

CITY OF GRANT
MINUTES

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DATE : July 1, 2008
TIME STARTED : 7:05 p.m.
TIME ENDED : 10:00 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 7:05 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Fogelson moved to approve the agenda as presented. Council Member Linner seconded the motion. Motion carried unanimously.

CONSENT AGENDA

Bill List, \$49,839.35	Approved
June 3, 2008 City Council Meeting Minutes	Approved
Resolution No. 2008-12, American Polywater CUP Application	Approved
City of Mahtomedi, 2 nd Quarter Fire Contract \$25,535.04	Approved
M.J. Raleigh Trucking, 2008 Gravel Surfacing, \$49,718.33	Approved
Dustcoating, Inc., 2008 Dustcoating, \$31,045.00	Approved
City of Stillwater, 1 st Half Fire Contract, \$49,885.00	Approved

1 Denial of Request from City of Hugo to
2 Fund the Paving of Goodview Avenue Approved

3
4 **Council Member Levitz moved to approve the Consent Agenda, as presented. Council Member**
5 **Hinseth seconded the motion. Motion carried unanimously.**

6
7 **PUBLIC COMMENT**

8
9 No one came forward for public comment.

10
11 **STAFF REPORTS**

12
13 **June 2008, City of Grant Police Report, Deputy Breana Fry** - The June2008 Police Report was
14 provided to be placed on file for review at City Hall.

15
16 **City Engineer, Diane Hankee** – City Engineer Hankee indicated her report for June 2008 was
17 provided to be placed on file for review.

18
19 **Jasmine Avenue Paving Project, Award Bid** - City Engineer Hankee advised bids were received
20 and opened on June 25, 2008. The low bidder was Dresel Contracting, Inc., in the amount of
21 \$155,934.50. She recommended the Council award a contract to Dresel Contracting, Inc., based on
22 the results of the bids received.

23
24 **Council Member Linner moved to accept the bid and award the contract to Dresel Contracting**
25 **in the amount of \$155,934.50. Council Member Hinseth seconded the motion.**

26
27 Ms. Jean Kyle, Jasmine Trail, came forward and stated she thought this was a public hearing for the
28 Jasmine Trail project.

29
30 Council Member Hinseth indicated the schedule included in the feasibility report was a tentative
31 schedule. The City is waiting to hear from residents in that area. The City has not yet scheduled a
32 public hearing.

33
34 **Motion carried unanimously.**

35
36 City Engineer Hankee noted the MS4 Permit that has been worked on with the Metropolitan Council
37 for the past few years has been approved.

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

41
42 **Axdahl/Jacobson Subdivision Request, Sherri Buss** – City Planner Buss reviewed the application
43 noting the Planning Commission reviewed the application and heard testimony from the applicants
44 and their representatives at a public hearing held on June 16, 2008.

45
46 The Commission identified the following key issues related to the application:

- 1 • Lot 2 does not meet the City's minimum size requirement of five acres.
2 • The private driveway included in the Applicant's plans does not meet the City's
3 requirements or the recommendations of the City's Engineer or County Transportation
4 staff.
5 • Some important items are missing from the Application, including the calculation of
6 buildable acres, and locations of septic systems and wells. (The Applicant noted that
7 these items are in process, and hope to have them available for the Council meeting on
8 July 1.)
9

10 The Commission recommended that all of the proposed lots must meet the City's minimum
11 standards. Lot 2 should be reconfigured to a minimum of 5 acres. The Applicants indicated that
12 there are a couple of options for accomplishing this. The Commission indicated that the option
13 selected should assure a minimum 5-acre lot. The Commission does not wish to set a precedent of
14 approving a new non-conforming lot.
15

16 The Commission recommended that the Applicant submit all of the materials required for the
17 subdivision application. It was noted that the requirements for this Application have been
18 substantially reduced from those that are typically required for a major subdivision.
19

20 The Commission discussed a variety of issues and options with the Applicants related to the
21 proposed new street/driveway. They noted that the Application differs from a standard subdivision
22 application, since some aspects of the project are the result of the Manning Avenue upgrade, rather
23 than a new development project initiated by the Applicants. They noted that gravel public streets
24 serve many existing neighborhoods in Grant. The Axdahls indicated that truck traffic will be directed
25 to the access from County 12, and away from the proposed new street/driveway.
26

27 The Commission determined that it would recommend design and development of the new access
28 as a public roadway, but that it would recommend that it be a gravel roadway, rather than a paved
29 road which would usually be required by the City's engineering standards for a major subdivision.
30

31 The Commission's rationale for recommending this exception to the standards is based on the unique
32 circumstances that created this subdivision, as follows:
33

- 34 • The proposed subdivision is not a new development, where costs of infrastructure can be
35 passed on to new willing purchasers. The proposed subdivision is simply a re-arrangement of
36 existing lot lines affecting existing property owners. Many existing public streets in Grant are
37 gravel streets.
38 • The proposed subdivision is a response to a County action that is affecting the property
39 owners in several ways.
40 • The closing of multiple accesses and creation of the new street will not benefit the existing
41 owners, but will improve safety for all users of County Road 15
42 • The proposed subdivision will provide benefits to the City of Grant and its residents
43

44 The City Attorney has indicated that the City could approve the preliminary plat with the draft street
45 configuration shown by the Applicants (Option A). The Applicants could wait to file the final plat
46 until the end of the Manning Avenue project, and revise the street plan on the final plat as shown in

1 Option B, if the land sale to Mr. Jacobs is approved by the County, and the City and County approve
2 this option for the street. Option B cannot be approved as part of the plat at this time, since the
3 County is not a participant in the subdivision.

4
5 City Engineer Hankee stated she believes she could work with the Engineer on Option A relating to
6 the roadway plan to meet all City standards. She recommended the City maintain the roadway if the
7 road is going to be a public road. She stated she also believes Option B could be worked on to
8 maintain City standards.

9
10 City Attorney Vivian advised the City could enter into an agreement with property owners for
11 maintenance that would eliminate all City liability. That agreement would be recorded with the plat.

12
13 Mr. Ted Schoenecker, Washington County, came forward and commented on the signal light costs,
14 timing and location. He added the purchase of the parcel was for a storm water pond. The County
15 will entertain the idea of selling back that property with an easement if the whole parcel is not
16 needed.

17
18 Mr. Tim Freeman, Surveyor, came forward and reviewed both Option A and B noting both options do
19 meet all City requirements. However, Option B is preferred for everyone involved.

20
21 Ms. Laura Domagala, representative for applicants, came forward and discussed the access points and
22 the driveway remaining through one of the lots.

23
24 Mr. Joel Lemanski, resident, came forward and stated he does not want to incur any costs so he is not
25 in favor of moving the driveway.

26
27 Mr. Rob Jacobs, 74100 Manning Avenue, came forward and stated he does not mind the driveway
28 going through the lot. He explained his intent regarding both Lot 2 and 3 relating to a retirement
29 home.

30
31 City Attorney Vivian advised the final plat approval could include a condition that the County
32 transfers the property back. The County should be advised that the City would like the property
33 transferred back. A condition of approval could also include a resident's maintenance plan for the
34 roadway. A concern could be when or if the property changes ownership. Another concern is if the
35 roadway is not maintained would the City have liability and is the agreement valid if challenged.

36
37 **Mayor Carr moved to approve Option A, as presented, noting the roadway would be a City**
38 **street and remain gravel. Council Member Fogelson seconded the motion.**

39
40 Mayor Carr noted he is also supportive of Option B if the County transfers the property back to the
41 property owner.

42
43 **Council Member Hinseth made a friendly amendment to include the access off Manning**
44 **Avenue, across from Settlers Way be a private Drive. Mayor Carr did not agree to the friendly**
45 **amendment advised his motion included the roadway being a City roadway and providing City**
46 **maintenance.**

1 Mayor Carr inquired about the option of the City maintaining the roadway but being reimbursed for
2 that expense every year.

3
4 City Attorney Vivian advised the City could require an escrow every year for maintenance costs of
5 the roadway.

6
7 Council Member Hinseth advised the average cost per year for road maintenance is approximately
8 \$5,000 per mile.

9
10 City Attorney Vivian recommended the property owners be responsible for the maintenance with the
11 City requiring an escrow for maintenance costs of approximately 10 years that the City could draw on
12 if the property owners do not maintain the roadway to City standards.

13
14 **Council Member Linner made a friendly amendment to include that if any future development**
15 **occurs making a connection that the roadway be paved at the developers cost. Mayor Carr and**
16 **Council Member Fogelson agreed to the friendly amendment.**

17
18 **Additional conditions to the motion included that the maintenance agreement sunset if the**
19 **residents decide to pave the roadway and a developer’s agreement is required.**

20
21 **Motion carried unanimously.**

22
23 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for June 2008 to be placed on
24 file for review.

25
26 **Oakleigh Dock Association** – City Attorney Vivian advised this matter would be discussed in a
27 closed session after the regular Council meeting this evening.

28
29 **Enforcement Process, Resolution No. 2008-13** – City Attorney Vivian reviewed a resolution
30 authorizing the Building Inspector to direct legal action of abatement of zoning violations. The intent
31 of the resolution is to streamline land use and zoning violations into the most efficient process
32 possible.

33
34 **Council Member Linner moved to approve Resolution No. 2008-13, as presented. Council**
35 **Member Hinseth seconded the motion. Motion carried unanimously.**

36
37 **Park Nursery/Hedberg Update** – City Attorney Vivian advised additional information is being
38 submitted as well as a revised agreement and site plan. Dave Snyder is handling this matter and will
39 have a recommendation for the Council at the August meeting.

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

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OLD BUSINESS

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3 **Road Repair Request, Brad Hinseth** – Road Commissioner Hinseth reviewed the proposed Irish
4 avenue and 110th Street repair projects in the amount of \$15,775.00 and asked for Council approval to
5 move forward.

6
7 **Council Member Linner moved to approve the two presented road projects in the amount of**
8 **\$15,775.00. Council Member Hinseth seconded the motion.**

9
10 City Treasurer Mikkelsen came forward and advised he took the May income statement and forecast
11 costs for the rest of the year. Based on that calculation the City will be approximately \$41,000 over
12 budget but had anticipated only taking \$30,000 from reserves. He stated that based on the levy limits,
13 he would rather not use any additional reserves.

14
15 Council Member Linner suggested the City waive the Town Hall project this year and use those
16 budgeted funds for the road projects.

17
18 **Motion carried unanimously.**

19
20 **Resolution No. 2008-11, Denial of Flug Amended CUP Application** – City Attorney Vivian
21 reviewed the findings for the basis of the denial of the Flug amended CUP application and
22 recommended adoption of Resolution 2008-11.

23
24 **Council Member Hinseth moved to adopt Resolution No. 2008-11, as presented. Council**
25 **Member Levitz seconded the motion.**

26
27 Mr. Peter Favor, Attorney for Ms. Flug, came forward and distributed copies of a letter he has
28 previously sent to the City. He stated he has not received any response to the letter. He indicated he
29 would like to negotiate with staff to resolve the outstanding issues relating to the application and
30 stated he doesn't believe this issue should have to go to litigation.

31
32 City Attorney Vivian advised the City is under a time limitation regarding action. He stated he did
33 receive the letter but it does not change his view regarding this issue. He stated he believes it is
34 appropriate to move forward with the adoption of the resolution but would welcome the opportunity
35 to further discuss the outstanding issues. He noted the City has not moved forward with fines but can
36 choose to do so if the applicant remains non-compliant.

37
38 **Motion carried unanimously.**

NEW BUSINESS

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42 **Windy Acres/Big T Liquor License Application** – Mr. Kerry Townsend, applicant, came forward
43 and provided the background on his business noting would like to move from a 3.2 license to a full
44 liquor license to be more profitable. He stated he dose have a CUP on the property as well as a food
45 license and has redone the septic. He stated he currently has 20 parking spaces and believes that is
46 adequate at this time.

1 **Council Member Fogelson moved to approve the liquor license application, as presented.**
2 **Council Member Levitz seconded the motion.**

3
4 Mayor Carr stated the Mr. Townsend may want to amend the current CUP if the business is
5 expanded.

6
7 **Motion carried unanimously.**

8
9 **DISCUSSION ITEMS**

10
11 **City Council Reports:**

12
13 Mayor Carr advised the City's Cable Commission representative is present to address the Council.

14
15 Ms. Karen Gochberg came forward and stated she is moving to Mahtomedi but would like to
16 continue working with the Cable Commission on behalf of the City of Grant.

17
18 The Council indicated they would like Ms. Gochberg to continue as the City of Grant's representative
19 on the Cable Commission.

20
21 Mayor Carr advised the State of the Cities book is available for review at the City office.

22
23 Council Member Linner requested Council approval to order an updated City address list from the
24 County in the amount of approximately \$200.

25
26 The Council directed the City Clerk to order the updated address list from the County.

27
28 Council Member Hinseth advised there have been several road complaints about increased traffic on
29 88th Street, Lake Elmo, Keats due to the Manning Avenue project. The Road Commissioner has
30 requested additional road barriers and signing from the County.

31
32 Council Member Fogelson advised the annual City picnic was a success but not as well attended as
33 last year. He thanked all the business that participated and expressed appreciation to everyone that
34 was involved.

35
36 Council Member Linner stated there were fun recycling games played at the picnic and the winner of
37 one of the games, Nick Fernandez, will be receiving a City of Grant sweatshirt.

38
39 Council Member Hinseth advised bids for sealcoating came in at approximately \$15,000 over the
40 budgeted amount.

41
42 **Council Member Linner moved to go into a closed meeting at 9:37 p.m.**

43
44 **CLOSED SESSION TO DISCUSS POSSIBLE LITIGATION, NICK VIVIAN/DAVE SNYDER**

1 The purpose of the closed meeting was to discuss possible litigation with City Attorney Vivian and
2 Snyder relating to the City owned lakeshore frontage.

3
4 **Council Member Levitz moved to reopen the regular City Council Meeting at 9:58 p.m.**
5 **Council Member Linner seconded the motion. Motion carried unanimously.**

6
7 **Council Member Fogelson moved to begin litigation to clarify the City’s ownership rights to the**
8 **property in question and appoint Mayor Carr as the City Liaison to work with staff and the**
9 **adjoining property owners regarding this issue. Council Member Levitz seconded the motion.**
10 **Motion carried unanimously.**

11
12 **COMMUNITY CALENDAR JULY 2 THROUGH JULY 31, 2008:**

13
14 **City Office Closed, Friday, July 4, 2008**

15
16 **Planning Commission Meeting, Monday, July 21, 2008, Town Hall, 7:00 p.m.**

17
18 **ADJOURN**

19
20 **There being no further business, Council Member Linner moved to adjourn at 10:00 p.m.**
21 **Council Member Levitz seconded the motion. Motion carried unanimously.**

22
23
24 These minutes were considered and approved at the regular Council Meeting, August 5, 2008.

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27
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29 _____
30 Kim Points, City Clerk

31 _____
32 Tom Carr, Mayor