

CITY OF GRANT
MINUTES

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DATE : March 3, 2009
TIME STARTED : 7:00 p.m.
TIME ENDED : 9: 29 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth, Huber, Potter and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Diane Hankee; City Planner, Angela Torres; 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

Item 9D, Gateway Bridge over Manning, was added to the regular agenda.

Item 11, Oakleigh Dock Update, was added to the closed session with the City Attorney.

Council Member Fogelson moved to approve the agenda as amended. Council Member Potter seconded the motion. Motion carried unanimously.

CONSENT AGENDA

February 3, 2009, City Council Meeting Minutes	Approved
Bill List, \$47,946.02	Approved
One Day Gambling Permit, WBL Educational Foundation, Indian Hills Golf Club, June 29, 2009	Approved

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

PUBLIC COMMENT

No one was present for public comment.

VIDEO EQUIPMENT PROPOSAL, SHEILA DAVIS

1
2 Ms. Davis referred to the equipment proposal noting parts of it were confusing. She stated the City
3 does not need to sign the statement of work. The proposal is for a total of \$42,000 but the installation
4 costs will be removed for a total of approximately \$34,000. She noted the City does pay for the
5 equipment but is then reimbursed by the Cable Commission. There are still grant dollars available
6 and any service work needed on the equipment is done by the Commission also.
7

8 **Council Member Hinseth moved to approve up to \$34,000 as a reimbursed expenditure for new**
9 **video equipment. Council Member Fogelson seconded the motion.**

10
11 Ms. Davis commented on simulcast equipment involving new technology that the City may want to
12 consider at some point in the future.
13

14 **Motion carried unanimously.**

15
16 **STAFF REPORTS**

17
18 **Police Report, Deputy Breana Fry** - The February 2009 Police Report was provided to be placed on
19 file for review at City Hall.
20

21 **City Engineer, Diane Hankee** – The February 2009 Engineer's Report was provided to be placed on
22 file for review.
23

24 **CSAH 12 Center-Left Turn Lane at CSAH 9, Resolution No. 2009-04, Jacob Gave** – Mr. Jacob
25 Gave, Washington County, advised the County is going to be constructing center left turn lanes on
26 75th (CSAH 12) at Jamaca Ave N. (CSAH 9) to improve safety at the intersection. The construction
27 will occur this summer. To obtain the funding, municipal consent is required from the City via
28 Resolution. There will not be any cost to the City. The construction will remain within the existing
29 right of way. There will not be any detours and the roadway will remain open, however, there may
30 be delays.
31

32 Mr. Gave stated the purpose is to create refuge for those vehicles turning and thru traffic with no
33 passing on the shoulder. It is beneficial to do both the north and southbound. There will be a
34 minimal amount of paving done and the trail will not be impacted. If a safety issue with the trail does
35 develop, the County will come back before the Council.
36

37 **Council Member Hinseth moved to approve Resolution No. 2009-04, pending City Engineer**
38 **review and the requirement of the County to do any necessary grading and dust control as**
39 **determined by the Road Commissioner on gravel roads near the project area, from increased**
40 **traffic due to the project. Council Member Huber seconded the motion.**

41
42 Mr. Wally Anderson, 8833 80th Street, came forward and disputed the fact that there is enough room
43 there. He stated shoulder work will have to be done and he would like to see the numbers on the
44 widths noting it is a safety concern.

1 Mr. Cory Slagle, Washington County, came forward and advised there is ample room in the right of
2 way. The turn lanes are only moving out 6 ½ feet and they are the standard width. The trail can be
3 adjusted if necessary or a safety issue should arise.

4
5 **Motion carried unanimously.**

6
7 **County Road 15, Landscape Plan, Resolution No. 2009-05, Jacob Gave** – Mr. Gave stated the
8 County needs municipal consent for the landscape plan for the County Road 15 project that was done
9 last year. Landscaping will be completed and well as tree planting at no cost to the City.

10
11 **Council Member Fogelson moved to adopt Resolution No. 2009-05, as presented. Council**
12 **Member Huber seconded the motion.**

13
14 Council Member Huber confirmed that the County is working with residents on the landscaping
15 project to ensure residents are satisfied with the plan.

16
17 Council Member Hinseth stated he would like to see the landscape plan before giving municipal
18 consent. He suggested the item be table to the next meeting.

19
20 **Motion carried with Council Member Hinseth voting nay.**

21
22 **Lake Elmo Avenue/Highway 36 Intersection Reconstruction, Jacob Gave** – Mr. Gave updated the
23 Council on the project noting the County and Committee worked together and came up with goals.
24 He read the goals indicating those goals are how they came up with the preferred option.

25
26 Mr. Gave stated the preferred option chosen is the Tight Diamond with frontage road locations still
27 being worked on. The frontage road in Grant has been narrowed from multi lane to two lanes to
28 minimize impacts and it has been moved 55 feet south to increase the distance from the residential
29 properties in addition to providing an area for buffering. Work is continuing on revising the frontage
30 road in the NW quadrant.

31
32 Mr. Gave added the intent is to keep working with the City and residents to minimize impact. The
33 County recognizes the project puts the City in a difficult situation.

34
35 Council Member Hinseth stated he participated on the Grant Design Review Committee (DRC) and
36 met several times with the involved agencies. The DRC was led to believe they could pick the
37 option. That preferred option was taken off the table due to cost. He stated he was disappointed and
38 the residents he has talked to prefer an overpass to access based on neighborhood impacts.

39
40 City Engineer Hankee stated she believes there are three options to move forward with. The first
41 determination is the access issue. If access is preferred than there are two options to look at. The
42 County needs to work with residents on issues such as the frontage road depending on the access
43 determination.

1 Council Member Fogelson stated there was a roundabout option that was discussed and some
2 residents were in favor of that. That option was also pulled due to budget constraints. He suggested
3 the project be delayed until more funds are available.

4
5 Mr. Gave distributed drawings of the other two options noting the costs for each. All options were
6 designed for year 2029 traffic volumes. The dedicated funding for the project will sunset in 2011.
7 Currently, there is \$4 million available so more funding is needed. The County Road 15 intersection
8 project is currently in the planning stages. The Hilton interchange will be done by MnDOT in 2012.
9 This project is prioritized by available funding. He added there will be another open house in late
10 April or early May.

11
12 Council Member Huber requested residents contact him to make comments regarding the project. He
13 noted his email and phone number are on the City's website.

14
15 Mayor Carr stated he was in favor of the proposed project working through the process and residents
16 were happy to participate and be heard. He stated he does not like the way the preferred option
17 impacts the neighborhood and he does not believe the traffic is due to Grant residents. He referred to
18 the preferred option and asked what is in it for the City of Grant. He stated this interchange is too
19 close to another interchange. He proposed the County go back and make it an overpass. He stated he
20 is not at all happy with the preferred option and his focus is on the impacts to the City of Grant.

21
22 Mr. Randy Greenly, 62nd Street, came forward and stated he had served on the committee. He made
23 it perfectly clear that access or no access is not the issue. The issue is the frontage road. He stated
24 Hwy 3 should go under 17 and the only thing driving the project is \$3 million of funding that is
25 dedicated to it. He suggested the funding be allocated to the interchange at County Road 15.

26
27 **City Planner, Angela Torres** – A report was provided in the Council packet for February 2009 City
28 planning activities, to be placed on file for review.

29
30 **City Attorney, Nick Vivian** – The February 2009 City Attorney Report was provided to be placed
31 on file for review.

32
33 **Axdahl/Jacobs Plat Extension** – City Attorney Vivian provided the background on the
34 Axdahl/Jacobs/LeManski subdivision noting the City recently previously received communication
35 from the parties that they continue to discuss the resolution of issues related to construction and
36 maintenance of the roadway accessing Manning Avenue. Per the City's Zoning Code, a final plat
37 must be submitted within six months of preliminary plat approval of the approval is void.

38
39 City Attorney Vivian advised he has received a request from Attorney Scott McDonald, on behalf of
40 the Axdahl's, requesting an additional six month to submit the final plat.

41
42 City Attorney Vivian advised he has no objection to the extension but recommended the City limit
43 the extension to a certain period of time.

44
45 Mr. Rob Jacobs, 7400 Manning Avenue, came forward and stated the intention is to proceed with the
46 project and the parties are working on the outstanding issues.

1
2 Mr. Brian Axdahl, 7452 Manning Avenue, came forward and stated there are some disputes but he
3 would like to proceed and have the project completed as approved.
4

5 **Council Member Hinseth moved to approve the extension of the subdivision until July 1, 2009**
6 **with the requirement of refreshing the escrow to \$5,000 and the applicants meet with the**
7 **County and Grant representatives to address all issues and clarify all expectations of approval.**
8 **Mayor Carr seconded the motion.**
9

10 Mr. Axdahl came forward and stated the dispute is over costs. He does understand what is expected.
11 He stated he would prefer they do not meet and drive the cost up even more.
12

13 Mayor Carr advised he would meet with the parties involved if he is needed to mediate.
14

15 City Attorney Vivian stated this is a dispute between property owners and the City should stay out of
16 it. Additional work needs to be done by staff so the escrow should be replenished. He noted he
17 believes there is some misunderstanding as to what need to be done to complete the project.
18

19 Mr. Jacobs came forward and addressed some of the outstanding issues stating they are working at
20 resolving them. He stated he is also very clear about the City requirements relating to the project.
21

22 **Council Member Hinseth revised the motion to refresh the escrow to \$2,000. Mayor Carr**
23 **agreed to the revision. Motion carried unanimously.**
24

25 City Attorney Vivian referred to his staff report relating to the Fritz property and advised as long as
26 the property is in estate they can operate. When the property is transferred they can no longer
27 operate.
28

29 City Attorney Vivian referred to Houle's advising he had a meeting with Mr. Schwab. There is a
30 CUP on the property and the Building Inspector has reviewed it. There are a couple of outstanding
31 issues and Mr. Schwab is committed to addressing them with a site plan and a screening plan. He
32 stated he will meet with Mr. Schwab again in a few weeks. This is an enforcement issue that he
33 believes has been resolved. A full report will be available to the Council at the April meeting.
34

35 Council Member Hinseth stated the property owner should move the trailers right away while the
36 plans are being put together.
37

38 Mr. Steve Bohnen, 9220 60th Street, came forward and stated if they move the trails it would impact
39 the employees on the loading dock.
40

41 City Attorney Vivian advised he would discuss the matter with Mr. Schwab.
42

43 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
44 February 2009 to be placed on file for review.

45 **OLD BUSINESS**
46

1 **Security System at Town Hall** – This item will be considered at a future City Council meeting.

2
3 **NEW BUSINESS**

4
5 **Ordinance No. 2009-08, Mayor Carr** – Mayor Carr stated the cost to change the ordinance was
6 minimal and the goal was flexibility. Planning Commissioners can talk to Council Members at any
7 time. The change in the ordinance does not mean there can not be a Council liaison.

8
9 Mr. Wally Anderson came forward and stated he does not see any reason to change the Ordinance
10 and Council Member Huber volunteered to be the Council liaison to the Planning Commission.

11
12 **Council Member Hinseth moved to approve Ordinance No. 2009-08, as presented. Mayor Carr**
13 **seconded the motion. Motion carried with Council Member Huber voting nay.**

14
15 **Resolution No. 2009-03, Summary Publication of Ordinance No. 2009-08, Mayor Carr** –
16 Resolution No. 2009-03 provides for the summary publication of Ordinance No. 2009-08.

17
18 **Council Member Fogelson moved to adopt Resolution No. 2009-03, as presented. Council**
19 **Member Huber seconded the motion. Motion carried unanimously.**

20
21 **Council Member Huber moved to approve the Ordinance Summary, as presented. Council**
22 **Member Potter seconded the motion. Motion carried unanimously.**

23
24 **Planning Commission Appointment, Mayor Carr** – An applicant for the Planning Commission
25 was interviewed prior to the regular Council meeting.

26
27 **Motion by Council Member Hinseth to appoint Tom Stangl to the Planning Commission.**
28 **Mayor Carr seconded the motion.**

29
30 Council Member Fogelson stated the City has received another application and suggested delaying
31 the appointment until after that interview and it is determined how many will be appointed to the
32 Planning Commission.

33
34 Mayor Carr stated he does not see any reason to delay the appointment as there are some big projects
35 coming before the City later this month.

36
37 **Motion carried with Council Member Fogelson voting nay.**

38
39 **Gateway Trail over Manning, Brad Hinseth** – Council Member Hinseth stated the DNR has come
40 forward with a bridge project over the Gateway Trail at Manning Avenue. He advised he met with
41 them to assess potential impacts to Grant. The project is a good one and the DNR has applied for a
42 CUP for land use. They have not paid an escrow but have agreed to pay the consultants as the work
43 is done.

44 City Attorney Vivian advised this is unique as it is the DNR using private land. It needs to be treated
45 differently and the Council should make a motion relating to the escrow.

46

1 Council Member Fogelson moved to not require the DNR to submit a CUP escrow in lieu of
2 being billed directly from the City for work done on the project. Council Member Hinseth
3 seconded the motion. Motion carried unanimously.

4
5 **DISCUSSION ITEMS**

6
7 **City Council Reports:** Mayor Carr advised there is a meeting at the School District regarding
8 community education fees on Friday, 7:30 am to 9:00 am. He requested the meeting be posted as
9 several Council Members may be attending the meeting.

10
11 Council Member Huber advised he is working on a neighborhood emergency plan that will include a
12 crime watch section. It should be set up in a week or so and will be on the City's website.

13
14 Council Member Fogelson stated the Ordinance Codification proofs are back and he, Kevin
15 Fernandez and Kim Linner will be reviewing them for accuracy.

16
17 Road Commissioner Hinseth reminded residents the trigger for plowing gravel roads is three or more
18 inches of snow. Brushing is being done in several areas with the concentration on Oak heavy areas.
19 Several stop signs came down during the winter and temporary signs are up now and he will have
20 them replaced in the spring.

21
22 **CLOSED SESSION FOR DISCUSSION REGARDING LANGER LITIGATION AND**
23 **OAKLEIGH DOCK UPDATE, CITY ATTORNEY**

24
25 Council Member Hinseth moved to go into a closed session at 9:02 p.m. Council Member
26 Potter seconded the motion. Motion carried unanimously.

27
28 Council Member Hinseth moved to adjourn the closed session at 9:27 p.m. Council Member
29 Fogelson seconded the motion. Motion carried unanimously.

30
31 The Council directed the City Attorney to proceed as outlined during the closed session relating to
32 the pending litigation and staff to schedule a public hearing for the Resolution relating to the Langer
33 property.

34
35 **COMMUNITY CALENDAR MARCH 4 THROUGH MARCH 31, 2009:**

36
37 **Planning Commission Meeting, Monday, March 16, 2009, Town Hall, 7:00 p.m.**

38
39 **ADJOURN**

40
41 **There being no further business, Council Member Potter moved to adjourn at 9:29 p.m.**
42 **Council Member Huber seconded the motion. Motion carried unanimously.**

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45 These minutes were considered and approved at the regular Council Meeting April 7, 2009.

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Kim Points, City Clerk

Tom Carr, Mayor

APPROVED