

CITY OF GRANT  
MINUTES

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**DATE** : December 1, 2008  
**TIME STARTED** : 7:03 p.m.  
**TIME ENDED** : 9:57 p.m.  
**MEMBERS PRESENT** : Councilmember Fogelson, Hinseth, Linner,  
Levitz and Mayor Carr  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Nick Vivian (7:20); 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 7:03 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**

November 6, 2008 City Council Meeting Minutes	Approved
Bill List, \$45,505.01	Approved
Miller Excavating, Road Services, \$16,716.00	Approved
City of Stillwater, 2 <sup>nd</sup> Half Fire Contract, \$49,885.00	Approved
Fuhr Trenching, 2008 Culverts, \$21,436.00	Approved
Resolution No. 2008-19, W. Johnson CUP	Approved

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

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**PUBLIC COMMENT**

Mayor Carr presented Council Member Linner and Council Member Levitz with a plaque and thanked them for their years of service to the City.

Council Member Hinseth read a proclamation and presented several residents with certificates thanking them for volunteer help on the roads and made them honorary Deputy Road Commissioners.

Council Member Fogelson also thanked Council Member Linner and Council Member Levitz for their service to the City.

**2009 INSURANCE REVIEW, CHRIS SAURO**

Mr. Chris Sauro briefly reviewed the City’s 2009 Insurance Policy highlighting changes from 2008.

The Council asked Mr. Sauro to inquire about a price reduction on the City’s insurance if a security system is installed at Town Hall. They also asked about the change in premium if the road grader is valued at \$200,000.

The Council determined the City would NOT waive tort liability and Mayor Carr signed the document relating to that issue.

**COUNTY ROAD 17 PLAN DISCUSSION, MAYOR CARR**

Mayor Carr advised he has received calls from residents regarding concerns to the County Road 17 plans. Residents need to know that the City is committed to eliminating as much neighborhood impact as possible and the Council is monitoring the proposed project.

Council Member Hinseth advised there have been several meetings and it appears there are three alternatives for the project. The roundabout proposal would have the least impact on Grant residents. The project will need Grant City Council approval.

City Engineer stated the City could request the County attend a Council meeting and make a presentation relating to the project.

Council Member Fogelson stated several of the options are very detrimental to Grant residents. The roundabout takes out about half of the business district. Other options need to be provided by the County.

City Engineer Hankee stated the project will eventually happen noting they have looked at all the options from an engineering stand point.

Mayor Carr stated the City needs to push for the option that has the least impact to residents. The County needs to know that the least impact to residents is the only option the City will consider. The City would also be interested in what the County is going to do for the residents that are impacted.

1 The County can attend a meeting and make a presentation only relating to the options that has the  
2 least amount of impact on Grant residents.

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4 **STAFF REPORTS**

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

8

9 Council Member Fogelson asked that residents witnessing vandalism within the City please report it  
10 to the Sheriff's Department.

11

12 **City Engineer, Diane Hankee** – The Engineer's report for November 2008 was provided to be  
13 placed on file for review. She noted FEMA is in the process of requesting comments from the  
14 watershed districts concerning the removal of floodplain areas and she has requested a letter of intent  
15 be sent from Brown's Creek regarding the TMDL study decisions and requirements.

16

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

19

20 Mayor Carr requested the Planner include a reference map for the location of the dumpsters relating  
21 to the Johnson CUP.

22

23 **Comprehensive Plan Approval** – City Planner Buss updated the Council on the status of the draft  
24 Comprehensive Plan noting it was on the City's website and residents were able to make comments.  
25 The revised Plan is very similar to the 1998 Plan with the addition of requirements from the  
26 Metropolitan Council. The draft Plan is complete and comments were taken at the November  
27 Planning Commission. The Planning Commission recommended the Plan be approved. She added  
28 the minor changes from Council Member Linner would be included in the revised Plan.

29

30 **Council Member Hinseth moved to approve the Comprehensive Plan, including all the changes**  
31 **noted by Council Member Linner, and including the Town Hall Capital Improvement Plan.**  
32 **Council Member Fogelson seconded the motion.**

33

34 Council Member Linner requested the City Planner make the changes and get the final revised Plan  
35 on the City's website.

36

37 Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and stated she was disappointed that the Plan did not  
38 have the paragraphs relating to options for large land owners such as Green Acres, Conservation  
39 Easement, etc.

40

41 City Planner Buss advised the paragraphs relating to those options were removed because they  
42 referenced cluster development. Additionally, the programs are not City sponsored and are still  
43 available to land owners.

44

Comment: .

1 Mr. Craig Johnston, Planning Commissioner, Ironwood Ave., came forward and advised the Council  
2 that part of the Plan was taken out because it dealt with goals and plans and those options are  
3 programs.

4  
5 Ms. Welander referred to the zoning map and asked why some 5-acre parcels within the City are  
6 included in residential zoning.

7  
8 Mayor Carr advised the 1998 Zoning Map will be included in the Comprehensive Plan.

9  
10 **Motion carried unanimously.**

11  
12 **Zoning Map Clarification and Approval of 1998 Map** – City Planner Buss provided the  
13 background regarding this issue advising the Planning Commission did review the 1998 Zoning Map  
14 as well as the 2005 draft zoning map. She recommended the City Council officially adopt the 1998  
15 Zoning Map and include it in the Comprehensive Plan.

16  
17 City Attorney Vivian advised he would work with Mr. Plumbo to resolve the issue as he had been  
18 notified about the zoning on his property, but the information provided was based on the 2005 Zoning  
19 Map. He advised the Council he would contact the property owner regarding this issue.

20  
21 **Mayor Carr moved to formally confirm and adopt the 1998 Zoning Map and include it in the**  
22 **updated Comprehensive Plan. Council Member Linner seconded the motion. Motion carried**  
23 **unanimously.**

24  
25 **City Attorney, Nick Vivian** – City Attorney Vivian provided a report for November 2008 to be  
26 placed on file for review. He noted it looks like the City does have a basis for the Houle’s CUP.

27  
28 City Engineer Hankee advised she had contacted the County regarding the curb cut within the Axdahl  
29 subdivision project. The County has indicated this issue has to be resolved through the City and can  
30 be taken care of through the development review process.

31  
32 City Attorney Vivian advised it specifically says in the agreement that all access points will be closed  
33 and they will not be there when the plat is executed.

34  
35 **Building Inspector, Jack Kramer** – A report from Building Inspector Kramer was provided for  
36 November 2008 to be placed on file for review.

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39 **OLD BUSINESS**

40  
41 **Ordinance No. 2008-05, Establishing Local Regulations for Charitable Gambling** – Mayor Carr  
42 advised the Planning Commission has made recommendations regarding the draft charitable  
43 gambling ordinance provided by the City Attorney. The Planning Commission recommended the  
44 organization obtain 80% of the proceeds, to be utilized within the City of Grant, and bypass the 10%  
45 that would go directly to the City.

46

1 City Attorney Vivian advised the Planning Commission held a public hearing regarding the ordinance  
2 and he reviewed the recommendations by the Planning Commission noting they did recommend  
3 approval of the ordinance. Revisions included the 80% of proceeds going to the organization,  
4 clarification on the term net profit and allowable expenses as well as suggesting a fee for processing  
5 the license. The state will allow up to \$100 for a fee to process the license.  
6

7 Council Member Hinseth stated he is still opposed to the ordinance because it may bring additional  
8 traffic into the City although Windy Acres is on the outskirts of town.  
9

10 Council Member Levitz stated she does not have a problem with charitable gambling within the  
11 General Business district. She stated she does not want it to move into other parts of the City.  
12

13 City Attorney Vivian advised the ordinance reserves the City the right to deny other applications that  
14 the Council may feel negatively would impact residents.  
15

16 Mayor Carr stated the ordinance gives the City some control. The charitable gambling could have  
17 taken place before within the City of Grant. The ordinance will restrict and control this type of  
18 activity in the future. He stated the City Attorney feels the City does need an ordinance relating to  
19 this issue.  
20

21 **Mayor Carr moved to approve Ordinance No. 2008-05, including the recommendations made**  
22 **by the Planning Commission. Council Member Fogelson seconded the motion.**  
23

24 Council Member Hinseth stated when some applicants are denied something they point out the other  
25 places within the City where it is allowed. It has happened repeatedly within the City and applicants  
26 believe it is unfair.  
27

28 Council Member Linner agreed that has happened and applicants have brought their lawyers to argue  
29 the point. The City will have liability and attorney fees to defend the position of the City. She stated  
30 she does not believe the language is strong enough to deny other applications.  
31

32 Council Member Fogelson stated it is prudent for the City to have an ordinance to regulate gambling  
33 activity. The ordinance gives the City the option to regulate gambling. The other two choices were  
34 to not have an ordinance and let the State manage it or abolish gambling completely within the City  
35 of Grant. The Council does not have to allow gambling within the City even if it has an ordinance. It  
36 is at the City's discretion.  
37

38 City Attorney Vivian stated the state allows charitable gambling. The City currently does not have an  
39 ordinance to regulate that and state law gives the City the authority to prohibit charitable gambling.  
40

41 **Council Member Hinseth made a friendly amendment to include that charitable gambling is**  
42 **only allowed in the General Business zone.**  
43

44 **Mayor Carr did not accept the friendly amendment.**  
45

1 Council Member Linner stated charitable gambling is already allowed. A portion of the net profits go  
2 directly to Grant residents. Gambling can become a problem for some people and she hopes that does  
3 not happen due to the ordinance. She suggested the license fee be set at \$100.

4  
5 **Mayor Carr and Council Member Fogelson agreed to the \$100 application fee.**

6  
7 **Motion carried with Council Member Hinseth voting nay.**

8 **Resolution No. 2008-15 Approving Premises Permit for Big T Windy Acres** – City Attorney  
9 Vivian read Resolution No. 2008-15 recommending if the Council approves it effective January 1,  
10 2009.

11  
12 **Mayor Carr moved to adopt Resolution No. 2008-15, effective January 1, 2009. Council**  
13 **Member Levitz seconded the motion. Motion carried unanimously.**

14  
15 **NEW BUSINESS**

16  
17 **Ratify 2009 Budget, Resolution No. 2008-20** – City Attorney reviewed Resolution No. 2008-20,  
18 ratifying the 2009 Budget.

19  
20 **Council Member Fogelson moved to adopt Resolution No. 2008-20, as presented. Council**  
21 **Member Linner seconded the motion. Motion carried unanimously by a roll call vote.**

22  
23 **Approve Levy Amount, Resolution No. 2008-21** – City Attorney Vivian reviewed Resolution No.  
24 2008-21, approving the levy amount.

25  
26 **Council Member Fogelson moved to adopt Resolution No. 2008-21, as presented. Council**  
27 **Member Linner seconded the motion. Motion carried unanimously by a roll call vote.**

28  
29 **Approval of 2009 Liquor Licenses** – Mayor Carr outlined the staff report relating to the 2009  
30 Liquor License renewals.

31  
32 **Council Member Levitz moved to approve the 2009 Liquor Licenses contingent on all necessary**  
33 **documentation is submitted and fees are paid. Council Member Fogelson seconded the motion.**  
34 **Motion carried unanimously.**

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36 **DISCUSSION ITEMS**

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38 **City Council Reports:** Road Commissioner Hinseth advised work on McKusick has been completed  
39 and he is proud of how it turned out. He stated weather was uncooperative this fall relating to road  
40 grading and the City did the best it could. He indicated he believes road grading is complete for the  
41 year.

42  
43 Road Commissioner Hinseth stated the updated road maintenance cost per mile for gravel vs. paved  
44 is complete and is on the City’s website. One change on the chart is the depreciation on the road  
45 grader as opposed to the payment made on the road grader. He noted he is working on updating the

1 10 Year  
2 Road Maintenance Plan.

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5 **CLOSED SESSION FOR PURPOSE OF CONFERRING WITH LEGAL COUSEL ON**  
6 **PENDING LITIGATION, NICK VIVIAN**

7

8 **Council Member Linner moved to go into a closed meeting at 8:49 p.m. Council Member**  
9 **Levitz seconded the motion. Motion carried unanimously.**

10

11 **Council Member Hinseth moved to adjourn the closed meeting at 9:55 p.m. Council Member**  
12 **Linner seconded the motion. Motion carried unanimously.**

13

14 The Council directed the City Attorney to move forward with the Flug and Langer litigation issues as  
15 discussed within the closed meeting.

16

17 **COMMUNITY CALENDAR DECEMBER 2 THROUGH DECEMBER 31, 2008:**

18

19 **Planning Commission Meeting, Monday, December 15, 2008, Town Hall, 7:00 p.m.**

20

21 **City Office Closed, Christmas Holiday, December 24 and 25, 2008**

22

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24 **ADJOURN**

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26 **There being no further business, Council Member Linner moved to adjourn at 9:57 p.m.**  
27 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

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30 These minutes were considered and approved at the regular Council Meeting, January 6, 2009.

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Kim Points, City Clerk

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