

CITY OF GRANT  
MINUTES

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**DATE** : June 1, 2010  
**TIME STARTED** : 7:05 p.m.  
**TIME ENDED** : 8:11 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 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

**Council Member Hinseth moved to approve the agenda as presented. Council Member Potter seconded the motion. Motion carried unanimously.**

**CONSENT AGENDA**

May 4, 2010, City Council Meeting Minutes	Removed
Bill List, \$31,154.75	Approved
Resolution No. 2010-10, Herbst Variance	Approved
Miller Excavating, \$63,398.60	Approved

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

May 4, 2010, City Council Meeting Minutes – Page 2, line 14, was corrected from “Jasmine” to “Joliet”.

1 **Council Member Potter moved to approve the May 4, 2010 City Council Meeting Minutes, as**  
2 **amended. Council Member Fogelson seconded the motion. Motion carried unanimously.**

3  
4 **PUBLIC COMMENT**

5 Mr. Larry Lanoux, 9711 Keswick, came forward and commented on the May 4, 2010 minutes and the  
6 annual City clean up day.

7  
8 **STAFF REPORTS**

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10 **City Engineer, Diane Hankee**

11  
12 **Jeffrey Avenue Paving Petition Update** – City Engineer Hankee advised an updated petition has not  
13 yet been submitted.

14  
15 Council Member Hinseth added the neighborhood is still collecting signatures and continuing to work  
16 on the petition.

17  
18 **2010 Sealcoating** – City Engineer Hankee requested authorization to proceed with the 2010  
19 sealcoating project. She noted the roads that will be sealcoated this year and stated this is a yearly  
20 program that is planned for in the City budget.

21  
22 **Council Member Hinseth moved to authorize staff to obtain bids for the 2010 Sealcoating**  
23 **project. Council Member Fogelson seconded the motion. Motion carried unanimously.**

24  
25 **Staff Report** – The May 2010 Engineer’s Report was provided to be placed on file for review.

26  
27 **City Planner, Jennifer Haskamp**

28  
29 **Ordinance No. 2010-20, Planning Commission Ordinance Revision** – City Planner Haskamp  
30 provided the background of the ordinance revisions and reviewed the proposed changes. She noted a  
31 section regarding emergency applications was added which would give the Council latitude to move  
32 an application directly to the City Council if there is a valid, public health, safety and well being  
33 reason to do so.

34  
35 Council Member Potter indicated he believes the section regarding emergency applications should be  
36 in a different place within the City Code and not in this ordinance. He also stated he does not think  
37 the number of Planning Commissioners should be changed.

38  
39 City Planner Haskamp advised the emergency application section is establishing as part of the  
40 Planning Commission’s duties to attend a Council meeting for a public hearing as an emergency  
41 route. That section does not describe the City process. She advised she does not believe that section  
42 would have to be added anywhere else within the City Code. She stated the Planning Commission  
43 will review the changes at their June meeting and a public hearing would be scheduled for the July  
44 City Council meeting.

1 City Attorney Vivian stated the Planning Commission can, as part of their review, make a  
2 recommendation on the special section relating to emergency application. He stated he believes the  
3 City process is made very clear by the City Clerk relating to emergency applications and this is a very  
4 common practice.

5  
6 **City Attorney, Nick Vivian**

7  
8 **Septic System Ordinance** – City Attorney Vivian reviewed a letter from Washington County  
9 included in the Council packets relating to the septic system ordinance. He outlined the City’s  
10 options and recommended the Council repeal the current ordinance and defer to the County’s  
11 amended ordinance by reference.

12  
13 City Attorney Vivian advised he would bring back an outlined list of changes to the County’s  
14 ordinance and also an ordinance to repeal the current City ordinance and adopt the new one.

15  
16 **Axdahl Update** – City Attorney Vivian advised the Council did receive a copy of the legal decision  
17 that was made regarding the Jacobs/Axdahl matter. The City has reached the end of the last extension  
18 the Council allowed for the issue.

19  
20 City Attorney Vivian stated the parties involved are still moving forward towards resolution but  
21 would like additional time. The Council has the discretion to allow another extension or deny the  
22 final plat because the deadline has not been met.

23  
24 City Attorney Vivian advised he believes progress is being made and another 60 day extension is  
25 reasonable. However, all documents that need to be submitted as soon as possible as a variance is  
26 going to be requested.

27  
28 Mr. Jacobs came forward and stated he believes they will be able to close within the 60 days.

29  
30 **Mayor Carr moved to require all documents, paperwork, fees, etc. be submitted by June 15,**  
31 **2010, and allow another extension until the August 2010 City Council Meeting. Council**  
32 **Member Potter seconded the motion. Motion carried unanimously.**

33  
34 **Staff Report** – A report for May 2010 was provided to be placed on file for review.

35  
36 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
37 May 2010 to be placed on file for review.

38  
39 **OLD BUSINESS**

40  
41 There was no old business to discuss.

42  
43 **NEW BUSINESS**

1 **Planning Commission Appointment** – Planning Commission interviews were held prior to the  
2 regular Council meeting. The Council thanked all the applicants.

3  
4 **Council Member Hinseth moved to appoint Mr. Robert Tufte to the Planning Commission.**  
5 **Council Member Huber seconded the motion.**

6  
7 Council Member Potter made a friendly amendment to appoint all of the applicants.

8  
9 Council Member Hinseth and Council Member Huber did not agree to the friendly amendment to the  
10 motion.

11  
12 **Motion carried unanimously.**

13  
14 **Council Member Potter moved to appoint Mr. Steve Bohnen and Mr. Loren Sederstrom to the**  
15 **Planning Commission. Motion failed with no second.**

16  
17 **DISCUSSION ITEMS**

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19 **City Council Reports:**

20  
21 Council Member Hinseth advised Minnesota Department of Transportation is holding an  
22 informational meeting regarding the Hilton Avenue overchange project in Pines Springs on Tuesday,  
23 June 8, 2010 from 5:00 p.m. to 7:00 p.m. at O.H. Anderson Elementary School in Mahtomedi.

24  
25 Council Member Huber advised a grant application has been submitted to the DNR to take care of the  
26 dry hydrant issue. The grant is subject to approval from the City of Mahtomedi. He stated he will  
27 continue to work on this issue and update the Council as more information is available.

28  
29 Mayor Carr referred to the Board of Appeals meeting held last month and stated the entire Council  
30 needs to understand the process better as the meeting conducted was done in a way that it has never  
31 been done before. He recommended everyone attend the training so the City can continue to improve  
32 the process. More information about the appeal process will be included in the City newsletter.

33  
34 **CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL AS**  
35 **PERMITTED BY THE ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN.STAT.**  
36 **13D.05 SUBD. 3 (d) ON THE FOLLOWING LEGAL MATTERS:**

37  
38 **City of Grant V. Floyd's Auto Sales**

39  
40 **Council Member Huber moved to go into closed session at 8:03 p.m. Council Member Hinseth**  
41 **seconded the motion. Motion carried unanimously.**

42  
43 **Council Member Hinseth moved to adjourn the closed session at 8:10 p.m. Council Member**  
44 **Fogelson seconded the motion. Motion carried unanimously.**

45

1 City Attorney Vivian advised a discussion was held regarding litigation strategy. No action was  
2 taken. The Council did provide direction and legal counsel will proceed as directed.  
3

4 **COMMUNITY CALENDAR JUNE 2 THROUGH JUNE 30, 2010:**  
5

6 **Planning Commission Meeting, Monday, June 21, 2010, Town Hall, 7:00 p.m.**  
7

8  
9 **ADJOURN**  
10

11 **There being no further business, Council Member Fogelson moved to adjourn at 10:04 p.m.**  
12 **Council Member Potter seconded the motion. Motion carried unanimously.**  
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15 These minutes were considered and approved at the regular Council Meeting July 6, 2010.  
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21 Kim Points, City Clerk

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21 Tom Carr, Mayor  
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