

CITY OF GRANT
MINUTES

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DATE : February 1, 2010
TIME STARTED : 7:40 p.m.
TIME ENDED : 10:01 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 7:40 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Items 6A, 6B and 6C, were moved to Items 7F, 7G and 7H.

Item 5A, Stop Grazable Acres Petition, was added to the regular agenda.

Item 5B, Reading and Discussing Abstinence Petition, was added to the regular agenda.

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

CONSENT AGENDA

January 5, 2010, City Council Meeting Minutes	Approved
Bill List, \$24,886.55	Approved
Reappointment of Commissioner Larson & Commissioner Johnston to Planning Commission	Removed
Pay Equity Report	Approved
Resolution No. 2010-03, Kimbro Avenue CUP	Approved

1 Resolution No. 2010-04, Summary
2 Publication, Ordinance No. 2010-19 Approved

3
4 Miller Excavating, Snow Removal, \$21,580.38 Approved

5
6 Item 4C, Reappointment of Glenn Larson and Craig Johnston to Planning Commission was removed
7 from the consent agenda.

8
9 **Council Member Fogelson moved to approve the Consent Agenda, as amended. Council**
10 **Member Potter seconded the motion. Motion carried with Council Member Hinseth voting**
11 **nay.**

12
13 **Reappointment of Glenn Larson and Craig Johnston to Planning Commission – Council**
14 **Member Potter stated various processes have been used the past to appoint commissioners to the**
15 **Planning Commission. He stated he would like to see a consistent process for reappointment and new**
16 **appointments. He stated he would also like to work closer with the Planning Commission.**

17
18 City Clerk Points explained the process that has been used for reappointment in the past and advised
19 the Planning Commission elects officers at their March meeting every year.

20
21 **Council Member Potter moved to reappoint Craig Johnston to the Planning Commission.**
22 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

23
24 **Council Member Huber moved to reappoint Glenn Larson to the Planning Commission.**
25 **Council Member Hinseth seconded the motion. Motion carried with Council Member Fogelson**
26 **voting nay.**

27
28 **PUBLIC COMMENT**

29
30 City Attorney Vivian read the petition that was submitted requesting the Grant City Council stop its
31 attempts to redefine, rewrite, or make any changes to the current Grazeable Acres ordinance noting it
32 was signed by 260 residents and 105 neighbors of Grant.

33
34 City Attorney Vivian read the Abstinance Petition outlining a concern with a conflict of interest
35 regarding the grazable acres relating to Realtors Mayor Tom Carr and Council Member Jeff Huber
36 noting it was signed by 90 residents.

37
38 City Attorney Vivian advised the implication is there is a conflict of interest with the out come of the
39 vote and the possible financial interest of members of the Council that are also realtors. He stated
40 every member of the Council has a financial interest and there is not a conflict of interest for any
41 member of the Grant City Council.

42
43 Mr. Steve Bohnen, resident, came forward and stated he was going through the City’s Comprehensive
44 Plan. He stated he is concerned about the statement on page 82 relating to agricultural use of
45 property. He read that section of the Plan noting it also indicates the Council has the responsibility of

1 reviewing all ordinances. He stated the City is currently in litigation and is very disappointed that tax
2 dollars are being used for that because it is wrong.

3
4 Mr. Larry Leneux, resident, came forward and stated the attitude of Mayor Carr offended a lot of
5 people at the last meeting. Mayor Carr did not comment on the prepared statement that was provided
6 and the suggestion of a committee was brought up. The Comprehensive Plan also refers to committee
7 work and urges that participation of residents. That suggestion should have been more embraced by
8 the Council.

9
10 Mayor Carr stated his intent in reading comments from the Planning Commission meeting was to get
11 them on the record and not belittle anyone. He stated he wanted to acknowledge their comments.

12
13 Mr. Bohnen came forward again and read the section of the Comprehensive Plan regarding open
14 communication and the use of surveys. He stated that he hopes in the future there is more
15 consideration to the time and effort put into the signatures that were submitted on both petitions.

16 17 **STAFF REPORTS**

18 19 **City Engineer, Diane Hankee**

20
21 **Public Hearing, Ordinance No. 2010-20, Adoption of Amended Flood Plain** – City Engineer
22 Hankee provided the background regarding this issue and noted a public hearing is required.

23
24 City Attorney Vivian advised that as a result of the new FEMA requirements, adoption of an amended
25 flood plain ordinance is required. He outlined the ordinance and the purpose of it stating it is required
26 by FEMA for residents to get flood insurance. The ordinance does need to be adopted tonight to meet
27 the deadline.

28
29 **Council Member Potter moved to open the public hearing at 8:05 p.m. Council Member**
30 **Fogelson seconded the motion. Motion carried unanimously.**

31
32 City Engineer Hankee advised the new ordinance better defines the processes when dealing with flood
33 happenings. The language has been cleaned up and no significant changes have been made.

34
35 Council Member Fogelson noted that an elevation certificate is required for building and they are
36 typically recorded.

37
38 City Attorney Vivian advised it is the resident's responsibility to follow the ordinance, which is no
39 more clearly spelled out.

40
41 City Engineer Hankee stated most of the ordinance was already being done. The amended ordinance
42 does not necessarily create additional work for the City. The new ordinance is more clear and
43 descriptive.

1 Mr. Craig Leiser, 10300 Kismet Lane, came forward and commented on the amended ordinance and
2 noted he was compliant with all requirements but his house did flood in 1995. This will allow
3 residents who are in a definite flood plain to obtain flood insurance if the City complies with the
4 federal mandate and adopts the amended ordinance.

5
6 **Council Member Hinseth moved to close the public hearing at 8:16 p.m. Council Member
7 Potter seconded the motion. Motion carried unanimously.**

8
9 **Council Member Huber moved to approved Ordinance No. 2010-20, as presented. Council
10 Member Fogelson seconded the motion. Motion carried unanimously.**

11
12 **Resolution No. 2010-02 Summary Publication of Ordinance No. 2010-20** – Resolution No. 2010-
13 02 authorizes a summary publication of the amended flood plain ordinance.

14
15 **Council Member Potter moved to adopt Resolution No. 2010-02, as presented. Council Member
16 Fogelson seconded the motion. Motion carried unanimously.**

17
18 **Jeffrey Avenue Paving Petition** – City Engineer Hankee stated she has been working with the
19 neighborhood liaison on this issue. She stated she does not believe the petition is at 75% but does
20 need to review it more as it was submitted this morning.

21
22 **Staff Report** - The January 2010 Engineer's Report was provided to be placed on file for review.

23
24 **City Planner, Angela Torres**

25
26 **Resolution No. 2010-01, Summary Publication of Ordinance No. 2009-18** – City Planner Torres
27 advised Resolution No. 2010 – 01 should be moved to Item 7I.

28
29
30 **Hilton's Whitetail Ridge 2nd Addition, Minor Subdivision** – City Planner Torres reviewed the
31 application as well as provided the background of the request. She indicated a public hearing was
32 held at the Planning Commission and they have recommended approval to the City Council based on
33 the outlined conditions.

34
35 **Council Member Hinseth moved to approve Hilton's Whitetail Ridge 2nd Addition Minor
36 Subdivision, based on conditions outlined. Council Member Fogelson seconded the motion.
37 Motion carried unanimously.**

38
39 **Rustad Minor Subdivision Application** – City Planner Torres reviewed the application as well as
40 provided the background of the request. She stated a public hearing was held at the Planning
41 Commission meeting and they have recommended approval. She noted condition #3 has been
42 eliminated as the CUP's should be considered separately.

43
44 City Planner Torres referred to the structures on the diagram and stated they are movable pod units.
45 Part of the CUP approval will include removing them allowing for access in the back of the property.

1 The applicant is aware of the access issue to the tower and that will be addressed as part of the CUP
2 conditions also.

3

4 **Council Member Huber moved to approve Rustad Minor Subdivision, based on conditions**
5 **outlined. Council Member Potter seconded the motion. Motion carried unanimously.**

6

7 **R-Two Grant, CUP Amendment Application** – City Planner Torres reviewed the application as
8 well as provided the background. She stated a public hearing was held at the Planning Commission
9 meeting and they have recommended approval based on conditions.

10

11 City Planner Torres advised snow removal equipment will not be stored on site. There is a height
12 limitation on any storage relating to supplies as well as a cubic yard limitation. Maintenance on the
13 site will be limited and no hazardous waste will be allowed.

14

15 Mr. Tom Schifsky, 7155 Jamaca Lane, came forward and stated any repairs done on site would be
16 light duty such as flat tires. Most repairs are done at the N. St. Paul site. Material storage will be
17 done very minimally and typically only for an emergency situation. He stated he will be a good
18 neighbor.

19

20 **Council Member Huber moved to approve R-Two Grant CUP Amendment, based on**
21 **conditions outlined. Council Member Potter seconded the motion. Motion carried**
22 **unanimously.**

23

24 **Advance Storage, CUP Amendment Application** – City Planner Torres reviewed the application as
25 well as provided the background. She outlined the Planning Commission discussion noting the
26 changes that were made to the conditions. A public hearing was held and the Planning Commission
27 did recommend approval based on the revised conditions and elimination of condition #13.

28

29 City Attorney Vivian advised the zoning map that is in effect was adopted in 2009. A change was
30 made due to the adoption of the Comprehensive Plan and because the 2005 Zoning Map was never
31 officially adopted.

32

33 **Council Member Potter moved to approve Advance Storage, CUP Amendment, based on**
34 **conditions outlined. Council Member Fogelson seconded the motion. Motion carried**
35 **unanimously.**

36

37 **Staff Report** - A report was provided for January 2010 City planning activities, to be placed on file
38 for review.

39

40 **City Attorney, Nick Vivian**

41

42 **Axdahl/Jacobs Update** – City Attorney Vivian provided the background on this issue noting the
43 deadline previously approved by the City Council is today. He stated he has not received any
44 additional correspondence from the parties involved but some information has been provided

1 indicating they are still working on the outstanding issues. He stated an agreement was made today to
2 purchase the parcel which is a positive step in the process.

3
4 City Attorney Vivian advised the Council can advise the deadline is today and time has run out or can
5 extend the deadline for final plat submittal again. He noted this has been a very slow process and
6 there has been some frustration with the County. The process should not have taken this long but
7 progress is being made. A court date has been set for March 1, 2010.

8
9 City Attorney Vivian recommended the Council approval another extension of 90 days.

10
11 **Council Member Potter moved to approve another extension of 90 days. Council Member**
12 **Hinseth seconded the motion. Motion carried unanimously.**

13
14 **Resolution No. 2010-06, Highway 96 Project** – City Attorney Vivian advised he was contacted by
15 the Dellwood City Attorney regarding proposed improvements to the Highway 96 bike lane. The City
16 of Dellwood, Stillwater and Grant have been asked to adopt a resolution to send to MnDOT regarding
17 the proposed project.

18
19 It was the consensus of the Council to see the actual proposal and the reasons behind but would not be
20 in support of narrowing the traffic lanes to increase the bike lane/paved shoulder.

21
22 **Staff Report** – A report for January 2010 was provided to be placed on file for review.

23
24 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
25 January 2010 to be placed on file for review.

26
27 **Public Hearing, Homesite Definition within the City’s Zoning Ordinance** – This item was tabled.

28
29 **Ordinance No. 2009-18, Grazable Acres Ordinance Revision** – This item was tabled.

30
31 **Process for Determining Grazable Acres** – This item was tabled.

32
33 **Resolution No. 2010-01, Summary Publication of Ordinance No. 2009-18** – This item was tabled.

34
35 **Council Member Fogelson moved to table the above items (4) relating to Grazable Acres**
36 **Ordinance Revision, to the March City Council Meeting. Council Member Potter seconded the**
37 **motion. Motion carried unanimously.**

38
39 **OLD BUSINESS**

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41 There was no old business to discuss.

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43 **NEW BUSINESS**

44
45 There was no new business to discuss.

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DISCUSSION ITEMS

City Council Reports:

Mayor Carr advised Mahtomedi is considering a bond referendum for an elementary school. He read the information he had received and stated they will be deciding soon. The issues that have been brought up include the \$15,000 application fee that was not paid and trees not being placed on the back property line. The City of Grant has extended sewer and water for the school district before. The possibility of utilizing septic and well systems has been suggested and concerns relating to the Gateway Trail were raised.

Council Member Huber stated he attended a Cable Commission meeting and there may be an additional \$25,000 in grant money available.

Council Member Fogelson stated he attended the Metropolitan Council meeting. Nothing that directly affected Grant was discussed but he will keep everyone updated.

Council Member Potter stated he attended the Washington County League of Government event held at the Prom Center last week. There are a lot of issues the City will be facing due to the overall shift in dollars coming in and will result in permanent loss. There will be tough decisions for all cities to make relating to budgets. The presentation itself was emailed to all Council Members.

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. Floyd's Auto Sales

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

Council Member Hinseth moved to go into closed session at 8:30 p.m. Council Member Huber seconded the motion. Motion carried unanimously.

Council Member Potter moved to adjourn the closed session at 10:00 p.m. Council Member Huber seconded the motion. Motion carried unanimously.

City Attorney Vivian advised a discussion was held regarding litigation strategy. No action was taken. The Council did provide direction and legal counsel will proceed as directed.

COMMUNITY CALENDAR FEBRUARY 2 THROUGH FEBRUARY 28, 2010:

City Office Closed, Presidents Day, Monday, February 15, 2010

1 **Planning Commission Meeting, Tuesday, February 16, 2010, Town Hall, 7:00 p.m.**
2

3 **ADJOURN**
4

5 **There being no further business, Council Member Potter moved to adjourn at 10:01 p.m.**
6 **Council Member Huber seconded the motion. Motion carried unanimously.**
7

8
9 These minutes were considered and approved at the regular Council Meeting March 2, 2010.
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Kim Points, City Clerk

Tom Carr, Mayor