

CITY OF GRANT
MINUTES

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DATE : November 3, 2009
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:45 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth, Huber, Potter and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; Acting City Engineer, Nate Stanley; 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 Huber moved to approve the agenda as presented. Council Member Potter seconded the motion. Motion carried unanimously.

CONSENT AGENDA

October 6, 2009, City Council Meeting Minutes	Approved
Bill List, \$32,454.10	Approved
Miller Excavating, Grading & Blacktopping, \$19,770.00	Approved
Fuhr Trenching, Culvert & Road Work, \$11,534.75	Approved

Council Member Hinseth 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.

CONCEPT PLAN, POSSIBLE VARIANCE REQUEST, ART ROSSBACH, 11119 LOCKRIDGE COURT NORTH

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2 Mr. Art Rossbach came forward and stated he would like to build a storage building on his property.
3 He referred to a map of his property and pointed out the area he would like to build the structure
4 noting it is in front of the principal structure so a variance may be needed. He requested direction
5 from the Council.

6
7 City Planner Torres advised the storage building is an allowed use with a Certificate of Compliance
8 issued that would be based on conditions.

9

10 **STAFF REPORTS**

11

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

14

15 **City Engineer, Nate Johnson**

16

17 **DNR Grant Resolution No. 2009-21** – Acting City Engineer Johnson stated Resolution No. 2009-21
18 is required for the City to apply for a grant from the DNR.

19

20 **Council Member Hinseth moved to adopt Resolution No. 2009-21, as presented. Council**
21 **Member Fogelson seconded the motion.**

22

23 City Attorney Vivian advised he has reviewed the Resolution. Resolution No. 2009-21 authorizes the
24 City Engineer to apply for the grant on behalf of the City of Grant.

25

26 **Motion carried unanimously.**

27

28 **Staff Report** - The October 2009 Engineer's Report was provided to be placed on file for review.

29

30 **City Planner, Angela Torres**

31

32 **Resolution No. 2009-20, Sunnybrook Ponds Final Plat Approval** – City Planner Torres provided
33 the background on this issue and recommended approval of the final plat based on conditions
34 outlined in the staff report.

35

36 City Engineer Stanly addressed Condition #2 relating to the flooding issue. He stated they have not
37 seen anything yet in regard to a proposal for the improvements. Options include ponding, elevation
38 of the roadway and storm sewer.

39

40 City Attorney Vivian stated one issue is the City does not know how much additional storage is
41 needed. Staff has requested statistical information relating to that and it has not been provided.

42

43 City Engineer Stanly noted a culvert may also be an option in the applicant works with the Watershed
44 District.

45

1 Council Member Hinseth stated he is not sure a culvert would be favored by the Watershed District.
2 The least costly option to mitigate the flooding is to elevate the roadway.

3
4 Mr. Tim Freeman, Representative for the Applicant, came forward and stated he does have
5 preliminary plat approved by resolution. He stated it is very clear and preliminary plat approval did
6 not include building anything. The issue will be addressed when building and permitting does occur.
7 A model was provided to the City Engineer prior to preliminary plat approval. The model shows that
8 the subdivision does not add to the problem. There are only problems in the spring when the ground
9 is frozen. It is an existing problem that the plat does not add to.

10
11 Mayor Carr stated when development occurs the City has to look at and take care of some problems
12 that may be there due to the property itself. If the costs were excessive then he thought waiting for
13 development was more fair. Elevating the roadway would cost approximately \$5,000 and that is not
14 an excessive amount. He stated he believes it is prudent to take care of the problem now.

15
16 City Attorney Vivian stated that as part of the Developer's Agreement all drainage and storm water
17 issues are addressed. The intent was very clear that the applicant was going to take care of the issues
18 that may include dedication of an easement. There would be terms of that dedicated easement that
19 would include all drainage and mitigation issues. It is staff's perspective that all issues must be
20 addressed and a plan provided for mitigation. All terms will be part of the Developer's Agreement.

21
22 Council Member Hinseth requested that a written confirmation be submitted by the Building
23 Inspector regarding the completion of all work recommended by the Building Inspector for the
24 cottage on the property.

25
26 City Attorney Vivian recommended approval of the final plat revising conditions #2, 3, and 4 to
27 reflect that the Developer's Agreement specifically requires 1) statistical model be provided by the
28 applicant 2) a mitigation plan for drainage be provided and completed by the applicant and 3) a
29 security escrow in the amount of \$7,500.00 be provided to ensure completion of the mitigation plan
30 by July 1, 2010.

31
32 City Attorney Vivian also recommended a new condition be added relating to the applicant obtaining
33 County approval for the final approval.

34
35 City Attorney Vivian added the intent is for the applicant to work through the City Engineer to raise
36 the roadway or utilize another option to address the drainage issue.

37
38 **Mayor Carr moved to approve Resolution No. 2009-20, as amended per the City Attorney.**
39 **Council Member Potter seconded the motion. Motion carried unanimously.**

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44 **Staff Report** - A report was provided for October 2009 City planning activities, to be placed on file
45 for review. City Planner Torres added that the Houle's site was reviewed today. There are still

1 trucks there and the owner had indicated they would be moved. She suggested she provide a
2 summary to the Attorney relating to the issues and move forward with legal action.

3
4 It was the consensus of the Council to direct the City Attorney to move forward with legal action
5 regarding this issue.

6
7 **City Attorney, Nick Vivian**

8
9 **Proclamation on Ordinance Codification** – City Attorney Vivian advised the proclamation has
10 been drafted and printed on certificates. He suggested the City invite each of those on the committee
11 and present them at the December Council meeting.

12
13 **Axdahl/Jacobs** – City Attorney Vivian distributed a letter that he received late this afternoon. He
14 outlined the letter that indicates there are still outstanding issues and the applicants are requesting
15 another extension of 90 days.

16
17 Mayor Carr stated his concern is that if the County property is deeded to the City that the lot being
18 created in the development would be an unbuildable lot based on acreage. He stated he would like to
19 see this move forward however.

20
21 City Attorney Vivian advised they will need to comply with the City Ordinances. He will be
22 reviewing how the deed work is handled. He suggested the City allow the extension.

23
24 Council Member Hinseth advised there are issues with access to Manning Avenue and the County is
25 losing patience with the applicants.

26
27 **Council Member Huber moved to approve the requested 90-day extension, as presented.**
28 **Council Member Hinseth seconded the motion. Motion carried unanimously.**

29
30 **Clarification of Recommendation to Revise City's Nuisance Ordinance** – City Attorney Vivian
31 stated there was a brief discussion at the last meeting regarding enforcement of the noise ordinance.
32 The Planning Commission would like some clarification regarding this issue. He recommended the
33 Planning Commission review Section 32-330 relating to Environmental Nuisances. The term “noise”
34 could be added to that list with a similar definition to allow enforcement, keeping it separate from the
35 noise ordinance.

36
37 The Council directed the Planning Commission move forward with the revision as recommended by
38 the City Attorney.

39
40 **Staff Report** – A report for October 2009 was provided to be placed on file for review.

41
42 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
43 October 2009 to be placed on file for review.

44
45 **OLD BUSINESS**

1 **NEW BUSINESS**

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3 **DISCUSSION ITEMS**

4
5 **City Council Reports:**

6
7 Mayor Carr thanked everyone that participated in the benefit for former Council Member Nancy
8 Levitz. He stated everyone provided a lot of help and he especially thanked Dan Pohl, Bell
9 Mortgage, Windy Acres, Eckberg Lammers, Indian Hills and WSB. He stated it was a very
10 successful event.

11
12 Mayor Carr asked the Council to submit any extra meetings for the past year to the City Clerk as soon
13 as possible. He advised there is a public hearing regarding a boundary change in the Valley Branch
14 Watershed District on November 17, 7:00pm at Washington Country Service Center in Cottage
15 Grove.

16
17 Council Member Huber thanked residents who helped with the City newsletter. He apologized to the
18 City as a whole because it was not delivered in time for the benefit due to production problems with
19 the printer. He stated he would like help with the mailing list and donations are still being taken for
20 Ms. Levitz.

21
22 Road Commissioner Hinseth stated the month of October was very wet so pot holing was not done.
23 Weather permitting the intent is to complete that project as soon as possible. Grading is behind also
24 due to the weather and they will catch up as weather permits. Also, if residents notice water pooling
25 in areas please try and create a drainage route with a shovel. Reflective stake markers that are set out
26 on paved roads for the winter need to be at least two feet back from the pavement edge to allow room
27 for the snow plow.

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30 **CLOSED SESSION TO DISCUSS FLUG, OAKLEIGH LITIGATION AND IMPENDING**
31 **FLOYD'S LITIGATION WITH CITY ATTORNEY**

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33 **Council Member Hinseth moved to go into closed session at 8:35 p.m. Council Member Potter**
34 **seconded the motion. Motion carried unanimously.**

35
36 **Council Member Huber moved to adjourn the closed session at 9:44 p.m. Council Member**
37 **Potter seconded the motion. Motion carried unanimously.**

38
39 **COMMUNITY CALENDAR NOVEMBER 4 THROUGH NOVEMBER 30, 2009:**

40
41 **Planning Commission Meeting, Monday, November 16, 2009, Town Hall, 7:00 p.m.**

42
43 **City Office Closed, Thanksgiving Holiday, Thursday & Friday, November 26 & 27, 2009**

44
45 **ADJOURN**

1 **There being no further business, Council Member Potter moved to adjourn at 9:45 p.m.**
2 **Council Member Huber seconded the motion. Motion carried unanimously.**
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5 These minutes were considered and approved at the regular Council Meeting December 5, 2009.
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11 Kim Points, City Clerk
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Tom Carr, Mayor