

CITY OF GRANT
MINUTES

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DATE : June 5, 2012
TIME STARTED : 7:03 p.m.
TIME ENDED : 10:55 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; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:06 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 8Ai, 2012 Seal Coating was added to the regular agenda.

Item 8Aii, Dry Hydrant Update was added to the regular agenda.

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

CONSENT AGENDA

May 1, 2012, City Council Meeting Minutes	Removed
Bill List, \$40, 998.45	Approved
Miller Excavating, Class 5 Resurfacing, \$28,807.15	Approved
Kline Bros. Excavating, Grading Contractor, \$24,408.75	Approved

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

1 **May 1, 2012, City Council Meeting Minutes** – Council Member Huber referred to page 6 and stated
2 there is no reason noted for directing the City Attorney to write a letter of apology to Mr. Larry
3 Lanoux. He requested a statement for future Council’s be added to read “An apology given for an
4 unspecified reason.” He stated no there was no reason behind the letter of apology to Mr. Lanoux.

5
6 Council Member Bohnen stated they can’t put an unspecified reason statement within the minutes
7 because that is not accurate.

8
9 Council Member Huber stated no reason is noted. He read the minutes including the City Attorney’s
10 comments and stated he wants a reason noted in the minutes as to why a letter of apology was sent.

11
12 Council Member Bohnen stated a letter of apology was related to the state electric inspector issue.
13 The City processed the information incorrectly.

14
15 Council Member Huber stated he wants included that there was no clear violation of the City policy
16 or procedure. The minutes should be amended to reflect why a letter was sent. Every time there is a
17 simple misunderstanding the City should not be sending letters of apology.

18
19 **Council Member Huber moved to amend the minutes to include the statement “An apology
20 given for an unspecified reason”. Mayor Carr seconded the motion.**

21
22 Mayor Carr stated no reason has been specified and asked if someone can propose that language.

23
24 Council Member Bohnen stated the discussion was held at the last meeting. The minutes were then
25 distributed. Adding any reason to the minutes would be not accurate.

26
27 Council Member Huber clarified that no reason was stated and suggested the simple statement that no
28 reason was provided be added to the minutes.

29
30 **Motion failed with Council Members Bohnen, Potter and Fogelson voting nay.**

31
32 **Council Member Huber moved to approve the May 1, 2012 City Council Meeting Minutes, as
33 presented. Council Member Potter seconded the motion. Motion carried unanimously.**

34
35 **MEETING DECORUM, MAYOR CARR**

36 Mayor Carr stated the City had its meeting decorum noted on meeting agendas in 2007. The City
37 stopped doing that because that reminder was not necessary. He stated he added public comment to
38 the agenda. It has been used incorrectly lately and because of that public comment will be strictly
39 limited to two minutes for everyone. The Council does like to hear from residents and all of you can
40 call or email but the public comment has become disjointed. Public comment is not a public hearing
41 and the public does not have the right to speak out when the Council is in a meeting to get the City’s
42 work done. He asked that everyone respect that request and read the meeting decorum that is on the
43 meeting agenda again.

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PUBLIC COMMENT

Mr. Bob Zick, Citizen Advocate, came forward and commented on emailing or calling Council Members noting it is then a private conversation. He stated he is happy the City allows non-residents to speak at public comment and inquired about the letter of apology from the City Attorney. He stated it is not an apology and asked who directed the Attorney to write the letter.

Mr. Bob Englehart, Joliet Avenue, came forward and stated the siren is up and it works. He thanked Council Member Fogelson for that. He referred to an email he had sent the Mayor and asked why time should be wasted on something that won't be done. He stated he was at City Hall today to copy meeting discs and a tape recorder was turned on. He asked who authorized that and stated the City is no place for that. He requested a letter of apology from the Clerk.

Mr. Larry Lanoux, Keswick Avenue, came forward and read an email from the Clerk to the Chair of the Planning Commission regarding Planning Commission minutes. He asked why the Council is looking at the minutes before they are approved. He thanked Council Member Fogelson for working with the GRP on the siren and the dry hydrant.

Mr. John Smith 67th Lane, came forward and stated we define Grant by density, CUP's and roads. He advised there is a group of interested citizens that would like the City of Grant to become a Home Rule Charter form of government as it will then be more efficient and cost effective. He advised the group is moving forward with that. He noted he is unable to open the agenda on the City's website.

Mr. John Wycoff, City of Maplewood, came forward and stated he is close to moving into Grant. However, he is worried that Grant is becoming another Maplewood. He requested the Council not take away freedom of speech or property rights.

Mr. Jacob Kyle, 11316 Jasmine, came forward and asked how old someone must be to sit on the City Council.

Mr. Bill David, 9131 Keswick, came forward and thanked Council Member Fogelson for his efforts on the dry hydrant and emergency siren. He stated the video technician was not present at the May PC meeting so the minutes will be messed up.

Mr. Wally Anderson, 80th Street, came forward and stated the dirt put on the north side of the parking lot at the school site is now gone. He stated he believes it was dumped on private property and wondered why it wasn't put back in the berm area.

Mr. Terry Derosier, 83rd Street, came forward and stated the minutes the Council is reviewing are draft minutes and have not been approved by the Planning Commission.

SEPTIC SYSTEMS UPDATE, WASHINGTON COUNTY

Mr. Chris LeClair, Washington County, came forward and provided an update related to the adoption of the new code in 2009. Cities have the option to contract with the County for septic permitting. He reviewed the new requirements relating to compliance, maintenance, and system replacements noting 75% of the systems in Grant are up to date. Any violation of the current septic ordinance is a misdemeanor and if systems are maintained properly they should last forever.

STAFF REPORTS**City Engineer, Phil Olson**

2012 Seal Coating – City Engineer Olson advised staff was directed to complete a road tour to determine which roadways to include with the project. He reviewed the roads that were determined to be included in the 2012 seal coating project based on the road tour. To help lower cost, it was recommended by Astech Corp to consider using granite instead of trap rock. Granite has been bid by surrounding communities and it has been found to be as much as 25% cheaper than trap rock. It is recommended to request quotes for both trap rock and granite to compare pricing. He requested authorization to get quotes.

It was the consensus of the Council to get quotes for both granite and trap rock for the 2012 seal coat project.

Dry Hydrant Update – Council Member Fogelson stated he has been thanked repeatedly for the project but Council Member Huber worked with the Fire Department to get the project done.

Council Member Huber displayed photos and explained the process as well as the upgraded hydrant equipment and how it works. He thanked the Fire Department and noted future maintenance of the hydrant includes back flushing twice a year and that should be coordinated by the emergency Management person. The project is done now and everyone can be proud of that. He displayed another photo noting the hydrant was rammed with a heavy vehicle last night. It was damaged and parts will have to be ordered to repair it.

May Staff Report – City Engineer Olson reviewed the May staff report relating to engineering activities. He noted the emergency pole location was moved and the contractor will have to be called. He advised he will check on the dirt at the school district sign and the Goodview JPA is moving forward.

Interim City Planner, Paul Hornby

May Staff Report – A Planning report was provided for May 2012 planning activities to be placed on file for review.

City Attorney, Nick Vivian

City Attorney Vivian noted the Goodview JPA is complete and does not have to come back to the Council for approval. Eligibility for City office is a qualified voter that is 21 years of age on date of taking office as well as US citizen, resident of the City for 30 days prior to the election and no felonies.

Fabio Zoning Complaint – City Attorney Vivian advised the City has been working to address a zoning complaint for the property at 6510 Jocelyn Avenue North since October of 2011. The complaint is unresolved and the neighbors are very concerned regarding the increase in intensity

1 associated with the use of the property. On May 10 2012, a letter from the Attorney's office was
2 forwarded to the City Council requesting consideration for zoning enforcement. The City Code
3 requires a Conditional Use Permit for principal buildings with more than one use, in which one of
4 those uses is a dwelling unit. Mr. Fabio is running a commercial operation from his home which
5 significantly impacts the adjacent property. At a minimum, he is required to obtain a Conditional Use
6 permit for the ongoing operation of the commercial business. He has been unresponsive to date and
7 the City Council is being asked to take action. He stated the Council can choose to direct the Sheriff
8 to ticket the property owner but that will not remedy the situation. City Attorney Vivian suggested he
9 send one more final cease and desist letter with a deadline to apply for a CUP. If there is no
10 compliance at that point the City can move forward and obtain a judgment.

11
12 Mr. John Warian, neighbor to Mr. Fabio, came forward and stated the continuing business on that site
13 keeps getting busier and busier. All pictures submitted were taken on one day and the activity takes
14 place seven days a week. It looks like there are employees there and commercial deliveries. It appears
15 to be a construction business that removes and rebuilds things and works on automobiles. There is
16 outside storage and assembly going on in the horse barn. The property owner has been there 7-8 years
17 and fill has been brought in the last five years that has raised the level of the land about six feet.

18
19 **Mayor Carr moved to proceed as the City Attorney recommended resulting in a meeting with**
20 **the City Attorney, Mr. Fabio and a Council Member within a 15 day time period to allow for a**
21 **response. Council Member Potter seconded the motion. Motion carried unanimously.**

22
23 Council Member Fogelson advised he would meet with the City Attorney and Mr. Fabio.

24
25 **Staff Report** – City Attorney Vivian reviewed the May staff report relating to legal activities.

26
27 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
28 May 2012 to be placed on file for review.

29
30 **NEW BUSINESS**

31
32 **City Assessor Contract Renewal, Council Member Potter** – Council Member Potter provided a
33 summary of the services performed and noted there is a contract for renewal with a break down of
34 the County costs if they provided the assessor services.

35
36 Mr. Todd Smith came forward and also provided a summary of services that are listed within the
37 contract. He proposed a new one year contract at \$10 per parcel for year 2012.

38
39 **Council Member Potter moved to renew the City Assessor Contract with the clarification of the**
40 **overall number of parcels within the City. Council Member Huber seconded the motion.**
41 **Motion carried with Mayor Carr voting nay.**

42
43 **Acceptance of 2011 Audit, City Treasurer Schwarze** – City Treasurer Schwarze advised that
44 everyone received the 2011 Audit. The audit has to be accepted and to the State by June 30. The

1 financial results were basically the same as discussed in December. She stated if the Council has any
2 specific questions relating to the audit she can answer them at the next meeting.

3
4 Council Member Fogelson asked if a better process has been looked at for improving the accounting
5 of the restricted funds and non-restricted funds.

6
7 City Treasurer Schwarze advised the City has always had it pool based, as that was an audit
8 recommendation made many years ago.

9
10 **Mayor Carr moved to accept the 2011 Audit as presented and send it to the State Auditor.**
11 **Council Member Potter seconded the motion. Motion carried unanimously.**

12
13 **Public Comment Relating to Non-Residents, Council Member Huber** – Council Member Huber
14 asked if the Council would like to consider all non-residents wishing to speak during public comment
15 be invited by a Council Member to allow for accountability. He stated he is not talking about banning
16 anyone from public comment. Everyone has seen what has happened in Maplewood and he does not
17 want that to happen.

18
19 **Council Member Huber moved to stipulate that any non-residents wishing to speak during**
20 **public comment be invited by the Mayor or a Council Member. Mayor Carr seconded the**
21 **motion.**

22
23 Council Member Huber stated he is not suggesting non-resident public comment be specifically on
24 the agenda but just invited by a Council Member.

25
26 Council Member Fogelson stated he does not want to limit anyone. The Mayor's two minute rules
27 tonight were good.

28
29 Council Member Bohnen stated the City should stick to the two minute rule.

30
31 Council Member Potter stated he would like to hear everyone during public comment.

32
33 Council Member Huber stated some residents are concerned that the City is importing others to
34 appeal for residents. He stated he does not want to limit anyone but does want them to be invited by a
35 Council Member.

36
37 City Attorney Vivian advised there are two means to control public comment that include limiting the
38 term and/or topic. The City can require speakers to notify the City a day in advance as well as the
39 specific topic to be addressed.

40
41 Council Member Huber stated he would withdraw the motion if the City intends to enforce the two
42 minute rule. Mayor Carr withdrew the second.

43
44 Council Member Bohnen stated that in all fairness to the Mayor, there should be a timer placed on the
45 table. When the timer runs out the speaker is done.

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2 The Council agreed a timer would be placed on the table during public comment.
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4
5 **Schedule Performance Review for City Clerk, Council Member Huber** – Council Member Huber
6 stated the City has conducted performance reviews on everyone but the Clerk. He asked to schedule
7 on for next month at 6:00 p.m. prior to the regular Council meeting.
8
9 The Council agreed and asked the Clerk to provide the job description, all duties, challenges and
10 improvements that can be made by the Council and Clerk in letter form. Comments from staff should
11 be included.
12
13 **Portable Restroom Rental from AirFresh Industries, Council Member Bohnen** – Council
14 Member Bohnen stated this subject came up when the current structure was knocked over as a \$400
15 deductible had to be paid. The quote is an opportunity to go with a local company. He stated he
16 would talk to the company directly and come back with a firmed up proposal.
17
18 **Performance Measures Program, City Treasurer Schwarze** – City Treasurer Schwarze presented
19 the program noting the benefits of participation as well as the disadvantages of participation.
20
21 The Council determined not to participate in the Performance Measures Program.
22
23 **Schedule City Council/Planning Commission Joint Work Session, Scott Fogelson** – Council
24 Member Fogelson stated there was a discussion with Chair Derosier regarding a joint work session to
25 clarify the Planning Commission duties. He stated the City Council is responsible for personnel
26 matters and it is not appropriate for the Planning Commission to discuss them. The Council needs to
27 make sure the right issues are being sent to the Planning Commission. A copy of the specific
28 Planning Commission ordinance was included in the packet for clarification.
29
30 Mayor Carr stated the Planning Commission addresses land use and zoning issues and any other
31 issues the Council may want them to review.
32
33 It was clarified by the Council that the Planner should be at meetings when there is an agenda item.
34 The Chair of the Planning Commission will decide on other consultants.
35
36 Mr. Terry Derosier, Chair of the Planning Commission, came forward and stated it would be
37 beneficial to be clear about staff at PC meetings. He stated he is open to a joint meeting and would
38 like clarification regarding the letter that was written, the process the PC is starting on reviewing
39 volunteer positions within the City, and who sets the agenda Planning Commission agenda.
40
41 City Treasurer Schwarze came forward and stated that historically, if the Planning Commission sees an
42 issue they send it to the Council to determine if the PC should work on it.
43
44 City Attorney Vivian reviewed the Planning Commission Ordinance and outlined their specific
45 duties.

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OLD BUSINESS

City Planner RFP, Council Member Potter – Council Member Potter advised the RFP has been revised and is ready to be sent out.

Council Member Potter moved to send out the City Planner Request for Proposals. Council Member Bohnen seconded the motion. Motion carried unanimously.

Website Items, Mayor Carr – Mayor Carr asked that the 2011 Audit be posted on the website.

Council Member Huber stated the Clerk has is now posting some documents on the website but can't just put anything and everything on it. If there are any questions she will defer to the Mayor. The Clerk is trained to put documents on the website but not complex items.

It was noted the City directory is not updated with the current City Planner.

DISCUSSION ITEMS

Public Comment Inquires, Mayor Carr – Mayor Carr asked if there were any responses to public comment.

Council Membe Potter asked if the City should be recording conversations at the City office.

The City Clerk stated there is a hostile environment at the City office and recording was a means to avoid further miscommunications between the Clerk and some residents.

Council Member Huber stated self protection is prudent and there is a pattern occuring at the City office.

Council Member Bohnen inquired about the hostile enviroment at the office and asked if it is legal to record conversations.

City Attorney Vivian stated the City does not have a policy regarding this issue. It is legal to record conversations. If the Clerk feels threatened and felt the need to record a conversation she can do so. There should not be a situation at the City office where harassment is occuring and the Sheriff could be called. He recommended everyone and all residents be respectful. It is the City's responsibility to make sure there is not a hostile work enviroment. The City may have to take action to ensure the work environment is not hostile.

Council Member Bohnen stated he does not want to see a tape recorder used again and asked what other methods could be used.

Council Member Huber stated the City should put actions together to make sure the harrassment stops. That issue can be discussed further at the performance review.

1
2 The Clerk stated it is the hope that it was an isolated incident and it should not have to happen again
3 if the Council as a whole would provide backup. If there was Council back up the situation would
4 never have reached that point.

5
6 **City Council Reports:** Council Member Fogelson advised the first emergency siren within the City
7 of Grant was installed today. He noted it will be tested tomorrow and he thanked everyone for getting
8 this project done.

9
10 **Staff Reports (any updates from Staff)** – The City Clerk noted the Council will need to schedule
11 budget meetings at the next Council meeting.

12
13 **COMMUNITY CALENDAR JUNE 6 THROUGH JUNE 30, 2012:**

14
15 **Planning Commission Meeting, Monday, June 18, 2012, Town Hall, 7:00 p.m.**

16
17 **ADJOURN**

18
19 **There being no further business, Council Member Potter moved to adjourn at 10:55 p.m.**
20 **Council Member Huber seconded the motion. Motion carried unanimously.**

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23 These minutes were considered and approved at the regular Council Meeting July 10, 2012.

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28 _____
29 Kim Points, City Clerk

30 _____
Tom Carr, Mayor