

**CITY OF GRANT  
MINUTES**

**DATE** : April 6, 2010  
**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, Jennifer Haskamp; 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 Hinseth seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

March 2, 2010, City Council Meeting Minutes	Removed
Bill List, \$29,868.01	Approved
City of Mahtomedi, 1 <sup>st</sup> Quarter Fire Contract, \$27,089.75	Approved

**Council Member Fogelson moved to approve the Consent Agenda, as amended. Council Member Huber seconded the motion. Motion carried unanimously.**

March 2, 2010, City Council Meeting Minutes –

**Council Member Fogelson moved to approve the March 2, 2010 City Council Meeting Minutes, as presented. Council Member Potter seconded the motion. Motion carried unanimously.**

**PUBLIC COMMENT**

1 Mr. Doug Schwartz, 8540 Jewel, came forward and stated there are many residents present this  
2 evening to express concerns regarding the Jeffrey Avenue paving petition.

3  
4 Ms. Kim Linner, 9810 83<sup>rd</sup> Street, came forward and stated spring has come early and reminded  
5 everyone to help out with ditch clean up before the grass gets too high.

6  
7 Ms. Joyce Welander, 83<sup>rd</sup> Street, came forward and submitted a letter from the 4H Club and asked it  
8 be entered into the record.

9  
10 Mr. Larry Lanoux, 9711 Keswick, came forward and stated he spoke with the City Engineer a while  
11 back regarding utilization of millings to help with dust control.

12  
13 **SEPTIC VARIANCE APPLICATION NOTICE, MIKE HERBST**

14 Mr. Mike Herbst, Jamaca Avenue, came forward and advised he has a failing septic that must be  
15 replaced. He advised he would be replacing it with a mound system as well as explained the problem  
16 with the septic. He outlined a letter from the County that states the location for the new septic would  
17 require a variance from the City for the setbacks.

18 City Attorney Vivian stated the City could expedite the process for the resident by holding the public  
19 hearing at the City Council meeting and or have a special Council meeting.

20 The Council directed staff to work out the details relating to scheduling a special Council meeting or  
21 having the public hearing at the May 2010 City Council meeting.

22  
23 **STAFF REPORTS**

24  
25 **City Engineer, Diane Hankee**

26  
27 **Jeffrey Avenue Feasibility Report** – City Engineer Hankee reviewed the updated feasibility study  
28 and proposed design for the project.

29  
30 Council Member Hinseth clarified the submitted petition and indicated additional signatures have  
31 been recently received. He also stated that he has not been contacted by the petition leader as per  
32 Council direction last month.

33  
34 Council Member Fogelson clarified that this is a volunteer assessment and 75% of signatures on  
35 Jeffrey have not yet been submitted.

36  
37 Mr. Mike Perron, 9161 Jeffrey Blvd., came forward and stated he is against paying for the paving of  
38 the roadway indicating it's not a priority for him at this time.

39  
40 It was the consensus of the City Council that the project would not move forward by means of forced  
41 assessments.

1 City Attorney Vivian stated a waiver would be executed for those who are being assessed voluntarily.  
2 A public hearing would still be held on the project itself as well as the assessments.

3  
4 **Council Member Fogelson moved to go through the voluntary project process and schedule the**  
5 **public hearing. Council Member Hinseth seconded the motion.**

6  
7 Ms. Kim Linner, neighborhood liaison, came forward and advised she has two additional signatures  
8 to add to the original petition. She stated the issue here is that the Council is not considering the  
9 neighborhoods proposal. The neighborhood is proposing an area assessment meaning everyone is  
10 assessed.

11  
12 City Attorney Vivian distributed the revised road policy noting the third clause relating to special  
13 assessments and indicated an area assessment is not allowed. The City can only assess those that  
14 directly benefit from the project. He recommended the Council only consider volunteer assessments  
15 on this project at this time.

16  
17 Ms. Linner stated she is in disagreement relating to the road policy. The neighborhood has moved  
18 forward with an alternative method for assessments and has a majority. She stated she believes they  
19 have met the state statute and intent of the road policy.

20  
21 Mayor Carr suggested a City initiated neighborhood meeting be scheduled to hopefully come to an  
22 agreement so the project can move forward.

23  
24 Mr. Eric Linner, 9810 83<sup>rd</sup> Street, came forward and stated there are four parcels on the roadway that  
25 the property owners do not even live there so they would not agree to the assessments.

26  
27 Ms. Lori Slater, 9496 85<sup>th</sup> Street, came forward and asked why there seems to be a leap from the  
28 preferred method of assessing to apparently going against the current ordinance.

29  
30 Mr. Doug Schwartz, 8540 Jewel Ave., came forward and stated this has been going on for years.  
31 Jeffery has never been brought up to standards. All roads should be in good enough shape to pave at  
32 any time.

33  
34 Mr. Linner stated it is not fair if residents on Jeffrey don't pay the assessments. Area residents that  
35 are willing to pay are giving them a gift. He stated he was very disappointed when the City signed a  
36 development agreement for a subdivision without getting the assessments to pave the road at some  
37 point in the future.

38  
39 **Council Member Fogelson withdrew the motion. Council Member Hinseth withdrew the**  
40 **second.**

41  
42 Ms. Jane Knotz, 9651 83<sup>rd</sup> Street, came forward and stated a neighborhood meeting was already held  
43 and those on Jeffrey did not attend the meeting.  
44

1 Mr. Dave Borth, 8193 Jody, came forward and stated he is opposed to the road improvement and  
2 believes there are other ways to improve the road without paving it.

3  
4 Mr. Rob Weber, 9718 83<sup>rd</sup> Street, came forward and inquired about the difference between a  
5 neighborhood meeting and a public hearing. He stated the group already has the figures, construction  
6 prices are at an all time low and the project should move forward now.

7  
8 Mayor Carr stated he understands the fairness issue relating to volunteer assessments. Staff has  
9 recommended the City does not move forward with area assessments. The neighborhood can still,  
10 however, move forward with the project. The difference in cost is approximately \$800.

11  
12 Ms. Linner stated there are only seven residents on the other roads in the area that have not signed the  
13 petition. Jeffery residents need to pay their share of the assessments.

14  
15 Mr. Tom Dornack, 9651 83<sup>rd</sup> Street, came forward and stated he agrees that the neighborhood has  
16 been through all of this at previous meetings. Ms. Linner has done a great job of organizing the  
17 effort. He suggested the City change the ordinance as well as have developers pay for these types of  
18 improvements. He noted the Council made a mistake by not doing that.

19  
20 Mr. Weber asked at what point the City is responsible to bring the roadway up to standards as well as  
21 who would be assessed when that happens.

22  
23 It was the consensus of the Council for the Road Commissioner to schedule a City initiated  
24 neighborhood meeting to address the project.

25  
26 **2010 Gravel Authorization** – City Engineer Hankee stated the gravel bids are done annually and the  
27 budget was reduced this year for gravel. She requested authorization to seek quotes.

28  
29 **Council Member Hinseth moved to direct the City Engineer to seek bids for the 2010 gravel**  
30 **project. Council Member Potter seconded the motion. Motion carried unanimously.**

31  
32 **Staff Report** - The March 2010 Engineer's Report was provided to be placed on file for review. City  
33 Engineer Hankee noted a proposed site review of the elementary school expansion was done by  
34 Washington County and was included in the Council packets. The second access issue is still being  
35 considered and more information will follow.

36  
37 **City Attorney, Nick Vivian**

38  
39 **Staff Report** – A report for March 2010 was provided to be placed on file for review.

40  
41 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
42 March 2010 to be placed on file for review.

43  
44 **OLD BUSINESS**

1 There was no old business to discuss.

2  
3 **NEW BUSINESS**

4  
5 **Town Hall Field Maintenance Mowing Proposal** – Mayor Carr advised the annual mowing  
6 proposal for the field was included in the packets.

7  
8 **Council Member Huber moved to approve the Town Hall Field Maintenance Mowing Proposal,**  
9 **as presented. Council Member Potter seconded the motion. Motion carried unanimously.**

10  
11 Council Member Hinseth noted Mr. Heuer should continue to work with Mr. Fernandez on the  
12 ballfield.

13  
14 **Grant Ballfield Improvements** – Council Member Hinseth advised he submitted an application for a  
15 grant to improve the ballfield at Town Hall as well as enlarge it. He has not heard back yet regarding  
16 the grant and will keep the Council informed.

17  
18 **DISCUSSION ITEMS**

19  
20 **City Council Reports:**

21  
22 Road Commissioner Hinseth asked residents to understand that the weather and ground conditions  
23 must cooperate to perform almost all road maintenance functions. The weather will sometimes  
24 prevent instant road maintenance gratification.

25  
26 Road Commissioner Hinseth advised grading began March 23, but the grader still encountered hard  
27 frost. Residents requested grading begin sooner but widespread patchwork grading to work around  
28 frost is not wise use of tax dollars. Asphalt repair will begin as soon as seasonal road restrictions are  
29 lifted. Potholes may be filled in other communities, but it is a short term fix. Brushing will begin  
30 when the leaves are out. A ditch reclaimer will be utilized for the first time in Grant to bring gravel  
31 that has migrated to the shoulder and ditch back onto the road. After testing the equipment to analyze  
32 capabilities, the roads to first reclaim will be the roads that are to be graveled this year.

33  
34 Road Commissioner Hinseth continued with road updates noting gravel surfacing will take place as  
35 soon as possible in May based on the contractor scheduling and weather permitting. Dust control will  
36 occur in mid to late May, weather permitting. He requested again that all Council Members forward  
37 emails regarding resident input on roads to the Road Commissioner.

38  
39 Mayor Carr updated the Council on 2009 Mann Lake Parking Permits, the 2010 ballfield schedule  
40 and City Office activities.

41  
42 Council Member Huber updated the Council on the recent fire within the City of Grant and indicated  
43 the reasons why the dry hydrant was not used by the Fire Department. He stated there are a series of  
44 actions that need to be taken to be able to utilize the dry hydrant. He stated he will be working on that  
45 issue and keep the Council updated.

Council Member Huber noted the City Newsletter will be out next week and May 1, 2010 is the annual City Clean Up Day with services and trucks being provided by Maroney's. He reminded everyone the Mahtomedi Bond Referendum is April 27, 2010.

**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 Fogelson moved to go into closed session at 8:55 p.m. Council Member Hinseth seconded the motion. Motion carried unanimously.**

**Council Member Hinseth moved to adjourn the closed session at 9:10 p.m. Council Member Fogelson 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 APRIL 7 THROUGH APRIL 30, 2010:**

**Planning Commission Meeting, Monday, April 19, 2010, Town Hall, 7:00 p.m.**

**ADJOURN**

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

These minutes were considered and approved at the regular Council Meeting May 4, 2010.

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Kim Points, City Clerk

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Tom Carr, Mayor