

CITY OF GRANT  
MINUTES

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**DATE** : November 5, 2007  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 10:30 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 10D, Road Assessment Policy Discussion and Item 6Ai, County Road 17 and Lake Elmo Avenue Project were 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 October 2, 2007, City Council Meeting Minutes were removed from the agenda.

Bill List (\$84,256.13) Approved

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

October 2, 2007, City Council Meeting Minutes – Page 6, line 14 and 15, was corrected to read “City of Hugo Staff regarding Goodview Avenue. The Grant residents on Good view are not in favor of paving that portion of the roadway.”

**Council Member Linner moved to approve the October 2, 2007, City Council Meeting Minutes, as amended. Council Member Hinseth seconded the motion. Motion carried unanimously.**

**PUBLIC COMMENT**

1  
2 Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and questioned why the 2007 ordinances are  
3 numbered the way they are noting the City should be consistent.

4  
5 Mr. Glenn Larson, Jody Avenue Court N, came forward and commented on the proposed 2008  
6 budget. He stated the proposed budget has a 19% increase in spending and eventually taxes will have  
7 to go up. He stated this is too much of an increase and every area of the budget is increasing. He  
8 stated the City Council has done good things this year but asked the Council to revisit the budget and  
9 find ways to cut the spending within the proposed budget.

10  
11 **MANNING AVENUE PROJECT, MUNICIPAL CONSENT, JOE LUX**

12  
13 Mr. Joe Lux, Transportation Committee, came forward and provided an update on the Manning  
14 Avenue project and requested municipal consent from the City Council. He noted the County is  
15 approximately half way through the acquisition process. The cost to the City for the project is  
16 approximately \$22,000. Those costs are associated with grading, the shoulder, curb and gutter and  
17 drainage features.

18  
19 City Engineer Hankee advised at this point she has no issues with the project moving forward.

20  
21 **Council Member Fogelson moved to approve the resolution outlining municipal consent for the**  
22 **Manning Avenue project, as presented. Council Member Levitz seconded the motion. Motion**  
23 **carried unanimously.**

24  
25 **County Road 17 and Lake Elmo Avenue Project, Cory Slagle** – Mr. Cory Slagle provided a brief  
26 history relating to the project noting they are in the process of forming a committee to work on the  
27 project. He stated the County would like five representatives from the City of Grant to serve on the  
28 committee.

29  
30 Council Member Hinseth suggested he as Road Commissioner, and the Assistant Road  
31 Commissioner Levitz, serve on the committee and appoint three residents, some in the area of the  
32 project to serve on the committee.

33  
34 Mr. Doug Schwartz, 8540 Joliet, came forward and advised he would like to serve on the committee.

35  
36 Mr. Slagle suggested the Council appoint the committee members and provide him with those names  
37 in December.

38  
39 **BROWN'S CREEK TRAIL MASTER PLAN, DENNIS THOMPSON**

40  
41 Mayor Carr asked if Council Members are hearing anything from residents regarding the proposed  
42 trail.

43  
44 Council Member Linner stated she has heard from some horse people in that area and they would like  
45 a separate horse trail. Also, safety of crossing at Hwy 15 is an issue.

46

1 Council Member Fogelson stated he is concerned about additional parking being necessary due to  
2 increased usage whether the trail joins the Gateway Trail.

3  
4 Mr. Dennis Thompson, Principal Planner, DNR, stated public information meetings regarding the  
5 project will be held in January.

6  
7 Council Member Hinseth stated he is not in favor of providing more parking at that location. He  
8 encouraged having the parking load be shared relative to population density.

9  
10 Mr. Thompson indicated the project will include trying to accommodate parking at various locations.

11  
12 Mayor Carr stated referred to possible parking at the school. He stated safety, vandalism and  
13 ambulance service on the trail are all issues. He stated he is in favor of the trail but the City has to be  
14 aware of costs relating to ambulance service.

15  
16 Mr. Bob Grogan, 9254 Manning Ave N, came forward and stated he though the purpose of the trail  
17 was to go over an old railroad bed. He expressed concern regarding the infringement on Grant  
18 residents by making the trail larger.

19  
20 Mr. Doug Schwartz, 8540 Jewel, came forward and stated he agrees a larger parking lot at Hwy 96  
21 and Duluth Junction is not necessary. He noted the Gateway Trail is the most utilized trail in the  
22 State of Minnesota and this is a great opportunity. He indicated he would be working with the DRN  
23 to minimize impact on residents.

24  
25 Mr. Thompson stated a public meeting will be held in early January and then a proposal will be done.  
26 Notices of that meeting will be mailed to residents.

## 27 28 **STAFF REPORTS**

29  
30 **October 2007, City of Grant Police Report, Deputy Breana Fry** - The October 2007 Police Report  
31 was provided to be placed on file for review at City Hall. Deputy Fry noted there were seven break-  
32 ins within the City of Grant last month. That is an increase of incidents, however, the break-ins were  
33 not forced entry. She provided tips for residents and requested that residents report any suspicious  
34 activity to the Department immediately.

35  
36 **City Engineer, Diane Hankee** – City Engineer Hankee indicated her report for October 2007 was  
37 provided to be placed on file for review.

38  
39 **City Planner, Sherri Buss** – A report was provided in the Council packet for October 2007 City  
40 planning activities, to be placed on file for review.

41  
42 **Grogan Variance Application, Resolution No. 2007 - 11** – City Planner Buss advised Robert and  
43 Denise Grogan have applied for a variance from setback requirements from Brown's Creek for  
44 structures associated with replacement of a septic system on a property consisting of 19.95 acres,  
45 located at 9254 Manning Avenue North. The Planning Commission made recommendation for  
46 approval of the variance application at the October 15 Planning Commission meeting.

1  
2 Mr. Grogan came forward and explained the safeguard that is in place in case a pump or the  
3 electricity goes out.

4  
5 **Council Member Hinseth moved to adopt Resolution No. 2007-11, as presented, provided the**  
6 **escrow account is current. Council Member Linner seconded the motion. Motion carried**  
7 **unanimously.**

8  
9 **Street Addresses** – City Planner Buss advised the Council previously determined that the  
10 Washington County Street Numbering System should be implemented. Council Member Linner  
11 noted the City’s Ordinance 35 has been in effect since 1972.

12  
13 The Council directed the City Clerk to assign the street addresses duties to the Building Inspector,  
14 based on the County’s numbering system.

15  
16 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for October 2007 to be placed  
17 on file for review.

18  
19 **CUP Compliance Checks** – City Attorney Vivian outlined a draft ordinance relating to an annual  
20 CUP compliance check.

21  
22 Mayor Carr stated the Council does have the right to determine which CUP’s should be reviewed.  
23 He referred to the draft ordinance outline by City Attorney Vivian and stated that was not the process  
24 he envisioned. He advised he would like more language spelling out a City review of CUP’s for  
25 compliance. He noted all CUP’s are subject to compliance checks, for an annual fee, if deemed  
26 necessary by the City Council. He stated the list of CUP’s being reviewed would continually be  
27 changed and/or added to.

28  
29 Mayor Carr requested the City Attorney provide another draft with the additional language added.  
30 He stated the draft should be reviewed by the Planning Commission meeting at the November  
31 meeting. The Planning Commission would provide comments for the Council and the City Council  
32 will vote on the draft and which CUP’s will initially reviewed at the December 2007 City Council  
33 meeting.

34  
35 **Attorney Prosecutions Contract** – City Attorney Vivian stated a proposal for fees associated with  
36 criminal prosecutions was previously submitted to the City in the amount of \$18,000 for a term of  
37 three years. There is a 5% escalator built in every year. He reviewed the proposal and gave  
38 examples of what would be included within the contract.

39  
40 Council Member Hinseth stated what is and is not included in the contract should be clearly defined.

41  
42 **Council Member Linner moved to authorize a flat fee contract for criminal prosecution in the**  
43 **amount of \$17,000. Council Member Hinseth seconded the motion. Motion carried**  
44 **unanimously.**

45

1 City Attorney Vivian referred to the Langer property noting h received information on the status of  
2 this project. H stated Mr. Langer is contesting the fees. A building permit and certificate of  
3 occupancy has not been issued for Brothers Manufacturing. He requested Council direction  
4 regarding this issue.

5  
6 **After much discussion, Council Member Hinseth moved to hold a public hearing to consider  
7 revocation or suspension of the current CUP on the Langer property at the December 2007  
8 City Council meeting. Council Member Fogelson seconded the motion. Motion carried  
9 unanimously.**

10  
11 **Council Member Hinseth moved to initiate legal action to enforce the suspension of any activity  
12 relating to the red tag on the Langer property. Mayor Carr seconded the motion. Motion  
13 carried unanimously.**

14  
15 **Building Inspector, Jack Kramer** – A report from Building Inspector Kramer was provided for  
16 October 2007 to be placed on file for review.

17  
18 **OLD BUSINESS**

19  
20 **Oakleigh Dock Association, Scott Fogelson** – Council Member Fogelson updated the Council  
21 regarding the Oakleigh Dock Association. He indicated they are trying to work out a fee for the  
22 Association. Another issue is run-off and erosion. He advised he is going to work with the City of  
23 Mahtomedi on drainage issues that could impact fees. The drainage has changed due to the neighbors  
24 on the north and south of the City owned property. There is also the encroachment issue. Council  
25 Member Fogelson requested the Council authorize hiring a surveyor to survey the property to the  
26 south. He stated he would be discussing this issue with the property owner to the north in December.  
27 He also requested the City Attorney begin drafting a lease with the Oakleigh Dock Association.

28  
29 Council Member Hinseth indicated the City of Mahtomedi public works department has informed  
30 him there would be work done on erosion and storm water management within the City of Grant in  
31 2008 relating to this issue.

32  
33 **Mayor Carr moved to have the City obtain a survey of the property in question. Council  
34 Member Fogelson seconded the motion. Motion carried unanimously.**

35  
36 The Council also directed the City Attorney to draft a lease with the Oakleigh Dock Association and  
37 settle or negotiate all encroachment issues with the north and south property owners.

38  
39 **Property Maintenance Ordinance, Kim Linner** – Council Member Linner advised the City already  
40 has a property maintenance ordinance, and feels the current language covers the issue.

41  
42 **2008 Budget, Kim Linner** – Council Member Linner advised was unable to attend the budget  
43 meeting. She stated she believes the Treasurer has done a great job providing the budget information  
44 to the Council for this year. She noted it may be possible to cut \$40,000 from the proposed 2008  
45 budget but that amount could also be included in the budget for unforeseen expenses.

1 **Escrow Accounts, Brad Hinseth** – Council Member Hinseth referred to the outstanding escrow  
2 accounts and stated escrow balances that go negative cost the taxpayer’s money. He indicated he is  
3 very concerned about this issue and explored a new process for active accounts. He outlined the  
4 proposed process and suggested the City move forward on a six month trial basis. He also suggested  
5 current escrow requirements be looked into and possibly increased.  
6

7 It was determined the City would implement the proposed escrow process and the City Planner would  
8 review the current fees make a recommendation to the Council at the December Council meeting.  
9

10 It was also determined that the City Clerk would mail letters as soon as possible to those with  
11 negative escrow accounts that can be certified on their property taxes. Also, letters to outstanding  
12 escrow account holders that cannot be certified outlining legal action if the fees are not paid would be  
13 sent also.  
14

15 **Dvorak Escrow** – City Treasurer Mikkelsen provided the background regarding this issue and asked  
16 for clarification regarding the escrow dollars and grading permit fee.  
17

18 The Council clarified that the grading permit fee paid by Mr. Dvorak should not be allocated to the  
19 escrow account. Therefore, Mr. Dvorak’s escrow has a negative balance. The Council directed the  
20 City Clerk to send Mr. Dvorak a letter requesting the additional escrow dollars or the balance would  
21 be certified on his property taxes.  
22

### 23 NEW BUSINESS

24

25 **Ordinance 54C-2003 Agricultural-Business, Seasonal, Kim Linner** – Council Member Linner  
26 advised the only issue with this ordinance is whether or not it was published. She requested the City  
27 Clerk look into this matter to ensure the ordinance was published.  
28

29 **Ordinances Posted to the Website, Kim Linner** – Council Member Linner updated the Council on  
30 the ordinance codification project noting she would remain the contact person but all information  
31 would be funneled through the City Clerk. She stated there is an updated ordinance list on the  
32 website and repealed ordinances will not be posted.  
33

34 **Tax Forfeit Land, Mayor Carr** – Mayor Carr advised he received a letter from the County  
35 regarding a tax forfeited parcel within the City. The County has inquired if the City is interested in  
36 purchasing that parcel. If the City is not interested the parcel will go to the DNR.  
37

38 The Council indicated the City is not interested in purchasing the tax forfeited parcel.  
39

40 **Road Assessment Policy, Brad Hinseth** – Road Commissioner Hinseth advised he believes there are  
41 mistakes and incorrect language within the current Road Assessment Policy.  
42

43 The Council requested Road Commissioner Hinseth provides a corrected draft Road Assessment  
44 Policy for review at the December City Council meeting.  
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### 46 DISCUSSION ITEMS

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**City Council Reports:**

**Mahtomedi Public Schools Meeting, Mayor Carr** – Mayor Carr advised there is a Mahtomedi Public Schools Meeting Friday, November 9, 2007, 7:30 – 9:30 a.m. that he will be attending.

Council Member Linner advised construction on Town Hall begins tomorrow.

**Road Commissioner Report** – Road Commissioner Hinseth advised November activities for gravel roads would including setting up for winter plowing. Shouldering and pothole inventory have been completed for the paved roads. He indicated he is completing a ten year maintenance plan for all roads within the City of Grant noting it is just a guideline.

Council Member Linner advised the newsletter articles are ready if Council would like to review them.

Mayor Carr advised he is working with the City Treasurer regarding definitions.

**COMMUNITY CALENDAR NOVEMBER 5 THROUGH NOVEMBER 30, 2007:**

**School District Election, Tuesday, November 6, 2007**

**Comprehensive Plan Meeting, Monday, November 19, 2007, Town Hall, 6:00 p.m.**

**Planning Commission Meeting, Monday, November 19, 2007, Town Hall, 7:00 p.m.**

**Washington County Road 7-8-9 Meeting, Tuesday, November 13, 2007, Withrow Elementary School, 4:00-7:00 p.m.**

**ADJOURN**

**There being no further business, Council Member Linner moved to adjourn at 10:30 p.m. Council Member Hinseth seconded the motion. Motion carried unanimously.**

These minutes were considered and approved at the regular Council Meeting, December 3, 2007.

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Kim Points, City Clerk

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Tom Carr, Mayor