

CITY OF GRANT
MINUTES

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DATE : June 2, 2009
TIME STARTED : 7:00 p.m.
TIME ENDED : 8:50 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, Sherri Buss; 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 Fogelson moved to approve the agenda as presented. Council Member Huber seconded the motion. Motion carried unanimously.

CONSENT AGENDA

| | |
|---|----------|
| Bill List, \$41,023.34 | Approved |
| May 5, 2009 City Council Meeting Minutes | Approved |
| Resolution No. 2009-12, Sunnybrook Ponds Major Subdivision Approval | Approved |
| Developer’s Agreement, Sunnybrook Ponds Major Subdivision | Approved |

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

PUBLIC COMMENT

No one was presented for public comment.

CONCEPT PLAN REVIEW, POSSIBLE VARIANCE AND CUP REQUEST

1 Information regarding the possible variance and CUP request for 11969 Ironwood Ave. was included
2 in the packets.

3

4 It was the consensus of the Council that there is not a justified hardship. It appears the hardship
5 relates to the business and not the land.

6

7 **STAFF REPORTS**

8

9 **Police Report, Deputy Breana Fry** - The May 2009 Police Report was provided to be placed on file
10 for review at City Hall.

11

12 **City Engineer, Diane Hankee** – The May 2009 Engineer’s Report was provided to be placed on file
13 for review.

14

15 City Engineer Hankee reviewed the 2009 Seal Coating Bids and asked for authorization to work with
16 one of the bidders on the project.

17

18 **Council Member Hinseth moved to accept the seal coating bid from Allied, as presented.**

19 **Council Member Potter seconded the motion. Motion carried unanimously.**

20

21 City Engineer Hankee noted that at this time, there are no new neighborhood meetings scheduled for
22 the Hwy 36/Lake Elmo Ave project.

23

24 Council Member Huber advised there is a link posted in the City Newsletter to obtain information
25 and make comments on that project.

26

27 Council Member Hinseth stated he has requested the project coordinator, Jake Gave, send the City a
28 letter outlining the Council’s role, responsibility and authority regarding that project.

29

30 **City Planner, Sherri Buss** – A report was provided in the Council packet for May 2009 City
31 planning activities, to be placed on file for review.

32

33 City Planner Buss noted the Metropolitan Council sent out populations estimates. She reviewed
34 those estimates and stated the Council can make comments. She also noted the Rice Creek
35 Watershed District approved the City’s surface water management plan but they are still waiting to
36 hear from two other watersheds.

37

38 City Planner Buss referred to the staff report regarding a horse complaint. She stated the City’s
39 ordinance does not say horses are to be separated. The Ordinance stipulates the number of horses
40 allowed per grazable acres.

41

42 **City Attorney, Nick Vivian**

43

44 **Dan Haws Request for Extension of Time** – City Attorney Vivian provided the background on this
45 issue and outlined Mr. Haws’ written request for an extension for time relating due to the current
46 market conditions.

1 Council Member Huber and Potter advised they would like to review the original agreement that was
2 put into place regarding this issue.

3
4 The rest of the Council indicated the City has already given Mr. Haws additional time for complete
5 what he agreed to and that the City had done everything it can do. The agreed the current agreement
6 should be enforced.

7
8 **Mayor Carr moved to deny Mr. Haws' request for an extension of time. Council Member**
9 **Hinseth seconded the motion. Motion carried with Council Member Huber and Potter voting**
10 **nay.**

11
12 **Staff Report on May Activities** - City Attorney Vivian provided and reviewed a staff report for May
13 2009 activities. He referred to the Fritz non-conforming use of the property advising nothing else can
14 be done unless the Council directs staff to analyze the business and take further action.

15
16 City Attorney Vivian any activities that were established prior to the current zoning code adoption
17 are considered grandfathered. The business can not be expanded but it can't be shut down. A change
18 in ownership does not sever the current use. If the use is abandoned the property must come into
19 conformance with the current ordinance.

20
21 City Attorney Vivian stated the City can review the current use in a number of ways and would do
22 that when there is a change of ownership or current use. The City should be reviewing non-
23 conforming uses within the City anyway. The CUP annual review process has done some of that.
24 The City can continue to utilize the Building Official to report on those properties. If there are
25 changes to the grandfathered use, a letter should be sent outlining the steps they must take to come
26 into conformance.

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

30
31 **OLD BUSINESS**

32
33 **Ordinance No. 2009-11, Xcel Franchise Fee Agreement** – This item was discussed at the May
34 2009 Council meeting.

35
36 **Council Member Fogelson moved to approve Ordinance No. 2009-11, as presented. Council**
37 **Member Potter seconded the motion. Motion carried with Council Member Hinseth and**
38 **Huber voting nay.**

39
40 Ms. Joyce Welander, 83rd Street, came forward and asked if a public hearing is required for the
41 ordinance.

42
43 City Attorney Vivian stated this is not a new fee but an extension of the agreement. No public
44 hearing is required.

45

1 Mayor Carr noted the only thing worse than having this fee is increasing it or eliminating it and then
2 having to bring it back to due to budget constraints.

3
4 **Resolution No. 2009-14, Summary Publication of Ordinance No. 2009-11** – Council Member
5 Huber asked if the fee schedule for the agreement should be included in the summary publication.

6
7 City Attorney Vivian noted this is not a new fee and the Resolution allows for a summary to save on
8 publication costs. If the City chooses to publish the fee schedule the whole ordinance should be
9 published.

10
11 **Council Member Potter moved to adopt Resolution No. 2009-14, as presented. Council**
12 **Member Fogelson seconded the motion. Motion carried unanimously.**

13
14 **Security System at Town Hall, Mayor Carr** – Mayor Carr noted the City has not budgeted for this
15 item but the City will be receiving some additional revenue. He stated he believes it is prudent to
16 install a security system sooner than later and then reimburse the general fund from Oakleigh when
17 the City receives that money.

18
19 **Council Member Huber moved to approve the quote from ADT provided the monthly fee will**
20 **remain the same for at least one year. Council Member Hinseth seconded the motion. Motion**
21 **carried with Mayor Carr abstaining.**

22
23 **NEW BUSINESS**

24
25 **Ordinance Relation to Wind Turbines, Mayor Carr** – Mayor Carr suggested the City may want to
26 look into developing a wind turbine ordinance. The concerns are noise, height, safety of birds and
27 other wildlife. He also stated the neighbors of someone having a wind turbine will be directly
28 affected.

29
30 City Planner Buss advised other communities require a CUP so a public hearing would be required.
31 Other concerns are color, lighting and fencing. She stated she could draft something for the Council
32 to review.

33
34 The consensus of the Council did agree on residential wind turbines.

35
36 City Attorney Vivian stated he believes an ordinance regulating wind turbines with a CUP would be
37 prudent if the City is going to allow them. There is nothing in current ordinances that refers to or
38 defines wind turbines.

39
40 Mayor Carr suggested the possibility of a restriction relating to a petition from neighbors with a
41 certain percentage of signatures be obtained prior to applying for a CUP.

42
43 **Boat Launching/Bike Path at Masterman Lake** – Council Member Hinseth stated a property
44 owner approached him regarding people launching boats of the gravel road next to the trail at
45 Masterman Lake. Signs have been torn down as well as trespassing, litter problems and vandalism.

1 The roadway in that area is eroding into the lake. He stated he does not yet have all the property
2 ownership information yet but would like the Council to consider additional signage in that area.

3
4 Council Member Hinseth also asked that the Council consider additional no parking signage along
5 Kimbro south of Hwy 96. It is a narrow roadway and safety is an issue. Also, consideration of the
6 placement of signs along Jeffrey Blvd from Jamaca going east on the south side of the roadway.

7
8 **Council Member Hinseth moved to designate No Parking areas along the south side of Jeffery
9 Blvd from Jamaca going east for 1,000 feet and on both sides of Kimbro from Hwy 96 for one
10 thousand feet and authorize the Road Commissioner to purchase and post the signs. Mayor
11 Carr seconded the motion.**

12
13 **Mayor Carr made a friendly amendment to note the signs on both sides of Kimbro would be
14 placed from Hwy 96 to 88th Street. Council Member Hinseth agreed to the friendly
15 amendment.**

16
17 Council Member Potter stated he would like to lean more from the DNR about the use of the trail and
18 how many signs should be placed there and how much that would cost.

19
20 Mayor Carr stated he is going to be meeting with the DNR and will ask those questions.

21
22 Ms. Welander came forward and inquired about residents who live there that may have parties.

23
24 Council Member Hinseth stated the Sheriff's Department can be made aware of one day special
25 events and not ticket those that are parked there.

26
27 City Attorney Vivian stated he would prepare a resolution for execution to provide to the Sheriff's
28 Department.

29
30 **Motion carried unanimously.**

31
32 **Consideration of Municode Servicing the City Code** – Mayor Carr stated the webmaster has
33 indicated he feels this is a costly service but it does have to be taken care of.

34
35 Concerns relating to Municode servicing the City Code include set up costs, timeliness and security.
36 It was noted that the City does not own the domain name on the website and that should be addressed
37 as part of this service.

38
39 It was the consensus of the Council to have the webmaster service the City Code and asked Council
40 Member Fogelson to work with him on this issue.

41
42 **DISCUSSION ITEMS**

43
44 **City Council Reports:**

45

1 Mayor Carr advised there is a meeting regarding the horse tax reclassification on June 16, 3:00 p.m.
2 at the Washington Government Center. He also stated the new cable equipment is being installed on
3 June 16 and he introduced the new cable caster, Ryan Hickok.

4
5 Council Member Fogelson thanked the previous cable caster, Theodore Svea for his years of service.

6
7 Council Member Huber thanked everyone who contributed to the newsletter.

8
9 The Council thanked Council Member Huber for his effort on the newsletter and agreed it looked
10 great.

11
12 Road Commissioner Hinseth stated the gravel surfacing project is complete and the contractor,
13 Raleigh did a great job. Dust control went well this year and the roads are in very good shape.

14
15 Council Member Fogelson announced a picnic is not being planned this year.

16
17 Mayor Carr asked residents to be on the look out for Emerald Ash Borer.

18
19 **COMMUNITY CALENDAR MAY 6 THROUGH MAY 31, 2009:**

20
21 **Planning Commission Meeting, Monday, June 15, 2009, Town Hall, 7:00 p.m.**

22
23 **ADJOURN**

24
25 **There being no further business, Council Member Huber moved to adjourn at 8:50 p.m.**
26 **Council Member Potter seconded the motion. Motion carried unanimously.**

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29 These minutes were considered and approved at the regular Council Meeting July 7, 2009.

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34 _____
35 Kim Points, City Clerk

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Tom Carr, Mayor