

CITY OF GRANT
MINUTES

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DATE : September 2, 2008
TIME STARTED : 7:03 p.m.
TIME ENDED : 9:35 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; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:03 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

August 5, 2008, City Council Meeting Minutes	Approved
Bill List, \$34,554.77	Approved
Allied Blacktop, 2008 Seal Coat, \$56,832.79	Approved
Miller Excavating, \$19,242.91, Road Work	Approved

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

PUBLIC COMMENT

No one was present for public comment.

STAFF REPORTS

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

1 Council Member Hinseth arrived at 7:06 p.m.

2
3 **City Engineer, Diane Hankee** – The Engineer’s report for August 2008 was provided to be placed
4 on file for review. She noted she is working with the contractor and residents regarding the Jasmine
5 Avenue Paving project and she will have information regarding the Watershed District’s new rules at
6 the next Council meeting.

7
8 Council Member Hinseth advised he is will be working with the City Engineer to look into ways of
9 lowering engineering costs.

10
11 City Engineer Hankee added she will also check on the length of the current snowplowing contract.

12
13 **City Planner, Sherri Buss** – A report was provided in the Council packet for August 2008 City
14 planning activities, to be placed on file for review.

15
16 Council Member Hinseth noted he did have some questions regarding the City Planner’s report
17 relating to Stillwater Township and the Metropolitan Council as well as the Park CUP escrow. He
18 asked the City Clerk to alert Mr. Hedberg the escrow has a negative balance and all work should be
19 stopped until it is up to date. He asked about the surrounding communities comprehensive plans and
20 noted the City of Hugo designates Goodview Avenue is a collector roadway in Hugo but we have no
21 such designation for the Grant potion of Goodview.

22
23 Council Member Linner stated she has the surrounding community’s comprehensive plans and
24 requested the City Planner draft a letter expressing the City’s concerns regarding the City of Hugo’s
25 comprehensive plan.

26
27 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for August 2008 to be placed
28 on file for review. He reviewed and noted the status of the City’s enforcement current issues.

29
30 **Langer Enforcement Issue** – City Attorney Vivian outlined a memo regarding this issue noting Mr.
31 Langer continues to dispute the City’s Ordinance. He outlined the City’s options relating to
32 enforcement and recommended the City move forward with litigation to secure compliance on the
33 property.

34
35 **Council Member Hinseth moved to pursue legal action to ensure complete compliance. Council**
36 **Member Fogelson seconded the motion.**

37
38 City Attorney advised the Council should revisit the PUD ordinance with the intent to clarify it after
39 the first of the year.

40
41 **Motion carried with Council Member Linner voting nay.**

42
43 **Building Inspector, Jack Kramer** – A report from Building Inspector Kramer was provided for
44 August 2008 to be placed on file for review.

45

1 Ms. Joyce Welander, Fire Warden, 83rd Street, came forward and updated the Council on the Sawmill
2 burn permit request noting a permit cannot be issued at this point.

3
4 City Attorney Vivian stated the City will issue a burn permit when all issues are resolved. He advised
5 he would work with staff regarding this issue.

6
7 **OLD BUSINESS**

8
9 **Ordinance No. 2008-05, Charitable Gambling Ordinance** – City Attorney Vivian reviewed a
10 memo and the proposed charitable gambling ordinance noting it is a policy decision for the Council
11 to make regarding charitable gambling with the City of Grant.

12
13 Council Member Hinseth stated he is opposed to gambling within the City with the exception of
14 raffles and bingo for exempt organizations.

15
16 **Council Member Hinseth moved to direct the City Attorney to draft an ordinance prohibiting**
17 **charitable gaming with the City of Grant pursuant to Minnesota Statute 349.213 except for**
18 **those local activities which do not require a permit as provided by Minnesota Statute 349.166**
19 **subdivision 1 a through c. Council Member Linner seconded the motion.**

20
21 Council Member Hinseth stated he does not want the City to rely on income from gambling and
22 enforcement is also an issue.

23
24 Council Member Linner stated gambling would create more paperwork and enforcement for the City
25 to deal with. She stated she does not know what the benefit would be but does agree raffles and
26 bingo could continue.

27
28 Council Member Fogelson stated the donations from charitable gambling would benefit the citizens
29 of Grant. He stated he does not believe the City needs to restrict charitable gambling.

30
31 Mr. Kerry Townsend, Owner of Windy Acres, came forward and requested the Council table the
32 ordinance to allow him time to address all the issues that have been raised. He stated the City should
33 be aware of all the procedures before a decision is made.

34
35 **Council Member Linner moved to table Ordinance No. 2008-05 to the October Council**
36 **Meeting. Council Member Fogelson seconded the motion. Motion carried with Council**
37 **Member Hinseth voting nay.**

38
39 **Resolution No. 2008-15, Charitable Gambling at Windy Acres** – Council Member Linner
40 **moved to table Resolution No. 2008-15 to the October Council meeting. Council Member**
41 **Fogelson seconded the motion. Motion carried with Council Member Hinseth voting nay.**

42
43 **Park Nursery/Hedberg** – Council Member Hinseth updated the Council noting he has met with the
44 neighbors and Mr. Hedberg. He stated he believes progress is being made and an email regarding this
45 issue was sent out to the Council Members.

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NEW BUSINESS

2009 Preliminary Budget Approval – Mayor Carr referred to the levy limit and proposed budget as outlined by the City Treasurer.

Council Member Hinseth moved to accept the Treasurer’s recommendation and certify a preliminary levy of \$885,838. Council Member Fogelson seconded the motion. Motion carried unanimously.

Council Member Linner moved to approve the preliminary 2009 preliminary budget, as presented, based on the condition that a special budget meeting be scheduled to review the budget in detail. Council Member Hinseth seconded the motion. Motion carried with Mayor Carr voting nay.

Hwy 96 and Heron Avenue Apron, Brad Hinseth – Council Member Hinseth referred to a letter from Mr. Todd Clarkowski, MnDOT, regarding the City of Grant’s Request for Paving Aprons at heron and Keswick Streets along TH 96.

Council Member Hinseth moved to allow MnDOT to extend paved aprons, at no cost to Grant, from Hwy 96 right-of-way onto Grant gravel road right-of-way a maximum of 100 feet using MnDOT paving standards. Council Member Linner seconded the motion.

Council Member Linner made a friendly amendment to include that the City Engineer contact the project people and go through the request making clear there is no cost sharing. Council Member Hinseth and Council Member Linner agreed to the friendly amendment.

Motion carried unanimously.

DISCUSSION ITEMS

City Council Reports:

Council Member Hinseth referred to and acknowledged a petition from the residents on Goodview Avenue to close Goodview Avenue.

Council Member Hinseth also stated there are residents in the Isleton Avenue/Joliet areas in Grant that Comcast will not trench in cable. He suggested the City start trading permits for additional cable coverage within the City. He stated he would like to explore options to convince Comcast to extend their service coverage.

Mayor Carr suggested a petition be submitted from residents requesting the additional coverage and indicating they would pay for installation.

City Attorney Vivian noted he would take a look at the franchise agreement with Comcast.

1 Council Member Linner stated the City needs to get moving on the Comprehensive Plan process.

2
3 Mayor Carr suggested the Council review the CUP holders and determine which CUP holders would
4 be reviewed in 2009 at the October City Council meeting.

5
6 A resident came forward and complained about realtor and garage sale signs being displayed within
7 the City of Grant. He also inquired about hunting within the City.

8
9 Mayor Carr clarified the sign and hunting ordinances and suggested residents who have questions
10 contact the City office.

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13 **CLOSED SESSION TO DISCUSS PENDING LITIGATION, JAHNKE/OAKLEIGH DOCK**
14 **ASSOCIATION, NICK VIVIAN**

15
16 **Council Member Linner moved to go into a closed meeting at 8:45 p.m. Council Member**
17 **Hinseth seconded the motion. Motion carried unanimously.**

18
19 The purpose of the closed meeting was to discuss possible litigation with City Attorney Vivian
20 relating to the City owned lakeshore frontage.

21
22 **Council Member Linner moved to adjourn the closed meeting at 9:34 p.m. Council Member**
23 **Hinseth seconded the motion. Motion carried unanimously.**

24
25 The Council directed the City Attorney to move forward with the litigation issues as discussed within
26 the closed meeting.

27
28 **COMMUNITY CALENDAR SEPTEMBER 3 THROUGH SEPTEMBER 30, 2008:**

29
30 **Planning Commission Meeting, Monday, September 15, 2008, Town Hall, 7:00 p.m.**

31
32 **ADJOURN**

33
34 **There being no further business, Council Member Linner moved to adjourn at 9:35 p.m.**
35 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

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38 These minutes were considered and approved at the regular Council Meeting, October 7, 2008.

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44 Kim Points, City Clerk

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46 Tom Carr, Mayor