

CITY OF GRANT  
MINUTES

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**DATE** : August 4, 2009  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 9:42 p.m.  
**MEMBERS PRESENT** : Councilmember Fogelson, Hinseth, Huber, Potter and Mayor Carr  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Nick Vivian; 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 Potter seconded the motion. Motion carried unanimously.

**CONSENT AGENDA**

July 7 , 2009, City Council Meeting Minutes	Approved
Bill List, \$52,697.83	Approved
First State Bank & Trust, Grader Payment, \$43,938.93	Approved

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

**PUBLIC COMMENT**

No one was present for public comment

**STAFF REPORTS**

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

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**City Engineer, Diane Hankee** – City Engineer Hankee was not present for the meeting.

**City Planner, Sherri Buss**

**Ordinance Language Review, PUD, Shared Driveway and Double Frontage Lots** – City Planner Buss provided the background relating to the ordinance revisions. She reviewed the revisions to the ordinances that the Planning Commission is recommending. She stated the public hearings to amend the ordinances will be held at the Planning Commission meeting and then come before the Council for final approval.

Comment:

Mayor Carr referred to the shared driveway ordinance and stated there are some shared driveways within the City. He stated they are not looking to eliminate those. But the City does not necessarily want to encourage them moving forward. There are some buildable lots within the City that a shared access does make sense. He suggested the ordinance include language that is clear as to what the City can and can not enforce.

Mayor Carr also suggested some clarification within the ordinance relating to lots that abuts a public road access and the requirement that the access has to be from that roadway. He also stated easement issues relating to buildable lots and land locked lots should be clarified.

Council Member Huber referred to language in the ordinance that is included in the developer’s agreement making it clear that the City has a role in the shared access to make it work for both parties.

City Attorney Vivian stated that issue could be addressed but it should be done in a separate ordinance. It can be stated the property owners have to provide maintenance for the access. He noted that the City always approves final developer’s agreements.

City Planner Buss referred to the double frontage lot ordinance and stated the Planning Commissioner worked on this ordinance for quite some time but could not come up with a clear definition.

Council Member Hinseth noted his suggested changes to the language.

Mayor Carr stated he believes the definition of double frontage lot should be included in the ordinance.

City Attorney Vivian stated the definition for lots of records after the ordinance date would have to have the front of the lot designated at the time of plat.

City Planner Buss reviewed the proposed changes to the PUD ordinance.

Council Member Hinseth noted his suggested changes to the language.

Council Member Fogelson stated that accessory/principal use definition within the ordinance needs clarification and the issue of more than one accessory use needs to be addressed.

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2 City Attorney Vivian noted the agricultural operations were excluded in the ordinance so agricultural  
3 uses would not be prohibited. A statement to that effect could be included in the ordinance.  
4  
5 City Planner Buss added that the uses the ordinance does not apply to could be listed.  
6  
7 Council Member Huber suggested “non-profit” uses be added so those uses are addressed also.  
8  
9 Mayor Carr noted the ordinance applies to Planned Unit Developments and does not affect CUP’s.  
10  
11 City Attorney Vivian suggested a statement relating to any parcel with residential on it the residential  
12 use would be the principal use. Then the ordinance can note uses that the ordinance does not apply  
13 to. The goal of the ordinance and its language is to keep the application simple and clear.  
14  
15 Council Member Fogelson expressed concern relating to home based business and home based  
16 offices.  
17  
18 Council Member Hinseth suggested a statement relating to the clustering of lots that deviate from the  
19 development ordinance should be included.  
20  
21 City Planner Buss advised she would incorporate the Council’s comments and revise the language.  
22 The revisions would then be discussed with the Planning Commission and when the ordinances are  
23 finalized a public hearing would be scheduled.  
24  
25 **Houles Update** – City Planner Buss updated the Council on the status of the Houle’s issue. She  
26 provided the background and noted the options to as well as requested Council direction.  
27  
28 Mayor Carr suggested the possibility of a storage shed on the side or rear of the property. That would  
29 keep the loading dock in tact. It was also suggested that a loading dock pier type of structure be  
30 constructed north of the current docking area. A covered building could also be constructed on that  
31 part of the property.  
32  
33 After discussion the Council advised the City Planner to convey to the property owner that an  
34 enclosed shed or a pier type loading dock north of the building would be acceptable.  
35  
36 City Attorney Vivian advised if an enclosed shed was placed on the side of the property an amended  
37 CUP would need to be applied for and approved. The property owner needs to respond in concrete  
38 by the next City Council meeting or the City would have to move forward with the zoning  
39 enforcement process.  
40  
41 **Park Nursery/Hedberg Update** – City Planner Buss advised she is still working on this item with  
42 the property owner and Council Member Hinseth. The process is going smoothly and progress is  
43 being made.  
44 **Staff Report** – A report was provided in the Council packet for July 2009 City planning activities.  
45  
46 **City Attorney, Nick Vivian**

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2 **Ordinance No. 2009-12, Repeal of Ordinance No. 2003-102, Regulating Peddlers, Solicitors –**  
3 City Attorney Vivian reviewed the draft ordinance prohibiting peddlers within the City as well as the  
4 suggested changes from Council Member Hinseth received earlier in the day.

5  
6 **Council Member Hinseth moved to approve Ordinance No. 2009-12, as amended. Council**  
7 **Member Potter seconded the motion. Motion carried unanimously.**

8  
9 **Resolution No. 2009-13, Summary Publication of Ordinance No. 2009-12 –** City Attorney Vivian  
10 reviewed the summary publication of Ordinance No. 2009-12.

11  
12 **Council Member Huber moved to adopt Resolution No. 2009-13, as presented. Council**  
13 **Member Fogelson seconded the motion. Motion carried unanimously.**

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15 **Gateway Trail CUP –** City Attorney Vivian distributed a revised CUP for the Gateway Trail project  
16 and noting the revision included listing the applicant on the document.

17  
18 **Council Member Hinseth moved to approve the revised CUP, as presented. Council Member**  
19 **Fogelson seconded the motion. Motion carried unanimously.**

20  
21 **Gateway Trail Joint Powers Agreement –** City Attorney Vivian distributed Resolution No. 2009-  
22 16 authorizing execution of the Joint Powers Agreement. He provided the background on the project  
23 and advised the state has contracted with Arnt Construction. The company will only be utilizing  
24 Country 7 and 15. The only City road that will be used is Manning Trail Court. That roadway will  
25 be inspected prior to and after use for damage. The Joint Powers Agreement clarifies responsibility  
26 to the roadway if it is damaged during the project. He noted there is also a contract between the DNR  
27 and the contractor relating to any damages.

28  
29 **Council Member Potter moved to adopt Resolution No. 2009-16, as presented. Council**  
30 **Member Fogelson seconded the motion.**

31  
32 **Council Member Hinseth made a friendly amendment to include Exhibit D. Council Member**  
33 **Potter and Fogelson agreed to the amendment. Motion carried unanimously.**

34  
35 **Staff Report –** The July 2009 City Attorney report was provided to be placed on file for review.

36  
37 **Building Inspector, Jack Kramer –** A report from Building Inspector Kramer was provided for  
38 July 2009 to be placed on file for review.

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40 **OLD BUSINESS**

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42 **Grader Bids –** Council Member Hinseth advised the grader was advertised in a heavy equipment  
43 publication and to date the City has not received any calls.

44  
45 **Council Member Hinseth moved to approve the bid from Miller for \$135,000 to purchase the**  
46 **grader. Council Member Huber seconded the motion.**

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2 **Council Member Fogelson made a friendly amendment to include that the funds would not be**  
3 **used to reduce the levy. The funds would be designated and set aside.**

4  
5 **Council Member Hinseth and Council Member Huber did not accept the friendly amendment**  
6 **to the motion.**

7  
8 Council Member Huber stated he would like to talk about the funds from the sale during the budget  
9 process and obtain a recommendation from the Treasurer.

10  
11 Mayor Carr stated the Council has received a recommendation from the Treasurer and it did not  
12 include using the funds to reduce the levy.

13  
14 Council Member Potter stated that without a clear plan for the funds it does not make sense to sell the  
15 grader at this time.

16  
17 **Motion carried with Council Member Fogelson and Potter voting nay.**

18  
19 **Consideration of Vendors License, Edward Jones Investments** – The City Clerk requested this  
20 item be tabled.

21  
22 **Motion by Mayor Carr to table Consideration of Vendors License, Edward Jones Investments,**  
23 **to the September Council Meeting. Council Member Hinseth seconded the motion. Motion**  
24 **carried unanimously.**

25  
26 **NEW BUSINESS**

27  
28 **Updating Countywide All-Hazard Mitigation Plan, Jeff Huber** – Council Member Huber advised  
29 Washington County has invited the City to participate in the all hazard mitigation plan voluntarily.  
30 The Mayor has signed the statement to participate and it would be forwarded to the County.

31  
32 **DISCUSSION ITEMS**

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34 **City Council Reports:**

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36 Council Member Potter advised he would be attending a Valley Branch Watershed District meeting  
37 on August 13 or 27 and would keep the Council updated.

38  
39 Council Member Fogelson stated the codification project is completed and he believes it would be  
40 prudent for the City to continue with MuniCode as the City's host.

41 Road Commissioner Hinseth advised seal coating has been completed. Dust control would be  
42 completed the last week in August, weather permitting.

43  
44 **CLOSED SESSION WITH CITY ATTORNEY REGARDING OAKLEIGH DOCK**  
45 **ASSOCIATION LITIGATION**

46

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

3  
4 **Council Member Fogelson moved to adjourn the closed session at 9:40 p.m. Council Member**  
5 **Huber seconded the motion. Motion carried unanimously.**

6  
7 City Attorney Vivian recommended the Council move forward with the appeal process as discussed  
8 during the closed session.

9  
10 **Council Member Huber moved to proceed with the appeal process per the City Attorney**  
11 **recommendation. Council Member Fogelson seconded the motion. Motion carried**  
12 **unanimously.**

13  
14 **COMMUNITY CALENDAR AUGUST 5 THROUGH AUGUST 31, 2009:**

15  
16 **Planning Commission Meeting, Monday, August 17, 2009, Town Hall, 7:00 p.m.**

17  
18 **ADJOURN**

19  
20 **There being no further business, Council Member Potter moved to adjourn at 9:42 p.m.**  
21 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

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24 These minutes were considered and approved at the regular Council Meeting September 1, 2009.

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29 Kim Points, City Clerk

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Tom Carr, Mayor