

CITY OF GRANT  
MINUTES

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**DATE** : September 1, 2009  
**TIME STARTED** : 7:05 p.m.  
**TIME ENDED** : 9:52 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; City Treasurer Bob Mikkelsen; and City Clerk, Kim Points

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

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

**CONSENT AGENDA**

August 4, 2009, City Council Meeting Minutes	Approved
Bill List, \$48,215.44	Approved
Allied, 2009 Sealcoating, \$40,959.50	Approved

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

**PUBLIC COMMENT**

Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and asked that the City Council consider the History of Grant book to be published soon during the budget process.

Mayor Carr advised the Council there is a house on 60<sup>th</sup> Street that a buyer is trying to close on. However, there is an additional building on it and that is not allowed by City Ordinance. He asked if the Council would consider removing the kitchen, bath, water and electric. Then the structure would meet code and be an accessory building.

1 Council Member Hinseth advised the Building Inspector did speak to the property owner regarding  
2 this issue over a year ago. The property did not do what the Building Inspector directed them to do.

3 City Attorney Vivian advised if the plumbing were taken out to meet the accessory building  
4 requirements it would meet code.

5 It was the consensus of the Council to direct the buyer of the property to remove the plumbing from  
6 the structure to meet City Code.

### 7 8 **STAFF REPORTS**

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

12  
13 Mayor Carr noted signs for the Gateway Trail are going to be installed soon.

### 14 15 **City Engineer, Diane Hankee**

16  
17 **Koch Pipeline Repair** – City Engineer Hankee advised the process of looking at the Koch Pipeline  
18 lines and trouble shooting will begin soon. They are proposing to have an annual permit every year.  
19 If allowed an annual permit they would have to provide a 24-hour notice for each excavation, work  
20 with the RCWD, notify residents and provide the City will maps annually outlining where and what  
21 type of work they are doing.

22  
23 City Engineer Hankee stated they have provided her with a book detailing their plans that can be  
24 available at the City office. She recommended the City allow the annual permit process for Koch  
25 Pipeline repair.

26  
27 The Council indicated an annual permit process would be allowed but noted there should be more  
28 than a 24-hour notice to residents.

29  
30 The City Engineer recommended a seven day notice to residents relating to any work in their area.

31  
32 **Valley Branch Watershed District LWSMP** – City Engineer Hankee advised she and Council  
33 Member Potter met with the VBWD regarding this issue. The VBWD believes the City needs to be  
34 considering this and have a Capital Improvement Plan before they recommend approval of the City's  
35 Comprehensive Plan. She stated she will continue to work through this with the VBWD. The  
36 VBWD is stressing safety and emergency vehicle access. This item will be brought back to the  
37 Council for review when resolution is determined.

38  
39 **Staff Report** - The August 2009 Engineer's Report was provided to be placed on file for review. She  
40 advised the new FEMA maps are out and approximately one-third to one-half of the areas that the  
41 City appealed have been eliminated from the flood zone. The new map will be available at the City  
42 office and on the City website.

1 City Engineer Hankee advised the next will be if a property owner is selling their house they may  
2 have to deal with flood insurance or obtain contour maps from the County. The City has done  
3 everything they can do and it is not a City issue.

4  
5 City Engineer Hankee noted the DNR is starting construction on the trail bridge and she would check  
6 on the Jamaca/County 12 turn lanes project status.

7  
8 **City Planner, Angela Torres**

9  
10 **Ordinance Revision Update, Section 602: Minimum Requirements** – City Planner Torres updated  
11 the Council on the ordinance revisions noting the changes to Section 602 were organizational.  
12 Updating and organizing the ordinance will provide clarification and the ordinances that no longer  
13 apply if this is adopted would be repealed.

14  
15 The Council directed the Planner to discuss the parking surfaces relating to impervious surfaces with  
16 the Planning Commission before a recommendation is made.

17  
18 City Planner Torres stated a revised draft ordinance would be reviewed before a public hearing is  
19 scheduled.

20  
21 **Ordinance Revision Update Wind Energy Systems** – City Planner Torres updated the Council on  
22 the Wind Energy Conversion Systems (WECS) ordinance that has been discussed with the Planning  
23 Commission. She requested feedback from the Council relating to setback requirements vs.  
24 minimum parcel size, acreage vs. non-acreage requirements and height limitations.

25  
26 Mayor Carr stated it is important for the City to have a reactive ordinance to keep up with  
27 technology. Aesthetics are important within the City of Grant as well as feedback from residents.

28  
29 Mr. Paul Huffman, 80<sup>th</sup> Street, came forward and stated he has looked into wind systems and a height  
30 of 60 feet or less is not economical. The higher the structure is the more power it will generate and  
31 trees would need to be cleared to make the structures operational.

32  
33 Council Member Huber advised he obtained some information from two companies within the State  
34 that produce the systems. He indicated he would forward that information to the Planning  
35 Commission.

36  
37 City Planner Torres also requested direction regarding the removal of the structures if they are not  
38 being utilized or are not operational. She also inquired about the number of units per parcel the  
39 Council would consider.

40  
41 It was the consensus of the Council that one unit per parcel would be allowed and suggested the  
42 possibility of property owners submitting an escrow for removal.

43  
44 City Planner Torres advised a revised draft ordinance would be provided prior to scheduling a public  
45 hearing.

1 **Ordinance Revision Update, Grazeable Acres** – City Planner Torres updated the Council on the  
2 draft ordinance noting the suggested revisions. She stated the wooded land and wetland have been  
3 excluded from the grazeable acres definition.

4  
5 Mayor Carr noted the City would like flexibility within the ordinance specifically to the wooded  
6 areas relating to grazeable.

7  
8 Council Member Hinseth recommended the word “urban” be removed and replaced with “any  
9 impervious unvegetated land”.

10  
11 City Attorney Vivian suggested language to allow the City the flexibility within the ordinance. He  
12 recommended the language read “ungrazeable forest or wooded land”.

13  
14 Council Member Potter stated he would prefer the terms wooded and forests be removed from the  
15 ordinance completely. He stated he does not want to encourage the removal of trees to obtain  
16 additional grazeable acreage.

17  
18 Ms. Christine Flug, 80<sup>th</sup> Street, came forward and urged the Council to also look at wetland acreage.  
19 She stated there are seven different classifications of wetlands and people do graze horses on some  
20 wetlands. Clarification on wetlands needs to be made relating to what is grazeable within those  
21 classifications.

22  
23 **Houles Update** – City Planner Torres reviewed a response received from the property in question  
24 earlier today. She requested feedback from the Council on how to proceed.

25  
26 The Council provided feedback noting they are happy progress is being made. The Council advised  
27 the Planner to make it clear to the property owner a specific proposal for the property must be  
28 submitted by September 30, 2009 or the trucks must be removed by then. If that does not happen the  
29 City will move forward with zoning enforcement.

30  
31 **Staff Report** - A report was provided for August 2009 City planning activities, to be placed on file  
32 for review.

33  
34 **City Attorney, Nick Vivian**

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36 **Floyd’s Update** – City Attorney Vivian provided the background and update regarding this issue.  
37 He stated that in his opinion the use of the site has not changed. He stated he is willing to meet with  
38 them and address some concerns or the City can schedule a closed session to discuss this issue  
39 further. He noted there are a few outstanding items that do need further investigation.

40  
41 City Attorney Vivian advised the Council could 1) schedule a public meeting at the site with the  
42 entire Council; 2) appoint no more than two Council Members to meet with the property owner; or 3)  
43 schedule a closed meeting to discuss the City’s options.

44  
45 It was the consensus of the Council to schedule a closed meeting at the October City Council  
46 meeting.

1  
2 **Staff Report** – A report for August 2009 was provided to be placed on file for review.

3  
4 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
5 August 2009 to be placed on file for review.

6  
7 **OLD BUSINESS**

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9 **Ordinance Codification Update, Mayor Carr** – Mayor Carr advised the new Ordinance books have  
10 been distributed and a public hearing will be held at the September Planning Commission meeting.  
11 The Council will formally adopt the new code at the October Council meeting.

12  
13 Council Member Fogelson advised he is reviewing the book for any mistakes. He requested if  
14 anyone has any questions, problems or corrections to please let him know.

15  
16 **Consideration of Vendors License, Edward Jones Investments** – Mayor Carr advised the  
17 applicant did pass the background check so the Council needs to take action on the application.

18  
19 **Council Member Hinseth moved to table the application. Motion failed with no second.**

20  
21 City Attorney Vivian advised the Council has no ground to deny the application. It will, however, be  
22 the last application the Council has to consider as the ordinance has been changed and a new  
23 ordinance was approved.

24  
25 **Mayor Carr moved to approve the Vendors License application, as presented. Council**  
26 **Member Potter seconded the motion. Motion carried with Council Member Hinseth voting**  
27 **nay.**

28  
29 Council Member Huber advised the applicant that the City of Grant may not be the best place to be  
30 soliciting door to door.

31  
32 **NEW BUSINESS**

33  
34 **Resolution No. 2009-14, Establish Preliminary Levy Certification for 2010** – Mayor Carr advised  
35 a budget meeting was held earlier and the Council determined the levy would be certified at  
36 \$893,593.

37  
38 **Council Member Fogelson moved to adopt Resolution No. 2009-14, as presented. Council**  
39 **Member Hinseth seconded the motion. Motion carried unanimously.**

40  
41 **Resolution No. 2009-15, Adopt Preliminary Budget for 2010** – Mayor Carr advised at the budget  
42 meeting the Council determined the preliminary 2010 budget would be in the amount of \$1,110,181.  
43 He noted the budget could be adjusted a bit before final approve in December. A public hearing will  
44 be held during the regular Council meeting in December.

1 City Treasurer Mikkelsen advised there are levy limits for year 2010 and the amount of the levy is  
2 just under 4% less than the levy for year 2009.

3 **Council Member Potter moved to adopt Resolution No. 2009-15, as presented. Council**  
4 **Member Huber seconded the motion. Motion carried unanimously.**

5

6 **DISCUSSION ITEMS**

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8 **City Council Reports:**

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10 Mayor Carr referred to a possible pot luck appreciation at the October meeting and determined there  
11 was no interest in the event.

12

13 Council Member Huber asked that staff submit articles for the City newsletter within the next two  
14 weeks.

15

16 Road Commissioner Hinseth advised the second round of dust control has been completed and went  
17 very well. Asphalt repair will be completed later this month.

18

19 **CLOSED SESSION TO DISCUSS FLUG LITIGATION WITH CITY ATTORNEY**

20

21 **Council Member Potter moved to go into closed session at 9:00 p.m. Council Member Huber**  
22 **seconded the motion. Motion carried unanimously.**

23

24 **Council Member Hinseth moved to adjourn the closed session at 9:50 p.m. Council Member**  
25 **Huber seconded the motion. Motion carried unanimously.**

26

27 **COMMUNITY CALENDAR SEPTEMBER 2 THROUGH SEPTEMBER 30, 2009:**

28

29 **City Office Closed, Monday, September 7, 2009, Labor Day Holiday**

30

31 **Planning Commission Meeting, Monday, September 21, 2009, Town Hall, 7:00 p.m.**

32

33

34 **ADJOURN**

35

36 **There being no further business, Council Member Potter moved to adjourn at 9:52 p.m.**  
37 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

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40 These minutes were considered and approved at the regular Council Meeting October 6, 2009.

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Kim Points, City Clerk

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Tom Carr, Mayor

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APPROVED