

CITY OF GRANT
MINUTES

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DATE : February 1, 2011
TIME STARTED : 7:05 p.m.
TIME ENDED : 11:46 p.m.
MEMBERS PRESENT : Councilmember Bohnen, Fogelson 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

Item 9H, Clerk Salary, was added to the regular agenda

Item 9I, League of Minnesota Cities Newly Elected Officials Training, was added to the regular agenda.

Item 9J, Planning Commission Appointments, was added to the regular agenda.

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

CONSENT AGENDA

January 4, 2011 City Council Meeting Minutes	Approved
Bill List, \$26,799.75	Approved
Miller Excavating, \$34,471.13	Approved
Washington County, CSAH 15/Manning Cost Share, \$15,623.74	Approved

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

3
4 **PUBLIC COMMENT**

5
6 Ms. Joyce Welander, 83rd Street, came forward and stated the new book “Growing Up in Grant” is
7 now available to purchase for \$10.00 per copy and 500 of them were printed. She added that on
8 behalf of 4H, relating to the City’s last electric bill, the group did not meet in December.

9 Ms. Christine Flug, 8320 60th Street, came forward and asked when comments would be taken
10 regarding the informational meeting that was held prior to the Council meeting.

11 Mr. Glenn Larson, Jody Avenue Court, came forward and stated he has questions regarding the
12 City’s website and webmaster duties.

13 Mr. Loren Sederstrom, 9330 107th Street, came forward and thanked the Council for appointing him
14 as Cable Commissioner noting the cable contract is not up until 2014. He also indicated as the
15 animal control person, he would be reviewing the current animal control contract and would provide
16 a recommendation at the next meeting. A new segment of the City of Grant cable show premieres
17 next Monday.

18 Road Commissioner Bohnen read a letter provided by Mr. Bob Tufty regarding an act of kindness
19 done by Miller Excavating during one of the recent snow storms.

20 **REQUEST FOR LAYOUT APPROVAL, HIGHWAY 36 @ HILTON TRAIL**
21 **INTERCHANGE, 60TH STREET EXTENSION, PAUL KACHELMEYER, MNDOT, PUBLIC**
22 **HEARING**

23 Mr. Kachelmeyer, Project Engineer, provided the background of the project and explained the process
24 for public notification. He indicated he reviewed the project plans and responded to questions from
25 citizens at an informational meeting prior to the Council meeting. He pointed out the portion of the
26 project that is within the city of Grant noting the city can only take action on that portion of the
27 project, per state law. He commented on future plans for the whole cooridor as well as the paved path
28 reconstruction to access the Gateway Trail.

29 Mayor Carr opened the public hearing at 7:27 p.m.

30 Ms. Christine Flug, 8320 60th Street, came forward and stated the access Mr. Kachelmeyer referred to
31 is for horses. She stated it is a huge liability issue and there needs to be an acess from the Grant side
32 of the trail.

33 Mayor Carr closed the public hearing at 7:30 p.m.

34 Mr. Kachelmeyer stated the frontage road ends on the east side of the Gateway Trail. There is a non-
35 maintained path there that will be disturbed by the extension of the frontage road. He stated they can
36 look into having a high fence on the bridge and there will be a shoulder there for bikers, pedestrians
37 and horses.

38 Mayor Carr advised the City has a treadway ordinance requiring that for new construction. He stated
39 they need to look at that ordinance and make sure it is accomodated.

1 **Resolution No. 2011-02, Approval of Highway 36 @ Hilton Trail Interchange** - Resolution No.
2 2011-02 outlines the City's approval of the proposed plan.

3 **Mayor Carr moved to adopt Resolution No. 2011-02, as presented. Council Member Potter**
4 **seconded the motion.**

5 Council Member Potter stated he would like to see additional options brought forward other than a
6 high fence. He asked if the DNR has the opportunity to acquire property for an additional access to
7 the trail.

8 Mayor Carr withdrew the motion and Council Member Potter withdrew the second. This item will be
9 on the March City Council Meeting agenda.

10

11 **STAFF REPORTS**

12

13 **City Engineer, Diane Hankee**

14

15 **FHWA Retro Reflectivity Requirements, Inventory Plan Options** – City Engineer Hankee advised
16 she has been working with the Road Commissioner regarding an inventory plan that includes City
17 volunteers.

18

19 Council Member Bohnen stated he has several volunteers to get the inventory piece of the project
20 completed. He requested Council direction regarding volunteers submitting mileage to the City. He
21 added that City Engineer Hankee is putting together an inventory data sheet and will provide training
22 to the volunteers.

23

24 Mayor Carr stated paying mileage to volunteers in his opinion, is setting precedence within the City
25 as there are many volunteers. Council Member Fogelson agreed. Council Member Potter indicated
26 he had no issue with mileage for volunteers

27

28 Council Member Huber stated his issue isn't so much the mileage but training. He expressed concern
29 regarding on going liability and additional costs if a mistake is made by a volunteer.

30

31 City Attorney Vivian stated it is the City's responsibility to make sure the work is done and whoever
32 does that work does take on the liability. The City assumes risk if volunteers are utilized. The City
33 does have insurance and also does have greater responsibility relating to training because this is a
34 federal mandate.

35

36 The Council directed the City Engineer to obtain price quotes from a professional service regarding
37 the sign inventory for the March City Council meeting.

38

39 **Staff Report** – The January 2011 Engineer's Report was provided to be placed on file for review.

40

41 **City Planner, Jennifer Haskamp**

42

43 **Code Ordinances Update** – City Planner Haskamp distributed the updated ordinances for the City's
44 Code Book.

1 **Staff Report** – The January 2011 Planner’s Report was provided to be placed on file for review.

2
3 **City Attorney, Nick Vivian**

4
5 **Staff Report** – City Attorney Vivian advised he is working on matters of litigation that will be
6 discussed in close session. He noted the Axdahl Final Plat was approved and correspondence has
7 been sent to all parties regarding the recording of that plat.

8
9 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
10 January 2011 to be placed on file for review.

11
12 **OLD BUSINESS**

13
14 **Consideration of Washington County Assessor Contract** – Council Member Potter stated a
15 proposal was previously submitted by Mr. Todd Smith that would result in a cost savings of
16 approximately \$3,000. He advised he would still like to seek other bids and this is not an urgent issue
17 as the contract with Washington County commences on July 1, 2011. He suggested the City obtain
18 more bids and discuss further at the March City Council meeting.

19
20 **Ordinance No. 2011-24, 2011 Fee Schedule** – Mayor Carr stated the 2011 fee schedule was tabled at
21 the January meeting. He indicated the notary fee was discussed as well as a maintenance fee for
22 Town Hall.

23
24 Council Member Huber advised he developed a check list for users of Town Hall and suggested a
25 message be left at the City Office when the alarm has been reset as well as signing off on the
26 checklist.

27
28 The Council determined the check list would be utilized for users of Town Hall and if all items are
29 not taken care of two times in a twelve month period, that user would have to come before the City
30 Council. The notary fee was set at \$5.00.

31
32 **Council Member Fogelson moved to approve Ordinance No. 2011-24, as amended. Council**
33 **Member Huber seconded the motion. Motion carried unanimously.**

34
35 **Resolution No. 2011-01, Summary Publication of the 2011 Fee Schedule** – Resolution No. 2011-
36 01 authorizes a summary publication of Ordinance No. 2011-24.

37
38 **Council Member Fogelson moved to adopt Resolution No. 2011-01, as presented. Council**
39 **Member Huber seconded the motion. Motion carried unanimously.**

40
41 **Jasmine Avenue Refund Consideration** – Mayor Carr advised that through all the research that has
42 been done, there are excess funds in the amount of approximately \$20,000. He referred to a statement
43 from a resident on Jasmine outlining his findings of a possible refund that was included in the
44 Council packets.

1 City Treasurer Schwarze advised she would prepare the requested documents for the resident and
2 make a notation in the general fund relating to the excess funds.

3
4 City Attorney Vivian suggested a letter of intent for a refund when the bond is paid in full be included
5 in the documents.

6
7 **NEW BUSINESS**

8
9 **City Attorney Bid Process** – Council Member Potter advised he contacted the League of Minnesota
10 Cities to help with a request for proposals. They sent out six different City processes to solicit bids.
11 He asked for a volunteer to help review them and develop an RFP to obtain bids. He stated he would
12 expect the current City Attorney to provide a bid as well. He added he would come back with a solid
13 RFP for the March City Council meeting as well as a time line for the process.

14
15 Council Member Fogelson volunteered to review the various City processes with Council Member
16 Potter.

17
18 **Website/Webmaster Transition Update, Mayor Carr** – Mayor Carr updated the Council per the
19 staff report included in the Council packets.

20
21 Mr. Glenn Larson, Jody Avenue Court N, came forward and asked why the Council would hire an
22 outside firm to construct a new website. He wondered if the current website is deficient in any way
23 and stated he has volunteered for the last four years. He indicated it would be difficult for him to also
24 volunteer his time to train someone when it is for a profit. He asked why the City would want to
25 incur the additional costs of a minimum of \$2000 per year.

26
27 Council Member Bohnen stated the intent was for Mr. Larson to work with the new webmaster on the
28 current City website as well putting a process in place for the City Clerk to update the website.

29
30 Mr. Larson stated that would require training for the City Clerk as well as thousands of dollars to
31 purchase the software. He noted that is also the first time he has heard that request. He expressed
32 frustration that there have been no attempts to discuss website issues with him. He stated the lack of
33 communication is very distasteful.

34
35 Mayor Carr asked if Mr. Larson would be willing to continue doing the updates and also noted he had
36 inquired about a transition plan when the 2011 appointments were made.

37
38 Mr. AJ Nielsen, appointed webmaster, came forward and stated he would prefer not to get in the
39 middle of anything. He stated he bid on the job and the transition has been slow.

40
41 It was the consensus of the Council to put this matter on hold with the intent of Mr. Larson working
42 with Mr. Nielsen for the next month and discuss further at the next meeting.

43
44 Mr. Larson indicated he would continue as interim webmaster.

1 Council Member Fogelson stated he would prefer to find another volunteer to be the City's
2 webmaster.

3
4 **Council Member Potter moved to extend the meeting at 10:03 p.m. Council Member Huber**
5 **seconded the motion. Motion carried unanimously.**

6
7 **City Treasurer Transition Update, Mayor Carr** – Mayor Carr referred to the staff report outlining
8 the transition to the newly appointed treasurer.

9
10 City Treasurer Schwarze came forward and provided an update on the transition, financials, market
11 value aid and state subsidies noting those cuts would not affect the City. She advised Mr. Mikkelsen
12 has indicated he would stay on as the investment advisor for the City.

13
14 Council Member Huber stated there is no way to measure an “Investment Advisor” or the job
15 performance.

16
17 City Treasurer Schwarze stated she would make a recommendation at a future meeting.

18
19 **CUP Review Process Update, Council Member Fogelson** – Council Member Fogelson referred to
20 the staff report and provided an update on the CUP process.

21
22 **Discussion Regarding Chicken Ordinance, Council Member Huber** – Council Member Huber
23 referred to the City's current ordinance as well as the information included in the Council packet
24 relating to allowing chickens within the City of Grant. He suggested the language in the current
25 ordinance be revised to allow residents with less than 5 acres the option to keep chickens.

26
27 Mr. Brian Roesler, Justen Trail, came forward and stated the fact that the City doesn't have an
28 ordinance to allow chickens, on less than 5 acres, doesn't make sense as Minneapolis and St. Paul do
29 allow chickens. He stated it would be beneficial for the City to develop such an ordinance.

30
31 Mayor Carr stated some of the City's ordinances do not have as clear language as others. He stated
32 his interpretation as well as the intent of the ordinance does not prohibit chickens. He suggested a
33 simple revised language change that would make the ordinance clear.

34
35 Council Member Potter requested the exact proposed change be brought back to the March Council
36 meeting for consideration prior to any staff time being spent on it.

37
38 Mr. Larry Lanoux, Keswick Avenue, came forward and suggested the City stay with the current
39 ordinance and everyone get along with their neighbors.

40
41 Ms. Joyce Welander, 83rd Street, came forward and stated if the City waits too long on a revised
42 ordinance, some residents won't order their chickens.

43
44 **Mayor Carr moved to extend the meeting at 11:00 p.m. Council Member Fogelson seconded**
45 **the motion. Motion carried unanimously.**

1 Council Member Huber advised he would bring back a revised proposal to the March meeting.

2
3 **Emergency Siren Consideration Update, Council Member Fogelson** – Council Member Fogelson
4 referred to the staff report regarding the emergency siren and comprehensive map of pipelines within
5 the City. He stated he is trying to accommodate the siren issue as low cost as possible but requested
6 direction from the Council about possible expenditures for this item. He noted he is looking at
7 potential grant dollars and he would address this issue further at the March Council meeting.

8
9 **Ballfield Scheduling** – Mayor Carr referred to the information included in the packet stating there
10 have been many requests for the ballfield this year. He suggested the evening times be split into two
11 time slots.

12
13 It was the consensus of the Council to split the evening times into two time slots and accommodate as
14 many teams as possible.

15
16 **Clerk Salary** – Council Member Huber noted this item was not on the January agenda as usual. He
17 referred to some research done on City salaries and suggested a 3% (.65) increase in pay for the City
18 Clerk.

19
20 **Council Member Huber moved to approve a 3% raise for the City Clerk. Mayor Carr**
21 **seconded the motion. Motion carried unanimously.**

22
23 **League of Minnesota Cities Newly Elected Officials Training** – Council Member Potter advised
24 new Council Members typically attend the training and suggested the City Clerk attend also.

25
26 **Council Member Potter moved to approve the costs associated with Council Member Bohnen**
27 **and the City Clerk to attend the LMC Newly Elected Official Training. Council Member**
28 **Fogelson seconded the motion. Motion carried unanimously.**

29
30 **Planning Commission Appointments** – Council Member Potter referred to the current City
31 Ordinance regarding the Planning Commission and stated there are two terms expiring in March. He
32 stated a notice regarding the openings should be published in the newspaper.

33 34 **DISCUSSION ITEMS**

35 36 **City Council Reports:**

37
38 Council Member Huber stated he has provided newsletter information and emergency preparedness
39 information as well as the pipeline documents to Council Member Fogelson.

40
41 Council Member Fogelson stated he is working on getting the newsletter out and requested an article
42 from all Council Members.

43
44 Council Member Potter provided a Metropolitan Council update noting a new Chair has been
45 appointed and interviews are being held for sixteen new seats.

1 Mayor Carr thanked Bob Mikkelsen and Sheila Davis-Stahl for their years of services to the City as
2 treasurer and cable commissioner. He announced that the City donated the old TV's from Town Hall
3 to the church where the election is held for their youth room. There is a gypsy moth informational
4 meeting at Indian Hills and the City is currently accepting PC applications. He added that the
5 company that services the porta-pot outside of Town Hall has reduced their bill by \$264 per year with
6 no interruption of service.

7
8 **Mayor Carr moved to extend the meeting another half hour. Council Member Fogelson**
9 **seconded the motion. Motion carried unanimously.**

10
11 **CLOSED SESSION FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL AS**
12 **PERMITTED BY THE ATTORNEY-CLIENT PRIVILEGE PURSUANT TO MINN.STAT.**
13 **13D.05 SUBD. 3 (d) ON THE FOLLOWING LEGAL MATTERS:**

14
15 **Nielsen v City of Grant et al**

16
17 **City of Grant v Flug et al**

18
19 **Council Member Huber moved to go into closed session at 11:05 p.m. Council Member Potter**
20 **seconded the motion. Motion carried unanimously.**

21
22 **Council Member Huber moved to adjourn the closed session at 11:43 p.m. Council Member**
23 **Fogelson seconded the motion. Motion carried unanimously.**

24
25 City Attorney Vivian advised a discussion was held regarding legal strategy and stated no further
26 action is required at this time.

27
28 **COMMUNITY CALENDAR FEBRUARY 2 THROUGH FEBRUARY 20, 2011:**

29
30 **Gypsy Moth infestation Informational Meeting, Wednesday, February 9, 6:00 – 8:00 p.m.,**
31 **Indian Hills Golf Course**

32
33 **Planning Commission Meeting, Tuesday, February 22, 2011, Town Hall, 7:00 p.m.**

34
35 **ADJOURN**

36
37 **There being no further business, Council Member Potter moved to adjourn at 11:46 p.m.**
38 **Council Member Fogelson seconded the motion. Motion carried unanimously.**

39
40 These minutes were considered and approved at the regular Council Meeting March 1, 2011.

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Kim Points, City Clerk

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APPROVED