

CITY OF GRANT
MINUTES

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DATE : June 7, 2011
TIME STARTED : 7:03 p.m.
TIME ENDED : 10:56 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 7:03 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 7Bi, Public Comment relating to the School District CUP application was added to the regular agenda.

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

CONSENT AGENDA

May 3, City Council Meeting Minutes	Removed
Bill List, \$59,719.35	Approved
April 21, 2011 Special Council Meeting Minutes	Removed
Washington County Assessment, 2010, \$24,065.74	Removed
Application for Delayed Payment of Tax Special Assessments	Approved
2011 Assessor Contract	Removed

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

1 Item 4A, May 3, 2011 City Council Meeting Minutes and Item 4C, April 21, 2011 Special City
2 Council Meeting Minutes –

3
4 Council Member Potter provided grammar and spelling corrections to both sets of minutes.
5

6 **Council Member Potter moved to approve the May 3, 2011, City Council Meeting Minutes and**
7 **the April 21, 2011, Special City Council Meeting Minutes, as amended. Council Member**
8 **Fogelson seconded the motion. Motion carried unanimously.**

9
10 Item 4F, 2011 Assessor Contract –
11

12 Council Member Huber stated it has been brought to his attention that there are charges for services
13 from the County when an independent assessor is utilized. He reviewed the costs the City would have
14 incurred in year 2009, 2010 and 2011 for appeals and petitions. The independent assessor that was
15 appointed indicated he was the assessor for Birchwood. However, the Department of Revenue has
16 indicated Birchwood is not able to obtain an independent assessor. He indicated he is unclear as to
17 whether or not the City of Grant may do so. He stated the savings by appointing an independent
18 assessor is minimal and the City would be wise to move the contract to the next Council meeting.
19

20 **Council Member Huber moved to table Item 4F, 2011 Assessor Contract, to the July City**
21 **Council Meeting. Mayor Carr seconded the motion. Motion failed with Council Member**
22 **Bohnen and Potter voting nay and Council Member Fogelson abstaining.**

23
24 City Attorney Vivian advised he could review the legal issues with an independent assessor if the
25 Council provides that direction.
26

27 Council Member Potter stated there are many local assessors within Washington County. The City
28 previously made a selection and the contract was drawn up. He stated the City will be getting better
29 services for a lower cost. There is a new fee schedule per the County relating to assessor services.
30 He indicated he would like to move forward with the contract as it commences on July 1. If that can't
31 be done tonight a special meeting should be held.
32

33 Council Member Huber provided additional information from the County regarding increased fees
34 and questioned the legality of the City utilizing a private assessor per information from the Minnesota
35 Department of Revenue.
36

37 **Council Member Fogelson moved to consider the 2011 Assessor Contract at the June 28th**
38 **meeting after a legal review has been concluded. Council Member Huber seconded the motion.**
39 **Motion carried unanimously.**

40
41 Item 4D, Washington County Assessment, 2010, \$24,065.74 –
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43 **Council Member Huber moved to approve the Washington County Assessment, \$24,065.74, as**
44 **presented. Council Member Fogelson seconded the motion. Motion carried unanimously.**
45

PUBLIC COMMENT

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2
3 Mr. Larry Lanoux, Keswick Avenue, came forward and thanked the Council for allowing public
4 comment later in the meeting regarding the School District. He questioned the financial stability of
5 the District and stated the increased property taxes from the referendum are two to three times higher
6 than the District had indicated. The School District has also indicated money will have to be
7 borrowed to open school in the fall. Open enrollment is needed to increase revenue but out of district
8 students leave a shortfall in dollars. He asked the School District to explain why Grant taxes have
9 doubled in the last four years. He suggested ten new classrooms be constructed at O.H. and merge
10 the schools for a cost savings to taxpayers.

11
12 Mr. Keith Mueller, 10705 Kimbro Ave, came forward and presented the City with a painting of a
13 horse championship that three young women from Grant competed in and won. He requested the City
14 frame it and display it at Town Hall.

15
16 Mr. Bob Zick came forward and stated at the last meeting he brought to the Council's attention that
17 public meetings with the School District should be open to the public. He stated he was removed
18 from the May 13 meeting and does not believe that is good government.

CONCEPT PLAN REVIEW, 11591 MCKUSICK ROAD, VERN HILL

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21
22 Mr. Hill, Young Life, came forward and presented a proposal for a care facility to house teen moms
23 involved in the YoungLives Program. He provided the background of the organization noting
24 YoungLives provides structures programming for education, job training, and independent living. He
25 requested Council feedback on the proposal.

26
27 The Council advised Mr. Hill to submit an application to go begin the City process and a thorough
28 review would be completed.

STAFF REPORTS**City Engineer, Diane Hankee**

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34 **2011 Class 5 Surfacing Project** – City Engineer Hankee advised the City received quotes to gravel
35 80th Street, Ideal Avenue and areas of Ironwood. Three requests for quotes were sent out and two
36 bids were received. She recommended the City award the bid to Miller Excavating, the lowest
37 responsible bidder.

38
39 **Council Member Bohnen moved to award the bid to Miller Excavating, as presented. Council**
40 **Member Fogelson seconded the motion. Motion carried unanimously.**

41
42 **2011 Dust Control** – City Engineer Hankee advised the City requested quotes to complete dust
43 control from DCI and Bill Loomis. Loomis did not bid as he felt he couldn't compete with DCI
44 because of an increase in materials cost. She recommended the Council award the project work to
45 DCI.

1 Council Member Bohnen advised he is working with residents who have in the past, participated in
2 the dust control on their own. The determining factors for which roads are treated are cars per day.
3 The project will stay within budget and there are choices as to how much spray is used.
4

5 City Engineer Hankee advised she would work with the Road Commissioner to complete as many
6 roads as the budget allows and consider less spray on roads that have a lower daily auto count.
7

8 **Council Member Huber moved to award the project work to DCI, as presented, in the amount**
9 **of \$0.76 /gallon for an amount not to exceed \$40,000. Council Member Fogelson seconded the**
10 **motion. Motion carried unanimously.**
11

12 **Ordinance No. 2011-25, Illicit Discharge and Connection Storm Water Ordinance** – City
13 Engineer Hankee provided the background and advised that as a regulated community under the
14 NPDES Municipal Separate Storm Sewer System (MS4), the City must establish a regulatory
15 mechanism to effectively prohibit illicit discharges and non-stormwater discharges from entering its
16 MS4.
17

18 **Council Member Fogelson moved to approved Ordinance No. 2011-25, as presented. Council**
19 **Member Huber seconded the motion. Motion carried unanimously.**
20

21 **Petition to Pave 110th Street North** – City Engineer Hankee advised a petition to pave a road and
22 pay for that paving was submitted by a resident. She outlined the process for that noting an escrow
23 would be paid and the specs and bids would then be provided. If the resident chooses to move
24 forward, the project would be paid for through the escrow. There would not be any assessments to
25 any property owners.
26

27 Council Member Bohnen stated he believes the paving policy states that paving has to go from
28 intersection to intersection but he has no problem with what would be a nice improvement.
29

30 City Attorney Vivian advised the road policy doesn't necessarily apply in this case because there will
31 not be any assessments.
32

33 **Mayor Carr moved to go forward with the bid process, as presented. Council Member Huber**
34 **seconded the motion. Motion carried unanimously.**
35

36 **Staff Report** – A report was provided for May 2011 City engineering activities, to be placed on file
37 for review.
38

39 **City Planner, Jennifer Haskamp**
40

41 **Resolution No. 2011-07, ISD #832, Conditional Use Permit Request, Elementary School Site**
42 **Plan** – City Planner Haskamp provided the background on the application noting the plan set that was
43 finalized on April 18 has not changed except for the landscaping plan. The Planning Commission
44 reviewed the draft CUP and its conditions at their May meeting and recommended approval based on
45 a 6-1 vote.

1 City Planner Haskamp reviewed the key issues that were raised throughout the process including the
2 building height, the driveways/access point, and the detailed sign plan for directing traffic. She also
3 provided information regarding the finalized landscaping plan and the environmental component.
4

5 City Attorney Vivian advised the resolution for the CUP states the School District has to prepare a
6 new traffic study after one school year has been completed. If the study shows that access is not
7 needed it may close to autos.
8

9 Mayor Carr stated public comment would be taken until 8:46 p.m.
10

11 Mr. Bob Hagstrom, Gateway Trail Association, came forward and provided history on the Gateway
12 trail and stated 72 acres of the trail is within the City of Grant. Safety is the issue and the City of
13 Grant needs to value the trail. Traffic crossing that trail is not a good idea.
14

15 Mr. Bob Zick came forward and stated the CUP was split into two actions. Public comments were
16 restricting on the athletic field. Due to all the changes and absence of documents, the CUP should not
17 be before the Council tonight. No fee was paid and work started before the grading permit was
18 issued. There have been many violations of the current ordinances.
19

20 Mr. Larry Lanoux, Keswick Avenue, came forward and stated at a previous PC meeting Chair
21 Sederstrom asked for assistance from the City get the MPCA, DNR, Met Council and other agencies
22 to attend the meeting. He got no help from staff so they did not attend. Taping the Black Box
23 meetings is not allowed by the School District and the public is not allowed to attend.
24

25 Mr. John Oldendorf, President of the Gateway Trail Association, came forward and presented reasons
26 as to why the trail should not be crossed. He stated he is disappointed with the DNR for allowing the
27 crossing. It is odd how the DNR prefers no trail crossing but are still allowing it. The Highway
28 Department seems to be calling the shots on this project and the exit should be on County Road 12.
29

30 Ms. Christine Flug, 60th Street, came forward and stated there is limited faith in Mahtomedi regarding
31 the School District and their fiscal responsibility. The road in that is only needed two hours per day
32 has to go over a wetland. What they want to have and what they need to have is a waste of tax
33 dollars.
34

35 Ms. Jeannie Salonis, 14050 Jamaca, came forward and indicated support for the School District. She
36 stated it was voted on in a referendum and she viewed the plan last fall. Not much has changes and
37 she thinks it is a good plan.
38

39 Mr. Mark Wojcik, 110th Street, came forward and stated there has been some insinuation that
40 discussions surround this is anti-children. He stated he believes a good positive debate has occurred
41 throughout the process. There were three spots near the underground tanks that borings were not
42 taken and they are closest to the school. He requested the Council obtain information on those
43 borings before moving forward.
44

1 Mr. Wally Anderson, 80th Street, came forward and stated he is one of the most impacted by the
2 project. He stated the County is wrong in what they are proposing in relation to the access. A
3 roundabout would work for the internal traffic flow. He requested the Council submit a petition to
4 the State to lower the speed limit.

5

6 Public comment was concluded at 8:35 p.m.

7

8 Mayor Carr advised the landscaping plan is important and it needs to be viable. He stated he is not a
9 fan of the Jamaca access but it is outside the City's jurisdiction. No concrete proof of pollution or
10 safety issues has been received on the site. The process has gone well and the School District did buy
11 this property in 2003 for this purpose. The City supported that but did not fund it. There is a history
12 of issues on the site that need to be addressed. This is the last meeting to take action as the deadline is
13 June 15, 2011, unless the School District agrees to an extension.

14

15 Mr. Steve Wogalmot, School Board Member, came forward and advised the plan has always been for
16 an E2 school. The traffic study identified and is based on grossed up numbers to include all the
17 programs offered by the School District.

18

19 Superintendent Larson came forward and reviewed all the programs and uses of the proposed site. A
20 high estimate was provided regarding the number of students and staff.

21

22 Mr. Wogalmot advised there will be 27 classrooms and they try to keep the number of students at 22
23 per classroom. There are practical limits as to what can be done. Programs are offered for elderly but
24 they take place at the District Center.

25

26 Council Member Fogelson inquired about the Northern Natural easement and dissatisfaction with
27 safety on two County Road 12 exits. People making left turns onto County Road 12 at rush hour is
28 unsafe. County Road 9 is the lesser evil, even with cars crossing the Gateway Trail. He requested a
29 traffic light for one County Road 12 exit instead of either option.

30

31 Mr. Joe Gustafson, Washington County Engineer, advised it has always been the County's position
32 that the access at Jamaca is the safest. He reviewed the three options that were also presented at the
33 PC meeting. He referred to the site plan and illustrated the highway right of way and the gateway trail
34 property that is most affected. He also commented on potential traffic controls for County Road 12
35 and County Road 9 that may include a signal. The County does have access authority and issues the
36 driveway permits. A permit will not be issued without a second access. The school has always
37 wanted the second access on County Road 12. The state has the authority to set speed limits.

38

39 City Planner Haskamp advised she has been working with Northern Natural and the plans were
40 submitted to them for review. They have requested additional information but they are comfortable
41 with the access but will require an encroachment agreement with the School District.

42

43 Council Member Huber inquired about the high pressure pump station and fencing that area.

44

1 City Engineer Hankee advised it would be reasonable to require that around the pump station but she
2 would not recommend it around the storm water ponds.

3
4 City Planner Haskamp advised she would contact Northern Natural Gas regarding the fencing around
5 the pump station.

6
7 Mayor Carr asked the School District a series of questions and requested they and the answers be
8 entered into the record:

- 9
10 1) Will the School District address any pollution issues if they come up during construction or
11 going forward on the site?
12 2) Will the District work with the City to address traffic issues that adversely affect the City of
13 Grant financially or the residents of those roads negatively?
14 3) Will the District work to maintain the landscaping buffer into the future to the best of its
15 ability? Even after five years?
16 4) Does the District understand that the CUP can be reviewed on an annual basis?

17
18 Superintendent Larson answered each question affirmatively.

19
20 Council Member Bohnen advised additional dust control may be needed on 80th Street and he also
21 inquired about the liability issue.

22
23 City Attorney Vivian advised the City has no ownership or liability on this property. The CUP runs
24 with the land and the use there has to remain consistent. It has to be utilized for a school or a potential
25 new owner would have to apply for a new CUP.

26
27 Council Member Potter advised many of his concerns have been mitigated tonight but he would like
28 to add a disclaimer similar to the MPCA's disclaimer. He requested another access be pursued
29 because the one presented is a detriment to a scenic park. He stated he would also like to see 80th
30 Street be provided with additional dust control at the cost of the School District. It may be a mistake
31 to extend utility services within the City of Grant. He applauded the PC for getting the Metropolitan
32 Council to attend the last meeting and clarify the issues regarding the school.

33
34 Mr. Gustafson advised the County is very supportive of grade separations and this access is
35 potentially the next highest on the priority list now that other bridge projects have been completed.

36
37 Council Member Potter asked if the School District is willing to extend the application deadline to
38 pursue another access option.

39
40 Superintendent Larson indicated the School District will not agree to an extension.

41
42 **Mayor Carr moved to approve the draft Conditional Use Permit based on the Planning**
43 **Commission recommendations, as presented. Council Member Huber seconded the motion.**

44
45 Council Member Potter inquired about a liability disclaimer.

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City Attorney Vivian advised he does not recommend that addition to the conditions. It is the City’s obligation to evaluate the information submitted. Indemnity invites the City to part of the liability.

Motion carried with Council Member Bohnen and Potter voting nay.

Mayor Carr called for a short break at 10:00 p.m.

Mayor Carr called the meeting back to order at 10:10 p.m.

Council Member Fogelson moved to adopt Resolution No. 2011-07, as presented. Council Member Huber seconded the motion. Motion carried with Council Member Bohnen and Potter voting nay.

Staff Report - A report was provided for May 2011 City planning activities, to be placed on file for review.

City Attorney, Nick Vivian

Axdahl Final Plat – City Attorney Vivian advised there is a request for a sixty day extension. One of the Attorneys fell seriously ill and the process was delayed. He recommended the Council grant the extension.

Mayor Carr moved to grant an additional sixty day extension for the Axdahl Final Plat, as presented. Council Member Huber seconded the motion. Motion carried unanimously.

Staff Report – A report for May 2011 was provided to be placed on file for review.

Building Inspector, Jack Kramer – A report was from Building Inspector Kramer was provided for May 2011 to be placed on file for review.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Acceptance of 2010 Audit – City Treasurer Schwarze advised the 2010 Audit was completed and it was a clean audit. She stated the findings within the audit can be discussed at the next meeting or during the budget meetings.

Council Member Huber moved to approve the 2010 Audit, as presented. Council Member Fogelson seconded the motion. Motion carried unanimously.

City Procedure for Paved back to Gravel Roads – Council Member Bohnen referred to the staff report noting all the neighbors on Kimbro Avenue Court agreed to tear up the bad sections of asphalt

1 and put gravel down. That repair process will continue with replacing sections of the roadway every
2 year until the road is completely gravel. Council Member Bohnen requested direction from the
3 Council regarding a City policy for this process.

4 The Council directed staff to propose a policy or revision to the current ordinance to address this in
5 the future. The revision will be discussed and considered at the July Council meeting.

6
7 Council Member Bohnen updated the Council on three road projects including Knollwood,
8 Lockridge, and Irish. The Council determined that Irish needs to be budgeted for due to the costs
9 associated with that project.

10
11 **Council Member Fogelson made a motion to move forward with Knollwood and Lockridge**
12 **road projects up to the amount of \$20,000 with Council Members visiting the sights and**
13 **confirming those projects with the City Clerk within one week. Council Member Potter**
14 **seconded the motion. Motion carried unanimously.**

15
16 Council Member Bohnen advised the shoulder reclaiming equipment has been out on City streets.
17 Miller has been great to work with and only one complaint has been made. He inquired about the
18 shoulder work coming out of the shouldering budget.

19
20 The Council indicated that type of work could come out of the shouldering budget as long as there are
21 no big shouldering projects this year.

22
23 **Website Items** – Mayor Carr stated it has been brought up that more information needs to be on the
24 City’s website. He asked for Council input regarding information and suggested a way to document
25 what is sent to the webmaster and confirmation that it was received.

26
27 The Council determined everything for the City’s website should be sent to the City Clerk. The City
28 Clerk and the webmaster will work together to confirm information exchanged and that it is in fact
29 posted on the website.

30
31 Mayor Carr noted this item will be on every agenda.

32 33 **DISCUSSION ITEMS**

34 35 **City Council Reports:**

36
37 Council Member Fogelson advised he met with the Fire Department regarding the dry hydrant. That
38 project is being put together and should be done soon.

39
40 Council Member Bohnen advised he purchased a sign trailer to utilize in case of emergencies to
41 access road closings, etc. He is working with the City of Hugo on the culvert on 120th Street that
42 needs to be replaced. Recycled Class 5 is being put down on Goodview Avenue and some dust
43 control has been donated for that gravel once it is placed. Ideal Avenue is slated for a gravel lift and
44 the City of Mahtomed will be covering the costs for dust control when the project is complete.

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

4
5 **Nielsen v City of Grant et al**

6 **Mayor Carr moved to go into closed session at 10:50 p.m. Council Member Huber seconded**
7 **the motion. Motion carried unanimously.**

8
9 **Council Member Huber moved to adjourn the closed session at 10:55 p.m. Council Member**
10 **Fogelson seconded the motion. Motion carried unanimously.**

11
12 **COMMUNITY CALENDAR JUNE 8 THROUGH JUNE 30, 2011:**

13
14 **Planning Commission Meeting, Monday, June 20, 2011, Town Hall, 7:00 p.m.**

15
16 **ADJOURN**

17
18 **There being no further business, Council Member Huber moved to adjourn at 10:06 p.m.**
19 **Council Member Potter seconded the motion. Motion carried unanimously.**

20
21
22 **These minutes were considered and approved at the regular Council Meeting July 7, 2011.**

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27 _____
28 **Kim Points, City Clerk**

29 _____
Tom Carr, Mayor