

CITY OF GRANT
MINUTES

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DATE : December 3, 2007
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:25 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 7B, Ratify 2008 Budget was added to the regular agenda. Item 8G, Town Hall Electrical Work was added to the regular agenda.

Item 8A, Langer CUP Public Hearing, was moved to Item 5A.

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

CONSENT AGENDA

Item 4A, November 5, 2007, City Council Meeting Minutes were removed from the agenda.

City of Mahtomedi 3rd Quarter Fire Contract, \$24,791.33 Approved

City of Mahtomedi 4th Quarter Fire Contract, \$24,791.33 Approved

City of Mahtomedi Ideal Avenue Paving Project, \$32,000 Approved

City of Stillwater, 2nd Half Fire Contract, \$47,271.05 Approved

Dean Strehlau, Town Hall Maintenance

1 Project, \$18,165.00 Approved

2

3 Bill List (\$62,120.78) Approved

4

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

7

8 November 5, 2007, City Council Meeting Minutes – Page 4, line 16 was added to read “Council
9 Member Linner stated that the City Ordinance 35 has been in effect since 1972.

10

11 Page 5, line 7 was corrected to read “occupancy has not been issued for Brothers Manufacturing”.

12

13 Page 5, line 31 was added to read “Council Member Hinseth indicated the City of Mahtomedi Public
14 Works Department has informed him there will be work done on erosion and storm water
15 management at Grant White Bear lakeshore property in 2008 relating to this issue”.

16

17 Page 5, line 39 was corrected to read “has a property maintenance ordinance and feels the current
18 language covers this issue”.

19

20 Page 5, line 42 was corrected to read “She stated she believes the Treasurer has done a great job
21 providing information to the Council for the budget this year”.

22

23 **Council Member Hinseth moved to approve the November 5, 2007, City Council Meeting**
24 **Minutes, as amended. Council Member Linner seconded the motion. Motion carried**
25 **unanimously.**

26

27 **PUBLIC COMMENT**

28

29 Mr. John Siekmeier, 1150 Lawn Avenue, came forward and inquired about the status of the City’s
30 contract for road maintenance. He suggested the City have in place some type of evaluation for the
31 contractor and services being provided that include training and certification.

32

33 Road Commissioner Hinseth advised the road maintenance contract would be up for discussion at
34 some point during the winter.

35

36 **LANGER CUP, PUBLIC HEARING**

37

38 City Attorney Vivian requested a statement as to why the CUP is being reviewed for revocation.

39

40 Council Member Hinseth stated there has been repeated defiance of the current existing CUP, there is
41 a red tag on the building and no Certificate of Occupancy has been issued, and evidence of retail
42 activity. There has also been activity and occupancy on the second building with no Certificate of
43 Occupancy having been issued.

44

45 Mayor Carr opened the public hearing at 7:17 p.m.

46

1 Mr. Tom Kendhammer, Brothers Manufacturing, came forward and stated he was not notified of the
2 meeting. He indicated the red tag was issued on his building four hours after he purchased the
3 building. He noted he then applied for a building permit. He stated the current CUP calls for light
4 manufacturing which is what his business entails. There is a showroom but the business does not
5 have walk in customers. He stated he believes his business falls under the current guidelines for the
6 property.

7
8 Ms. Joyce Welander, 83rd Street, came forward and stated the notice for the public hearing referred to
9 the "Grant Commerce Center". She asked how the City could look at revoking the CUP when the
10 "Grant Commerce Center" is not in existence.

11
12 It was noted that the "Grant Commerce Center" is not the name of the current existing CUP on the
13 property, but the name in which Mr. Langer applied for a new CUP.

14
15 Mr. Peter Coyle, Attorney for Mr. Langer, stated his client would like to work with the City and
16 objects to revoking the CUP.

17
18 **Council Member Linner moved to close the public hearing at 7:25 p.m. Council Member**
19 **Levitz seconded the motion. Motion carried unanimously.**

20
21 Mr. Kendhammer came forward and commented on the details of his business activities noting he has
22 applied for a sign permit.

23
24 City Attorney Vivian outlined Council Member Hinseth's reason why the CUP is being reviewed.
25 He directed the Building Inspector to issue the building permit and Certificate of Occupancy. He
26 noted Mr. Langer has paid the escrow in full.

27
28 Mr. Langer referred to the activity in the second building noting it is a cabinet maker who moved in
29 about two months after he purchased the property.

30
31 City Attorney Vivian advised some cities require Certificates of Occupancy for certain types of
32 businesses. The Council needs to determine if Brothers Manufacturing is a retail business and need a
33 CUP. The Council can consider separate CUP's for the property.

34
35 Mr. Langer stated he is in negotiations with two businesses to occupy the other two buildings.

36
37 Mr. Gary Nordess, Developer, Essence Real Estate, came forward and noted there is a difference
38 between a wholesale and retail business.

39
40 Mr. Bob Croney, Custom Stainless Steel, came forward and provided details regarding his business
41 noting he operates with presses and shears. Noise is not a factor and there is only a day shift with six
42 employees. A semi truck comes in once a month and there is minimal traffic.

43
44 Mr. Langer stated a contractor is looking at occupying the big building. There is no retail but the
45 business also has a showroom with storage in the back.

1 City Attorney Vivian recommended the Council table the item until the January Council meeting to
2 allow Mr. Langer time to come forward with new proposal.

3
4 **Council Member Levitz moved to table a decision regarding revocation of the Langer CUP to**
5 **the January 2008 City Council meeting. Council Member Fogelson seconded the motion.**
6 **Motion carried unanimously.**

7
8 The Council advised Mr. Langer more escrow dollars would be necessary and ideally he should come
9 forward with applications for three CUP's, based on the discussion held at the work session earlier
10 this evening.

11 12 STAFF REPORTS

13
14 **November 2007, City of Grant Police Report, Deputy Breana Fry** - The November 2007 Police
15 Report was provided to be placed on file for review at City Hall. Deputy Fry noted it was a very
16 slow month and burglaries are down. There were 161 calls for service and she would collect
17 information regarding calls of service on the Gateway Trail.

18
19 **City Engineer, Diane Hankee** – City Engineer Hankee indicated her report for November 2007 was
20 provided to be placed on file for review. She noted the mobilization fee for Miller's was for two
21 months and the culvert work on Irish Avenue has been completed. She proposed the City wait until
22 January for the transportation data from Washington County relating to the Comprehensive Plan.

23
24 **City Planner, Sherri Buss** – A report was provided in the Council packet for November 2007 City
25 planning activities, to be placed on file for review.

26
27 **2008 Fee Schedule** – City Planner Buss stated in January 2008 the Council will determine the City's
28 fees for 2008. The Council requested the City's Planners and Clerk recommend any changes needed
29 in the 2007 fee schedule to best meet the needs of the City and its residents for 2008. She reviewed
30 the proposed changes to the fee schedule noting the fee schedule was last changed in 2004.

31
32 **Council Member Hinseth moved to approve the recommended fee increases, as presented, with**
33 **the additional of requiring a \$1,000 escrow for Certificate of Compliances. Council Member**
34 **Linner seconded the motion.**

35
36 Ms. Joyce Welander, 83rd Street, came forward and stated the fee schedule has been previously
37 discussed at Council meetings. She stated the City of Hugo charges \$30 for a Certificate of
38 Compliance and some communities do not charge anything. She indicated she feels the proposed
39 changes to the fees are astronomical.

40
41 City Attorney Vivian noted changes to the fee schedule would have to be adopted by ordinance at the
42 January meeting.

43
44 City Treasurer Mikkelsen advised the net income on the Certificates of Compliance may not be near
45 as bad as he previously thought. He advised the City not require an escrow for COC's due to

1 administration time and costs. He stated he was in favor of increasing COC fees to \$300 and the City
2 install limits before escrows are collected for COC's.

3
4 **Council Member Hinseth amended the motion withdrawing the \$1,000 escrow fee requirement**
5 **for COC's. Council Member Linner agreed to the amendment.**

6
7 Mayor Carr suggested language be added that stipulates the COC fee is based on one site visit.

8
9 City Planner Buss advised language would be added stating the fee includes one site visit. Additional
10 fees will be necessary for additional visits, and all additional fees must be paid prior to the work
11 being completed or a double fee would apply.

12
13 **Motion carried unanimously.**

14
15 **Landscape Screening Ordinance/Tree Preservation Ordinance** – City Planner Buss referred to
16 examples of ordinance that other Townships are using for Tree Woodland Protection and
17 Landscaping/Screening.

18
19 Council Member Fogelson advised the issue was brought to his attention from residents within the
20 City that are concerned about this issue. The intent was to have the Council consider a screening and
21 tree preservation ordinance on residential property.

22
23 Council Member Linner noted the staff report states the “Council” requested this information. She
24 stated the “Council” did not request the information. The City already has ordinances regarding this
25 issue.

26
27 Council Member Fogelson advised it was not his intent to get the City Planner involved with this
28 issue. He advised he would review the current City ordinances and provide information to the
29 Council at the January City Council meeting.

30
31 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for November 2007 to be
32 placed on file for review.

33
34 **CUP Compliance Checks** – City Attorney Vivian outlined the revised draft ordinance relating to an
35 annual CUP compliance check noting the Planning Commission did recommend approval of the
36 ordinance.

37
38 **Mayor Carr moved to approve the draft CUP Annual Compliance Check ordinance, as**
39 **presented. Council Member Linner seconded the motion. Motion carried unanimously.**

40
41 The Council went through the City's CUP list and agreed which ones would be reviewed in 2008.

42
43 **Mayor Carr moved to initiate a CUP review in 2008 for CUP holders noted by the City Council,**
44 **to be removed from the list if deemed appropriate by the City Council. Council Member**
45 **Fogelson seconded the motion. Motion carried unanimously.**

46

1 **Oakleigh Dock Association** – City Attorney Vivian provided a draft lease as a base document and
2 asked for direction from the Council regarding what should be included in the lease.

3
4 The Council suggested the following be included within the lease 1) hours of operation 2) prohibiting
5 mooring boats or leasing the slip 3) no limitations on Grant residents using the dock. The Council
6 requested City Attorney Vivian start negotiations with a goal of obtaining \$10,000 per year from the
7 property, including encroachment fees from adjacent property owners.

8
9 City Attorney Vivian advised he would revise the lease and send it to the Dock Association and have
10 it available to the Council at the January meeting.

11
12 Council Member Hinseth reviewed additional suggested changes to the draft lease.

13
14 The Council determined the lease should not include use of the dock to residents within the City of
15 Grant.

16
17 City Attorney Vivian advised he would provide the Council with copies of the survey that was done
18 and he would work with the neighbors on encroachment issues.

19
20 **Building Inspector, Jack Kramer** – A report from Building Inspector Kramer was provided for
21 November 2007 to be placed on file for review.

22 23 OLD BUSINESS

24
25 **Capital Fund Money to General Fund, Mayor Carr** – Mayor Carr suggested the City move
26 Capital Fund money to the General Fund, as previously discussed.

27
28 City Treasurer Mikkelsen stated the City is currently over budget and should transfer at least
29 \$150,000 to the General Fund.

30
31 **Council Member Hinseth moved to move all the Capital Fund account money to the General**
32 **Reserve. Council Member Levitz seconded the motion. Motion carried with Council Member**
33 **Linner voting nay and Council Member Fogelson abstaining.**

34
35 **Ratify 2008 Budget** – City Treasurer Mikkelsen estimated City will have approximately \$719,000 in
36 the General Reserve Fund balance, which is approximately 61% of the City's expenses. The City has
37 ample reserves. He suggested the Council consider using some of the reserves to buy the levy down.
38 He cautioned the City can not do this every year as the reserves would run out.

39
40 **Mayor Carr moved to accept the proposal to reduce the City's reserves by \$30,000 to lower the**
41 **proposed 2008 tax levy, as presented. Council Member Hinseth seconded the motion. Motion**
42 **carried with Council Member Fogelson voting nay.**

43
44 Council Member Hinseth reviewed suggested changes to line items within the budget relating to road
45 maintenance, noting the changes do not change the overall budget.

46

1 Council Member Linner stated work still needs to be done to the Chart of Accounts and she is still
2 trying to cut down City expenses.

3
4 **Council Member Fogelson moved to ratify the 2008 Budget, with noted line item changes and**
5 **the Attorney Prosecutions Contract change to \$17,000 and \$5,000 for Town Hall electric, as**
6 **presented. Council Member Levitz seconded the motion. Motion carried unanimously.**

7
8 Council Member Hinseth stated the City has collected approximately \$18,500 in escrow dollars since
9 the November City Council meeting. He thanked every one involved, especially Clerk Points with
10 the collection of those dollars.

11
12 **NEW BUSINESS**

13
14 **2008 Meeting Calendar** – Mayor Carr advised the 2008 Meeting Calendar would be approved at the
15 January Council meeting.

16
17 **2008 Liaison/Appointments** – Mayor Carr advised the 2008 Liaison/Appointments would be
18 approved at the January Council meeting.

19
20 Council Member Linner requested a recycling liaison be added to the list and she volunteered for the
21 position.

22
23 **Approval of 2008 Liquor Licenses** – Mayor Carr provided information from Indian Hills Golf
24 Course relating to their escrow account.

25
26 **Mayor Carr moved to approve the 2008 liquor licenses with the provision that the applicants**
27 **pay all fees and submit the necessary paper work. Council Member Linner seconded the**
28 **motion. Motion carried with Council Member Hinseth voting nay.**

29
30 **Road Assessment Policy, Brad Hinseth** – Council Member Hinseth reviewed the proposed changes
31 to the Road Assessment Policy, as outlined by City Attorney Vivian.

32
33 Mr. Robert Tufte, resident, came forward and stated he believes the proposed changes affect the
34 flexibility and the 75% requirement is very hard to achieve.

35
36 **Council Member Hinseth moved to approve the revised Road Assessment Policy, as amended**
37 **by the City Attorney. Council Member Fogelson seconded the motion. Motion carried**
38 **unanimously.**

39
40 **Ballfield use by Mahtomedi Community Education, Brad Hinseth** – Council Member Hinseth
41 suggested the City consider use of the City's ball field by the School District this season.

42
43 Ms. Joyce Welander, 83rd Street, came forward and stated last year Mahtomedi and the Stillwater
44 School District did have some use of the ball field.

45

1 Council Member Hinseth indicated in his five years of coaching youth baseball, he had never seen the
2 City of Grant ballfield available on the precise and game schedule.

3
4 **Town Hall Electrical Work, Kim Linner** – Council Member Linner advised the contractor for the
5 Town Hall maintenance project found some electrical work that should be completed and it would
6 make sense to complete the work at this time. The approximate cost is \$4,160.00.

7
8 **Mayor Carr moved to move forward with the electrical work as part of the Town Hall**
9 **maintenance project, as presented. Council Member Hinseth seconded the motion. Motion**
10 **carried unanimously.**

11
12 **DISCUSSION ITEMS**

13
14 **City Council Reports:** Council Member Fogelson asked if the Council would like to have a City
15 Christmas party.

16
17 The Council determined the City would not schedule a Christmas party this year.

18
19 Council Member Linner advised the City newsletter was completed noting there were a couple of
20 typos within the letter.

21
22 **Road Commissioner Report** – Road Commissioner Hinseth advised the City's snow plowing is a
23 work in progress. There were several roads missed by the new contractor and he will continue
24 working with the contractor on this issue.

25
26 **Road Maintenance Plan** – Road Commissioner Hinseth provided and reviewed a proposed ten year
27 road maintenance plan for the City which provides a comprehensive guide for road maintenance
28 throughout the City.

29
30 **COMMUNITY CALENDAR DECEMBER 4 THROUGH DECEMBER 31, 2007:**

31
32 **Planning Commission Meeting, Monday, December 17, 2007, Town Hall, 7:00 p.m.**

33
34 **Christmas Eve, Monday December 24, 2007, City Office Closed**

35
36 **Christmas Day, Tuesday, December 25, 2007, City Office Closed**

37
38 **ADJOURN**

39
40 **There being no further business, Council Member Linner moved to adjourn at 10:25 p.m.**
41 **Council Member Levitz seconded the motion. Motion carried unanimously.**

42
43
44 These minutes were considered and approved at the regular Council Meeting, January 8, 2008.

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Kim Points, City Clerk

Tom Carr, Mayor

APPROVED