

CITY OF GRANT
MINUTES

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DATE : March 2, 2010
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:06 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; 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

February 1, 2010, City Council Meeting Minutes	Approved
Bill List, \$35,189.11	Approved
Resolution No. 2010-05, Hilton’s Whitetail Ridge 2 nd Addition	Approved
Resolution No. 2010-07, Rustad Minor Subdivision	Approved
Resolution No. 2010-08, R-Two Grant CUP Amendment	Approved
Resolution No. 2010-09, Advance Storage CUP Amendment	Approved
Washington Country Sheriff’s Department, \$52,999.16	Approved

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Miller Excavating, \$30,493.27

Approved

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

PUBLIC COMMENT

Mr. Larry Lanoux, 9711 Keswick, came forward and addressed the concept of public participation. He stated a long time resident of Grant, Ms. Joyce Welander, had been previously appointed for several volunteer positions within the City. He asked why Ms. Welander was removed from those appointments noting she should be the Fire Warden as she is the only one certified within the City of Grant. He also inquired about the method of appointing Planning Commissioners stating that issue has not been fully addressed. He asked why Mr. Steve Bohnen was refused after he did apply for the Planning Commission.

Mr. Loren Sederstrom, 107th Street, came forward and stated he is confused as to why the current draft ordinance refers to DNR data as opposed to MLCCS data that the draft ordinance previously referred to.

Mr. Steve Bohnen, 9224 60th Street, came forward and inquired about the road grader and plow trucks that work within the City. He asked if the City is being charged a travel time and if so how much. He suggested the Contractor store their equipment within the City of Grant and the next time the City goes out for a bid it should be specified that the City will not pay for travel time to save City dollars.

STAFF REPORTS

City Engineer, Diane Hankee

MS4 Public Hearing – City Engineer provided a brief presentation relating to the MS4 Permit noting it is mandated by federal law. She noted the Pollution Prevention Plan is on file at the City office. She stated she will continue to update the City’s practices to manage storm water and there may be new requirements in the future that the City must adhere to in order to obtain permit coverage.

City Engineer Hankee noted the Brown’s Creek and St., Croix River area are currently being studied. Some communities may be required to reduce additional pollutants as a result of that study. She added that staff and consultants have been trained and examples that may come out of the studies include planning vegetation and paving gravel roads. Watershed Districts do have taxing authority to help fund those projects. The City did previously fight against being a MS4 City but to no avail. Population and location are factors in being designated a MS4 City.

Council Member Potter moved to open the public hearing at 7:35 p.m. Council Member Huber seconded the motion. Motion carried unanimously.

1 There were no public comments.

2

3 **Council Member Fogelson moved to close the public hearing at 7:36 p.m. Council Member**
4 **Huber seconded the motion. Motion carried unanimously.**

5

6 **Jeffrey Avenue Paving Petition** – City Engineer Hankee stated she has been working with the
7 neighborhood liaison and City Attorney on this issue. She indicated the concerns do include doing
8 another study. It has been the City’s policy to update a report if a petition does have 35% of
9 signatures. She recommended the Road Commissioner work with the neighborhood liaison to keep
10 costs down as that it what has been done in the past.

11

12 City Attorney Vivian explained the Road Policy in relation to the assessments noting the project may
13 be rejected if 75% of signatures are not obtained.

14

15 Council Member Huber noted this is the 4th time the study has been done. He suggested 35% may be
16 too low of a threshold to move forward with feasibility studies.

17

18 It was the consensus of the Council to have the Road Commissioner work with the neighborhood
19 liaison on this project.

20

21 City Engineer Hankee advised she would bring updated numbers to the next Council meeting for the
22 Council to take action on.

23

24 **Council Member Huber moved to direct the City Engineer to update the Jeffrey Avenue**
25 **Feasibility Study. Council Member Hinseth seconded the motion. Motion carried**
26 **unanimously.**

27

28 **Staff Report** - The February 2010 Engineer’s Report was provided to be placed on file for review.

29

30 **City Planner (City Attorney Vivian)**

31

32 **Public Hearing, Homesite Definition within the City’s Zoning Ordinance** – City Attorney Vivian
33 provided the background on this issue. Through the City’s process, the Council directed staff to draft
34 a new definition for the term “homesite”. He read the proposed definition noting the purpose is to
35 provide consistency and ease of application. The purpose of the public hearing is to take comment on
36 the proposed definition. The Council will discuss the draft ordinance itself during that agenda item.

37

38 **Council Member Fogelson moved to open the public hearing at 7:53 p.m. Council Member**
39 **Hinseth seconded the motion. Motion carried unanimously.**

40

41 Mr. Loren Sederstrom, 107th Street, came forward and commended and applauded the Council on the
42 proposed definition stating it is a good start.

43

44 Mr. Steve Bohnen, 60th Street, came forward and stated a set number is a great idea.

45

1 **Council Member Huber moved to close the public hearing at 7:55 p.m. Council Member**
2 **Fogelson seconded the motion. Motion carried unanimously.**

3
4 **Ordinance No. 2009-18, Grazable Acres Ordinance Revision** – City Attorney Vivian reviewed the
5 draft ordinance noting it has been discussed several times. He stated the Council should take action
6 on the Ordinance as a whole.

7
8 City Attorney Vivian referred to the data created by the US Fish and Wildlife Service Circular 39
9 system. He noted the City moved away from referring to the MLCCS data as it is not completely
10 accurate and is more of a mapping system. The new data reference will allow resident to prove
11 wetlands by any data which provides for more flexibility. He referred to another data sheet from
12 Bowzers website than lays wetlands out in a very, very simple manner.

13
14 Mayor Carr advised the Circular 39 is being utilized because it is simple and self-regulating. He
15 stated the road to get to this was rocky but the Council did listen to resident concerns. He noted the
16 City does want to continue to make the City process better.

17
18 City Attorney Vivian reviewed the outlined procedure for determining grazable acres noting it is not
19 part of the ordinance. The procedure will be utilized when an application is submitted to the City or
20 when a complaint is formally made to the City office and the City has to deal with a zoning
21 enforcement issue.

22
23 Council Member Fogelson advised he is concerned about referencing specific definitions from a
24 circular. He stated that if the definitions change that could impact residents. He suggested the
25 definitions be included in the ordinance.

26
27 City Attorney Vivian stated that including the definitions would make for a very large ordinance. He
28 agreed the circular should be available to residents and suggested using the date of the revision on the
29 circular to refer to that specific one.

30
31 The Council was polled as to why the wetlands are even referred to within the ordinance.

32
33 Council Member Fogelson stated to preserve the safety of the watersheds. Council Member Hinseth
34 stated it was to simply define the term dry. Council Member Huber stated that not identifying
35 wetlands could cause issues for the City at some time in the future. Mayor Carr stated that all lots are
36 not created equal so wetlands do need to be defined.

37
38 Council Member Potter stated that according to the Comprehensive Plan, the grazable acres ordinance
39 is the wrong ordinance to address wetland issues. It should be addressed in shoreland and
40 environmental ordinances.

41
42 Council Member Huber stated that every City with livestock issues uses that ordinance as an
43 extension of environmental protection ordinances.

1 **Mayor Carr moved to approve Ordinance No. 2009-18, as presented. Council Member Hinseth**
2 **seconded the motion.**

3
4 **Mayor Carr amended the motion to include that Ordinance No. 2009-18 will reference the date**
5 **of the circular. Council Member Hinseth agreed to the amendment.**

6
7 **Council Member Potter made a friendly amendment to include changing the number of animals**
8 **units to one per one acre. Mayor Carr and Council Member Hinseth did not agree to the**
9 **friendly amendment.**

10
11 Council Member Hinseth noted the Council unanimously sent the grazable acres ordinance to the
12 Planning Commission for revision and a recommendation.

13
14 Council Member Fogelson stated that more information has been obtained through the process and he
15 would strongly support changing the horse density to one per one acre.

16
17 **Motion carried with Council Member Fogelson and Council Member Potter voting nay.**

18
19 **Process for Determining Grazable Acres** – City Planner Vivian reviewed the process as provided in
20 the Council packets.

21
22 Council Member Potter stated his problem with the process is that it puts the burden of proof on
23 Grant citizens as well as the way it is worded. He suggested the City throw it out and start over with
24 the use of a committee to draft a new process.

25
26 Mayor Carr advised the process can be refined at any time which is why it was not included in the
27 ordinance itself.

28
29 City Attorney Vivian explained the process noting that applications that are submitted to the City are
30 paid for through escrows. Complaints within the City are investigated and paid for by the City. The
31 process itself is very difficult to word while maintaining simplicity.

32
33 Ms. Flug came forward and referred to the statement regarding data which is accurate and recent. She
34 stated that really means wetland delineations which are expensive.

35
36 It was the consensus of the Council to submit all revisions to the process to the City Clerk and then
37 have the City Planner and City Attorney review and draft a new document to be considered at some
38 time in the future.

39
40 **Resolution No. 2010-01, Summary Publication of Ordinance No. 2009-18** – Resolution No. 2010 -
41 01 authorizes the summary publication of Ordinance No. 2009-18.

42
43 **Council Member Hinseth moved to adopt Resolution No. 2010-01, as presented. Council**
44 **Member Fogelson seconded the motion. Motion carried unanimously.**

45

1 **City Attorney, Nick Vivian**
2

3 **Highway 96 Project Update** – City Attorney Vivian provide the background on this project noting
4 MnDOT has decided not to widen the bike lanes. He referred to the email that was distributed with a
5 project schedule and noted no Council action is necessary.
6

7 Mr. Michael Brooks, 4790 Stuart, came forward and stated he is part of a group that was put together
8 to make biking and walking better and safer in White Bear Lake. He stated there is a safety issue on
9 Highway 96 and an extra foot to the bike lanes adds immensely to the safety of bikers. He suggested
10 a test by taking a 3 mile segment on the roadway and widening the bike lanes on that segment to see
11 how it works. He also asked how the group can engage MnDOT to make the roadway itself wider.
12

13 Council Member Fogelson stated ideally he would like to see the road widened but doing that and
14 keep the speed limit at 55 mph won't improve safety.
15

16 Council Member Hinseth stated that while he supports a recreational trail along the Hwy 96 corridor,
17 he believes narrowing the roadway to accommodate a bike lane, would make for a more unsafe
18 conditions for both motorists and bicycles.
19

20 Council Member Huber stated there are definitely safety issues with simply widening the bike lanes.
21 He would however, support widening the roadway.
22

23 Council Member Potter stated safety is an issue and he would like to see data outlining the number of
24 accidents there. He stated traffic volumes are going to increase and he will defer to highway
25 engineers as they are the experts.
26

27 Mr. Josh (?), 2820 7th Avenue, Mpls., came forward and stated he is in the area a lot and he sees the
28 project as making the roadway safer for cyclists. He stated the entire state is looking at this project as
29 a model to make it safer without spending tax dollars. Safety information regarding 10 foot lanes vs.
30 11 foot lanes was provided and he urged the council to at the very least not oppose the project.
31

32 Mr. Steve Clark, Transportation Engineer, St. Paul, came forward and read information that indicated
33 widths at 11 feet or more don't create additional safety issues. He stated people drive according to the
34 road design. If the lanes are narrower they will drive slower. He urged the Council to reconsider.
35

36 Mayor Carr stated that Highway 96 was not designed as a road. It was originally an ox cart trail. He
37 stated people are welcome to come out to the area and bike but many people live out here and drive
38 the roads also. If the bike lanes are wider people may think they can park along the roadway.
39 Everyone would like to see a safer roadway for bikers but widening the lanes is not necessarily the
40 way to do that.
41

42 **New City Planner Contract Approval** – Mayor Carr provided the background and noted the
43 prospective City Planner was present earlier to answer questions from the City Council.
44

1 **Council Member Huber moved to approve the New City Planner Contract with Pulse Land**
2 **Group, as presented. Council Member Potter seconded the motion. Motion carried**
3 **unanimously.**

4
5 **Staff Report** – A report for February 2010 was provided to be placed on file for review. City
6 Attorney Vivian noted the Axdahl Deed was recorded with the County today. They are moving
7 forward with the Developer’s Agreement so all indications are that progress is being made.

8
9 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
10 February 2010 to be placed on file for review.

11
12 **OLD BUSINESS**

13
14 There was no old business to discuss.

15
16 **NEW BUSINESS**

17
18 There was no new business to discuss.

19
20 **DISCUSSION ITEMS**

21
22 **City Council Reports:**

23
24 Mayor Carr asked if the Council would like to have a work session prior to the April Council
25 meeting. It was the consensus of the Council to schedule a work session prior to the next Council
26 meeting.

27
28 Mayor Carr advised the Mahtomedi School District is holding a special referendum for a new
29 elementary school on April 27, 2010 at the District Ed Center.

30
31 Council Member Huber stated he would like articles for the City’s Spring Newsletter.

32
33 Council Member Fogelson stated the consensus surveys are being mailed soon and he encouraged
34 everyone to fill them out as it is important information.

35
36 Road Commissioner Hinseth stated Oak trimming will be done in March as there is a window of
37 April 1 to take care of Oak Wilt. All brushing and trimming will be done under the direction of the
38 Road Commissioner.

39
40
41 **CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL AS**
42 **PERMITTED BY THE ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN.STAT.**
43 **13D.05 SUBD. 3 (d) ON THE FOLLOWING LEGAL MATTERS:**

44
45 **City of Grant V. Floyd’s Auto Sales**

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2 **City of Grant v. Chris' MP, Christine Flug and Daniel Flug**
3
4
5 **Council Member Hinseth moved to go into closed session at 9:50 p.m. Council Member Huber**
6 **seconded the motion. Motion carried unanimously.**

7
8 **Council Member Huber moved to adjourn the closed session at 10:05 p.m. Council Member**
9 **Potter seconded the motion. Motion carried unanimously.**

10
11 City Attorney Vivian advised a discussion was held regarding litigation strategy. No action was
12 taken. The Council did provide direction and legal counsel will proceed at directed.

13
14 **COMMUNITY CALENDAR MARCH 3 THROUGH MARCH 31, 2010:**

15
16 **Planning Commission Meeting, Monday, March 15, 2010, Town Hall, 7:00 p.m.**

17
18 **ADJOURN**

19
20 **There being no further business, Council Member Potter moved to adjourn at 10:06 p.m.**
21 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

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23
24 These minutes were considered and approved at the regular Council Meeting April 6, 2010.

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29 _____
30 Kim Points, City Clerk

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Tom Carr, Mayor