

CITY OF GRANT
MINUTES

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DATE : February 4, 2008
TIME STARTED : 7:08 p.m.
TIME ENDED : 10:55 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth, Linner,
and Mayor Carr
MEMBERS ABSENT : Levitz

Staff members present: City Attorney, Nick Vivian; City Engineer, Diane Hankee; City Planner, Sherri Buss; Building Inspector, Jack Kramer; City Treasurer, Bob Mikkelsen; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:08 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 8D, Ball Field Scheduling, was added to the agenda.

Item 8C, Consider Change to COC Procedure, was moved to Item 7Ai.

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

CONSENT AGENDA

Item 4B, Bill List (\$29,226.66) was removed from the Consent Agenda.

January 8, 2008, City Council Meeting Minutes	Approved
Glenn & Nancy Swanson Escrow Refund, \$1,329.95	Approved
Miller Excavating, Snowplowing \$10,061.86	Approved
Jon Comb, Bat House Materials, Town Hall, \$700.00	Approved

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

3
4 **PUBLIC COMMENT**

5
6 No one was present for public comment.

7
8 **CONCEPT PLAN, BRIAN & LESLIE AXDAHL, LOT RECONFIGURATION**

9
10 Mayor Carr advised he has met with Brian and Leslie Axdahl regarding their proposal and they are
11 present this evening to review a concept plan.

12
13 Ms. Laura Domagala, Attorney, came forward and reviewed the concept plan and stated the reason
14 for the request is due to the County's Manning Avenue Expansion Project resulting in the need for
15 Axdahl's to move or demolish the historic farmhouse on their property. She indicated the request
16 would merge five separate but contiguous lots (two of which are currently non-conforming) located
17 within one quarter section into three lots. She outlined the benefits of the request including the
18 saving of the historic Masterman farmhouse.

19
20 Ms. Domagala displayed a map of what the final plat would look like. The density would be
21 consistent with the City Ordinance although all the lots won't be ten acres. She stated the County is
22 supportive of the plan. The timing of the project is important and a variance may also be necessary.

23
24 Mr. Brian Axdahl came forward and stated the County is very much in favor of access at Settler's
25 Way.

26
27 Mr. Rob Jacobs came forward and pointed out where his house currently is and the general area
28 where the structure would be moved. He advised his goal is to eventually build a smaller home for
29 retirement and sell the larger home.

30
31 The Council indicated a letter of support from the County should be included if the plan goes through
32 the City process.

33
34 Ms. Domagala stated she believes the application would not be for a major subdivision. It is a small
35 subdivision including property line adjustments and prompted by the County's road expansion.

36
37 City Engineer Hankee advised from an engineering perspective the plan could move forward as a
38 minor subdivision depending on whether the roadway will be public or not. If the roadway is going
39 to be public the County may help with the engineering costs.

40
41 The Council indicated the proposed plan should move forward with the City process for a minor
42 subdivision but the application should include an explanation as to why it is a minor subdivision as
43 opposed to a major subdivision.

44
45 **STAFF REPORTS**

1 **January 2008, City of Grant Police Report, Deputy Breana Fry** - The January 2008 Police Report
2 was provided to be placed on file for review at City Hall. Deputy Fry noted there was one call at the
3 Gateway Trail.

4
5 Council Member Hinseth advised that school district calls may have accounted for approximately
6 18% of total calls last month. He stated he would like the number of calls within the General
7 Business district.

8
9 Deputy Fry advised Council Member Hinseth could call the Records Department for that information.

10
11 **Consider Change to COC Procedure, Kim Linner** – Council Member Linner reviewed a proposal
12 for a new Certificate of Compliance (COC) procedure that would eliminate COC's for most
13 accessory buildings. She noted the more complex issues would still require City Planner involvement
14 and agricultural buildings would still require a COC.

15
16 Building Inspector Kramer advised many residents do inquire as to what the purpose of a COC is and
17 why the cost is so high. He stated he handles these types of procedures out in the field when issuing
18 building permits. He stated it would save residents money if the procedure were changed as
19 proposed.

20
21 Council Member Linner provided the background as to why the current COC process was set up. She
22 also provided a draft resolution clarifying the proposed review process for all construction projects.

23
24 City Treasurer Mikkelsen advised the City income on COC's is less than the expenses related to
25 COC's.

26
27 **Council Member Linner moved to approve the proposed COC process, as presented. Council**
28 **Member Hinseth seconded the motion.**

29
30 **Council Member Hinseth made a friendly amendment to include there is no COC fee or escrow**
31 **required except for complex COC's that need involvement from the City Planner.**

32
33 After some discussion concerning resolution review by the City Attorney, Council Member Hinseth
34 withdrew his second.

35
36 **Council Member Fogelson moved to table the draft resolution to allow review by the City**
37 **Attorney. Council Member Hinseth seconded the motion. Motion carried with Council**
38 **Member Linner abstaining.**

39
40 **Building Inspector Report, Jack Kramer** – A report from Building Inspector Kramer was provided
41 for January 2008 to be placed on file for review.

42
43 Council Member Hinseth inquired about the zoning violations process and timeline.

44
45 Building Inspector Kramer advised deadlines within a zoning violation letter are necessary to create a
46 paper trail. If residents are still not compliant after the given deadline, then a citation is issued.

1
2 Council Member Hinseth stated he believes the process is too lengthy and feels a citation should be
3 issued sooner.

4
5 The Council requested a letter regarding the Lemanski issue be sent relating to compliance by April
6 1, 2008.

7
8 Building Inspector Kramer advised he would confer with the City Attorney regarding that issue.

9
10 **City Engineer, Diane Hankee** – City Engineer Hankee indicated her report for January 2008 was
11 provided to be placed on file for review and corrected a typo within the report.

12
13 **Jasmine Avenue Paving Project, Accept Feasibility Study and Order Public Hearing** – City
14 Engineer Hankee stated the feasibility report for Jasmine Avenue was included in the Council
15 packets. The Council can choose to accept the feasibility report and order the public hearing.

16
17 Council Member Hinseth advised a poll was taken at the neighborhood meeting. The project could
18 go either way and may be determined by one vote.

19
20 **Council Member Hinseth moved to accept the feasibility report and schedule a public hearing**
21 **for the potential Jasmine Avenue Paving Project at the March 4, 2008 City Council meeting.**
22 **Council Member Linner seconded the motion.**

23
24 City Engineer Hankee outlined the project process and noted there may be right of way issues.

25
26 **Motion carried unanimously.**

27
28 City Engineer Hankee advised she attended a meeting today regarding the Manning/Hwy 36 project.
29 She updated the Council and referred to a map pointing out the various options the County is looking
30 at. She stated she wanted the Council to be aware of the project and the project will have to be
31 incorporated into the City's transportation plan within the Comprehensive Plan. She noted FEMA
32 maps will be provided to the City for review.

33
34 City Planner Buss noted the City will get the FEMA maps and have 60 days to make comments. She
35 advised that in most communities there were not a lot of changes.

36
37 **City Planner, Sherri Buss** – A report was provided in the Council packet for January 2008 City
38 planning activities, to be placed on file for review.

39
40 **2008 Fee Schedule** – City Planner Buss reviewed the proposed fee schedule as discussed at the
41 December 2007 City Council meeting. She stated she received the City Treasurer's proposed
42 changes today and reviewed those as well.

43
44 City Treasurer Mikkelsen noted expenses go up every year and therefore the fees should be evaluated
45 also. He advised the fees were last raised in 2004.

46

1 **Council Member Linner moved to table the 2008 Fee Schedule. Motion failed with no second.**

2
3 **After much discussion, Council Member Hinseth moved to approve the 2008 Fee Schedule as**
4 **outlined and agreed upon by the City Council. Council Member Fogelson seconded the motion.**
5 **Motion carried unanimously.**

6
7 **Brother's Manufacturing CUP Application** – City Planner Buss provided a brief description of the
8 request noting the Planning Commission recommended approval of the application based on
9 conditions as outlined and the additional condition relating to outdoor storage.

10
11 Mr. Thomas Kendhammer, Brother's Manufacturing, came forward and indicated when the ground
12 thaws out he will be removing the fence.

13
14 **Council Member Fogelson moved to approve the CUP application, based on the outlined**
15 **conditions. Council Member Hinseth seconded the motion. Motion carried unanimously.**

16
17 **Council Member Fogelson moved to adopt Resolution No. 2008-02, as presented. Council**
18 **Member Hinseth seconded the motion. Motion carried unanimously.**

19
20 **Ritt Resolution, Denial of Variance from Wetland Setback for Existing Pool** – City Planner Buss
21 provided a brief background regarding the variance request and advised the Planning Commission
22 recommended denial of the variance request.

23
24 City Attorney Vivian advised the Council has to find a hardship to grant the variance. The City
25 Planner has indicated the pool could have been installed in a different location so it is difficult to
26 prove a hardship. If a variance is not granted, the structure has to be removed. The City can then
27 assess fines and/or fees for non-compliance.

28
29 **Council Member Hinseth moved to deny the variance request and adopt Resolution No. 2008-**
30 **03. Council Member Linner seconded the motion.**

31
32 **Council Member Linner made a friendly amendment to omit the finding of fact relating to a**
33 **fence or cover for the pool. Council Member Hinseth agreed to the amendment.**

34
35 **Motion carried unanimously.**

36
37 **Council Member Linner moved to require that the pool be moved by May 31, 2008, and**
38 **required a building permit to move the pool and require an escrow of \$5,000 for restoration.**
39 **Council Member Hinseth seconded the motion.**

40
41 **Council Member Hinseth made a friendly amendment to include a fine in the amount of \$2,000**
42 **would be paid if the pool is not moved. Council Member Linner objected to the friendly**
43 **amendment.**

44
45 City Attorney Vivian advised the City can require the structure be moved. If it is not moved, it then
46 becomes a criminal matter and citations can be issued.

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Council Member Hinseth withdrew the friendly amendment.

Council Member Linner advised she would like the restoration escrow requirement to remain in the motion.

City Attorney Vivian stated he does not believe the City can require the restoration escrow.

Council Member Linner amended the motion to state the pool structure must be removed by May 31, 2008 and the site must be restored to its original condition by May 31, 2008. Council Member Hinseth agreed to the amendment.

Council Member Linner made a friendly amendment to include that all necessary permits be applied for including restoration, grading and building permits.

After more discussion with the City Attorney, Mayor Carr moved to omit the friendly amendment. Council Member Linner and Council Member Hinseth agreed that it is Ritt's option to reinstall the pool, and if they do a building permit would be required per ordinance.

Motion carried unanimously.

Council Member Linner referred to the City Planner report noting the Houle's Zoning Enforcement and advised she is not the zoning official.

Council Member Hinseth stated it seems as though several of the zoning issues have been in process for quite some time.

City Planner Buss explained the process relating to zoning issues and stated a paper trail has to be created. She stated the process could be shortened and the report could include more details about the status but that would increase costs.

Council Member Hinseth suggested that consequences be included in the first letter sent out.

The Council agreed enforcements costs are outside of general planning costs.

City Attorney, Nick Vivian – City Attorney Vivian provided a report for January 2008 to be placed on file for review.

Neptune Street Property – City Attorney Vivian reviewed a memo outlining the City's options regarding Neptune Street property. He noted the key considerations are dealing with encroachment and having a well defined relationship with the Oakleigh Dock Association. He requested Council direction relating to the City's preferred option.

Mayor Carr advised the City owns a piece of property outside of the City of Grant. Keeping the property or selling the property is not only a philosophical question but a political question. The fact

1 is an offer has been made for more than the property is worth and there are encroachment issues. The
2 Council has to determine whether or not to sell the property.

3
4 The majority of the Council indicated they were not in favor of selling the property and would like
5 the City Attorney to pursue a lease with the Oakleigh Dock Association as well as the neighbors
6 relating to the encroachment issue.

7
8 The Council made suggestions regarding the terms of the lease. City Attorney Vivian stated the
9 Council should not negotiate the lease in public. He indicated he would work on the terms of the
10 lease and bring it forward for Council review at the March meeting.

11
12 **Olson Property, 102nd Street** – Discussions have been held with Ms. Olson regarding this issue
13 since the last meeting. There is a possible buyer for the property. The Council needs to determine if
14 the City is going to require the structure be torn down or allow it to stay if a building permit is issued
15 within a certain time frame.

16
17 Mr. Dan Haws came forward and stated he is interested in possibly purchasing the property in
18 question.

19
20 Mayor Carr stated there is no violation on the property other than the structure and there is some
21 confusion on that. He asked if Mr. Haws plans on building a residence on the property.

22
23 Mr. Haws stated he plans to build a residence on the property within 15-16 months with a probable
24 closing date around the first of March. However, time is needed to contract with an architect.

25
26 Mayor Carr suggested a 15-16 month time frame would be acceptable if Mr. Haas submitted a \$5,000
27 escrow. The City would then charge \$1,000 per month, out of the escrow account, if a permit is not
28 pulled by July 1, 2009.

29
30 Council Member Hinseth suggested an escrow in the amount of \$10,000 and indicated that charging
31 by the month does not accomplish the City's goal. He preferred the building be torn down if the
32 timeline is not adhered to.

33
34 Mr. Haws stated he has been looking for property for a long time. He stated the structure currently
35 on the site is beneficial to him. He would like to move forward and the timeline suggested is
36 acceptable to him unless an unforeseen issue arises. He asked that he be able to come back to the
37 Council for an extension if that were to happen.

38
39 Ms. Joyce Welander, 83rd Street, came forward and stated she was on the Planning Commission when
40 this issue came up. She referred to the Developer's Agreement and stated the structure could remain
41 on the property until a house is built.

42
43 City Attorney Vivian advised he has researched all documents relating to this issue and the structure
44 is non-compliant with the City Ordinance.

45

1 Mr. Haws stated he is willing to speak to the City Attorney regarding amending the Developer's
2 Agreement and will consider the Council's suggestion. He again indicated he would like to be able
3 to come back for an extension if necessary.

4
5 City Attorney Vivian stated a letter of credit would be acceptable for the \$10,000 escrow. The City
6 could deduct \$1,000 per month, for up to five months, if a house is not built within the given time
7 frame. The remaining \$5,000 could be used to finance the removal of the structure. If there is any
8 money left in the escrow after that it could be returned.

9
10 **Bill List, \$29,226.66** – Council Member Linner inquired about the Keswick Land Transfer that was
11 noted on the bill list.

12
13 City Attorney Vivian advised that was a lot line adjustment that was taken care of with an escrow
14 account.

15
16 **Council Member Linner moved to approve the Bill List, as presented. Council Member
17 Fogelson seconded the motion. Motion carried unanimously.**

18
19 City Attorney Vivian distributed and reviewed a letter from Crown Castle requesting the tower lease
20 be converted to a perpetual easement or be allowed to purchase the leased land.

21
22 The Council indicated they would not support selling the leased land or converting the lease to a
23 perpetual easement.

24
25 **COC Resolution – Council Member Linner moved to adopt Resolution No. 2008-01, as
26 presented. Council Member Hinseth seconded the motion.**

27
28 **Council Member Hinseth made a friendly amendment to omit the verbiage within the
29 parenthesis in the first paragraph of the resolution. Council Member Linner agreed to the
30 friendly amendment.**

31
32 **Motion carried unanimously.**

33
34 **OLD BUSINESS**

35
36 **Draft CUP Annual Review Letter, Mayor Carr** – Mayor Carr reviewed suggested changes from
37 Council Members and a final letter was agreed upon.

38 **Mayor Carr moved to extend the meeting 15 minutes. Council Member Hinseth seconded the
39 motion. Motion carried unanimously.**

40
41 **Mann Lake Parking Permit Application, Mayor Carr** – Mayor Carr reviewed suggested changes
42 from Council Members.

43
44 Mr. Craig Johnston, Ironwood Avenue, came forward and indicated he was in favor of charging
45 Grant residents for a parking permit.

46

1 Ms. Tina Lobin, Irish/Ironwood Avenue, came forward and stated she thought the idea was to keep
2 people out of the area. She stated there is still a problem and the police are not issuing tickets.

3
4 **Council Member Fogelson moved to extend the meeting until 10:50 p.m. Council Member
5 Hinseth seconded the motion. Motion carried unanimously.**

6
7 Council Member Hinseth outlined the locations of the parking signs and noted what the signs would
8 state.

9
10 Mr. Gary Smith, Ironwood Avenue, came forward and stated there are approximately 16 trucks
11 parked there every weekend. He stated he does not see how the parking permit is going to help the
12 situation.

13
14 **Ball Field Scheduling, Brad Hinseth** – Council Member Hinseth stated the ball field scheduling
15 calendar is still not on the City’s website.

16
17 The Council directed the City Clerk to ensure a ball field calendar is displayed on the City’s website.

18
19 **NEW BUSINESS**

20
21 **Cutting Administrative Costs, Kim Linner** – Council Member Linner stated the City has done
22 some good things to lower costs. She referred to a list of additional proposals for City savings and
23 asked the Council to consider eliminating consultant reports, unnecessary consultant attendance at
24 meetings and an administrative citation ordinance to discuss at the next Council meeting.

25
26 **Council Member Hinseth moved to extend the meeting an additional five minutes. Motion
27 failed with no second.**

28
29 **Paving Assessment Maintenance Savings Credit, Brad Hinseth** – Council Member Hinseth briefly
30 outlined the proposed Paving Assessment Maintenance Savings Credit included in the Council
31 packets.

32
33 **Mayor Carr moved to extend the meeting five minutes. Council Member Hinseth seconded the
34 motion. Motion carried unanimously.**

35
36 Due to a lack of time, the Council determined this item would be discussed at the March City Council
37 meeting.

38
39 Council Member Hinseth noted the Paving Assessment Maintenance Savings Credit does not violate
40 the current road or assessment policy.

41
42 **Mayor Carr moved to extend the meeting 45 seconds. Council Member Fogelson seconded the
43 motion. Motion carried unanimously.**

1 Mayor Carr reminded Council Members he is trying to run the meeting and keep order within the
2 meeting. He stated it is hard to concentrate on the business at hand with all the distractions. He
3 encouraged the Council to shorten their comments.
4

5 **DISCUSSION ITEMS**

6
7 **City Council Reports:**

8
9 **Road Commissioner Report –**

10
11 **COMMUNITY CALENDAR FEBRUARY 5 THROUGH FEBRUARY 29, 2008:**

12
13 **Presidents Day, Monday, February 18, 2008, City Office Closed**

14
15 **Comprehensive Plan Meeting, Monday, February 25, 2008, Town Hall, 6:00 p.m.**

16
17 **Planning Commission Meeting, Monday, February 25, 2008, Town Hall, 7:00 p.m.**

18
19 **ADJOURN**

20
21 **There being no further business, Council Member Linner moved to adjourn at 10:57 p.m.**
22 **Mayor Carr seconded the motion. Motion carried unanimously.**

23
24
25 These minutes were considered and approved at the regular Council Meeting, March 4, 2008.

26
27
28
29
30 _____
31 Kim Points, City Clerk

30 _____
31 Tom Carr, Mayor