attorney to go through them so the list is current. He advised he would like the annual CUP  
10 review in place by the first of the year. When the list is current, a letter will be sent to the CUP  
11 holders outlining the process and yearly review fee. He asked the City Clerk to begin calling current  
12 CUP holders to obtain up to date information.

13  
14 **Town Hall Maintenance Project, Kim Linner** – Council Member Linner updated the Council on  
15 the Town Hall Maintenance Project noting two quotes were received. Both of the quotes are over  
16 \$50,000 dollars. She provided the Council with options regarding this project indicating the bats and  
17 chimney should be taken care of right away. She suggested the City move forward with a revised  
18 project scope and obtains new quotes.

19  
20 **Council Member Hinseth moved to accept the revised project scope and move forward with**  
21 **price quotes. Council Member Fogelson seconded the motion. Motion carried unanimously.**

22  
23 Council Member Linner advised she would have the quotes for the September 2007 City Council  
24 meeting.

25  
26 **Ordinance Codification, Kim Linner** – Council Member Linner updated the Council on the  
27 Ordinance Codification project noting there are additional questions regarding the server. The  
28 ordinances are packaged but she asked that two additional Council Members review the ordinances  
29 before they are sent in for codification.

30  
31 Council Member Fogelson advised he would go to the City office and review the City ordinances  
32 prior to sending them in for codification.

33  
34 **Oakleigh Dock Association** – Council Member Linner saw this item on the proposed 2008 budget  
35 and stated she was surprised that the Council did not vote on requesting a fee from the association.  
36 She indicated she would discuss this issue with the City Treasurer.

37  
38 Council Member Fogelson advised he would get a complete list of membership of the Oakleigh Dock  
39 Association.

40  
41 **NEW BUSINESS**

42  
43 **Appointment of Planning Commissioner – Motion by Mayor Carr to accept the resignation**  
44 **from Mr. Gene House, Planning Commissioner. Council Member Levitz seconded the motion.**  
45 **Motion carried unanimously.**

1 Mayor Carr asked the City Clerk to send Mr. House a letter thanking him for his years of service.

2  
3 Mayor Carr advised there is now a vacancy on the Planning Commission. He stated he would like to  
4 fill the vacancy by appointing Mr. Jeff Huber, who was interviewed for the Planning Commission  
5 earlier this year.

6  
7 **Mayor Carr moved to appoint Jeff Huber to the Planning Commission. Council member  
8 Hinseth seconded the motion.**

9  
10 Mr. Huber, 9520 Joliet Avenue, came forward and stated he was previously interviewed and he  
11 would learn the City ordinances and serve the City Council.

12  
13 **Motion carried unanimously.**

14  
15 **Ball Field Improvements, Marcus Heuer** – Mayor Carr referred to the ball field improvement  
16 proposal provided from Mr. Heuer and noted there is a conflict due to the request from the soccer  
17 association. He suggested Mr. Heuer work with the soccer association regarding use of the field this  
18 fall.

19  
20 **Council Member Fogelson moved to authorize the ball field improvements, as presented.**  
21 **Council Member Hinseth seconded the motion and added a friendly amendment to include a  
22 maximum amount of \$1,300.00 be allocated to the project. Council Member Fogelson agreed to  
23 the friendly amendment. Motion carried unanimously.**

24  
25 **Property Maintenance Ordinance, Kim Linner** – Council Member Linner advised she had  
26 received a draft of a property maintenance ordinance from a file the City clerk sent in 2005, it was  
27 taken from the City of Apple Valley. She stated this is the time the City should be looking at any  
28 desired new ordinances, prior to ordinance codification.

29  
30 **Council Member Hinseth moved to extend the meeting for ten minutes. Mayor Carr seconded  
31 the motion. Motion carried unanimously.**

32  
33 City Attorney Vivian advised he would work with the Building Inspector regarding this issue and  
34 provide some draft property maintenance ordinances for the September 2007 City Council meeting.

35  
36 **Goodview Avenue, Brad Hinseth** – Council Member Hinseth provided the background on this issue  
37 noting he receives a lot of complaints about traffic on this roadway. He stated the traffic is almost  
38 entirely Hugo residents and there is only one Grant resident on the roadway. He proposed the idea of  
39 developing a cul-de-sac on that road stating everyone is in favor of that except the City of Hugo.

40  
41 Mr. Phil Caswell, 11855 Goodview Avenue, came forward and stated a cul-de-sac would be in the  
42 right-of-way but the idea is very appealing.

43  
44 Mr. Jerry Perron, 5959 E County Line Road, came forward and stated he was surprised no one was  
45 present this evening from White Bear Township. There was a road count done on this roadway and



1 there are over 200 vehicles on it per day. The roadway is used as a shortcut. He stated his concern is  
2 not the smoothness of the road but the amount of dust.

3  
4 The Council requested Council Member Hinseth schedule a meeting with the City of Hugo regarding  
5 this issue.

6  
7 **Mayor Carr moved to extend the meeting another ten minutes. Council Member Fogelson**  
8 **seconded the motion. Motion carried unanimously.**

9  
10 **Brown's Creek Watershed District Appointment** – Mayor Carr brought forward the forms  
11 required by the Watershed District to be filled out by the City's appointed representative, Mr. Craig  
12 Leiser, if Mr. Leiser is interested in continuing.

13  
14 The Council directed the City Clerk to confirm the verification of Mr. Leiser to represent the City of  
15 Grant in the Brown's Creek Watershed District.

16  
17 **Agenda Definitions** – Mayor Carr stated the City used to include short definitions on the agenda for  
18 certain agenda items. He requested the City start doing this again so the Council is clear regarding  
19 agenda items.

## 20 21 **DISCUSSION ITEMS**

### 22 23 **City Council Reports:**

24  
25 Council Member Fogelson advised he was meeting with the new Metropolitan Council representative  
26 tomorrow to reiterate the development policies of the City of Grant. He stated he is also working  
27 with the City Treasurer and Attorney on escrow accounts.

28  
29 **Road Commissioner Report, Brad Hinseth** – Road Commissioner Hinseth stated road issues have  
30 been quiet other than Goodview Avenue and there has been a lot of interest in dust control.

### 31 32 **COMMUNITY CALENDAR AUGUST 6 THROUGH AUGUST 31, 2007:**

33  
34 **National Night Out, Tuesday, August 7, 2007**

35  
36 **Planning Commission Meeting, Monday, August 20, 2007, Town Hall, 7:00 p.m.**

### 37 38 **ADJOURN**

39  
40 **There being no further business, Council Member Fogelson moved to adjourn at 10:45 p.m.**  
41 **Council Member Linner seconded the motion. Motion carried unanimously.**

42  
43 These minutes were considered and approved at the regular Council Meeting, September 4, 2007.

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Kim Points, City Clerk

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Tom Carr, Mayor

APPROVED