

CCITY OF GRANT  
MINUTES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**DATE** : October 6, 2009  
**TIME STARTED** : 7:00 p.m.  
**TIME ENDED** : 9:11 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**

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

**CONSENT AGENDA**

September 1, 2009, City Council Meeting Minutes	Approved
Bill List, \$62,425.43	Approved
City of Mahtomedi, 3 <sup>rd</sup> Quarter Fire, \$26,301.12	Approved
Sheriff's Department, 1 <sup>st</sup> Half Police Services, \$48,945.70	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**

1  
2 **Police Report, Deputy Breana Fry** - The September 2009 Police Report was provided to be placed  
3 on file for review at City Hall.

4  
5 **City Engineer, Diane Hankee**

6  
7 **FHWA Sign Inventory** – City Engineer Hankee advised the Federal Highway is implementing  
8 jurisdiction that will require bringing all road signs up to date and to be reflective by 2012. She  
9 stated it does not have to be done now but she will work with the Road Commissioner on this. Any  
10 signs that were put out prior to year 2000 will have to be brought up to date. She guessed that would  
11 include 50-60% of the signs within the City.

12  
13 **Local Surface Water Management Plan** – City Engineer Hankee advised she is working with the  
14 Valley Branch Watershed District to include a plan for Sunnybrook Lake. The suggested plan is not  
15 necessarily the City’s entire capital improvement plan but an improvement plan needs to be included  
16 for them to recommend approval. There may be DNR grant funding available to help with the  
17 project. It is a good starting point and she indicated she would continue to work with them. The City  
18 needs to acknowledge the project and include it in the local surface water management plan.

19  
20 Council Member Hinseth added that the gravel resurfacing project will be done in about two years  
21 and he is encouraged that there may be DNR grant funding available to raise the roadway at the same  
22 time.

23  
24 **Staff Report** - The September 2009 Engineer’s Report was provided to be placed on file for review.

25  
26 **City Planner, Angela Torres**

27  
28 **Ordinance No. 2009-13, Shared Driveways and Shared Access** – City Planner Torres advised the  
29 public hearing was held at the Planning Commissioner meeting. There were no comments and the  
30 Planning Commission recommended adoption of Ordinance No. 2009-13.

31  
32 Council Member Fogelson referred to the sentence regarding “Owners of properties that proposes  
33 shared access shall provide . . .” in Section 32-346 and suggested that statement be moved to the  
34 section regarding the shared access.

35  
36 City Attorney Vivian advised it is appropriate to move sentence.

37  
38 **Council Member Hinseth moved to adopt Ordinance No. 2009-13, as amended. Council**  
39 **Member Fogelson seconded the motion. Motion carried unanimously.**

40  
41 **Resolution No. 2009-17, Summary Publication of Ordinance No. 2009-13** – City Planner Torres  
42 advised Resolution No. 2009-17 authorizes the summary publication of Ordinance No. 2009-13.

43  
44 **Council Member Potter moved to adopt Resolution No. 2009-17, as presented. Council**  
45 **Member Fogelson seconded the motion. Motion carried unanimously.**

1 **Ordinance No. 2009-14, Double Frontage Lots** – City Planner Torres advised a public hearing was  
2 held at the Planning Commission meeting and no comments were made. The Planning Commission  
3 recommended approval of Ordinance No. 2009-14.

4  
5 **Council Member Fogelson moved to adopt Ordinance No. 2009-14, as presented. Council**  
6 **Member Hinseth seconded the motion. Motion carried unanimously.**

7  
8 **Resolution No. 2009-18, Summary Publication of Ordinance No. 2009-14** – City Planner Torres  
9 advised Resolution No. 2009-18 authorizes a summary publication of Ordinance No. 2009-14.

10  
11 **Council Member Potter moved to adopt Resolution No. 2009-18, as presented. Council**  
12 **Member Huber seconded the motion. Motion carried unanimously.**

13  
14 **Ordinance No. 2009-15, PUD Ordinance** – City Planner Torres advised a public hearing was held  
15 at the Planning Commission meeting and no comments were made. The Planning Commission  
16 recommended approval of Ordinance No. 2009-15.

17  
18 Mayor Carr suggested the term “second” principal use be eliminated from the Ordinance.

19  
20 City Attorney Vivian advised the statement should just eliminate the word “principal” to clarify the  
21 statement relating to secondary use.

22  
23 Council Member Huber asked if non-profit entities had been included in the language as he had  
24 previously suggested.

25  
26 City Attorney Vivian suggested the term “institutional” be stricken and include “not for profit”.

27  
28 **Council Member Hinseth moved to adopt Ordinance No. 2009-15, as amended. Council**  
29 **Member Fogelson seconded the motion. Motion carried unanimously.**

30  
31 **Resolution No. 2009-19, Summary Publication of Ordinance No. 2009-15** – City Planner Torres  
32 advised Resolution No. 2009-19 authorizes a summary publication of Ordinance No. 2009-15.

33  
34 **Council Member Potter moved to adopt Resolution No. 2009-19, as presented. Council**  
35 **Member Fogelson seconded the motion. Motion carried unanimously.**

36  
37 **Resolution No. 2009-20, Sunnybrook Ponds Final Plat Approval** – Mayor Carr advised the  
38 applicant has requested this item be tabled.

39  
40 **Mayor Carr moved to table Resolution No. 2009-20 to the November City Council meeting.**  
41 **Council Member Huber seconded the motion. Motion carried unanimously.**

42  
43 **Current Ordinance Review Update from Planning Commission Meeting** – City Planner Buss  
44 updated the Council regarding the Planning Commission discussions relating to a wind energy  
45 ordinance the grazable acres ordinance revision.

46

1 After Council discussion, the Council directed the Planner to advise the Planning Commission that  
2 the Council does not want to closely monitor these systems through a CUP process. It may be  
3 determined that a COC could be utilized to verify that the requirements of the ordinance are met. The  
4 Council also suggested implementing specific front, side and rear setbacks as opposed to the  
5 standards of twice the height of the structure.  
6

7 The Mayor also suggested that instead of setting a standard height limitation that the City permit  
8 towers to be no higher than 35' above the highest elevation of the property. The Council also  
9 discussed requirement the tower to be screened.

10  
11 The Council referred to the grazable acres ordinance revisions and suggested the Planning  
12 Commission determine how wetland boundaries are identified. The Council suggested the possibility  
13 of requiring a site visit and wetland delineation for applicants proposing to graze wetland areas.  
14

15 Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and referred to "buffer strips" and indicated the  
16 Council may be creating problems requiring delineations that could affect green acre areas.  
17

18 **Houles Update** - City Planner Torres advised another site visit was conducted by the Building  
19 Inspector. Some work has been done on moving the trailers but they are not yet completely moved.  
20

21 **Staff Report** - A report was provided for September 2009 City planning activities, to be placed on  
22 file for review.  
23

24 **City Attorney, Nick Vivian**  
25

26 **Ordinance No. 2009-19, Adopt Ordinance Codification** – City Attorney Vivian advised Ordinance  
27 No. 2009-19 officially adopts the new code for the City.  
28

29 **Mayor Carr moved to adopt Ordinance No. 2009-19, as presented. Council Member Fogelson**  
30 **seconded the motion.**  
31

32 Council Member Fogelson thanked Ms. Kim Linner and Mr. Kevin Fernandez, as well as City staff  
33 for their help in completing the City's Codification project.  
34

35 **Motion carried unanimously.**  
36

37 **Resolution No. 2009-21, Summary Publication of Ordinance No. 2009-19** – City Attorney Vivian  
38 advised Resolution No. 2009-21 authorizes a summary publication of Ordinance No. 2009-19.  
39

40 **Mayor Carr moved to adopt Resolution No. 2009-21, as presented. Council Member Huber**  
41 **seconded the motion. Motion carried unanimously.**  
42

43 **Resolution No. 2009-22, DNR Plowing Cooperative Agreement** – City Attorney Vivian provided  
44 the background regarding this issue indicating a resident would like to plow a portion of the trail  
45 during the winter months. The DNR has to give the City jurisdiction over the trail during those  
46 months. The concern is City liability. It may not be in the City's best interest to do this but it could

1 be facilitated through agreements with individuals but would have to be done administratively and  
2 overseen by staff. He advised he does not think it is workable at this time with the City's current  
3 structure.

4  
5 Mayor Carr advised if the resident can come up with an agreement directly with the DNR for his  
6 request that would be fine with the City. But an agreement with the City is too much of an issue due  
7 to liability.

8  
9 It was the consensus of the Council to not enter into an agreement with the DNR to allow the resident  
10 to plow a portion of the trail.

11  
12 **Mayor Carr moved to table Resolution No. 2009-22, indefinitely. Council Member Potter**  
13 **seconded the motion. Motion carried unanimously.**

14  
15 **Staff Report** – A report for September 2009 was provided to be placed on file for review.

16  
17 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
18 September 2009 to be placed on file for review.

19  
20 **OLD BUSINESS**

21  
22  
23 **NEW BUSINESS**

24  
25 **Consideration of Revising Noise/Nuisance Ordinance** – Council Member Fogelson stated there  
26 were some issues last year with noise and the current ordinance cannot effectively be enforced.

27  
28 City Attorney Vivian stated the noise ordinance provides for standards per decibels. The nuisance  
29 ordinance could be updated to better be enforced. He recommended sections 722,723 and 724 be  
30 updated to give the Deputy the authority to make judgments and possibly issue citations.

31  
32 The Council directed staff to move forward and work with the Planning Commission to revise the  
33 City's nuisance ordinance.

34  
35 **DISCUSSION ITEMS**

36  
37 **City Council Reports:**

38  
39 Mayor Carr advised a benefit for former Council Member Nancy Levitz is being held on Thursday,  
40 October 22, 5:30 – 8:30 pm, at Sawmill Golf Club. He noted a silent auction is being held and all  
41 money raised will be given to Ms. Levitz, who has been diagnosed with internal melanoma. He gave  
42 an example of some of the items that have been donated and stated the City is still taking donations.

43  
44 Council Member Hinseth thanked Mr. Dan Pohl, Sawmill Golf Club, who has donated the clubhouse  
45 for the event.

1 Road Commissioner Hinseth advised asphalt patching is not yet complete and there will be one more  
2 round of pothole repair in October when weather permits. He provided an update of gravel vs. paved  
3 road maintenance costs noting through 2008 the costs are within \$1.00 per year.

4  
5 **CLOSED SESSION TO DISCUSS FLUG LITIGATION AND IMPENDING FLOYD’S**  
6 **LITIGATION WITH CITY ATTORNEY**

7  
8 **Council Member Hinseth moved to go into closed session at 8:40 p.m. Council Member Potter**  
9 **seconded the motion. Motion carried unanimously.**

10  
11 **Council Member Hinseth moved to adjourn the closed session at 9:10 p.m. Council Member**  
12 **Fogelson seconded the motion. Motion carried unanimously.**

13  
14 The Council directed City Attorney Vivian to move forward with the current litigation with Flug and  
15 impending Floyd’s litigation as noted in the closed meeting.

16  
17 **COMMUNITY CALENDAR OCTOBER 7 THROUGH OCTOBER 31, 2009:**

18  
19 **Planning Commission Meeting, Monday, October 19, 2009, Town Hall, 7:00 p.m.**

20  
21 **ADJOURN**

22  
23 **There being no further business, Council Member Potter moved to adjourn at 9:11 p.m.**  
24 **Council Member Huber seconded the motion. Motion carried unanimously.**

25  
26  
27 These minutes were considered and approved at the regular Council Meeting November 3, 2009.

28  
29  
30  
31  
32 \_\_\_\_\_  
33 Kim Points, City Clerk

34 \_\_\_\_\_  
Tom Carr, Mayor