

CITY OF GRANT
MINUTES

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DATE : April 3, 2012
TIME STARTED : 7:00 p.m.
TIME ENDED : 11:12 p.m.
MEMBERS PRESENT : Councilmember Bohnen, Fogelson, Huber, Potter and Mayor Carr
MEMBERS ABSENT : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson; City Planner, and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:14 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 5A, Planning Commission Report was added to the regular agenda.

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

CONSENT AGENDA

| | |
|---|----------|
| March 6, 2012, City Council Meeting Minutes | Approved |
| Bill List, \$37,710.67 | Approved |
| GOI Bond of 2003 Payoff, \$11,906.52 | Approved |
| City of Mahtomedi, 1 st Quarter Fire Contract, \$28,739.50 | Approved |

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

PUBLIC COMMENT

1 Mr. Bob Tufty, Jasmine Avenue, came forward and stated a burn ban has been put on the area. He
2 cautioned everyone not to do any burning other than very small recreational fires. The burn ban will
3 probably be in force until June.

4 Mr. Loren Sederstrom, 107th Street, came forward and stated the newsletter is out and it looks great
5 and the Road Commissioner is doing a great job on the roads. He noted volunteers offered to help
6 with the dry hydrant but they received no direction from the City Council.

7 Mr. Bob Englehart, Joliet Avenue, came forward and stated he has received no response from Council
8 Member Huber relating to the road referendum issue. He stated he would like a response on that
9 issue tonight. He asked why the Council can't be decent to volunteers and just say yes or no. He
10 stated he is afraid the same thing as the dry hydrant is going to happen with the emergency siren. The
11 Planning Commission ordinance was wrong on the website and some of it was changed and he does
12 not remember a public hearing on that.

13 Mr. Tim Mathieson, Maple Street, came forward and stated he has heard about the dry hydrant for
14 months now. He suggested the Council just direct the GRP to get the work done. The hydrant is very
15 important.

16 Mr. John Smith, 67th Lane, came forward and read some previous campaign promises and stated he
17 wants to talk about the referendum as there was some talk about it last fall. He read the definition of
18 a referendum and stated what is placed on the referendum should be supported by the whole Council.
19 It is now April and he has heard nothing about it and that is unfortunate as it deserves attention and
20 the road work has to be done. He stated he would like that discussion moved to the Planning
21 Commission for a recommendation to the Council.

22 Mr. Jerry Helander, 6261 Jasmine, came forward and stated he is always amazed at the effort put forth
23 by the Council PC and volunteers. The Planning Commission doing its own minutes to save some
24 dollars is not a good idea. That is the Clerk's job. There has been some concern that the Clerk does
25 not live in Grant but why should she. He read a statement from the League of Minnesota Cities
26 regarding this issue and state law prohibiting that requirement. The Clerk does a good job and he
27 hopes the PC reconsiders and puts that notion to rest.

28 Mr. Bill David, Keswick Avenue, came forward and thanked the Council for their work. He asked
29 support from the City for the parade, clean-up day and the picnic after, noting the picnic is not on the
30 website. He stated it is a good event and everyone is invited and should be involved.

31 Mr. Larry Lanoux, Keswick Avenue, came forward and stated Erin Brochovich is coming to Fridley
32 to address a super fund site there and in White Bear. He read a letter she wrote regarding vapor seals
33 and how they should not be used. He stated the question is if the City has any liability because if a
34 school is allowed to be built on a super site there could be serious safety and health issues in the
35 future. He advised he is working with the Governor to stop the school being built. The City may be
36 liable as we did not do our due diligence.

37 Mr. Wally Anderson, 80th Street, came forward and stated the final plat for the school seems like it
38 has been changed. The elevation also seems higher and he hopes the inspector is keeping an eye on
39 that.

40
41

1 **PLANNING COMMISSION REPORT, MARK WOJCIK**

2
3 Mr. Mark Wojcik, Vice Chair of the Planning Commission, came forward and distributed a letter
4 written by Chair Derosier. He stated he has been a member of the Planning Commission for about a
5 year and believes the PC can be a valuable tool to the City and City Council. He read the names of
6 the current members and stated they are a good group. He provided the key points of the letter to the
7 City Council noting the PC would like to bring forward recommendations. He read the issues the PC
8 would like to work on including the grading policy, job descriptions, complaint process, citizen
9 participation, updates to website and a joint work session with the City Council. He requested the
10 Planning Commission be built into the system and be early in the agenda.

11
12 Mayor Carr noted the letter from the Planning Commission would be reviewed and discussed later in
13 the meeting under New Business.

14
15 Council Member Huber stated he has not found anything recently to be sent to the Planning
16 Commission for review. The Council does get recommendations regularly from the Planning
17 Commission. He noted he thought the PC did a good job on the school project.

18
19 Commissioner Wojcik stated the PC is here to help and make Grant a better place. The PC can be an
20 effective and useful group working on various issues including job descriptions and developing a
21 policy relating to complaints.

22
23 Council Member Huber stated until a majority of the Council identifies deficiencies within City staff,
24 process or policy, there is nothing to send to the PC for review.

25
26 Commissioner Wojcik stated they are asking the Council to keep in mind there is a group here that
27 can things through and make the City better and allow for better decisions to be made.

28
29 **STAFF REPORTS**

30
31 **City Engineer, Phil Olson**

32
33 **Grading Permit Fee/Escrow Review**– City Engineer Olson reviewed the staff report relating to this
34 issue noting the current grading permit fees as well as surrounding communities. Based on the data
35 collected, the grading permit fee and escrow appear to be higher than surrounding communities but
36 still comparable. The permit fee and escrow could be reduced but doing so may cause enforcement
37 issues to be funded from the general fund. It is recommended that the permit be required for grading
38 quantities greater than 50 CY. He noted the City is taking a risk if a permit is issued with no site visit
39 to determine the impact of drainage.

40
41 Council Member Potter stated he would like to see this issue go the Planning Commission to work
42 with the City Engineer and make a recommendation to the City Council.

43
44 City Attorney Vivian stated a threshold for a permit needs to be determined and the Planning
45 Commission can discuss and recommend a threshold.

1 **Staff Report** – A report was provided for March 2012 City Engineering activities, to be placed on file
2 for review. City Engineer Olson noted information for the sign inventory replacement project can be
3 hosted on a webserver or a map could be generated to tie into the spread sheet. Each option would
4 take about three hours of staff time to set up.
5

6 City Engineer Olson also provided a brief update on the School District nothing they are working to
7 meet the requirements laid out in the CUP as well as obtaining permits from other agencies.
8

9 The Council requested another update on the School District be provided at the next Council meeting.
10

11 City Attorney Vivian noted the landscape escrow was submitted by the School District.
12

13 **City Attorney, Nick Vivian**

14

15 **ROW Discussion Relating to Placement of Emergency Siren**– City Attorney Vivian provided the
16 background on this issue advising staff needs direction regarding the potential placement of the
17 emergency siren. Work would have to be completed to determine if right of way exists in the
18 proposed location.
19

20 Council Member Fogelson advised there is a potential site but the easements and right of way issues
21 have to be known. He stated he is trying to meet with the resident but he has been out of town.
22

23 Mayor Carr stated he does need more information on the proposed site and he had previously asked
24 for that.
25

26 Mr. Larry Lanoux came forward and stated he does not know if a variance would be required. The
27 City should contact the property owner of where the best potential site is. He recommended the City
28 place the emergency siren on Mr. Englehart's property.
29

30 City Attorney Vivian advised the question is if the placement would be in the right of way or on
31 private property. That determination has to be made and confirmed because the property could be
32 sold so an easement would be required. He stated he also has to look into the variance issue.
33 Appropriate steps need to be taken to get the project completed correctly.
34

35 **Council Member Fogelson moved to send a proposed variance request for the emergency siren**
36 **to the Planning Commission. Council Member Huber seconded the motion.**
37

38 City Attorney Vivian stated the reason for a variance requested is if in fact, the emergency pole is
39 higher than 35 feet it would exceed the current ordinance. The City is bound to its ordinance. Staff
40 could accommodate the request and get it to the Planning Commission. The City could also look into
41 amending the current ordinance to exempt emergency siren poles.
42

43 **Council Member Fogelson amended the motion to have the Planning Commission review and**
44 **make a recommendation regarding an ordinance amendment to exempt emergency siren poles**

1 from the height restriction. Council Member Huber agreed to the amendment. Motion carried
2 unanimously.

3
4 **Council Member Fogelson moved to place the emergency siren on Mr. Englehart's property**
5 **within an easement or the right of way based on staff research and a recommendation,**
6 **approved by a unanimous vote.**

7
8 Council Member Fogelson advised he would continue to talk with the other property owner regarding
9 a potential site for the emergency siren.

10
11 **Staff Report** – A report was provided for March 2012 was provided to be placed on file for review.
12 City Attorney Vivian referred to the complaint process clarifying that complaints first go to zoning
13 enforcement. If there is no compliance, the complete would go to the City Planner. Complaints do
14 not go to the City Attorney immediately. He stated a couple of complaints were referred to him after
15 the City Planner resigned. The City's current complaint process has worked well. The City's code
16 does have some issues and it would be appropriate to send those to the Planning Commission for
17 review.

18
19 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
20 March 2012 to be placed on file for review.

21
22 **OLD BUSINESS**

23
24 **Website Items, Mayor Carr** – Mayor Carr asked for any updates needed on the City's website.

25
26 Council Member Bohnen stated there are two difference versions of the ordinances on the wesbsite.
27 When you do a search, you get the old ordinances.

28
29 Mr. David noted the picnic after clean up day should be posted.

30
31 Council Member Potter asked if the Clerk is updating the website. It was noted there were some
32 software issues and the software had to be reinstalled.

33
34 **NEW BUSINESS**

35
36 **Public Comment Inquiries, Mayor Carr** – Mayor Carr responded to the earlier public comments
37 noting the road referendum issue has not been on the agenda because a Council Member has not
38 requested that. The City Council does send things to the Planning Commission and all applications
39 do go through the Planning Commission.

40
41 Council Member Huber stated the grant for the dry hydrant was not lost. The City did get the grant;
42 the equipment was purchased and stored at the Fire Department until weather permitted installation.
43 He stated he was then replaced for Emergency Management and the project was not completed so the
44 grant was not provided. He noted he recently lost an email account so he could not obtain all his City
45 emails. The road referendum question was put out there to support a proposed revised road policy.

1 That policy has not been revised so a road referendum cannot be put forth at this point. He noted his
2 son does not play baseball at the Grant field and his kids do clean up their road frontage.

3
4 Council Member Fogelson stated the date for the grant application was missed. He stated he had
5 asked the GRP to help him last summer with the dry hydrant and he is working on getting that done
6 this spring. He stated the City needs to endorse the GRP Tractor parade and clean up day.

7
8 **Council Member Potter moved to endorse the Grant Restoration Project with the City Clean**
9 **Up Day and the Annual Tractor Parade. Council Member Fogelson seconded the motion.**
10 **Motion carried unanimously.**

11
12 Council Member Potter stated he views the PC as an excellent source for looking at the road policy
13 and the many options for funding that. He added that it may already be too late for a referendum this
14 fall.

15
16 Council Member Bohnen stated he needed to obtain more data and information after the road
17 meetings were held last year relating to a revised road policy. He stated he is currently taking road
18 counts and he agrees the road policy needs to be changed before a referendum is done. But more data
19 is needed and sending that to the PC right now would not be beneficial.

20
21 City Attorney Vivian stated the referendum question would simply entail support of increase in the
22 tax levy for road construction and maintenance. There is a lot of work that should be done before
23 there is a road referendum.

24
25 Council Member Bohnen stated at the last meeting it was mentioned the Clerks have always lived in
26 Grant. Out of the last five, four of them lived outside of Grant. He referred to the School District
27 comment and stated he did read the packet and he did attend the site visit. He stated he supports the
28 City Clerk attending the PC meetings if there is any application.

29
30 **Snow Plowing Contract, Council Member Bohnen** – Council Member Bohnen advised last year
31 the City entered into a one year contract with KEJ for snow plowing services. He requested Council
32 direction regarding renewing that contract.

33
34 City Attorney Vivian stated the City does have the authority to renew the contract.

35
36 **Council Member Bohnen moved to extend the current snow plowing contract for two more**
37 **years. Council Member Fogelson seconded the motion. Motion carried unanimously.**

38
39 **Cost Effective Overlays Neighborhood Notifications, Council Member Bohnen** – Council
40 Member Bohnen stated this issue came up in the road meetings last fall. There is a window of
41 opportunity for overlays and he requested Council direction regarding notifications to neighborhoods
42 from the City.

43

1 Mayor Carr stated the letter would have to include the scope of the project as well as an educational
2 type notification regarding the process. He suggested the possibility of having the particular
3 neighborhood notifications as an agenda item and perhaps informational meetings.

4
5 Council Member Bohnen advised he would identify six potential projects and have an information
6 meeting. He requested this item also be on the agenda next month.

7
8 **City Planning Services, Mayor Carr** – Mayor Carr advised the City Planner has resigned and the
9 City will be going out for RFP's. WSB has stepped in as the interim Planner.

10
11 **Mayor Carr moved to obtain RFP's for the City's planning services. Council Member Huber**
12 **seconded the motion.**

13
14 Council Member Potter stated he would like the city to work with WSB on potential planning
15 services. If the City does go out for RFP's, he would like the City to do it right and take time to draft
16 the RFP.

17
18 It was the consensus of the Council to review the Planner's job description at the next meeting and
19 then make a decision on the RFP. WSB will be the interim Planner.

20
21 Mayor Carr withdrew the motion and Council Member Huber withdrew the second.

22
23 **Planning Commission Letter to City Council, Mayor Carr** – Mayor Carr referred to the letter from
24 the Planning Commission and advised the Council does send items to the Planning Commission.
25 There just hasn't been anything recently and there have not been any applications. He stated he has
26 no problem sending things to the PC as long as the Council gives clear direction. He stated he
27 believes the City needs to be consistent and the Clerk should be at the PC meetings when there is an
28 application. Logistics would have to be discussed if the Clerk is not there and communication is key.

29
30 Council Member Fogelson stated he would like to utilize the Planning Commission for emergency
31 management projects, such as the utility map.

32
33 Council Member Bohnen stated he would like the Planning Commission to take a look at the
34 sealcoating route.

35
36 **Council Member Bohnen moved to have the Planning Commission help the Road**
37 **Commissioner designate a cost effective route for the 2012 Seal Coating project. Council**
38 **Member Fogelson seconded the motion. Motion carried with Mayor Carr voting nay.**

39
40 **Council Member Potter moved to have the Planning Commission review and make a**
41 **recommendation regarding the grading permit focusing on major and minor permits and**
42 **utilizing the City Engineer as a resource. Council Member Bohnen seconded the motion.**
43 **Motion carried unanimously.**

44

1 **Council Member Potter moved to have the City Clerk attend the Planning Commission**
2 **meetings. Mayor Carr seconded the motion. Motion carried unanimously.**

3
4 **Council Member Potter moved to have the Planning Commission look at the City's complaint**
5 **and communications protocol to citizens. Council Member Bohnen seconded the motion.**

6
7 Council Member Huber requested the current complaint process be documented and then have the PC
8 review specific recommendations from the Council.

9
10 City Attorney Vivian noted a Planning Commission does not generally get involved with
11 enforcement. Typically, a Planning Commission reviews land use issues and application.

12
13 **Motion carried with Mayor Carr and Council Member Huber voting nay.**

14
15 It was the consensus of the Council that the Planning Commission would look at the utility map at
16 some point in the future and keep an eye of the City's website. A joint meeting with the City Council
17 will be scheduled after the City has appointed a new Planner.

18
19 **120th Street and Imperial Frost Boil, Council Member Bohnen** – Council Member Bohnen
20 displayed pictures of the frost boil that recently occurred. He noted there are approximately 400 cars
21 a day on that road and the cost to fix the roadway to eliminate the frost boil would be about \$10,000.
22 H recommended the City not do the project at this time.

23
24 **DISCUSSION ITEMS**

25
26 **City Council Reports:**

27
28 Council Member Fogelson advised the newsletter has been mailed out.

29
30 Council Member Bohnen requested Council direction regarding the purchase of "Road Closed
31 Ahead" signs.

32
33 **Mayor Carr moved to approve the purchase of Road Closed Ahead signs. Council Member**
34 **Huber seconded the motion. Motion carried unanimously.**

35
36 Council Member Bohnen stated there is a neighborhood meeting next Monday regarding Goodview
37 Avenue. The meeting has been posted and Council Members are encouraged to attend. He noted
38 there are no updated dates on the codified ordinances and would like clarification on that.

39
40 **Staff Reports (any updates from Staff)**

41
42
43 **COMMUNITY CALENDAR APRIL 4 THROUGH APRIL 30:**

44
45 **Clean Up Day, Saturday, April 14, 2012, 9:00 am to Noon (Rain Date 4/21/12)**
46

1 **Planning Commission Meeting, Monday, April 23, 2012, Town Hall, 7:00 p.m.**
2

3 **ADJOURN**
4

5 **There being no further business, Council Member Potter moved to adjourn at 11:12 p.m.**
6 **Council Member Huber seconded the motion. Motion carried unanimously.**
7

8
9 These minutes were considered and approved at the regular Council Meeting May 1, 2012.
10

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12
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14 _____
15 Kim Points, City Clerk
16

Tom Carr, Mayor

APPROVED