

CITY OF GRANT
MINUTES

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DATE : October 7, 2008
TIME STARTED : 7:04 p.m.
TIME ENDED : 8:45 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth, Linner, Levitz and Mayor Carr
MEMBERS ABSENT : None

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

CALL TO ORDER

Mayor Carr called the meeting to order at 7:04 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 7C, Hedberg Update, was added to the regular agenda.

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

CONSENT AGENDA

| | |
|--|----------|
| Bill List, \$45,570.09 | Approved |
| City of Mahtomedi, 3 rd Quarter Fire Contract, \$25,535.04 | Approved |
| Dresel Contracting, Jasmine Avenue Project, \$81,259.27 | Approved |

Item 4A, September 2, 2008, City Council Meeting Minutes, was removed from the Consent Agenda.

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

September 2, 2008, City Council Meeting Minutes – The amount listed under the consent agenda for Allied Blacktop was corrected to read \$56,832.79.

1 **Council Member Linner moved to approve the September 2, 2008, City Council Meeting**
2 **Minutes, as amended. Council Member Levitz seconded the motion. Motion carried**
3 **unanimously.**

4
5 **PUBLIC COMMENT**

6
7 Mr. Ken Hertz, Attorney, came forward and commented on a large pile of waste within the
8 community that is causing potential safety hazards. He stated the Building Inspector had sent a letter
9 but nothing to date has been done. It is a well documented problem. The issue is not a burn permit
10 but removing all the hazardous materials before a burn permit is issued. Also, adequate safety
11 measures need to be taken when and if the pile is burned.

12
13 Mr. Bob Nicholson came forward and distributed information on the dangers of arsenic lumber noting
14 that the issue needs to be dealt with. It is a huge public safety concern if the pile catches on fire. He
15 invited each and every Council Member to visit the site and stated the issue needs to be dealt with.

16
17 Mr. Joe Plumbo, Lake Elmo Avenue, came forward and inquired about the City's noise ordinance
18 and asked if all businesses within the City must adhere to the ordinance.

19
20 Mayor Carr advised all business must adhere to the same noise ordinance.

21
22 Ms. Joyce Welander, 83rd Street, came forward and provided pictures of the referenced burn pile for
23 viewing.

24
25 Mr. Robert Tufte, Jasmine Avenue, came forward and thanked City staff, City Council and everyone
26 who was involved with the Jasmine Avenue paving project. He stated the road is wonderful and
27 residents there are thrilled with the pavement.

28
29 **STAFF REPORTS**

30
31 **September 2008, City of Grant Police Report, Deputy Breana Fry** - The September 2008 Police
32 Report was provided to be placed on file for review at City Hall. She noted the Department does
33 have suspects pertaining to the thefts that were occurring in the Gateway Trail area.

34
35 **City Engineer, Diane Hankee** – The Engineer's report for September 2008 was provided to be
36 placed on file for review.

37
38 **Maintenance Services, Grading and Snow Plowing** – City Engineer Hankee recommended
39 entering into an agreement with Miller Excavating. The contract is the same as last year with the
40 exception of \$100 per hour if the City's grader is not utilized for the plowing. She also recommended
41 the City work towards a more long term contract after this year. She noted the County would have a
42 contingency plan for salt if there is a shortage.

43
44 **Council Member Hinseth moved to approve the contract with Miller for 2008-2009**
45 **snowplowing, as presented. Council Member Levitz seconded the motion. Motion carried**
46 **unanimously.**

1 City Engineer Hankee noted she would be attending the Brown's Creek Watershed District meeting
2 on October 13, 2008, on behalf of the City.

3
4 **City Planner, Sherri Buss** – A report was provided in the Council packet for September 2008 City
5 planning activities, to be placed on file for review.

6
7 **American Polywater Variance Request** – City Planner Buss advised the applicant has submitted a
8 request for a variance from wetland setback requirements for placement of a mound septic system for
9 the property located at 11170 60th Street North owned by American Polywater Corp. The applicant
10 previously applied for a Conditional Use Permit (CUP) for this property, which the City approved on
11 June 3, 2008. A condition of the CUP was that the applicant receives a septic permit from
12 Washington County. Upon application for the permit, it was determined that the only suitable
13 requirements are 75 feet from the delineated wetland edge. The proposed system will vary from 40 to
14 50 feet from the wetland edge. The applicant is requesting a variance from wetland setbacks in order
15 to install a septic system. This property in the General Business (GB) District.

16 City Planner Buss reviewed the background of the request and stated the Planners find that the
17 applicant has demonstrated a hardship caused by the unique circumstances of the property to support
18 the granting of the request for variance. For these reasons and those identified in the findings, the
19 Planners recommend approval of the variance from the 75-foot setback from an unclassified water
20 body (wetland) requirement for the installation of a septic system, located within 40 feet from the
21 wetland, based on the conditions attached in the staff report.

22 **Council Member Fogelson moved to adopt Resolution No. 2008-17, as presented. Council**
23 **Member Levitz seconded the motion. Motion carried unanimously.**

24
25 **Comprehensive Plan Update** – City Planner Buss updated the Council on the status of the draft
26 Comprehensive Plan process noting the City has received comments from several surrounding
27 communities. She advised some revisions have been made to the surface water management plan.

28
29 City Planner Buss advised the Metropolitan Council is not going to do a post 2030 sewer area study
30 as Stillwater Township challenged that study

31
32 Council Member Fogelson requested a copy of the proposed 2030 area map and stated the City needs
33 to be aware of any meetings relating to this study.

34
35 Council Member Levitz stated the City needs to stand firm with Stillwater Township on this issue.

36
37 The Council directed staff to draft a letter to the Metropolitan Council indicated the City of Grant has
38 no interest in sewer and is in full support of Stillwater Township relating to this issue. The Council
39 also directed staff to schedule a public hearing for the November Planning Commission meeting to
40 take comment on the draft Comprehensive Plan.

41
42 City Engineer Hankee updated the Council on the FEMA flood zone revisions advising she will not
43 know for several months what the next step would be. She noted it appears as though the areas that
44 were included in the initial repeal would be removed from the new flood zone maps.

1 Council Member Linner advised the draft Comprehensive Plan is now on the City's website and
2 residents are encouraged to review it and make comments. Comments can be made directly on the
3 website.
4

5 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for September 2008 to be
6 placed on file for review. He noted the City has made significant progress on enforcement issues.
7

8 **Building Inspector, Jack Kramer** – A report from Building Inspector Kramer was provided for
9 September 2008 to be placed on file for review.
10

11 Council Member Linner commented on an increase in exterior storage throughout the City due to
12 contractors being out of work. Due to tough economic times, she requested the City try to work with
13 these residents relating to zoning enforcement.
14

15 OLD BUSINESS

16
17 **Ordinance No. 2008-05, Charitable Gambling Ordinance** – Council Member Linner advised she
18 and Council Member Levitz met with the applicant and a presentation regarding Charitable Gambling
19 was made by the lake Elmo Jaycees. She stated the meeting was very informative but did bring up
20 additional questions. She recommended the Jaycees attend a Council meeting to make a presentation
21 and also involve the Community Education representatives.
22

23 Council Member Fogelson stated there currently is not a charitable gambling ordinance within the
24 City and believes the proposed ordinances restricts gambling within the City and also give the
25 Council the ability to control gambling.
26

27 Council Member Levitz stated she would like to hear more from residents regarding this issue.
28

29 Mayor Carr stated the process would then be to hear from residents during a public hearing. He noted
30 the issue has turned out to big issue within the City.
31

32 Council Member Fogelson stated the issue is there are no current controls over gambling within the
33 City. The purpose of the ordinance is for the City to control how charitable gambling is done and
34 where it occurs.
35

36 City Attorney Vivian clarified the process noting the City does have control even with the proposed
37 ordinance. The first question to be answered is if the City is going to allow charitable gambling.
38

39 **Council Member Levitz moved to table Ordinance No. 2008-05 to allow for a public hearing at
40 a Planning Commission meeting. Mayor Carr seconded the motion. Motion carried with
41 Council Member Hinseth voting nay.**
42

43 **Resolution No. 2008-15, Charitable Gambling at Windy Acres** – Council Member Levitz moved
44 to table Resolution No. 2008-15 to a future Council meeting. Council Member Fogelson
45 seconded the motion. Motion carried with Council Member Hinseth voting nay.
46

1 **Hedberg Update, Council Member Hinseth** – Council Member Hinseth updated the Council noting
2 he met with Mr. Hedberg last week. Progress is being made. A wetland specialist is going to visit
3 the site to delineate. He stated he hopes to firm up the agreement over the winter and have the
4 agreement implemented in the spring and completed by June 30, 2009. Mr. Hedberg has agreed
5 when and if the current ownership of the property ceases the agreement expires and the current CUP
6 would be in force.

7 8 NEW BUSINESS

9
10 **2009 CUP Annual Review List** – Mayor Carr referred to the update and status of the CUP annual
11 review that took place in 2008. He stated some of the reviews are still in progress and it is good
12 information. Because it is a new process, the Council could discuss 2009 reviews at a future meeting
13 or in January, 2009.

14
15 **Mayor Carr moved to table the 2009 CUP Annual Review list to the November City Council**
16 **meeting. Council Member Hinseth seconded the motion. Motion carried unanimously.**

17 18 DISCUSSION ITEMS

19
20 **City Council Reports:** City Treasurer Mikkelsen updated the Council on the Jasmine Avenue Bond
21 noting it is a new process for him and several banks have been contacted. He stated he believes it
22 would be prudent to seek guidance from a financial advisor regarding the bond. The advisory would
23 cost money up front but would save the City money in the long run.

24
25 **Council Member Hinseth moved to direct the City Treasurer to obtain a financial advisor to**
26 **assist in the bond process for Jasmine Avenue. Council Member Fogelson seconded the motion.**

27
28 City Treasurer Mikkelsen advised that any costs incurred from the financial advisor can be included
29 in the amount of the bond. He stated he believes the cost for a financial advisor would be
30 approximately \$2,000-\$5,000.

31
32 City Engineer Hankee added that obtaining a financial advisory could also benefit the residents
33 because the City may possibly get a better rate. Those costs have already been included and built in
34 during the feasibility stage.

35
36 **Motion carried unanimously.**

37
38 Council Member Linner updated the Council regarding the Ordinance Codification process noting the
39 City should receive the manuscript back within the next month and then the Planning Commission
40 and City Council will review it.

41
42 City Attorney Vivian advised there has been significant work done to date on the project. All
43 ordinances will be in one book and there have not been any major changes. The next step is to review
44 the manuscript and then have a public hearing. The Council would then approve final adoption of the
45 manuscript.

1 Council Member Hinseth encouraged all residents to brush the frontages along their roadway.

2
3
4 **CLOSED SESSION TO DISCUSS PENDING LITIGATION, JAHNKE/OAKLEIGH DOCK**
5 **ASSOCIATION, NICK VIVIAN**

6
7 **Council Member Linner moved to go into a closed meeting at 8:17 p.m. Council Member**
8 **Levitz seconded the motion. Motion carried unanimously.**

9
10 The purpose of the closed meeting was to discuss possible litigation with City Attorney Vivian
11 relating to the City owned lakeshore frontage.

12
13 **Council Member Hinseth moved to adjourn the closed meeting at 8:45 p.m. Council Member**
14 **Fogelson seconded the motion. Motion carried unanimously.**

15
16 The Council directed the City Attorney to move forward with the litigation issues as discussed within
17 the closed meeting.

18
19 **COMMUNITY CALENDAR OCTOBER 8 THROUGH OCTOBER 31, 2008:**

20
21 **Planning Commission Meeting, Monday, October 20, 2008, Town Hall, 7:00 p.m.**

22
23 **ADJOURN**

24
25 **There being no further business, Council Member Linner moved to adjourn at 8:45 p.m.**
26 **Council Member Levitz seconded the motion. Motion carried unanimously.**

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28
29 These minutes were considered and approved at the regular Council Meeting, November 6, 2008.

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36 Kim Points, City Clerk

37 _____
38 Tom Carr, Mayor