

CITY OF GRANT
MINUTES

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DATE : December 1, 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; 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

November 3, 2009, City Council Meeting Minutes	Approved
Bill List, \$63,638.38	Approved
Extension of Current Waste Management Contract through 2016	Approved
City of Mahtomedi, 4 th Quarter Fire Contract, \$26,301.12	Approved

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

PUBLIC COMMENT

No one was present for public comment.

PROCLAMATION FOR ORDINANCE CODIFICATION PROJECT

1 Mayor Carr read the Proclamation commending Kim Linner, Kevin Fernandez and Scott Fogelson for
2 their work on the City Codification project.

3
4 **2010 INSURANCE REVIEW, CHRIS SAURO**

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6 Mr. Chris Sauro reviewed the City's insurance coverage for year 2010 noting the changes and asking
7 for execution of the document to NOT waive tort liability.

8
9 **CONCEPT PLAN REVIEW, POSSIBLE CUP APPLICATION, MINOR SUBDIVISION, 6077**
10 **LAKE ELMO AVENUE, DAVE RUSTAD**

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12 Mr. Dave Rustad came forward and stated he owns two properties within the City of Grant, one at
13 6077 Lake Elmo Avenue and the storage property on the frontage road of 60th Street. He distributed
14 a diagram of the property outlining possible minor subdivision options and probable CUP amendment
15 for the property. He requested Council direction.

16
17 Mayor Carr commented on frontage requirements as well as density issues.

18
19 Mr. Tom Schifsky came forward and indicated he is looking at purchasing the 4.5 acre parcel and the
20 building to store equipment. He stated it is a convenient location for his business and inquired about
21 multi-tenant issues as he owns several different businesses.

22
23 City Attorney Vivian stated the revised PUD ordinance addresses multi-uses but does not prohibit
24 them. It prohibits the number of primary uses.

25
26 Mayor Carr confirmed that Mr. Schifsky was aware of a possible future project on Lake Elmo
27 Avenue noting the City does not know yet what might happen there.

28
29 The Council indicated concerns include and are not limited to potential wear and tear on Grant roads
30 due to heavy equipment, adequate screening and noise issues.

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32 **STAFF REPORTS**

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

36
37 **City Engineer, Diane Hankee**

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39 **Masterman Lake Management Plan** – City Engineer Hankee advised she was contacted by BCWD
40 to discuss a management plan for Masterman Lake. She stated she attended a meeting to discuss the
41 lake management plan and how to deal with erosion. A fishing pier was suggested and they were
42 informed the City has issues with the lack of parking in that area for trail users and to invite fishing
43 would compound the problem. Also, the adjacent property owners would not be in favor of a fishing
44 pier. If a fishing pier is not the goal of the City they will most likely bring in large rocks to stabilize
45 the bank.

46 The Council indicated they are not in favor of a fishing pier at Masterman Lake.

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Staff Report - The November 2009 Engineer’s Report was provided to be placed on file for review.

City Planner, Angela Torres

Ordinance No. 2009-16, Minimum Requirements – City Planner Torres reviewed the revisions of the ordinance advising a public hearing was held at the Planning Commission meeting and the Planning Commission recommended approval of the revised ordinance.

Council Member Hinseth suggested minor changes to the ordinance language. He reviewed the proposed changes he suggested.

The City Attorney advised he is in favor of the proposed changes to the language of the revised ordinance.

Council Member Hinseth moved to adopt Ordinance No. 2009-16, as amended. Council Member Fogelson seconded the motion. Motion carried unanimously.

Resolution No. 2009-24, Summary Publication of Ordinance No. 2009-16 – City Planner Torres advised Resolution No. 2009-24 authorizes a summary publication of Ordinance No. 2009-16.

Council Member Huber moved to adopt Resolution No. 2009-24, as presented. Council Member Hinseth seconded the motion. Motion carried unanimously.

Clear Wire CUP Application, Lake Elmo Avenue – City Planner Torres provided the background on the application noting the Planning Commission reviewed and held a public hearing at the November meeting. The Planning Commission recommended approval of the application based on conditions outlined in the staff report.

Council Member Hinseth stated it would be helpful to have staff check the tower sites to make sure that the leased tower areas are in compliance.

Mr. Dave Rustad came forward and showed a photo of the area noting it has been maintained and is fenced.

City Planner Torres stated the current CUP on the tower does require maintenance, upkeep and screening. A visit could be completed as part of the City’s annual CUP review process.

Mr. Daniel Dean, Clear Wire, came forward and explained the request noting they use the minimum number of antennas as well as noted the size and location of where they will be placed.

Council Member Huber moved to approve Clear Wire CUP application, Lake Elmo Avenue, as presented. Council Member Potter seconded the motion. Motion carried unanimously.

1 **Clear Wire CUP Application, 60th Street** – City Planner Torres provided the background on the
2 application advising the Planning Commission reviewed it at their November meeting and
3 recommended approval based on the conditions outlined in the staff report.

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5 **Council Member Huber moved to approve Clear Wire CUP Application, 60th Street, as**
6 **presented. Council Member Fogelson seconded the motion. Motion carried unanimously.**

7
8 **Staff Report** - A report was provided for November 2009 City planning activities, to be placed on
9 file for review.

10
11 **City Attorney, Nick Vivian**

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13 **Staff Report** – A report for November 2009 was provided to be placed on file for review. City
14 Attorney Vivian noted the Houle’s site is now in compliance.

15
16 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
17 November 2009 to be placed on file for review.

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19 **OLD BUSINESS**

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21 There was no old business to discuss.

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23 **NEW BUSINESS**

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25 **Resolution No. 2009-22, Adopting Final Budget for Year 2010** – Mayor Carr advised the Truth in
26 Taxation hearing was held prior to the Council meeting.

27
28 **Council Member Hinseth moved to adopt Resolution No. 2009-22, as presented. Council**
29 **Member Potter seconded the motion. Motion carried unanimously with a roll call vote.**

30
31 **Resolution No. 2009-23, Certifying City Levy to County for Year 2010** – Mayor Carr advised
32 Resolution No. 2009-23 certifies the 2010 Levy to the County.

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34 Council Member Huber noted the levy is down from last year and \$60,000 has been cut from City
35 expenses.

36
37 **Council Member Potter moved to adopt Resolution No. 2009-23, as presented. Council**
38 **Member Huber seconded the motion. Motion carried unanimously with a roll call vote.**

39
40 **Approval of 2010 Liquor Licenses** – Mayor Carr outlined the staff report requesting approval of the
41 2010 Liquor Licenses.

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43 **Council Member Huber moved to approve the 2010 Liquor Licenses contingent upon all**
44 **paperwork and fees are collected. Council Member Hinseth seconded the motion. Motion**
45 **carried unanimously.**

46 **DISCUSSION ITEMS**

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City Council Reports:

Mayor Carr reminded the Council that at the January Council meeting 2010 appointments will be made and the annual CUP reviews would be determined.

Road Commissioner Hinseth advised he has come to a verbal agreement with Miller for them to purchase a ditch reclaimer, to get gravel out of the ditch and back on the road. He stated he believes it will improve drainage and will reduce the City’s grading costs. Asphalt repair for the year has been done. The shouldering of a few patches will be finished next season. Today was the last day of grading and roads are in good shape and ready for the winter.

CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL AS PERMITTED BY THE ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN.STAT. 13D.05 SUBD. 3 (d) ON THE FOLLOWING LEGAL MATTERS:

City of Grant v. Chris’ MP, Christine Flug and Daniel Flug

City of Grant v. Richard E. Jahnke et al.

City of Grant V. Floyd’s Auto Sales

Council Member Potter moved to go into closed session at 8:15 p.m. Council Member Hinseth seconded the motion. Motion carried unanimously.

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

City Attorney Vivian recommended the Council entertain a motion relating to the Oakleigh Litigation as discussed during the closed session.

Mayor Carr moved to direct the City Attorney to prepare the final settlement and authorize execution of those documents as discussed in the closed session. Council Member Fogelson seconded the motion. Motion carried unanimously.

COMMUNITY CALENDAR DECEMBER 2 THROUGH DECEMBER 31, 2009:

Planning Commission Meeting, Monday, December 21, 2009, Town Hall, 7:00 p.m.

City Office Closed, Christmas Holiday Thursday & Friday, December 24 and 25, 2009

ADJOURN

There being no further business, Council Member Potter moved to adjourn at 9:45 p.m. Council Member Huber seconded the motion. Motion carried unanimously.

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These minutes were considered and approved at the regular Council Meeting December 5, 2009.

Kim Points, City Clerk

Tom Carr, Mayor