

CITY OF GRANT
MINUTES

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DATE : April 7, 2009
TIME STARTED : 7:20 p.m.
TIME ENDED : 9:20 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 7:20 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Hinseth moved to approve the agenda as presented. Council Member Potter seconded the motion. Motion carried unanimously.

CONSENT AGENDA

- March 3, 2009, City Council Meeting Minutes Approved
- Bill List, \$54,129.85 Approved
- City of Mahtomedi, 1st Quarter Fire Contract, \$26,301.12 Approved
- Washington County Sheriff, July thru December 2008, \$49,852.83 Approved
- Resolution No. 2009-07, Washington County 4H Funding thru 2009 Approved

Item 4B, Bill List, \$54,129.85, was removed from the Consent Agenda.

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

1 Council Member Potter referred to the legal fees on the bill list noting they are quite high. It was
2 clarified that the majority of the legal fees were for the Oakleigh Dock Association litigation.

3
4 **Council Member Potter moved to approve the Bill List, \$54,129.85, as presented. Council**
5 **Member Huber seconded the motion. Motion carried unanimously.**

6
7 **PUBLIC COMMENT**

8
9 No one was present for public comment.

10
11 **STAFF REPORTS**

12
13 **Police Report, Deputy Breana Fry** - The March 2009 Police Report was provided to be placed on
14 file for review at City Hall.

15
16 **City Engineer, Diane Hankee** – The March 2009 Engineer’s Report was provided to be placed on
17 file for review. She noted she is working with the MN Board of Water and Soil Resources to
18 determine if they will need a CUP for grading work to restore a 37-acre wetland within the City of
19 Grant.

20
21 **City Planner, Angela Torres** – A report was provided in the Council packet for March 2009 City
22 planning activities, to be placed on file for review.

23
24 **Minnesota DNR CUP Request, Construction of Trail Bridge over Manning Avenue** – City
25 Planner Torres advised the applicant, Carol Revoir, has submitted an application for a Conditional
26 User Permit (CUP) for the property located at 10855 Manning Trail. The applicant’s property
27 consists of 14.73 acres and is located in the A-2, Agriculture Small Scale District. The applicant is
28 requesting a CUP to permit the DNR to temporarily use approximately 1 acre of the property for
29 storage of construction equipment, access, and a trail detour during construction of a trail bridge over
30 Manning Avenue. Storage of construction equipment during construction is permitted in the A-2
31 District with a CUP.

32
33 City Planner Torres provided the background of the request noting the Planning Commission did hold
34 a public hearing and recommended approval based on the conditions outlined in the staff report.

35
36 **Council Member Fogelson moved to approve DNR CUP request, as presented. Council**
37 **Member Potter seconded the motion.**

38
39 Council Member Hinseth stated Manning Avenue Court will be used during construction and wants
40 that roadway protected. He suggested a condition regarding the City Engineer inspect the roadway
41 before and after use.

42
43 City Engineer Hankee stated the concern is damage to a public road during construction. She stated
44 it will be part of the construction contract that road repair, cut outs and any sealcoating may have to
45 be done after the project. She stated it is assumed the DNR will work with the City and language will

1 be added that it is at the sole discretion of the City Engineer to determine if any work would need to
2 be done based on a review of the road before and after the project.

3
4 Mr. Kent Skaar, DNR, came forward and advised a substantial amount of fill will be hauled in and he
5 assumes it will be brought in on Manning. Initial access will be on the trail then along the staging
6 area and finally Manning Court.

7
8 City Attorney Vivian stated the approval will be premised on the City Engineer's review of the
9 roadway, which will be included in the language of condition #3.

10
11 **Motion carried unanimously.**

12
13 **City Attorney, Nick Vivian** – The March 2009 City Attorney Report was provided to be placed on
14 file for review.

15
16 **Langer CUP, Resolution No. 2009-06, Public Hearing** – City Attorney Vivian provided the
17 background for this issue noting the City was previously in litigation which has now been resolved.
18 Typically, a public hearing for a CUP would be held at the Planning Commission meeting but due to
19 the litigation it was determined to have the public hearing at the Council meeting and immediately
20 request Council action.

21
22 **Mayor Carr moved to open the public hearing at 7:40 p.m. Council Member Potter seconded**
23 **the motion. Motion carried unanimously.**

24
25 No one was present to speak during the public hearing.

26
27 **Council Member Fogelson moved to close the public hearing at 7:41 p.m. Council Member**
28 **Huber seconded the motion. Motion carried unanimously.**

29
30 **Council Member Huber moved to adopt Resolution No. 2009-06, as presented. Council**
31 **Member Potter seconded the motion. Motion carried with Council Member Hinseth voting**
32 **nay.**

33
34 City Attorney Vivian noted the resolution is ready for execution and the Settlement Agreement
35 Stipulation and Dismissal will be forwarded to the Court.

36
37 **Floyds Update, Nick Vivian** – City Attorney Vivian provided an update for the property at 7555
38 Jamaca Avenue noting the City has received a number of complaints and the property was chosen to
39 be reviewed last year within the City's annual review process. A letter was sent to Floyds Right A
40 Way Auto Salvage on March 19, 2009, notifying it that it is operating in violation of the City's
41 Zoning Code. The letter requested a response within ten days of receipt of the letter.

42
43 City Attorney Vivian advised he did receive an e-mail response indicating that Floyds is retaining
44 legal counsel. A response from their legal counsel has not yet been received. He suggested the City
45 provide Floyds with an additional 5-10 days to respond then move forward with legal proceedings.

1 Ms. Sharon Jensen, Floyds, came forward and stated they did respond to the letter. She stated the
2 Building Inspector did an inspection and everything was in order on the property. A few days later a
3 letter was received from the City Attorney. She stated she did try to contact the City Attorney several
4 times. She referred to the CUP and noted they have been in business for many years.

5
6 Mayor Carr explained the CUP review process and stressed the importance of communicating with
7 each other. He urged the property owner to call the City Clerk and work with City staff to resolve the
8 issues.

9
10 City Attorney Vivian advised he would meet with the property owners to work through the process
11 within the next month. An update will be provided for the Council at the next meeting.

12
13 **Ordinance No. 2009-09, Repealing Ordinance No. 2002-95, Sewage Treatment System**
14 **Regulations, Nick Vivian** – City Attorney Vivian advised he has received a list of obsolete
15 ordinances that should be repealed as part of the Ordinance Codification process. He stated they can
16 be repealed individually or be handled all at once and then a summary could be published.

17
18 Council Member Fogelson advised Ordinance No. 2002-95 should be repealed now due to its length
19 and repealing would lower the codification costs.

20
21 **Council Member Hinseth moved to approve Ordinance No. 2009-0-9, as presented. Council**
22 **Member Potter seconded the motion. Motion carried unanimously.**

23
24 City Attorney Vivian provided an update on the Axdahl issue noting there is litigation between the
25 two parties. He stated he is looking at the implications to the City if the deadline for final plat
26 approval is not met.

27
28 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
29 March 2009 to be placed on file for review.

30
31 **OLD BUSINESS**

32
33 There was no old business.

34
35 **NEW BUSINESS**

36
37 **Proposal for City Hall, Picnic Area and City Ball Fields Grass Maintenance** – Mayor Carr
38 referred to the proposal from Mr. Heuer noting the rates are about the same as last year.

39
40 Council Member Hinseth stated he had Mr. Kevin Fernandez, an expert on ball field Maintenance
41 with many years experience, look at the ball field as well as provide his opinion on maintenance that
42 may save the City some money. He stated he would like Mr. Fernandez to work with Mr. Heuer on
43 the field.

44
45 **Council Member Huber moved to approve the Proposal for City Hall, Picnic Area and City**
46 **Ball Fields Grass Maintenance, as presented. Council Member Fogelson seconded the motion.**

1
2 **Council Member Hinseth made a friendly amendment to include that Mr. Heuer would**
3 **cooperate with Kevin Fernandez on the ball field maintenance. Council Member Huber and**
4 **Fogelson agreed to the amendment. Motion carried unanimously.**

5
6 **Interview PC Applicant, Steve Bohnen** – The City Council interviewed Mr. Steve Bohnen,
7 applicant to the Planning Commission.

8
9 **Council Member Fogelson moved to appoint Mr. Bohnen to the Planning Commission. Council**
10 **Member Potter seconded the motion. Motion failed with Mayor Carr and Council Members**
11 **Huber and Hinseth voting nay.**

12
13 **Grader Warranty, Brad Hinseth** – Council Member Hinseth advised the warranty for the City's
14 grader expires in June. He stated the City does not have the ability to purchase extended coverage for
15 the grader. He advised an offer has been made by Miller to purchase the grader.

16
17 Council Member Hinseth advised he did a cost analysis between Miller using their grader as opposed
18 to the City's grader on work done within the City. The cost difference is minimal and he
19 recommended the City put the grader up for bids to explore what price the City could receive for it.

20
21 The Council requested confirmation that the price quote from Miller for not using the City's grader
22 for work completed is not contingent upon them purchasing the grader.

23
24 The Council directed the City Engineer to advertise and get bids on the City's grader. The Council
25 also requested a report from the Treasurer regarding the sale of the grader.

26
27 **Grading Contract Extension, Brad Hinseth** – Council Member Hinseth advised the City has the
28 option of extending the grading contract with Miller with a guaranteed price through 2012 allowing
29 for a 3% per year increase.

30
31 The Council directed staff to get the documented numbers and information to vote on a contract
32 extension at the May 2009 City Council meeting.

33 34 **DISCUSSION ITEMS**

35 36 **City Council Reports:**

37
38 Council Member Fogelson advised the Ordinance Codification project is moving forward. Issues are
39 being resolved and the review process is continuing.

40
41 Road Commissioner Hinseth stated Council Member Fogelson had called him and took an issue with
42 the road chart, relating to gravel vs. paved road costs, that posted on the City's website. He
43 distributed and reviewed the chart as well as a 2008-2009 winter maintenance cost comparison.
44 Paved road costs are at 61% and gravel road costs are at 39% of the total winter road maintenance
45 costs. Council Member Hinseth indicated that this verifies that the evidence supports the cost basis
46 used on the comparison chart of gravel and paved road maintenance costs.

1
2 Road Commissioner Hinseth advised grading started today and potholing will begin shortly.

3
4 Council Member Huber advised an Emergency Preparedness Plan has been completed and will be on
5 the City's website within the next week. A database has been prepared for the Mayor and anyone
6 interested in case of emergencies. He encouraged the public to send him articles for the City's
7 newsletter.

8
9 **CLOSED SESSION TO DISCUSS PENDING LITIGATION ISSUES, OAKLEIGH AND**
10 **FLUG, CITY ATTORNEY**

11
12 **Council Member Hinseth moved to go into a closed session at 9:00 p.m. Council Member**
13 **Potter seconded the motion. Motion carried unanimously.**

14
15 **Council Member Hinseth moved to adjourn the closed session at 9:19 p.m. Council Member**
16 **Huber seconded the motion. Motion carried unanimously.**

17
18 The Council directed the City Attorney to proceed as outlined during the closed session and update
19 relating to the pending litigation.

20
21 **COMMUNITY CALENDAR APRIL 8 THROUGH APRIL 30, 2009:**

22
23 **Planning Commission Meeting, Monday, April 20, 2009, Town Hall, 7:00 p.m.**

24
25 **City Clean Up Day, Saturday, April 18, 2009, 9:00 a.m. to Noon**

26
27 **ADJOURN**

28
29 **There being no further business, Council Member Potter moved to adjourn at 9:20 p.m.**
30 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

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33 These minutes were considered and approved at the regular Council Meeting May 5, 2009.

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38 _____
39 Kim Points, City Clerk

38 _____
39 Tom Carr, Mayor