

CITY OF GRANT
MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

DATE : March 4, 2008
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:11 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth, Levitz,
and Mayor Carr
MEMBERS ABSENT : Linner

Staff members present: City Attorney, Nick Vivian; City Engineer, Diane Hankee; 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 6, Concept Plan for Roadway, 9711 Keswick Avenue, was removed from the regular agenda.
- Item 9A, Planning Commission Appointments, was moved to Item 6.
- Item 9E, Park Nursery CUP, was added to the regular agenda.
- Item 9F, Flug CUP, was added to the regular agenda.

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

CONSENT AGENDA

February 4, 2008, City Council Meeting Minutes	Approved
Bill List, \$48,584.59	Approved
Washington County Sheriff, July-Dec 07, \$47,178.38	Approved
Miller's Excavating, \$12,602.79	Approved
City Hall Mowing and Field Maintenance	Approved

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

4
5 **PUBLIC COMMENT**

6
7 Mr. Matthew Slama, Grenelefe Avenue, came forward and stated he is working on his Eagle Scout
8 project. He asked for a donation from the City Council in the amount of \$270-\$280 to purchase
9 materials to build three picnic tables for the Town Hall picnic area.

10
11 **Council Member Levitz moved to approve the expenditure of approximately \$270-280 for the**
12 **Eagle Scout project, as presented. Mayor Carr seconded the motion.**

13
14 After discussion, the Council determined this item would appear on the April City Council meeting
15 agenda for approval after determination that funds are available for the project.

16
17 Council Member Levitz withdrew the motion.

18
19 **PLANNING COMMISSION APPOINTMENTS**

20
21 Mayor Carr advised there are openings on the Planning Commission and the City Council held
22 interviews this evening prior to the regular Council meeting.

23
24 **Council Member Hinseth moved to appoint Mr. Wally Anderson to the City of Grant Planning**
25 **Commission. Council Member Fogelson seconded the motion. Motion carried unanimously.**

26
27 **Council Member Fogelson moved to appoint Mr. Robert Zink to the City of Grant Planning**
28 **Commission. Council Member Levitz seconded the motion. Motion carried unanimously.**

29
30 **STAFF REPORTS**

31
32 **February 2008, City of Grant Police Report, Deputy Breana Fry -** The February 2008 Police
33 Report was provided to be placed on file for review at City Hall.

34
35 Council Member Levitz noted there have been reports of paint ball vandals in the Withrow area.

36
37 Council Member Hinseth noted trespassing is still an issue in the Mann Lake area.

38
39 **City Engineer, Diane Hankee –** City Engineer Hankee indicated her report for February 2008 was
40 provided to be placed on file for review.

41
42 **Public Hearing, Jasmine Avenue Paving Project –** City Engineer Hankee provided the background
43 of the project and reviewed the assessment information and proposed schedule for the project noting
44 the proposed project is in response to a petition submitted by residents.

45 Mayor Carr opened the public hearing at 7:20 p.m.

46

1 Mr. Roger St. George, 6123 Jasmine, came forward and stated he is strongly in support of the project.
2 Due to traffic and density of the houses in that area there are intolerable conditions during the
3 summer. There is a health issue due to the dust. He asked the City to support the project. He noted
4 the cost of the project is high but one cannot put a price on health or quality of life.

5
6 Mr. Robert Tufte, 6365 Jasmine, came forward and stated those voting no for the project have the
7 same issues as those that are in favor of the project. The bottom line is money. However, it is an
8 investment that will pay each and every resident in that area back.

9
10 Mr. Tom Schmit, 6425 Jasmine, came forward and stated he is not in favor of the project and
11 financing over a ten year period would cost more than \$10,000. He referred to a letter previously
12 written to the City Council outlining the safety issue. A paved street would increase traffic and the
13 speed of cars. He acknowledged dust is a problem but the dust control being applied is a fraction of
14 the cost of the paving project.

15
16 Mr. Jerry Helander, 6261 Jasmine, came forward and stated there has been a lot of money spent on
17 dust control, allergy medicines, air conditioning and wear and tear on vehicles. For a couple hundred
18 dollars more per year the road could be paved and everyone there could have a better quality of life.

19
20 Mr. Richard Peterson, 6052 Jasmine, came forward and stated he has issues with the placement of the
21 road. He also inquired as to why some votes got turned into quarter votes. He asked if surveys of the
22 land had been done.

23
24 Council Member Hinseth explained the new assessment policy and why some votes count as a
25 quarter of a vote which related to roadway frontage.

26
27 Ms. Susan Ebertz, 6365 Jasmine, came forward and asked how much it costs for her to be healthy.
28 She said that is priceless and she would like the road paved.

29
30 Mr. Larry Fedie, 6325 Jasmine, came forward and stated he is in favor of the project. Dust control
31 does work but it is short term. There is dust everywhere and he indicated he strongly disagrees with
32 the 75% needed for the project to move forward. He stated we live in a democracy so the percentage
33 should be 51%.

34
35 Mr. Joe Turch, 6033 Jasmine, came forward and stated he is opposed to the project. The cost of the
36 project won't break anyone but why can't the black top be stopped where people do not want the
37 roadway paved. There are some residents that don't want it paved like the north end residents. He
38 stated he does not believe in the 30 year maintenance free expectation. He expressed concern
39 regarding the moving of easements.

40
41 Mr. Jeff Lauseng, 6138 Jasmine, came forward and stated there is no reason to go outside because of
42 the dust. The residents that are new to the neighborhood will eventually see that dust is a major
43 problem in that area.

44
45 Ms. Brenda Gengler, 6291 Jasmine, stated that her main concern is her daughter's health. She stated
46 she and her family really cannot be outside. She is tired of the dust and wants to open her windows.

1
2 Ms. Cathy Kalland, 6071 Jasmine, raised the issue of the easements and gravel road health issues.

3
4 Mr. Steve Bohnen, 9224 60th Street, referred to his property, the easement and right of way. He
5 asked if the City has the right to pave over his property when the roadway has been in place for quite
6 some time. He stated the township previously moved the road on his property with no survey. He
7 stated that is not acceptable and he wants his property line to be respected.

8
9 City Engineer Hankee referred to 60th Street and stated the roadway will probably be narrowed.

10
11 Mayor Carr closed the public hearing at 7:50 p.m.

12
13 City Engineer Hankee referred to the safety and speed issue on the roadway and noted the speed limit
14 would remain the same. She provided the background on assessment figures for previous roadway
15 projects within the City.

16
17 Council Member Levitz asked if the residents have 75% in favor of the project to move forward.

18
19 City Attorney Vivian stated this is a resident driven project. It is their responsibility to provide
20 evidence to the Council that they have the 75% to move forward. The residents can utilize a ballot or
21 petition manner to provide that evidence to the Council.

22
23 **Council Member Hinseth moved to schedule an assessment hearing for the April 2008 City**
24 **Council meeting. Council Member Fogelson seconded the motion. Motion carried**
25 **unanimously.**

26
27 **2008-2009 Gravel Road Maintenance** – City Engineer Hankee advised quotes for 2008-2009 gravel
28 road maintenance had been requested. She reviewed the results noting both prices quotes included
29 fuel, regular maintenance and storage.

30
31 **Council Member Hinseth moved to hire Miller Excavating for the 2008-2009 Gravel**
32 **Maintenance, as presented. Council Member Fogelson seconded the motion. Motion carried**
33 **unanimously.**

34
35 Mr. Craig Leiser came forward and stated that in the three years Craig DeWolf maintained the gravel
36 roads they were in the best shape they had ever been in.

37
38 City Engineer Hankee referred to her staff report and noted she has the FEMA maps. She noted
39 where the changes are and the implications of those changes would result in residents to purchase
40 flood insurance. She advised information will be brought forward regarding the appeal process when
41 it becomes available.

42
43 Council Member Fogelson urged the City Engineer and City of Grant to stay on top of this issue and
44 be informed of the appeal process as soon as possible.

45

1 Mr. Craig Leiser, 10300 Kismet, came forward and explained what is needed in relation to flood
2 plain insurance noting the regulations have been changed somewhat. He stated the Brown's Creek
3 Watershed District will be discussing this as an agenda item.

4
5 Christine Flug, 8324 60th Street, came forward and requested the FEMA map be put on the City's
6 website.

7
8 **City Planner, Sherri Buss** – A report was provided in the Council packet for February 2008 City
9 planning activities, to be placed on file for review.

10
11 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for February 2008 to be placed
12 on file for review.

13
14 **Oleander Amendment to Development Agreement** – City Attorney Vivian referred to a draft
15 amendment to the Oleander Acres Development Agreement that was drawn from City Council
16 discussion last month. He stated he believes an appropriate deadline for a building permit to be
17 drawn is July 1, 2009. He indicated he believes both parties are agreeable with the language within
18 the amendment. The City does need a triggering event for clarity and that date is the most important
19 part of the agreement.

20
21 **Council Member Levitz moved to proceed with the Oleander Amendment to Development**
22 **Agreement. Council Member Fogelson seconded the motion.**

23
24 **Council Member Hinseth made a friendly amendment to include updated dates and parties.**
25 **Council Member Levitz and Fogelson agreed to the amendment.**

26
27 **Motion carried unanimously.**

28
29 **Escrow Update** – City Attorney Vivian provided an update for the Council on past due escrow
30 accounts noting seven have been filed in small claims court and he is starting to get hearing dates.
31 He stated they are working through the process and he would keep the Council up to date.

32
33 **Mayor Carr moved to void the Tubbs escrow as uncollectible. Council Member Hinseth**
34 **seconded the motion. Motion carried unanimously.**

35
36 City Attorney Vivian updated the Council regarding the Neptune Street property. He indicated the
37 property owner to the north is currently out of state. The property owner to the south will remove the
38 landscaping and the Oakleigh Dock Association is not interested in a lease but would like to purchase
39 the City owned property.

40
41 City Attorney Vivian advised the City should continue negotiations and appoint a Council Member to
42 participate in negotiations to address issues outlined by the Oakleigh Dock Association.

43
44 It was the consensus of the Council to appoint Council Member Fogelson to participate in the
45 negotiations and to make it clear that the City is not going to sell the property. The majority of the

1 Council also believes Grant residents would not be able to use the property if it is leased to the
2 Oakleigh Dock Association.

3
4 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
5 February 2008 to be placed on file for review.

6
7 **OLD BUSINESS**

8
9 **Administrative Expense Cuts, Kim Linner** – Council Member Levitz moved to table this item to
10 the April 2008 City Council meeting. Council Member Fogelson seconded the motion. Motion
11 carried unanimously.

12
13 **NEW BUSINESS**

14
15 **2008-2009 Recycling Program, Kim Linner** – This item was tabled to the April 2008 City Council
16 meeting.

17
18 **Discuss Altering the Duration of Use Permits, Brad Hinseth** – Council Member Hinseth provided
19 information regarding the use of Interim Use Permits and stated he believes it is time to explore this
20 as a tool to protect community integrity because the City has so many enforcement issues with
21 CUP's.

22
23 After much discussion, the Council asked if the City could institute this process and a CUP process
24 within the City's current ordinance.

25
26 City Attorney Vivian advised he does not believe the City could utilize both a CUP process and an
27 Interim Use Permit process.

28
29 The majority of the Council determined not to move forward with this process at this time.

30
31 City Treasurer Mikkelsen came forward and stated he would have the 2007 Income statement
32 distributed within the next couple of days. He stated the City received a bill from Washington
33 County that appears to be very late as it is for snow removal for last year. The bill indicates the City
34 owes \$22,198 for past due invoices. He advised he would look into it again but the bill may be on the
35 March bill list.

36
37 City Treasurer Mikkelsen also provided an update on interest rates advising they have dropped. He
38 stated the City needs to be cautious about where it invests money.

39
40 **Authorization for New 2008 Mileage Rate, Kim Linner** – This item was tabled to the April 2008
41 City Council meeting.

42
43 **Park Nursery CUP, Brad Hinseth** – Council Member Hinseth referred to the CUP issue and read
44 what the Park Nursery CUP specifically states. He stated they are not complying with the conditions
45 of their CUP and suggested the City schedule a public hearing to modify or revoke their CUP.

46

1 City Attorney Vivian outlined the City's options including discussing the issue with the operators
2 and/or having a public hearing.

3
4 After much discussion, the Council determined the owners would be contacted regarding this issue
5 but the City should be more aggressive on enforcement issues throughout the entire City.

6
7 **Council Member Levitz moved to direct the City Planner to contact Hedbergs as a first step at**
8 **dialogue regarding possible zoning infractions. Mayor Carr seconded the motion adding a**
9 **friendly amendment to include that if there is no response within the given time frame a public**
10 **hearing would be scheduled for the April City Council meeting. Council Member Levitz**
11 **agreed to the amendment.**

12
13 **Motion carried with Council Member Hinseth voting nay.**

14
15 **Flug CUP, Brad Hinseth** – Council Member Hinseth indicated there is a lot of evidence of non-
16 compliance to the current CUP on the property. He stated the issue of too many horses on the
17 property has been raised several times. Due to the admitted commercial boarding of horses, in direct
18 violation of the CUP, and the number of horses he suggested the City schedule a public hearing to
19 modify or revoke the current CUP.

20
21 Ms. Christine Flug came forward and explained the situation noting she has 89 grazable acres and
22 currently has 61 horses. She indicated she is going to apply for an amended CUP.

23
24 The Council strongly suggested Ms. Flug applies for an amended CUP in a timely manner so the
25 matter can be discussed at the April 2008 Planning Commission meeting.

26
27 Mr. Steve Bohnen, 9224 60th Street, came forward and stated the horses on the property are well
28 taken care of and there is no rush relating to the safety of the horses. He stated the horses there and
29 owner are a great addition to the neighborhood.

30 31 DISCUSSION ITEMS

32 33 **City Council Reports:**

34 **i. Annual City Picnic** – The Council determined the annual picnic would be scheduled on
35 June 28, 2008, which is the last Saturday in June. Council Member Fogelson stated a
36 committee would be put together soon to start working on the details.

37
38 **Road Commissioner Report** – Road Commissioner Hinseth advised the snow removal is going well
39 and hopefully brushing will begin next week. He encouraged residents to help out with the brushing.

40
41 Mayor Carr referred to information that was distributed regarding a proposed athletic facility by the
42 School District. He asked everyone to look it over and requested that staff inform the Council
43 regarding any issues with the plan.

44
45 Mayor Carr noted the Board of Review meeting is scheduled on April 8, 2008, 6:00 p.m., prior to the
46 regular City Council meeting.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Mayor Carr announced the annual City Clean Up Day is on April 26, 2008, 9:00 a.m. to Noon.

CLOSED MEETING, LANGER CORRESPONDENCE, NICK VIVIAN

Council Member Hinseth moved to go into a closed session at 9:48 p.m. Council Member Levitz seconded the motion. Motion carried unanimously.

The purpose of the closed meeting was to discuss correspondence received from Mr. Langer’s Attorney, Peter Coyle.

Council Member Hinseth moved to reconvene the regular Council meeting at 10:10 p.m. Council Member Fogelson seconded the motion. Motion carried unanimously.

COMMUNITY CALENDAR MARCH 4 THROUGH MARCH 31, 2008:

Comprehensive Plan Meeting, Monday, March 17, 2008, Town Hall, 6:00 p.m.

Planning Commission Meeting, Monday, March 17, 2008, Town Hall, 7:00 p.m.

ADJOURN

There being no further business, Mayor Carr moved to adjourn at 10:11 p.m. Council Member Hinseth seconded the motion. Motion carried unanimously.

These minutes were considered and approved at the regular Council Meeting, April 8, 2008.

Kim Points, City Clerk

Tom Carr, Mayor