

CITY OF GRANT
MINUTES

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DATE : November 6, 2008
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:06 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 7:00 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

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

CONSENT AGENDA

October 7, 2008 City Council Meeting Minutes	Approved
Bill List, \$48,081.72	Approved
City of Mahtomedi, 4th Quarter Fire Contract, \$25,535.04	Approved
Washington County Sheriff, 1st Half Police Services, \$46,886.08	Approved
Miller Excavating, Road Services, \$24,508.02	Approved

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

PUBLIC COMMENT

1 Mr. Steve Bohnen, 9224 60th Street, came forward and inquired about a stop sign being moved on a
2 roadway that was just paved. Road Commissioner Hinseth advised Mr. Bohnen he would be
3 responding to his email regarding this issue.

4
5 The City Clerk read a letter from a minor resident indicating he would like Mayor Carr to be the
6 Mayor of Grant again.

7
8 Mr. Loren Sederstrom, 9330 107th Street, came forward and congratulated the candidates that were
9 elected and thanked the City Clerk for the running of the election.

10 **STAFF REPORTS**

11
12
13 **October 2008, City of Grant Police Report, Deputy Breana Fry** - The October 2008 Police Report
14 will be provided to be placed on file for review at City Hall when it is available.

15
16 Council Member Levitz noted damage was done at Houles Seed and Feed store when vandals threw
17 bricks through the windows.

18
19 **City Engineer, Diane Hankee** – The Engineer’s report for October 2008 was provided to be placed
20 on file for review.

21
22 **Snow Removal Maintenance Contract** – City Engineer Hankee stated a meeting was held with
23 Miller and the Road Commissioner and it was determined that a three year contract would be more
24 appropriate than a one year contract. A draft of the contract was included in the Council packets.
25 Some updates will be made to the insurance portion. The contract includes a 3% maximum increase
26 per year.

27
28 Council Member Fogelson reviewed the insurance coverage revisions that should be made to the
29 contract.

30
31 **Council Member Fogelson moved to approve a three year contract with Miller for**
32 **snowplowing, with noted revisions. Council Member Levitz seconded the motion. Motion**
33 **carried with Council Member Linner abstaining.**

34
35 **Jasmine Avenue Bond** – City Treasurer Mikkelsen advised the City did receive a significant amount
36 of prepaid assessments for the Jasmine Avenue paving project. He reviewed the bond details noting
37 the bond will be obtained through Wells Fargo. The costs to the City associated with securing the
38 bond are included within the bond and the closing date is November 26, 2009. He recommended the
39 Council approve the resolution for the Jasmine Avenue Bond.

40
41 The Council requested clarification on the resolution that the bond is for the Jasmine Avenue paving
42 project.

43
44 City Attorney Vivian advised the resolution was just received and revisions would be made so it
45 following the City’s typical form.

46

1 **Council Member Hinseth moved to adopt the Jasmine Avenue Bond Resolution, with noted**
2 **revisions. Council Member Fogelson seconded the motion. Motion carried unanimously by a**
3 **roll call vote.**

4
5 City Engineer Hankee referred to the Brown's Creek Total Maximum Daily Load (TMDL) study
6 noted in the staff report. In an effort to improve the quality of the creek they will need to complete
7 projects within the City and cost sharing is proposed. She stated she has recommended to them that
8 they communication their intentions to the City. She asked if the Council would like to make a
9 presentation at a Council meeting or draft a letter outlining the proposal.

10
11 Council Member Linner noted watersheds have levy authority.

12
13 The Council directed the City Engineer to request Brown's Creek write a letter outlining their
14 intentions regarding the projects and cost sharing.

15
16 **City Planner, Sherri Buss** – A report was provided in the Council packet for October 2008 City
17 planning activities, to be placed on file for review.

18
19 **W. Johnson CUP Application for Waste Busters** – City Planner Buss advised the applicant,
20 Warren Johnson, has submitted an application for a Conditional Use Permit (CUP) for WasteBusters,
21 a roll-off storage box company located at 7688 Jamaca Avenue North. This 9.8 acre property is in the
22 A-1 - Agricultural Large Scale District. The property is located at the northwest corner of Jamaca
23 Avenue and CSAH 12, with the Gateway Trail to the west. The applicant has approximately ten
24 storage boxes that are used at construction sites to hold discarded demolition or roofing materials.
25 The applicant transports the boxes to and from construction sites, stores the boxes on the property,
26 and arranges for the disposal of the construction materials. The primary use of the property is
27 residential, as the applicant's residence. The business is not a customary accessory use to a residence,
28 and is therefore categorized as Storage - Not Accessory to a Permitted Principal Use under Section
29 604 of the Zoning Ordinance. This use is allowed in the A-1 District with the issuance of a
30 Conditional Use Permit. The applicant is requesting a Conditional Use Permit to continue operating
31 the business.

32
33 Mr. Warren Johnson, applicant, came forward and stated three additional boxes have been moved to
34 the appropriate site on the property. He noted the trail is an old farm road that has always been there
35 is only used for 4-wheelers.

36
37 City Planner Buss reviewed the recommended conditions of approval and noted a map could be
38 attached to the CUP that includes a site plan, dimensions and location of the storage boxes.

39
40 City Attorney Vivian added the CUP and map would need to be recorded at Washington County.

41
42 The Council requested condition be revised to read "The CUP may be subject to annual review by the
43 City for compliance with the conditions set for in the CUP. The applicant shall comply with City
44 Ordinances that require the applicant to pay a CUP review fee."
45

1 Mayor Carr suggested that another condition be added to indicate an east/west line with a footage to
2 be determined from the northern boundary that the CUP could not be expanded beyond.

3
4 Council Member Hinseth stated he has talked to neighbors in the area and they have indicated they
5 are opposed to the CUP request but could not attend the meeting this evening.

6
7 **Council Member Levitz moved to approve the CUP request, based on the noted changes to the**
8 **conditions. Council Member Linner seconded the motion.**

9 Mayor Carr expressed concern regarding the burning of materials on the site. Construction materials
10 should not be burned.

11 Mr. Jeff Huber, Planning Commissioner, came forward and stated the Planning Commission had an
12 issue with burning also. There had been someone on the property previously that did burn material
13 that should not have been burned. That person is no longer on the property.

14 **Council Member Linner added a friendly amendment to include the revision of condition #9 to**
15 **read “The burning of any stored material is not allowed”. Council Member Levitz agreed to**
16 **the friendly amendment.**

17 Council Member Hinseth stated he recognizes the applicant has a special circumstance on the site.
18 However, is he is concerned that this is more of an industrial use for the property and jeopardizes the
19 City’s Comprehensive Plan.

20 Mr. Johnson advised there are no industrial materials on the site.

21 Council Member Levitz stated Council Member Hinseth would have a valid point if this was a
22 request from a new business coming into the City. She stated she believes Mr. Johnson is
23 grandfathered in as he has been there and conducting this business for 22 years. She noted the area is
24 very well screened.

25 Council Member Linner added there will never be development next to this site and there is adequate
26 screening.

27 Council Member Fogelson stated the property in question is unique and there have been no
28 complaints about the use.

29 City Attorney Vivian advised the City has to look at each CUP request individually and how the use
30 affects the residents of Grant. He stated he does not believe approved the CUP request is setting a
31 precedence.

32 Mayor Carr added there used to be a transfer station there. If the property in question were more in
33 the middle of the City, than there may be more of a problem. He stated the applicant should
34 previously have come forward to request a CUP. If the school district were to build there may be a
35 problem and another berm may have to be added.

36 **Motion carried with Council Member Hinseth voting nay.**

37
38 **Comprehensive Plan Update** – City Planner Buss updated the Council on the status of the draft
39 Comprehensive Plan process noting a public hearing is scheduled for the November Planning
40 Commission meeting. She noted she has reviewed the City of Dellwood and White Bear Township’s

1 Comprehensive Plans and a letter will be written to them noting there is nothing of conflict with the
2 revised plan.

3
4 **Marotz Zoning Violation** – City Planner Buss advised a recent zoning enforcement action identified
5 a discrepancy in the zoning classification of a property as shown on the City’s adopted 1998
6 Comprehensive Plan Zoning Map vs. the 2005 Zoning District Map (property C on the attached map).
7 The 2005 map was not officially adopted by the City. In 1998, the property was classified as A-2, and
8 in 2005 it was mapped as R-1. This was the first time that such a discrepancy has been identified
9 between the maps since we have been the City’s Planner.

10
11 Based on this discovery, the Planners completed a detailed examination of the adopted 1998
12 Comprehensive Plan Zoning Map in relation to the 2005 Zoning District Map. As a result of this
13 analysis, we have identified several parcels where the maps are not in agreement. They are listed on
14 the chart below. We believe that these differences were a result of mapping error in creation of the
15 2005 map, and were not directed or adopted by the Council. The land use and zoning classifications
16 of these properties need to be resolved so that the maps in the 2030 Comprehensive Plan update can
17 be finalized.

18
19 The 1998 Zoning map was officially adopted by the Council at that time as part of adopting the
20 Comprehensive Plan. We do not believe that the 2005 map was adopted by the Council, and therefore
21 the 1998 map is the City’s official Zoning Map. The Zoning Map is based on the land use map, and is
22 one of the City’s official controls, used in application reviews, staff reviews, and enforcement issues.
23 The Zoning Map must be adopted by formal resolution by the City and any changes to the official
24 Zoning Map must go through a specific rezoning process. If the 2005 map was not officially adopted,
25 then the official zoning classifications are still those shown on the 1998 map. The properties are
26 identified in the attached map for reference. Also attached is a copy of the 1998 Zoning Map.

27
28 City Planner Buss requested Council direction on how to proceed as it is a policy decision. At this
29 point, the Council could change the 1998 classifications to those shown on the 2005 map, if those are
30 the desired classification for the parcels. She reviewed the parcels affected by the zoning
31 discrepancy.

32
33 City Attorney Vivian advised there are no records that indicate the 2005 map was approved. The City
34 has to proceed with the 1998 map being the official map. If there are changes to that the proposed
35 changes would have to go through the process outlined in the City’s Ordinance.

36
37 City Planner Buss advised she would look at the properties in question, and provide an update and
38 any recommendations at the December Council meeting.

39
40 Council Member Linner requested the Planning Commission look at this issue also.

41
42 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for October 2008 to be placed
43 on file for review. He noted he would discuss litigation issue during the closed session.

44
45 **Building Inspector, Jack Kramer** – A report from Building Inspector Kramer was provided for
46 October 2008 to be placed on file for review.

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OLD BUSINESS

2009 CUP Annual Review List, Mayor Carr – Mayor Carr noted the City began a new process in 2008 relating to the annual review of CUP's within the City. He stated he reviewed the list and suggested the following CUP's be reviewed: Costas, Sawmill, Loggers Trail and Indian Hills.

The Council determined Costas, Sawmill Golf Course, Loggers Trail, Indian Hills and Valley Custom Mold would be reviewed in 2009.

City Attorney Vivian referred to the status report of the current CUP's within the City. He stated some of the CUP's cannot be located and noted he believes it is the property owner's responsibility to record and retain the CUP. However, the City should also have a copy of the CUP. Past meeting minutes clearly indicate CUP's were approved for some of the properties in question. He suggested the property owners provide a minimal escrow to have the CUP reconstructed.

The City Council indicated they would like to work with the property owners so they, as well as the City, have a document on file. It was suggested the City share in the cost to reconstruct the CUP.

City Attorney Vivian stated he believes the City can work with the property owners and reconstruct the CUP's in a cost effective and efficient manner.

NEW BUSINESS

Canvas of Election – Mayor Carr read the election results as follows:

John McCain	1597
Barack Obama	1207
Tom Carr	1578
Terry Derosier	1048
Kim Linner	839
Jim Mullin	620
Loren S. Sederstrom	717
Jeff Huber	1067
Steve Bohnen	155
Daniel J. Potter	938
Dennis P. Heuer	383

Council Member Fogelson moved to certify the election results as presented. Council Member Hinseth seconded the motion. Motion carried unanimously.

Grant Trail Rangers, Trail Clearing Request – Ms. Gail Olson, Grant Trail Ranger Member, came forward and outlined their request to clear a trail adjacent to the Town Hall property which could

1 becoming hiking/ski/horseback trails and allow for additional trail loops. She noted there would be
2 no cost to the City as the Trail Rangers would clear the trail with volunteer help. She also distributed
3 and read the Grant Trail Rangers Mission Statement.

4 Council Member Linner clarified the exact location of the proposed trail clearing referring to the
5 wedge of property that is City property. She also expressed concern regarding any potential City
6 liability.

7
8 Council Member Hinseth requested an aerial map of where the trail and clearing would be done as
9 well as the width and height of the clearing area.

10
11 City Attorney Vivian stated the City could keep an eye on the area to ensure it is cleared and safe.
12 The trail is the same as roads and there is some liability. The City could also post signs stating riders
13 can use trail at their own risk.

14
15 Mayor Carr cautioned about getting too close to property borders and being respectful of the
16 surrounding property.

17
18 Ms. Olson advised she is not sure about the timing of the project as it depends on the weather. She
19 stated she would keep the City informed on the status of the project.

20 21 DISCUSSION ITEMS

22
23 **City Council Reports:** Mayor Carr advised there is a County Road 17 Open House on November 13,
24 2008, 4:00 – 7:00 at Rockpoint Church. He also stated there is a Manning Avenue grand opening on
25 November 14 with a ceremony to be held at 1:00 p.m. Deputy Mayor Hinseth will present the
26 ceremony. The City is still working on the cable equipment upgrade and a proposal may come
27 forward in January. He also suggested the City look into additional security at Town Hall due to the
28 new equipment.

29
30 Council Member Linner advised some of the ordinances were missed in the Ordinance Codification
31 project so it could be up to another 4 months for that to be completed.

32
33 Mayor Carr thanked Council Member Linner for all her work on the City newsletter.

34
35 Road Commissioner Hinseth stated that due to the warm fall season, grading is being prolonged.

36 37 CLOSED SESSION FOR PURPOSE OF CONFERRING WITH LEGAL COUSEL ON 38 PENDING LITIGATION, NICK VIVIAN

39
40 **Council Member Hinseth moved to go into a closed meeting at 8:25 p.m. Council Member**
41 **Levitz seconded the motion. Motion carried unanimously.**

42
43 The purpose of the closed meeting was to discuss possible litigation with City Attorney Vivian
44 relating to pending litigation.

45

1 **Council Member Linner moved to adjourn the closed meeting at 9:05 p.m. Council Member**
2 **Levitz seconded the motion. Motion carried unanimously.**

3
4 The Council directed the City Attorney to move forward with the litigation issues as discussed within
5 the closed meeting.

6
7 **COMMUNITY CALENDAR NOVEMBER 7 THROUGH NOVEMBER 30, 2008:**

8
9 **Planning Commission Meeting, Monday, November 17, 2008, Town Hall, 7:00 p.m.**
10 **City Office Closed, Thanksgiving Holiday, Thursday, November 27, 2008**

11
12 **ADJOURN**

13
14 **There being no further business, Council Member Linner moved to adjourn at 9:06 p.m.**
15 **Council Member Levitz seconded the motion. Motion carried unanimously.**

16
17
18 These minutes were considered and approved at the regular Council Meeting, December 1, 2008.

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24 _____
25 Kim Points, City Clerk

26 _____
27 Tom Carr, Mayor