

CITY OF GRANT
MINUTES

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DATE : September 7, 2010
TIME STARTED : 7:00 p.m.
TIME ENDED : 9:56 p.m.
MEMBERS PRESENT : Councilmember Fogelson, Hinseth, Huber, Potter and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian (7:45 pm); 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 Potter seconded the motion. Motion carried unanimously.

CONSENT AGENDA

August 3, 2010, City Council Meeting Minutes	Approved
Bill List, \$58,431.42	Removed
Dustcoating, Inc., \$24,013.00	Approved
Washington County Sheriff, January-June 2010, \$57,574.80	Approved
Allied Blacktop, 2010 Sealcoating, \$57,574.80	Approved

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

Council Member Potter requested detailed billing relating to the Road Commissioner mileage and cell phone usage. He suggested the mileage being submitted may be excessive and there may be a better plan for the cell phone.

1 Council Member Potter moved to approve the Bill List, \$56,614.37, with the exclusion of the
2 Road Commissioner's cell phone and mileage bill until more detailed information is submitted.
3 Council Member Fogelson seconded the motion. Motion failed with Council Member Hinseth,
4 Huber and Mayor Carr voting nay.

5
6 Council Member Huber moved to approve the Bill List, \$56,614.37, as presented. Council
7 Member Hinseth seconded the motion. Motion carried with Council Member Fogelson and
8 Potter voting nay.

9
10 **PUBLIC COMMENT**

11 Mr. Larry Lanoux, 9711 Keswick, came forward and provided information for the Grant Restoration
12 project and encouraged all residents, Council Members and Planning Commission Members to attend
13 a parade on September 11, 2010.

14
15 Ms. Diane Reigner, Keswick Avenue, came forward and commented on the 4H Club use of the Town
16 Hall as well as banners being displayed within the building.

17
18 Mr. Loren Sederstrom, 9330 107th Street, came forward and commented on the Planning
19 Commission's recent appointment of Bob Tufty and the possibility of not fulfilling that term and the
20 current Fire Warden not being certified.

21
22 Mr. Corey Grandstran, Julianne Avenue, came forward and thanked the Council for the ballfield
23 renovation and stated extra funds from the ballfield project should have been used for Town Hall.

24
25 Mr. Bill David, Keswick Avenue, came forward and stated the Road Commissioner also being a
26 Council Member may be a conflict of interest and suggested Council Member Hinseth be removed
27 from the position of Road Commissioner.

28
29 Mr. Steve Bohnen, 9224 60th Street, came forward and requested information regarding policy to
30 ensure the Road Commissioner is not using a City paid cell phone and mileage as a campaigning tool.

31
32 Mr. Rodney Skova, resident, came forward and suggested the City Attorney contract be postponed
33 this evening as the City Attorney is not present and there may be a conflict of interest with that
34 particular law firm.

35
36 Mr. Kevin Fernandez, Kimbro, came forward and expressed frustration regarding the comments and
37 accusations made during public comment noting there is more accountability within the City and the
38 City Council than there ever has been in the past.

39
40 **TOWN HALL IMPROVEMENTS, JACK KRAMER**

41
42 Mr. Jack Kramer, Building Inspector, referred to the bids that were included in the Council packets.
43 He provided a summary of the bids and asked for Council direction.

44

1 **Council Member Fogelson moved to approve the bids from Bell, Cates and Apollo, as**
2 **presented. Council Member Potter seconded the motion.**

3
4 Mayor Carr advised the City had previously discussed the Town Hall bids and possibly taking care of
5 the mold issue in stages. He suggested the City start with the grading and the installation of gutters,
6 due to limited funds and staging the project would be the most cost efficient.

7
8 **Council Member Fogelson amended the motion to include the City move forward with the**
9 **noted bids subject to receipt of the Oakleigh Funds. Council Member Potter agreed to the**
10 **amendment. Motion carried with Mayor Carr voting nay.**

11
12 **STAFF REPORTS**

13
14 **City Engineer, Diane Hankee**

15
16 **Staff Report** – The August 2010 Engineer’s Report was provided to be placed on file for review.

17
18 **City Planner, Jennifer Haskamp**

19
20 **Wind Energy Systems, Ordinance No. 2009-17** – City Planner Haskamp provided the background
21 on this issue and reviewed the draft of the proposed changes as discussed at the August Council
22 meeting.

23
24 Council Member Hinseth referred to page 2 and suggested a language change to section C6 relating to
25 setback minimums.

26
27 City Planner Haskamp recommended the City utilize the COC process for wind energy systems. Page
28 3, section 19 was referred to and the last sentence stricken as well as the term residential and 40
29 kilowatts was added to the draft ordinance.

30
31 **Council Member Huber moved to approve Ordinance No. 2009-17, as amended. Council**
32 **Member Hinseth seconded the motion. Motion carried with Council Member Fogelson voting**
33 **nay.**

34
35 **Resolution No. 2010-19, Summary Publication of Wind Energy Systems** – City Planner Haskamp
36 advised Resolution No. 2010-19 authorizes the summary publication of Ordinance No. 2009-17.

37
38 **Council Member Hinseth moved to adopt Resolution No. 2010-19, as presented. Council**
39 **Member Huber seconded the motion. Motion carried unanimously.**

40
41 **Staff Report** – The August 2010 Planner’s Report was provided to be placed on file for review.

42
43 **City Attorney, Nick Vivian**

1 **Jasmine Avenue Paving Project** – City Attorney Vivian provided the background regarding this
2 issue noting residents have requested a refund as the project came in under bid. He provided and
3 reviewed information from the Bond Counsel indicating the City should not return any dollars per
4 state statute. He noted the City has provided refunds in the past on road projects but he is unable to
5 comment on that. As the law exists today, the City should not issue a refund.

6
7 Mr. Roger St. George, 6123 Jasmine, came forward and asked why dollars for previous projects that
8 include Irish Avenue and Jocelyn was refunded to residents. He also asked if there is any hope of
9 getting a refund in eight years when the bond has been paid in full.

10
11 Mr. Larry Fedie, 6325 Jasmine, came forward and stated he paid his portion of the project in full and
12 he wants his money back. He noted he is happy the roadway did get paved.

13
14 Ms. Christine Flug, 8324 60th Street, came forward and stated the City has the ability to put a lien on
15 properties so sooner or later the City would get the bond paid off.

16
17 Mr. Steve Bohnen, 60th Street, came forward and asked if anyone had ever informed residents that
18 they would have to pay 105% of the projects costs and asked who would get a refund if a refund was
19 given in eight years when bond term is complete.

20
21 Mayor Carr asked if there is a penalty if the City does provide refunds. He directed staff to obtain
22 more information regarding this issue and advise the Council at the October Council meeting.

23
24 **Axdahl Final Plat** – City Attorney Vivian updated the Council noting there was a meeting with the
25 County last week regarding the two unresolved issues, access location and naming the roadway.

26
27 **Staff Report** – A report for August 2010 was provided to be placed on file for review.

28
29 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
30 August 2010 to be placed on file for review.

31 32 OLD BUSINESS

33
34 **Dry Hydrant Grant, Matching Funds Approval** – Council Member Huber provided the
35 background noting the City did receive \$1,500 in a matching grant from the DNR. He requested
36 authorization to order the parts needed and then will have volunteers to install them.

37
38 **Council Member Fogelson moved to authorize funds in the amount of up to \$500 to purchase**
39 **parts for the dry hydrant. Mayor Carr seconded the motion. Motion carried unanimously.**

40 41 NEW BUSINESS

42
43 **Contract with City Attorney** – Mayor Carr referred to the proposal from Eckberg Lammers that was
44 provided in the packets for budget purposes. No action needs to be taken at this time.

45

1 Council Member Fogelson stated fixing legal fees for years is not fiscally responsible and the contract
2 should be reviewed by an outside agency. Appointments are made annually.

3
4 City Attorney Vivian advised the prosecution contract that was agreed upon in 2007 is up for renewal.
5 The Council can act on that in January and there is no issue with an outside agency reviewing the
6 proposed contract.

7
8 **Resolution No. 2010-20, Approval of 2011 Preliminary Budget** – Mayor Carr advised the
9 preliminary 2011 budget was determined at the budget meeting last month.

10
11 **Council Member Hinseth moved to adopt Resolution No. 2010-20, as presented by the City**
12 **Treasurer. Council Member Huber seconded the motion. Motion carried unanimously.**

13
14 **Resolution No. 2010-21, Preliminary Levy Certification for 2011 – Council Member Fogelson**
15 **moved to adopt Resolution No. 2010-21, as presented by the City Treasurer. Council Member**
16 **Huber seconded the motion. Motion carried unanimously.**

17
18 **Ballfield Improvements, Approval of Purchase of Plaque** – Council Member Huber updated the
19 Council on the ballfield improvements noting it was a volunteer project. He thanked Mr. Kevin
20 Fernandez and the City Clerk and especially thanked the Cossack Foundation that donated \$11,000 in
21 funds that was specifically only for the ballfield. He also thanked the local company Buberl
22 Landscaping who donated materials for the project. He thanked everyone that was involved with the
23 project and stated it was very successful. He asked that residents stay off the field until spring.

24
25 He requested Council authorization to purchase a plaque to recognize the two organizations, the
26 Cossack Foundation and the MSTMA, that made the project possible.

27
28 **Council Member Fogelson moved to authorize funds in the amount of up to \$350 to purchase a**
29 **plaque for the ballfield. Mayor Carr seconded the motion.**

30
31 Ms. Joyce Welander, 83rd Street, came forward and thanked the Council for what has been done to the
32 ballfield noting it is a great improvement.

33
34 **Motion carried unanimously.**

35
36 **Cable Equipment Approval, Commission Grant** – Council Member Huber reviewed the list of
37 proposed equipment to be purchased with the Cable Commission grant dollars. The City will use
38 City funds to purchase the equipment initially, but is reimbursed by the Cable Commission.

39
40 **Council Member Potter moved to approve the purchase of new cable equipment, as presented.**
41 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

42
43 **DISCUSSION ITEMS**

44
45 **City Council Reports:**

1 Council Member Huber advised the hand pump well outside of Town Hall has been infected with
2 ecoli. He stated he tried to bleach the well himself but it did not work. He indicated the well head
3 has to be removed and stated the City has to obtain bids to have that service done. The Council
4 directed staff to obtain bids for bleaching the well and bids to cap the well permanently.
5

6 Council Member Huber also asked for Council approval to purchase materials to provide for the
7 repainting of Town Hall.
8

9 **Council Member Huber moved to approve the expenditures for the cost of materials to repaint**
10 **Town Hall. Council Member Fogelson seconded the motion. Motion carried unanimously.**
11

12 Council Member Potter stated he researched how other entities better inform residents of brushing
13 and work going on in certain neighborhoods. He provided that information and requested Council
14 discussion on how the City can better inform residents of brushing activity.
15

16 **Mayor Carr moved to extend the Council meeting to 10:30 p.m. Council Member Huber**
17 **seconded the motion. Motion carried unanimously.**
18

19
20 **CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL AS**
21 **PERMITTED BY THE ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN.STAT.**
22 **13D.05 SUBD. 3 (d) ON THE FOLLOWING LEGAL MATTERS:**
23

24 **City of Grant V. Floyd's Auto Sales**
25

26 **City of Grant V. Flug**
27

28 **Council Member Huber moved to go into closed session at 10:01 p.m. Council Member Potter**
29 **seconded the motion. Motion carried unanimously.**
30

31 **Mayor Carr moved to extend the Council meeting to 10:45 p.m. Council Member Huber**
32 **seconded the motion. Motion carried unanimously.**
33

34 **Council Member Fogelson moved to adjourn the closed session at 10:37 p.m. Council Member**
35 **Huber seconded the motion. Motion carried unanimously.**
36

37 City Attorney Vivian advised a discussion was held regarding litigation strategy and requested a
38 motion for action per the closed meeting.
39

40 **Mayor Carr moved to file an appeal relating to the Flug litigation as discussed during the**
41 **closed session. Council Member Hinseth seconded the motion. Motion carried with Council**
42 **Member Fogelson and Potter voting nay.**
43

44 **COMMUNITY CALENDAR SEPTEMBER 8 THROUGH SEPTEMBER 30, 2010:**
45

1 **Planning Commission Meeting, Monday, September 20, 2010, Town Hall, 7:00 p.m.**
2

3 **ADJOURN**
4

5 **There being no further business, Council Member Potter moved to adjourn at 10:40 p.m.**
6 **Council Member Fogelson seconded the motion. Motion carried unanimously.**
7

8 These minutes were considered and approved at the regular Council Meeting October 5, 2010.
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12 _____
13 Kim Points, City Clerk

Tom Carr, Mayor

APPROVED