

**City of Grant  
City Council Agenda  
September 4, 2012**

*The regular monthly meeting of the Grant City Council will be called to order at 7:00 o'clock p.m. on Tuesday, September 4, 2012, in the Grant Town Hall, 8380 Kimbro Ave. for the purpose of conducting the business hereafter listed, and all accepted additions thereto.*

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF REGULAR AGENDA**
- 4. APPROVAL OF CONSENT AGENDA**
  - A. August 7, 2012 City Council Meeting Minutes**
  - B. Bill List, \$57,355.59**
  - C. Pearson Bros., Inc., 2012 Seal Coat, \$49,308.48**
- 5. PUBLIC COMMENT**
- 6. STAFF REPORTS**
  - A. City Engineer, Phil Olson**
    - i. Justin Trail Neighborhood Overlay Notification Process**
    - ii. Mahtomedi Elementary School Site**
    - iii. August Staff Report**
  - B. City Planner, Breanne Rothstein**
    - i. Masterman Lake Clear Cut Enforcement Issue**
    - ii. Complaint Protocol and Communications Process**
    - iii. August Staff Report**
  - C. City Attorney, Nick Vivian**
    - i. Data Practices Policy Revision**
    - ii. Ordinance No. 2012-27, Adjustment of Fee Schedule for Grading Permit Revision**
    - iii. Resolution No. 2012- 07, Summary Publication of Ordinance No. 2012 - 27**
    - iv. August Staff Report**
  - D. Building Inspector, Jack Kramer (report for August building activities)**
- 7. NEW BUSINESS**
  - A. Resolution No. 2012-08, 2013 Levy Certification, Sharon Schwarze**

B. Resolution No. 2012-09, 2013 Preliminary Budget, Sharon Schwarze

C. Charter Form of Government, Jack Smith

D. Performance Review for Planning Commissioner Larry Lanoux, Loren Sederstrom and Bill David

8. OLD BUSINESS

A. May 21, 2012 Planning Commission Minutes, Mayor Carr

9. DISCUSSION ITEMS

A. Public Comment Inquires, Mayor Carr

B. City Council Reports (any updates from Council)

C. Staff Reports (any updates from Staff)

10. COMMUNITY CALENDAR SEPTEMBER 5 THROUGH 30, 2012:

Planning Commission Meeting, Monday, September 17, 2012, Town Hall, 7:00 p.m.

11. ADJOURNMENT

**ADDRESSING THE CITY COUNCIL**

Persons wishing to address the Council on a subject which appears on the agenda must wait until the item is discussed by the Council. The procedure for consideration of an agenda item is (1) staff presentation; (2) presentations by petitioner or advisory bodies (if required); (3) Council motion and seconded to place the matter on the floor; (4) Council questions of staff and/or advisory body reports and discussion; (5) presentations from the audience; and (6) Council decision.

**Guidelines for Conduct at the City of Grant City Council Meetings**  
**(Per 2007 Meeting Agendas)**

The City of Grant welcomes the public to attend all public meetings, workshops, and hearings and you are encouraged to express your opinion during these meetings. To keep the agenda moving smoothly, the City uses the following basic guidelines for presentations made before the Council:

1. Public comment will be addressed as time allows and individuals must be recognized by the Mayor prior to making comment
2. Any individual addressing the Council will approach the microphone and clearly state both their name and address.
3. Comments shall be addressed to the City Council only and shall be confined to the agenda item under discussion.

4. **Comments and reading of written statements shall be limited to 2 minutes and speakers will not be recognized to speak again until everyone who wishes to address the City Council has been heard. You are encouraged not to be repetitious of comments made by any previous speakers.**
5. **The number of individual presentations may be limited by the City Council to accommodate the scheduled agenda items.**
6. **Speakers shall respect the dignity of others being addressed directly or indirectly.**

Date range: 08/26/2012 to 08/27/2012

Vendor	Date	Check #	Total	Description	Void	Account #	Detail
Maureen Mullaley	08/27/2012	11811	\$216.37	Election Judge	No	100-41301-100	\$216.37
Joyce Welander	08/27/2012	11812	\$67.50	Election Judge	No	100-41301-100	\$67.50
Barbara Ramsden	08/27/2012	11813	\$67.50	Election Judge	No	100-41301-100	\$67.50
Hayet Abbassi	08/27/2012	11814	\$120.00	Election Judge	No	100-41301-100	\$120.00
Jerome Linser	08/27/2012	11815	\$127.50	Election Judge	No	100-41301-100	\$127.50
Cindy Nettekoven	08/27/2012	11816	\$71.25	Election Judge	No	100-41301-100	\$71.25
Edward Welsch	08/27/2012	11817	\$52.50	Election Judge	No	100-41301-100	\$52.50
James Christopher	08/27/2012	11818	\$67.50	Election Judge	No	100-41301-100	\$67.50
Michael Herbst	08/27/2012	11819	\$82.50	Election Judge	No	100-41301-100	\$82.50
Robert Tufty	08/27/2012	11820	\$75.00	Election Judge	No	100-41301-100	\$75.00
Barbara Christopherson	08/27/2012	11821	\$75.00	Election Judge	No	100-41301-100	\$75.00
Helen Bystrom	08/27/2012	11822	\$75.00	Election Judge	No	100-41301-100	\$75.00
Rebecca Stekmeier	08/27/2012	11823	\$75.00	Election Judge	No	100-41301-100	\$75.00
Smith Appraisal Service	08/27/2012	11824	\$5,432.50	1st Quarter Assessment Fees	No	100-41208-300	\$5,432.50
Dennis Heuer	08/27/2012	11825	\$674.88	Ballfield Maintenance/Mowing/Tax-Jul-Aug	No	100-41208-300	\$674.88
Sprint	08/27/2012	11826	\$30.67	City Cell Phone	No	100-43006-300	\$427.43
M.J. Raleigh Trucking	08/27/2012	11827	\$6,169.89	gravel	No	100-43009-300	\$247.45
Kilne Bros Excavating	08/27/2012	11828	\$10,212.50	Road Maintenance	No	100-43106-210	\$6,169.89
Brockman Blacktopping Co.	08/27/2012	11829	\$630.00	Roads/Pothole Repair	No	100-43101-300	\$2,312.50
Mike Perron	08/27/2012	11830	\$2,088.94	Brushing/Sales Use Tax	No	100-43111-300	\$6,900.00
David's Consulting	08/27/2012	11831	\$7,056.86	Roadside Services/Tax	No	100-43126-300	\$1,000.00
Press Publications	08/27/2012	11832	\$28.30	Accuvote Notice	No	100-43114-300	\$7,056.86

**City of Grant**

**Disbursements List**

08/27/2012

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Sheriff Reid Animal Control	08/27/2012	11833	\$90.00	Animal Control/Inw2012-4	No	100-42006-300	\$90.00
Croix Valley Inspector	08/27/2012	11834	\$4,851.88	Building Inspector	No	100-42004-300	\$4,851.88
Xcel Energy	08/27/2012	11835	\$178.53	Utilities	No	100-43004-381	\$98.42
						100-43010-381	\$10.11
						100-43117-381	\$70.00
Ken Roman	08/27/2012	11836	\$147.25	Video Services	No	100-41318-300	\$147.25
City of Willemie	08/27/2012	11837	\$2,842.04	Office Rent/Jan-June	No	100-41303-210	\$56.30
						100-41316-210	\$2,785.74
CenturyLink	08/27/2012	11838	\$166.78	City Phone	No	100-41309-321	\$166.78
Waste Management	08/27/2012	11839	\$4,347.38	Recycling	No	100-43011-384	\$4,347.38
On Site Sanitation	08/27/2012	11840	\$149.63	July	No	100-43007-210	\$149.63
Eckberg Lammers	08/27/2012	11841	\$3,396.67	Legal Services	No	100-41204-300	\$1,537.75
						100-41205-300	\$317.25
						100-41206-300	\$1,541.67
WSB & Associates	08/27/2012	11842	\$1,999.50	Engineering	No	100-41203-300	\$17.50
						100-41209-300	\$228.50
						100-43102-300	\$1,318.00
						100-43125-300	\$39.50
						809-49310-300	\$396.00
Ready Watt Electric	08/27/2012	11843	\$550.00	Siren Locate	No	100-41203-300	\$550.00
Pearson Bros., Inc.	08/27/2012	11844	\$49,308.48	2012 Sealcoating	No	100-43112-300	\$49,308.48
Payroll Period Ending 08/27/2012	08/27/2012	11845	\$3,448.37		No	100-41101-100	\$3,448.37
PERA	08/27/2012	11846	\$610.63	PERA	No	100-41102-120	\$327.93
						100-41113-100	\$282.70
IRS	08/27/2012	EFT26	\$1,079.77	Payroll Taxes August	No	100-41103-100	\$346.02
						100-41107-100	\$473.19
						100-41110-100	\$189.97
						100-41112-100	\$65.59

**Total For Selected Checks**

**\$106,664.07**

**\$106,664.07**

PEARSON BROS., INC.

11079 LAMONT AVE. N.E.  
HANOVER, MN 55341-4063

# Invoice

DATE	INVOICE NO.
8/3/2012	2759

BILL TO
WSB & ASSOCIATES, INC. 701 Xenia Avenue South Suite 300 Minneapolis, MN 55416

P.O. NO.	TERMS	PROJECT
	Due	

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
Crs-2	Bituminous Material For Seal Coat Project	9,780	3.15	30,807.00
Trap FA-2	FA-2 Trap Rock Chips For Seal Coat Project	333	55.56	18,501.48
	PROJECT: CITY OF GRANT			
Thank You For Your Business.			<b>Total</b>	\$49,308.48

Phone #	Fax #
(763) 391-6622	(763) 391-6627

CITY OF GRANT  
MINUTES

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**DATE** : May 1, 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; City Planner, Paul Hornby; and City Clerk, Kim Points

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:13 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**

- July 10, 2012, City Council Meeting Minutes Approved
- Bill List, \$47,501.72 Approved
- Washington County Sheriff's Department,  
Jan/June 2012, \$53,850.61 Approved
- Ready Watt Electric, \$18,551.37 Approved
- Resolution No. 2012-03, Notification to Political  
Candidates relating to Sign Regulations Approved
- Resolution No. 2012-06, Election Judges for  
Primary and General Election Approved

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

PUBLIC COMMENT

1  
2  
3 Council Member Bohnen suggested the Council determine how much time they are willing to  
4 contribute to public comment. He stated that as a Council he believes the Council should determine a  
5 time limit and at least allow three minutes. A sign can then be flashed when the time is up. Everyone  
6 here is being penalized when someone goes over the allotted time. He suggested the possibility of  
7 someone losing the privilege to speak during public comment at the next meeting if they do not sit  
8 down when asked to.

9  
10 Council Member Huber stated people should be able to talk at all meetings and he asked who would  
11 keep track of it if someone did lose the privilege to speak.

12  
13 Council Member Potter advised he does support citizens talking with no time limit if what is being  
14 said is of value and looks to the Mayor to determine that, with Council support.

15  
16 Mayor Carr suggested there not be any penalties tonight and everyone can speak for two minutes.

17  
18 Council Member Bohnen stated the Council should determine an allotted time so they have an idea if  
19 people can speak more than once.

20 Mr. Bob Tufty, Jasmine Avenue, came forward and stated that as a member of the Planning  
21 Commission, he is appalled that there are members of the PC that come to the Council meetings and  
22 praise the Road Commission for going against the City's current road policy. The Planning  
23 Commission is getting out of control and is being used as a political platform and political gain for  
24 the GRP. Slide shows were even shown at the last PC meeting and there is continuous slander of the  
25 School District. This happens at every meeting and there could be a huge cost to the City and citizens  
26 for this type of activity.

27 Mr. Bob Engelhart, Joliet Avenue, came forward and stated he has attended all the Planning  
28 Commission meetings and he doesn't know what Mr. Tufty is talking about. The school items that  
29 have been discussed have come from outside of the Planning Commission.

30 Mr. John Smith, 67<sup>th</sup> Lane, came forward and stated he has looked at his purchase agreement and  
31 property documents. There is nothing in them that relates to his road. He has no responsibility for the  
32 road. The question then is, who's responsibility is it? He stated he believes it is the City's  
33 responsibility. If the City takes responsibility then the City can start having some good dialogue on  
34 how to take care of them.

35 Mr. Mark Wojcik, 110<sup>th</sup> Street, came forward and stated he had wanted to address the Council on  
36 public comment but the Council has come to an agreement and he is happy about the change to public  
37 comment. He stated he serves on the Planning Commission with Mr. Tufty and he is proud to do so.  
38 Good things are coming out of the PC meetings and the PC has been a very positive experience as  
39 well as good for Grant. He stated he respectfully disagrees with Mr. Tufty and his comments relating  
40 to the Planning Commission.

41 Mr. Larry Lanoux, Keswick Avenue, came forward and stated he is running for Mayor and he would  
42 file tomorrow. The Tractor Parade is coming up and he challenged everyone and all neighborhoods to  
43 get involved. There is more and more participation in the parade every year. Because the parade is



1 growing, there are financial needs and he asked that the City be a sponsor and put dollars in the  
2 budget for next year. He announced the parade date is September 8, 2012.

3 Mr. Bill David, Keswick Avenue, came forward and stated he wants to file for City Council. He  
4 stated a meet and greet has been scheduled prior to the tractor parade. It will give citizens a change to  
5 talk to their City Council. He invited all of the Council and stated he would very much appreciate it if  
6 they were in attendance.

7 Mr. Smith came forward and stated it would be helpful if the City has some sort of Town Hall forum  
8 to allow citizens to sit down and talk about City issues with the City officials. It would be a great  
9 venue for all.

10 Mr. Loren Sederstrom, 9330 107<sup>th</sup> Street, came forward and stated his All About Grant show has clips  
11 from past parades as a means to get people to participate. He stated he is filing for City Council. He  
12 stated the Bellaire Site is a former super fund site that is noted on the State website. He stated he  
13 takes offense to someone calling him a liar. The school is not the issue as that is done. The issue is  
14 the site and we need to get legislation to keep our children safe. Twenty-nine other states have this  
15 type of legislations. According to Erin Brochovich, 30 students from a school in Tennessee gathered  
16 for a reunion and they all had the same type of brain cancer.

17 Mr. Joe Kiel, 11316 Jasmine, came forward and stated he has lived in Grant for 20 years and he has  
18 seen a lot of negative politics. He stated he would like to focus on something positive. Three  
19 Planning Commissioners are on the agenda this evening and it must be to receive an award. They  
20 lead through example and are positive for the City of Grant. He also thanked the Welander family for  
21 all they have done for the community.

22 Mr. Jerry Helander, Jasmine Avenue N, came forward and stated the City Council Members already  
23 spend a lot of time for the City of Grant. They are not obligated to attend civic events. It seems to be  
24 implied that if the Council does not attend events they are not a good citizen. He stated the Council  
25 does plenty already and he would not like to see the City sponsor any of these events.

26 Mr. Lanoux came forward and stated he disagrees with that. The 4H Club is no longer in Grant  
27 because the City does not support citizen involvement. Citizens have a right to meet Council  
28 Members.

### 29 30 STAFF REPORTS

#### 31 32 **City Engineer, Phil Olson**

33  
34 **Grading Permit Process**— City Engineer Olson provided an update from the Planning Commission  
35 meeting relating to the grading permit process. The main discussion has included making the grading  
36 permit process easier and reducing costs to that more residents apply for a permit. The Planning  
37 Commission has recommended that the City Council create a major and minor grading permit. The  
38 minor grading permit includes a \$150 fee and a staff level review by the building inspector. No  
39 escrow has been recommended. Engineering staff is available for questions from the building  
40 inspector if needed. The major grading permit is similar to the existing permit with the exception that  
41 it contains an escalating escrow based on the amount of grading work. He reviewed a table outlining

1 the recommended fees and escrow. The Planning Commission also recommended reviewing the fees  
2 after one year to determine if changes are needed.

3  
4 Mayor Carr asked if the building inspector would be paid to take care of the minor permits.

5  
6 Council member Huber stated 5-10 dump trucks of dirt are 50-100 cubic yards of material. The  
7 proposed fee of \$150 does not cover costs for the building inspector and administrative costs.

8  
9 Mayor Carr stated that five trucks of fill could create drainage issues and issues to wetlands. He  
10 asked who would be responsible for that and stated the building inspector should not be put in that  
11 position. The City Engineer has the expertise in this issue and engineering costs are more than the  
12 building inspector. The responsibility should be with engineering.

13  
14 Council Member Bohnen stated any wetland issues should determine the permit is a major permit and  
15 need an escrow.

16  
17 Mr. Mark Wojcik, Vice-Chair Planning Commission, came forward and stated the Planning  
18 Commission came to a consensus on this. It is something very basic and the building inspector can  
19 look at it and make a decision. The risk is very low. The PC worked on an average minor permit cost  
20 of \$100 and \$25 for administrative costs. If the fee has to be \$300 with an escrow we believed it is  
21 cost prohibitive for residents.

22  
23 Council Member Fogelson stated he likes the proposal but a statement regarding wetlands making it a  
24 major permit should be added.

25  
26 Council Member Huber stated he is concerned about putting too much on the building inspector.

27  
28 Council Member Potter stated the PC did a good job on this item and the Council did ask them to  
29 work on it.

30  
31 City Attorney Vivian advised the City has to adopt an ordinance to change the current fees. A draft  
32 ordinance will be brought to the next Council meeting.

33  
34 **Justin Trail Neighborhood Overlay Notification Process** – City Engineer Olson provided the  
35 background and reviewed the proposed changes discussed at the last Council meeting.

36  
37 City Treasurer Schwarze came forward and asked if the Council would be offering financing. The  
38 City has never done an overlay and policy needs to be set about that issue and something should be  
39 noted in the letter.

40  
41 Council Member Bohnen stated he would assume the City would offer financing for larger projects.

42  
43 Mayor Carr stated he believe the Road Policy states overlays are considered a major construction  
44 project and financing would be offered.

45

1 City Engineer Olson stated he would clarify that point and add a statement to the letter.

2  
3 City Treasurer Schwarze advised people also need to know if a project comes in under the projected  
4 costs if dollars will be refunded.

5  
6 City Engineer Olson stated the letter will be revised and brought back to the Council at the next  
7 meeting.

8  
9 City Attorney Vivian added his firm can provide bonding services at the regular hourly rate. He  
10 stated he just received an emergency phone call and he has to leave. He referred to the staff report  
11 advising the data practices procedure needs to be updated. The closed session that was on the agenda  
12 is going to be held in open session at the next Council meeting unless the Council would like to  
13 address it tonight. A special meeting could also be scheduled if the Council so chooses. The legal  
14 firm representing the School District has asked about the City's plan to address the outlined issue.  
15 The best way to deal with that is a performance review. He advised he will let the firm know that it  
16 will be discussed at the next Council meeting. He noted the City is not allowed to donate to  
17 charitable organizations. The City can provide funding for services.

18  
19 **Dry Hydrant** – City Engineer Olson advised it was previously mentioned that it is likely Irish  
20 Avenue has a statutory speed limit of 55 mph and the clear zone distance does not allow for a  
21 barricade to be installed between the road and the dry hydrant. As requested at the meeting, staff  
22 contacted Mn/Dot to determine if a speed study has been completed on Irish Avenue. At the time of  
23 this report Mn/Dot had not found a speed study on file but they are continuing to research. Assuming  
24 that a speed study has not been completed, the recommended option to protect the dry hydrant is the  
25 installation of a guardrail. Guardrail for this area would likely cost \$2000-\$3000. Another option  
26 may be to lower the dry hydrant to ground level and install a breakaway sign to make the dry hydrant  
27 location. Replacing the post is not recommended.

28  
29 Council Member Huber stated it would be nice if the pole could stay there. The hydrant can't be put  
30 at ground level.

31  
32 **School District Update** – City Engineer Olson reviewed all the comments and responses to those  
33 comments relating to the Mahtomedi Elementary School. It appears that the building site is in  
34 compliance with all rules and regulations.

35  
36 Council Member Huber stated there is confusion on this site as to the status with the Federal  
37 Government. He stated it was his understanding that the site never was a superfund site.

38  
39 City Engineer Olson advised the project managers did hire Braun for site testing. It was determined  
40 the site was safe for the proposed use. He advised he could look at the review and determine if it was  
41 a superfund site.

42  
43 Council Member Potter inquired about the City costs with staff looking at the environmental review.  
44

1 Council Member Bohnen, Fogelson, Huber and Mayor Carr stated the citizens do have a right to  
2 know and the City Engineer should get that information.

3  
4 **Staff Report** – City Engineer Olson reviewed the July staff report relating to engineering activities.  
5 He noted the sealcoat project is complete and all of Lansing Avenue was completed.

6  
7 **Interim City Planner, Paul Hornby**

8  
9 **Staff Report** – Interim City Planner Hornby reviewed the staff report noting the status of the Sprint  
10 CUP application, Harmony Horse Farm CUP application and the clear cutting that was done at  
11 Masterman Lake.

12  
13 **City Attorney, Nick Vivian**

14  
15 **Staff Report** – A report from City Attorney Vivian was provided for July 2012 to be placed on file  
16 for review.

17  
18 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
19 July 2012 to be placed on file for review.

20  
21 **NEW BUSINESS**

22  
23 **Appointment of City Planner, Council Member Potter** – Council Member Potter stated three  
24 planning firms have been interviewed for City planning services. He noted he would like full  
25 consensus from the Council on which firm to appoint and suggested options to reach that consensus.  
26 It was determined a motion should be made.

27  
28 **Council Member Potter moved to authorize the City Attorney to draft a contract for planning**  
29 **services to be provided by WSB. Council Member Fogelson seconded the motion. Motion**  
30 **carried unanimously.**

31  
32 **Clerk Salary Adjustment, Council Member Huber** – Council Member Huber suggested a 3% raise  
33 be approved for the City Clerk, retroactive to January 1, 2012. He stated he also discussed the idea of  
34 changing the clerk's wage to salary for the purpose of streamlining and the saving of time. It may be  
35 best not to do that now.

36  
37 **Council Member Huber moved to approve a 3% (.66) raise for the City Clerk. Mayor Carr**  
38 **seconded the motion.**

39  
40 **Council Member Fogelson made a friendly amendment to the motion to include the raise is**  
41 **retractive to January 1, 2012. Council Member Huber and Mayor Carr agreed to the friendly**  
42 **amendment.**

43 Council Member Potter stated he is in favor of a raise but not making it retroactive as he is not sure  
44 what the budget will allow for. He had anticipated a raise beginning at the next pay cycle and does  
45 endorse that.

1  
2 City Treasurer Schwarze advised a 3% raise was included in the 2012 and 2013 budget.

3  
4 **Motion carried with Council Member Potter voting nay.**

5  
6 **Reappointment of Mr. Rick Vanzwol, Brown's Creek Watershed District, Mayor Carr** – Mayor  
7 Carr advised Mr. Vanzwol is up for reappointment with the Brown's Creek Watershed District.

8  
9 **Mayor Carr moved to endorse Mr. Rick Vanzwol for reappointment to the Brown's Creek**  
10 **Watershed District. Council Member Huber seconded the motion. Motion carried**  
11 **unanimously.**

12  
13 **Estimate of Services from Countryman Electric, Mayor Carr** – Mayor Carr referred to the  
14 estimated services to separate the ground wires in the basement of Town Hall.

15  
16 **Council Member Fogelson moved to approve the bid from Countryman Electric, as presented.**  
17 **Mayor Carr seconded the motion. Motion carried unanimously.**

18  
19 **Schedule Additional 2013 Budget Meeting, Mayor Carr** – City Treasurer Schwarze provided a  
20 summary of the recent 2013 Budget meeting as well as the project 2012 actuals.

21  
22 Mayor Carr stated the City may have some extra dollars within the 2012 budget. He asked the  
23 Council to think about spending some of that for some extra projects and think about what those  
24 projects may be prior to the next budget meeting.

25  
26 City Treasurer Schwarze pointed out that the increase in the proposed 2013 budget is equal to \$4.50  
27 per household.

28  
29 Mayor Carr requested that the budget forms match the chart of accounts and CTAS. He noted the  
30 City Treasurer and Clerk are working on that.

31  
32 The Council scheduled an additional budget meeting on Tuesday, September 4, 2012 at 6:00 p.m.,  
33 prior to the regular Council meeting.

34  
35 **May 21, 2012 Planning Commission Minutes, Mayor Carr** – Mayor Carr stated the Planning  
36 Commission did not approve minutes from their own meeting and he really doesn't understand that.  
37 The minutes need to be amended and approved.

38  
39 Commissioner Wojcik came forward and that the meeting in question was not video taped. There  
40 were several people there include representatives from watershed districts. He stated he did go to the  
41 City office and work with the City Clerk on revising them. The minutes were then rehashed at the  
42 next meeting. If there are legal issues with the draft minutes the PC will have to approve them.  
43 Council Member Potter suggested the minutes reflect only the actions taken and then be approved.

44  
45 Council Member Huber asked what is wrong with the minutes and why they can't be approved.

1  
2 Commissioner Wojcik stated he and the Clerk had a good meeting and he thought the minutes were  
3 going to be approved. The Planning Commission can go back and approve. The only issue was that  
4 the full discussion was not captured by the minutes , audior or video.

5  
6 Council Member Potter stated the Planning Commission needs to be asked to revisit the minutes and  
7 challenged them to go through them and approve them.

8  
9 **OLD BUSINESS**

10  
11 **Complaint Protocol and Communication Process, Planning Commission** – Mayor Carr referred to  
12 the draft policy that was in the packets for review by the Council.

13  
14 Council Member Potter stated he would endorse the policy as it is and stated he is glad the Planning  
15 Commission worked on this.

16  
17 Mayor Carr commented on the draft policy and questioned other agencies complaints and how they  
18 are handled. He asked who gets paid to make the phone calls and stated a time frame relating to  
19 inspections should not be included so the City is not boxed in.

20  
21 Council Member Bohnen stated the “five” days should be taken out of the document and complaints  
22 coming directly to the Planning Commission or City Council should be removed from the document.

23  
24 Council Member Potter stated he prefers written complaints but sometimes they can be handled at the  
25 Council level.

26  
27 Council Member Huber stated the PC did make a lot of changes. He would like clarification on the  
28 statement relating to “staff may also report complaints”.

29  
30 Mayor Carr asked about the process of phone calls always being made first.

31  
32 Commissioner Wojcik explained the proposed changes to the draft noting phone calls should be made  
33 when possible.

34  
35 Council Member Bohnen stated there are many different types of complaints and the document needs  
36 to provide for flexibility. He stated it may be beneficial to look at different types of complaints.

37  
38 **Website Items, Mayor Carr** – No website issues were addressed.

39  
40  
41 **DISCUSSION ITEMS**

42  
43 **Public Comment Inquires, Mayor Carr** – Council Member Bohnen suggested a discussion  
44 reglating to a Charter Commission be put on the September Council agenda.

45

1 **City Council Reports** – Council Member Fogelson stated he needs articles for the newsletter by  
2 August 15. Due to the election this year, he would like the newsletter approved by the Council at the  
3 September meeting and then be sent to the printer.

4  
5 Council Member Potter requested the Tractor Parade information be posted on the City website. He  
6 provided an update on the sign replacement project noting the replacement of signs will begin shortly.  
7 A map is being obtained and then the signs will be ordered.

8  
9 Council Member Bohnen explained the ditch mowing process noting it is also good for small scrub  
10 brush, leaves and sticks. It is a very efficient process but messy and doesn't always look nice. The  
11 contractor does follow up and remove the larger chunks of material.

12  
13 Mr. Bill David, Keswick Avenue, came forward and stated it is a very ugly process but there is a  
14 liability issue. The current process is very cost effective.

15  
16 Ms. Tina Lobin came forward and stated it was done by her property. She stated she would have  
17 liked to be informed that it was being done because she trims the trees herself. The truck itself also  
18 left large oil spills everywhere.

19  
20 Mayor Carr stated notification has been a problem in the past.

21  
22 Council Member Bohnen suggested the idea of the City purchasing a couple of signs to inform  
23 residents of the work.

24  
25 **Staff Reports (any updates from Staff)** – There were no updates from staff.

26  
27 **COMMUNITY CALENDAR AUGUST 8 THROUGH AUGUST 31, 2012:**

28  
29 **Planning Commission Meeting, Monday, August 20, 2012, Town Hall, 7:00 p.m.**

30  
31 **CLOSED SESSION FOR THE PURPOSE OF EVALUATING PERSON SUBJECT TO THE**  
32 **CITY COUNCIL'S AUTHORITY PURSUANT TO MINN.STAT.13D.05 SUBD. 3 (a),**  
33 **INCLUDING THE FOLLOWING INDIVIDUALS:**

34  
35 **Planning Commissioner Larry Lanoux, Planning Commissioner Loren Sederstrom, Planning**  
36 **Commissioner Bill David** – It was determined this item will be held in open session at the September  
37 2012 City Council meeting.

38  
39 **REVIEW CLOSED SESSION DISCUSSION ITEMS** - This item was tabled to the September  
40 2012 City Council meeting.

41  
42 **ADJOURN**

43  
44 **There being no further business, Council Member Potter moved to adjourn at 10:03 p.m.**  
45 **Council Member Huber seconded the motion. Motion carried unanimously.**

1  
2  
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9  
10

These minutes were considered and approved at the regular Council Meeting September 4, 2012.

---

Kim Points, City Clerk

---

Tom Carr, Mayor





**To:** *Phil Olson, WSB & Associates*

**From:** *Andi Moffatt, WSB & Associates*

**Date:** *August 23, 2012*

**Re:** *Bellaire Transfer Station #2, Grant, MN  
WSB Project No. 1936-00*

---

As requested, we have reviewed the current and past status of the Bellaire Transfer Station #2 in the City of Grant related to whether or not it was listed as a Superfund site. Information from the EPA and the PCA was reviewed. Based on this review, we offer the following information.

- The site is not currently listed as a Superfund site.
- The site was not historically listed as a Superfund site. It was previously placed on the CERCLIS list. The CERCLIS list is a database to track activities under the Superfund program. Being placed on the CERCLIS list does not mean that a site is a Superfund site. Three options exist for sites that are on the CERCLIS list. They can either be determined that a) no further action is needed, b) sampling is needed, or c) that emergency removal of the contamination is needed. The site subsequently entered into the MPCA Volunteer Investigation and Cleanup (VIC) Program and was ultimately removed from the CERCLIS list because of the actions the site underwent through the VIC program.

Based on this review, the site was never listed as a Superfund site. If you have questions, please call me at 763-287-7196.

## *Memorandum*

**To:** *Honorable Mayor and City Council, City of Grant  
Kim Points, City of Grant*

**From:** *Phil Olson, PE, City Engineer  
WSB & Associates, Inc.*

**Date:** *August 28, 2012*

**Re:** *September Staff Report - Engineering*

### **A. Agenda Items**

- i. **Justen Trail Overlay Memo:** At the last several meetings, Council discussed a memo to notify residents on Justen Trail that their roadway is a potential candidate for an overlay. Council also discussed the possibility of offering financing to the property owners through assessments. Staff is reviewing the City's existing policies to determine if any policy changes are needed prior to offering financing. An update on the current policies will be provided at the Council meeting.

**Action:** Discussion.

- ii. **Mahtomedi Elementary School:** At the last city council meeting, staff was asked to research if the school site is currently or ever has been designated a Superfund site. A memo from WSB is attached with this information. References for the memo are the EPA and PCA.

**Action:** Discussion Only. No action required.

iii. **Staff Report/Council Update:**

- a. **2012 Seal Coat Project:** The seal coat project is complete. It is recommended to pay \$49,308.48 to Person Brothers for their work with this project. This amount is included in the bill list this month.
- b. **Newsletter Article:** An article on storm water runoff was provided to Scott Fogelson for the fall newsletter. Publication of this article fulfills one of the MS4 permit requirements.
- c. **Sign Inventory Map:** A detailed map was created to assist the City with the replacement of signs. The map contains a picture of the sign type, the replacement priority, a picture of the sign, and the condition of the post.

If you have any questions, please contact me at 763-512-5245.

## CITY of GRANT COMPLAINT POLICY

1. **COMPLAINT-** a written letter from an individual, group, or governmental agency stating that they have a complaint or that they are making the City of Grant aware of a situation must be submitted to the Clerk at the City of Grant offices through hand delivery, postal mail or e-mail. This letter must include complainants name, address and phone number and must be signed. All complaints must be submitted in writing. Staff may also report complaints.
2. **INSPECTION:**  
Appropriate staff visits the property if needed, to conduct an inspection to verify that there is an actual violation. If there is a violation, notification is given.
3. **NOTIFICATION:**  
The Grant City staff contacts the people or entities involved in the complaint or situation and explains the problem and how to resolve it. This first contact will be attempted by telephone if the phone numbers are available and followed up with a letter by postal mail to the property owner and the other parties involved including the tenant if applicable. The owner/tenant will be given a period of time "correction window" determined by appropriate staff to resolve the violation.
4. **RE-INSPECTION:**  
After the expiration of the correction window, City staff will re-inspect the property. If the violation is resolved, the case is closed the owner/tenant will be informed that another complaint within a year may result in a citation or other action. If violation still exists, final notice will be given.
5. **FINAL NOTICE:** The property owner /tenant will again be notified of the problem and what must be done to resolve it. First by telephone if available and followed up with a postal letter. The owner/tenant is given a second correction window to resolve it before the City takes action.
6. **CITY ACTION:** If the violation remains unresolved after the second correction window, the City may initiate the legal process.
7. **REOCCURANCE :** If substantially the same violation happens again within one year, the City of Grant may take appropriate actions as directed by the Grant City Council.



## Memorandum

**To:** *Honorable Mayor and City Council, City of Grant  
Kim Points, City of Grant*

**From:** *Breanne Rothstein, Planner  
WSB & Associates, Inc.*

**Date:** *August 27, 2012*

**Re:** *September Staff Report - Planning*

A. Introduction of Breanne Rothstein

B. Code Enforcement Actions

There are two pending code enforcement actions city staff is currently analyzing.

*#1-Harmony Horse Farm-occupancy of an accessory structure.*

The property owner submitted a CUP application, but based on staff's recommendation for denial, they withdrew their application. Staff has been in continual communication with the applicant, but the applicant has not expressed a plan for remedying the code violation. Therefore, a follow-up letter of violation is in order and will be sent by staff.

*#2-Clearcutting of the property at 9007 Joilet Ave.*

The owner of the property at 9007 Joliet Ave has cut a significant portion of his lot (in which a building permit is pending). Since this is in the shoreland overlay district for Masterman Lake, the owner must re-establish the lot, or face a code enforcement violation. Staff has initiated the complaint process with a phone call, and expects a re-establishment/replanting plan soon. Staff will follow up with a formal letter of violation.

C. Sprint CUP Application- 11400 Julianne Av-Tower Modifications

Staff has reviewed the application from Sprint to make some improvements to their tower, and determined that an amendment to their CUP was not needed, but that additional information was needed in the review of their building permit. The applicant has submitted some of the information requested, and staff is working with them to process their building permit.

D. Complaint Policy

The Planning Commission has been working on formalizing the code enforcement complaint policy. A copy of the most recent version, addressing the Council's comments, is attached for your review and approval. The most significant change since the Council last saw the proposed policy is that the Planning Commission has removed

specific timelines for action, allowing staff to set these deadlines. Other minor changes were made as well.

If you have any questions, please contact me at 763-231-4863.

**RESOLUTION APPOINTING A RESPONSIBLE AUTHORITY UNDER THE  
MINNESOTA DATA PRACTICES ACT AND ASSIGNED DUTIES**

The Grant City Council resolves as follows:

**WHEREAS**, Minnesota Statutes, Section 13.02, Subdivision 16, as amended, requires the City of Grant appoint one person as the Responsible authority to administer the requirements for collection, storage, use and dissemination of data on individuals, within the City, and

**WHEREAS**, the Grant City Council shares the Legislature's concern on the responsible use of all City data and desires to satisfy this concern by immediately appointing an administratively qualified Responsible Authority as required under the statute.

**RESOLVED**, that the Grant City Council appoints Kim Points, Grant City Clerk, as the Responsible Authority to meet all requirements of the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, and the rules promulgated by the Commissioner of Administration or its successor.

**FURTHER RESOLVED**, that upon request, the Responsible Authority shall permit a person to inspect and copy public government data at reasonable times and places and inform the person of the data's meaning.

**FURTHER RESOLVED**, that the Responsible Authority shall not assess a charge or fee for mere access to or inspection of public data or for the cost of retrieving and compiling documents for inspection.

**FURTHER RESOLVED**, that the Responsible Authority may assess a charge in accordance with Minn. Stat. §13.03, Subd. 3(c), if a person requests copies or electronic transmittal of the data to the person, reflecting the actual costs of searching for, and retrieving government data, including the costs of employee time, and for making, certifying, and electronically transmitting the copies of the data, or the data, but may not charge for separating public from non-public data.

**BE IT FURTHER RESOLVED, THE CITY OF GRANT ADOPTS THE FOLLOWING  
PROCEDURES TO OBTAIN CITY OF GRANT RECORDS:**

The general public shall have access to the City of Grant records that are not considered private data and may retrieve information in the following ways.

1. Request information to be viewed at City Hall during regular office hours at 111 Wildwood Road, Willernie, Minnesota, 55090.
2. Request specific information in written form to the Office of the City Clerk, 111 Wildwood Road, Willernie, Minnesota, 55090.

3. View public documents that have been scanned by going to the City of Grant's website:  
<http://cityofgrant.com>

Adopted this 4<sup>th</sup> day of August, 2012.

CITY OF GRANT

---

By: Tom Carr  
Its: Mayor

ATTEST:

---

By: Kim Points  
Its: City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY OF GRANT'S FEE SCHEDULE

The City Council of Grant ordains:

Section 1. Ordinance 2012-6 establishes the City's Fee Schedule for Fees, Charges and Escrows Required by the City of Grant.

Section 2. **Amendment.** The City's Fee schedule shall be amended to include Fees, Charges and Escrows related to the City's Grading and Filling Permit. The following Fees, Charges and Escrows shall be required upon making application for a Grading and Filling Permit in the City of Grant:

- Minor Grading Permit (Staff Review)
  - o 50 CY – 100 CY.....\$150
  - o Escrow (Site Restoration) .....None
  
- Major Grading Permit (City Engineer)
  - o 100 CY – 1,000 CY.....\$300
  - o 1,000 CY – 5,000 CY.....\$300 + [\$0.05(X CY – 1,000 CY)]
  - o Escrow (Site Restoration): 100 – 499 CY .....\$1000
  - o Escrow (Site Restoration): 500 – 999 CY .....\$2000
  - o Escrow (Site Restoration): 1000 – 5000 CY .....\$3000

Section 3. **Penalty.** Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 90 days, or both, plus, in either case, the costs of prosecution. (This is the standard penalty clause and provides for the maximum penalty authorized by law for a misdemeanor violation of a city ordinance.)

Section 4. **Effective date.** This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Grant on September 4, 2012.

Approved:

\_\_\_\_\_  
By: Tom Carr  
Its: Mayor

Attested:

\_\_\_\_\_  
By: Kim Points  
Its: City Clerk



**CITY OF GRANT  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2012-07**

**A RESOLUTION OF THE CITY OF GRANT, WASHINGTON COUNTY,  
MINNESOTA, PROVIDING FOR THE SUMMARY PUBLICATION OF  
ORDINANCE NO. 2012-27 AN ORDINANCE ESTABLISHING A FEE  
SCHEDULE FOR THE CITY OF GRANT, MINNESOTA**

WHEREAS, On September 4, 2012, at a Regular Meeting of the Grant City Council, by majority vote, the City Council adopted Ordinance No. 2012-27 which establishes the fee schedule for 2012 for the City of Grant; and

WHEREAS, State law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, the City Council for the City of Grant has determined that publication of the title and a summary of Ordinance No. 2012-27 would clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, the City Council for the City of Grant has reviewed the summary of Ordinance No. 2012-27 attached and incorporated herein as **Exhibit A**; and

WHEREAS, the City Council for the City of Grant has determined that the text of the summary clearly informs the public of the intent and effect of Ordinance No. 2012-27.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Grant hereby:

1. Approves the text of the summary of Ordinance No. 2012-27 attached as **Exhibit A**.
2. Directs the City Clerk to post a copy of the entire text of Ordinance No. 2012-27 in all public locations designated by the City Council.
3. Directs the City Clerk to publish the summary in the City's legal newspaper within ten days.
4. Directs the City Clerk to file the executed Ordinance upon the books and records of the City along with proof of publication.

Dated this 4<sup>th</sup> day of September, 2012.

\_\_\_\_\_  
Tom Carr, Mayor

ATTEST:

**Ordinance Summary**

**Ordinance No. 2012-27**

**AN ORDINANCE ESTABLISHING A FEE SCHEDULE  
FOR THE CITY OF GRANT, MINNESOTA**

On September 4, 2012 the City of Grant adopted an ordinance amending its annual fee schedule (the "Ordinance"). The Ordinance restated the fee schedule for 2012, amending the Grading Permit Fee and Escrow requirements.

A printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk or by standard or electronic mail.

**ECKBERG LAMMERS**  
**MEMORANDUM**

---

**TO:** Honorable Mayor and City Council Members

**FROM:** Nicholas J. Vivian, City Attorney

**DATE:** August 27, 2012

**RE:** Staff Report for September City Council Meeting

Please be advised that our office is presently working on the following matters on behalf of the City of Grant:

**Potentially Dangerous Dog Hearing**

On August 6, 2012, the Washington County Sheriff's Department issued a Potentially Dangerous Dog Declaration to Phyllis Madline of 8949 68<sup>th</sup> Street, Grant. The Declaration is attached for your review. By law, Ms. Madline had the right to appeal the Declaration. The Declaration was appealed. State law required that a hearing be conducted in front of an impartial City employee or City-appointed officer. The City retained the services of Attorney John Magnuson to conduct the hearing at a rate of \$100 per hour. The hearing was conducted on August 21 and Attorney Magnuson has 10 days from that date to issue his findings. If the Declaration is upheld, Ms. Madline will be responsible for the City's expenses up to \$1,000 and her dog will be under strict obligations imposed by Minn. Stat. 347.51, 347.515 and 347.52.

**Minnesota Government Data Practices Policy**

In the last several months, the City has responded to four separate data practices requests. While there is an established process for dealing with these requests, the City's most recent Resolution outlining the process for addressing the requests currently exists in the form of Resolution No. 1996-03 and was adopted when the City was still a Township under the jurisdiction of the County. It is my recommendation that the process be updated to incorporate the current mandates of the Minnesota Government Data Practices Act. This will provide the City Clerk, the City's responsibility authority, and future Clerks / Councils with better direction as to the processing of these requests. A draft Resolution is attached for your review and consideration.

### **Grading and Filling Permit Fees**

In August, the City Council supported the adoption of a revised fee schedule for grading and filling permits. A draft Ordinance revising the Fee Schedule incorporating the new fee structure is attached for the City Council's review and consideration.

### **Timothy Nelson v. City of Grant**

Litigation has been commenced against the City of Grant alleging a violation of the Minnesota Governmental Data Practices Act. Defense of the litigation has been tendered to the League of Minnesota Cities. Jason Kuboushek of Iverson Reuvers is representing the City on the matter. The matter is currently in discovery. Depositions have been scheduled for September. Our office is assisting in producing documents and responding to various discovery requests.

### **Zoning Enforcement – Frank Fabio – 6510 Jocelyn Avenue N.**

This file is under review. Staff provided Mr. Fabio with 30 days to relocate his business office away from his residence. Staff is following up with Attorney Karl Yeager to obtain an update regarding the relocation of business operations. Counsel for the adjacent property owners has inquired as to the status of the zoning complaint. She has been advised that a CUP will not be required so long as the operating address for Frank Fabio Construction is moved to a location other than the home. She has also raised concerns regarding fill on the property. She has been asked to provide specific facts and details regarding the concerns.

### **Mahtomedi School Matters**

In July, I received a letter from Attorney Peter Coyle regarding concerns raised by the Mahtomedi School District over actions taken by certain members of the City's Planning Commission. The letter was forwarded to the Council along with confidential correspondence. After forwarding the correspondence, I spoke with Mayor Carr and Councilmember Bohnen. The result will be a performance evaluation of Planning Commissioner's Larry Lanoux, Loren Sederstrom and Bill David at the September City Council Meeting. The evaluation will take place in open session as the result of a request from Mr. Lanoux, Mr. Sederstrom and Mr. David. State law requires the evaluation be conducted in open session when such a request is made.

### **Zoning Matters**

During the month of August, we conferred with the City Planner on zoning matters which do not require Council action at this time. To the extent Council action is required, the matters will be presented to the City Council for formal consideration.

Please call with any comments or questions.

## City Council Report for August 2012

To: Honorable Mayor & City Council Members

From: Jack Kramer Building Official

### Zoning Enforcement:

1. Harmony Horse Farms at Victoria Station 9250 Dellwood Rd. N. Violation of Conditional Use Permit and Building & Fire Codes.

a. The City planner is reviewing the application to amend the conditional use permit.

2. Mr. Steve LeVahn 9007 Joliet Ave. N. Violation of the City of Grant Zoning Ordinance Section 32-348 Vegetative Cutting (A) Clear Cutting.

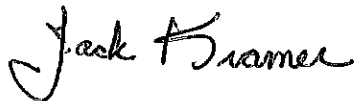
a. The city planner is reviewing the ordinance violation and will have additional information regarding the abatement of the violation. Currently the homeowner has installed soil & erosion control measures in the buffer zone and beyond.

Mr. LeVahn has hired a landscape designer and has been in contact with the soil & erosion control district.

### Building Permit Activity:

1. (16) Sixteen building permits were issued for this time period with a total valuation of \$ 1,242,563.00.

Respectfully submitted,



Jack Kramer

Building & Code Enforcement Official

Grant Master Form

2012-93	HVAC Permit	Mikkelsen	10833- 110th. St.	7/20/2012	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00
2012-94	Windows	Owens	11540=115th. St. N.	7/20/2012	\$ 6,240.00	\$ 139.25	\$ 104.43	\$ -	\$ 3.12
2012-95	Patio Door	Washburn	9694 -75th. St. N.	7/20/2012	\$ 2,828.00	\$ 83.25	\$ 62.43	\$ -	\$ 1.41
2012-96	Swim Pool	Lemke	10629 -83rd. St.N.	7/26/2012	\$ 40,000.00	\$ 543.25	\$ 407.43	\$ -	\$ 20.00
2012-97	Cell Antennas	Global Sig	11400 Julianne Ave. N	7/27/2012	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ 208.81	\$ 10.00
2012-98	Plumbing	Webster	11725 Irish Ave. N.	7/31/2012	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00
2012-99	Addition	Bettin	7711 lake elmo Ave.	8/1/2012	\$ 130,775.00	\$ 1,167.35	\$ 875.51	\$ 758.77	\$ 65.38
2012-100	Shed	Goebel	1225 Kelvin Ave. N.	8/2/2012	\$ 1,920.00	\$ 69.25	\$ 51.93	\$ 45.01	\$ 1.00
2012-101	HVAC Permit	Rog	9765 - 110th. St. N.	8/3/2012	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00
2012-102	Cell Tower	Global Sig	11400 Julianne Ave. N	8/6/2012	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ 240.93	\$ 10.00
2012-103	Garage	Gundersor	10695 -95th. St. N.	8/9/2012	\$ 20,000.00	\$ 321.25	\$ 240.93	\$ 208.81	\$ 10.00
2012-104	Demolition	DeWitt Hor	9411 Joliet Ave.N.	8/10/2012	\$ -	\$ 100.00	\$ 75.00	\$ -	\$ -
2012-105	House & Gar.	DeWitt Hor	9411 Joliet Ave. N.	8/11/2012	\$ 1,000,800.00	\$ 5,608.75	\$ 4,206.56	\$ 3,645.68	\$ 500.32
2012-106	HVAC Permit	Thanwald	9536 - 75th. St.N.	8/15/2012	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00
2012-107	HVAC Permit	Lewis	9360 -84th. St. N.	8/16/2012	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00
2012-108	HVAC Permit	Gutzman	9760-103rd. St. N.	8/16/2012	\$ -	\$ 80.00	\$ 60.00	\$ -	\$ 5.00
Monthly total					\$ 1,242,563.00	\$ 9,154.85	\$ 6,866.08	\$ 5,108.01	\$ 651.23

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2012-08**

**RESOLUTION ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR  
THE CITY'S GENERAL FUND AT \$965,245**

**WHEREAS**, the State of Minnesota requires the City to adopt a proposed, preliminary levy certification for its General Fund; and

**WHEREAS**, the City Council is required to adopt its 2013 Preliminary Levy Certification on or before September 15, 2012; and

**WHEREAS**, the City Council of the City of Grant wishes to comply with State law in this area;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, as follows:

1. Establish the 2013 General Fund Preliminary Levy's certification at \$965, 245

The motion for adopting the foregoing resolution was acted upon by motion and seconded, and upon a vote being taken thereon, the following voted via voice:

Council Member Bohnen, Scott Fogelson, Jeff Huber, Dan Potter, Mayor Tom Carr voting:

Whereupon, said resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Clerk, passed by the City Council, City of Grant, Washington County, Minnesota, on this 4th day of September, 2012.

---

Thomas Carr, Mayor

Attest:

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Kim Points, City Clerk



**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2012-09**

**RESOLUTION ADOPTING PRELIMINARY CITY BUDGET FOR 2013**

**WHEREAS**, the City of Grant established a preliminary certification of the City of Grant's levy at its September 4<sup>th</sup>, 2012 meeting; and

**WHEREAS**, the City of Grant is not required to and will not hold public hearings for the 2013 preliminary budget; and

**WHEREAS**, the City Council for the City of Grant wishes to establish its preliminary 2013 budget which must be certified to the Washington County Auditor/Treasurer by September 15, 2012;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, as follows:

**BE IT RESOLVED**, that the City Council of the City of Grant, Washington County, Minnesota hereby adopts a preliminary City budget for 2013 in the amount of \$1,178.618. The motion for adopting the foregoing resolution was acted upon by motion and seconded, and upon a vote being taken thereon, the following voted via voice:

Mayor Tom Carr  
Council Member Bohnen  
Council Member Fogelson  
Council Member Huber  
Council Member Potter

Whereupon, said resolution was declared duly passed and adopted and signed by the Mayor and attested by the City Clerk, passed by the City Council, City of Grant, Washington County, Minnesota, on this 4th day of September, 2012.

---

Thomas Carr, Mayor

---

Kim Points, City Clerk

**PART I**  
**FORM AND STRUCTURE OF THE MINNESOTA CITY**

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**CHAPTER 4: THE HOME RULE CHARTER CITY**

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# Chapter 4

## The home rule charter city

Minnesota's two basic types of cities are home rule charter cities (operating under a local charter) and statutory cities (operating under the statutory city code).

This chapter will examine the organization and general powers of the home rule charter city. The following topics will be discussed:

- I. Distinction between home rule cities and statutory cities
- II. The home rule charter
- III. General powers of a home rule charter city
- IV. Conflict between state laws and home rule charters
- V. How charter cities should use the Handbook

### I. Distinction between home rule cities and statutory cities

The major difference between home rule cities and statutory cities in Minnesota is the kind of enabling legislation from which they gain their authority. Statutory cities derive their powers from Chapter 412 of Minnesota Statutes. Home rule cities obtain their powers from a home rule charter. The distinction between home rule cities and statutory cities is one of organization and powers, and is not based on differences in population, size, location or any other physical feature.

Minn. Const. art. XII, § 4.  
Minn. Stat. §§ 410.04-410.33.

The Minnesota Constitution permits the Legislature to establish home rule charter cities, counties, and other units of local government. State law enacted under this constitutional authority authorizes cities to adopt home rule charters.

Home rule charter cities can exercise any powers in their locally adopted charters as long as they do not conflict with state laws. Conversely, charter provisions can specifically restrict the powers of a city. Consequently, voters in home rule cities have more control over their city's powers.

Minn. Stat. § 410.33.  
Minn. Stat. ch. 412.

State law provides that if a charter is silent on a matter that is addressed for statutory cities by Chapter 412 or other general law, and general law does not prohibit the city charter from addressing the matter or expressly provide that a city charter prevails over general law on the matter, then the home rule charter city can apply the general law on the matter.

Any city may adopt a home rule charter. Of the 853 cities in the state, 107 now operate under a voter-approved home rule charter.

## **A. Advantages of a home rule charter**

The home rule charter form of city government has advantages as well as disadvantages. Briefly, the advantages of home rule include the following:

- Every home rule charter city may have the form of government and the range of local powers and functions desired by city residents. Residents of the city draft the charter locally. The electors of the city adopt it. Changes that are needed in the local government can occur locally instead of waiting to propose a new law when the Legislature is in session.
- The entire home rule process educates the voters of the city. Some voters work on charter commissions. All voters must learn about the charter and amendments since they usually may vote on proposed changes.
- A city charter may cover many functions and procedures, or it may be as simple as the statutory city form of government. Subject to state law, a home rule city, unlike a statutory city, has the power to make changes to fit its own needs by amending its charter. If state law is silent on a subject, local citizens may assume powers for their city by including those powers in their charter. Likewise, citizens may include limitations that are more stringent than those in the general state laws. For example, several home rule charters contain tax and debt limitations.
- The cost of government under a city charter need not be greater or less than the cost of the statutory city form of government.
- A charter may provide for initiative and referendum, recall, and election of council members by wards.

## **B. Disadvantages of a home rule charter**

Disadvantages of home rule charters may include the following:

- The experiences of other cities concerning the application of a charter or of the statutory city law are of little direct help to the home rule charter city. For example, the Supreme Court or the attorney general can give a ruling concerning a statutory city that, in most instances, will be equally applicable to all other statutory cities in the state. Rulings affecting a home rule charter usually concern only those cities that have very similar charter provisions.
- Poor local drafting of the charter may be a problem. A city can minimize this potential difficulty by using model charters and relying on competent professional advice.

See League research  
memo *A Model Charter  
for Minnesota Cities*  
(100a.5).

A city should have only a few elective offices so voters will be able to intelligently cast their ballots. The charter should never ask voters to elect non-policy-making administrative officers. The city should have only a single body elected by voters to legislate and determine policies for the city. This single legislative body, the city council, should be composed of between five and nine members. Council members should hold office for fairly long terms, up to four years, in order to gain experience. State law mandates that most council terms be four years, although a two-year mayoral term is allowed.

If possible, the city should centralize responsibility for administration in one person: a chief administrative officer. All advisory boards should report directly to the city council.

## **D. Adopting and amending a home rule charter**

See League research memo *A Model Charter for Minnesota Cities* (100a.5).

See League website for further information on the Charter Assistance Service

One of the principle virtues of the home rule charter is that it allows each city to tailor its charter to its own individual needs and desires. Cities are encouraged to contact the League of Minnesota Cities Charter Assistance Program for model and sample charters, research memos, and advice that will assist in drafting, amending or adopting a charter.

## **E. The charter commission**

Minn. Stat. § 410.05, subd. 1.

There are three ways to appoint a charter commission:

- First, the district court, acting through the chief judge of the district in which the city lies, may appoint a charter commission. The court will probably not do this, however, until city residents or local civic organizations express some interest in the matter.
- Second, the court must make the appointment if it receives a petition signed by voters who constitute at least 10 percent of the number of voters who voted at the last city election. Smaller cities may find it easier to get the necessary number of signatures.
- Third, the council of any city may, by resolution, request the appointment of a charter commission. This action would require the district court to appoint commission members.

### **1. Appointment of commission members**

Minn. Stat. § 410.05, subd. 1.

The district court usually makes charter commission appointments. The only statutory qualification for members of charter commissions is that they be qualified voters of the city. Commission members may hold some other public office or employment except for a judicial office. City council members may serve on charter commissions. However, the city's charter may provide that members of the governing body cannot serve on the charter commission. Charter commission members may serve unlimited successive terms.

### 3. Functions of a charter commission

Minn. Stat. § 410.05, subd. 5.

Unless the charter commission of a statutory city determines that a home rule charter is not necessary or desirable and discharges itself by a vote of three-fourths of its members, the city is never legally without a charter commission. The commission's function is to continue to study the local charter and government. The commission is required by law to meet at least once each calendar year. In addition, the commission must meet upon presentation of a petition signed by at least 10 percent of registered voters, according to the last annual city election, or by resolution of a majority of the city council. Further, the commission must specifically convene to propose charter amendments upon presentation of a petition of at least 5 percent of the number of votes cast at the last state general election in the city.

Minn. Stat. § 410.05, subd. 4.

Minn. Stat. § 410.12, subd. 1.

Minn. Stat. § 410.12, subd. 1.

If voters reject the first charter proposed by a commission, the commission may continue to submit proposals until the voters finally adopt one. Thereafter, the commission may submit new charters or amendments to the old charter, whenever it sees fit.

The charter commission is like a standing constitutional convention. It has the power to propose charter changes at any time. If the city's charter does not work or proves to be faulty in operation, it is the commission's duty to propose improvements. It should, therefore, meet at regular intervals at least twice a year, and keep its organization intact should any emergency arise.

### 4. Drafting the charter

Minn. Stat. § 410.05, subd. 2.

Within 30 days after its appointment, the charter commission must make rules, including quorum requirements, on its operations and procedures. The commission must file an annual report of its activities with the chief judge on or before Dec. 31 of each year, and must send a copy of the report to the city clerk.

Minn. Stat. § 410.07.

In a city without a home rule charter, the new charter commission must deliver to the city clerk as soon as practicable, a report that states a home rule charter is not necessary or desirable, or the draft of a proposed charter. A majority of the members of the commission must sign the report or the charter draft.

Minn. Stat. § 410.06.

Drafting a city charter is a complex and difficult job that requires special skill. A charter commission may, subject to the dollar limitations contained in the law, employ an attorney and other personnel to assist in drafting a charter. Before getting too far along in the process, a charter commission should seek advice on what should be included in a charter and should also submit a draft to an impartial expert for final review.

Minn. Stat. § 410.10,  
subds. 1, 2.

The charter commission may recall its proposed charter at any time before the council has fixed a date for the election. The council may authorize the commission to recall the charter at any time prior to its first publication. The notice of election must include the complete charter. The notice must be published once a week for two successive weeks in the official newspaper and may also be published in any other legal newspaper in the city. In First Class cities, the publication must be made in a newspaper having a regular paid circulation of at least 25,000 copies.

**a. The charter campaign**

Charter commission members have differed in their views of the role of the charter commission and its members in the charter campaign. The law does not give the commission any responsibility after the charter has left the commission, nor does it set any restrictions. Some charter commissions have served as the principal sponsoring organization for the charter. Commission members have been responsible for publicity and have made public speeches on the charter's behalf.

In other cities, the commission as a whole has not been involved in the campaign, but sometimes individual members have participated. Because the statutes do not address the subject, what commission members do will depend on their perception of an appropriate role. Surely no other group is likely to know more about what the charter contains and why, and none is likely to be more interested in the outcome of the charter election.

No outsider can give much advice on how to campaign for adoption of the charter. Local conditions and the kind of opposition that might develop will determine the necessary community response. Overconfidence, however, frequently results in the defeat of a charter. The opposition is usually vocal and well organized. It is no easy task, especially at a general election, to get the necessary majority to vote in favor of the charter. Frankness and honesty about the contents of the charter can help to disarm opposition. Throughout its entire proceedings, the commission should inform the public of its actions.

A. G. Op. 442-A-20 (Jul. 18, 1927); A. G. Op. 442-A-20 (Jul. 10, 1952); A. G. Op. 476-B-2 (Apr. 29, 1954).

Charter commissions should keep in mind that expenditure of public funds to promote a particular election outcome may be questionable. While efforts to inform voters about the charter and to encourage voters to cast their ballot seem reasonable, a "vote yes" campaign brochure is more questionable. Campaign efforts by commission members in their role as private citizens seem acceptable, provided they do not claim to speak for the entire commission.



The officials elected and appointed under the charter may take control of the city's records, money, and property at any time specified by the charter. The charter may provide that until an election of officers occurs, the officers under the old charter will continue to function. When the new charter becomes fully operational, the re-organized city corporation is in all respects the legal successor of the corporation organized under the old charter or state law. Existing, consistent ordinances and contracts continue until the council changes them or they expire by their terms.

## F. Amendments to the charter

Minn. Stat. § 410.12.

Amendments may originate in one of five ways:

The charter commission may propose amendments at any time.

A.G. Op. 59a-11 (Dec. 30, 1981).

*Davies v. City of Minneapolis*, 316 N.W.2d 498 (Minn. 1981);  
*Hannant v. Griffin*, 699 N.W.2d 774 (Minn.App., 2005).

Minn. Stat. § 204B.071.

A number of registered voters, equal to 5 percent of the total votes cast at the last state general election in the city, may sign and file a petition with the charter commission. This percentage of voters cannot be changed by a provision in a charter. The petition must state the proposed amendment to the charter. The commission must submit the petition to popular vote. The amendment goes to the city clerk, who notifies the council. The council then provides for the election under the same rules that apply to a new charter. The council may not refuse to submit or change the amendment as long as it is constitutional. A city council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. The secretary of state is required to develop rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials.

Minn. Stat. § 410.12, subd. 5.

The city council may propose an amendment by ordinance subject to charter commission review. The council submits the ordinance proposing an amendment to the commission, which has 60 days for review. If the commission formally requests an extension, the council may extend this review period by an additional 90 days. After the review period, the commission returns the amendment or its own substitute amendment to the council. The council submits to the voters either the amendment it originally proposed or the commission's substitute amendment.

## 2. New or revised charter

Any city having a home rule charter may adopt a new or revised charter in the same manner as an original charter. If a new or completely revised charter is to go to the voters, the preparation of the ballot and other procedures are substantially the same as for the original charter.

## G. Abandoning a home rule charter

Minn. Const. art. XII, § 5.

Minn. Stat. § 410.30.

Any home rule city may abandon its charter and become a statutory city. Since the state was formed, only three cities—Jordan, Isanti, and Sauk Centre, all since 1989—have abandoned their charter form of government. These three cities are all now Plan A statutory cities. A city may abandon its charter by presenting a proposal, adopting it, and having it become effective in the same manner as a charter amendment. Accordingly, abandonment would require the approval of 51 percent of those voting on the question.

The proposal must include a schedule containing necessary provisions for transition to the statutory city form of government in order to place the city on a regular election schedule as soon as practicable. The proposal may provide for continuation of specified provisions of the home rule charter for an interim period, and must specify the plan under which the city will operate as a statutory city.

## III. General powers of a home rule charter city

Concerning the form of government of a home rule charter city see Minn. Stat. § 410.16 and Handbook Chapter 1.

See League research memo *A Model Charter for Minnesota Cities* (100a.5) Chpt. 1, sec. 1.02; and National Civic League's *Model City Charter, Eighth Edition* (2003) Art. 1, sec. 1.01.

*Park v. City of Duluth*, 134 Minn. 296, 159 N.W. 627 (1916); *State v. City of Duluth*, 134 Minn. 355, 159 N.W. 792 (1916); *City of Duluth v. Cerveny*, 218 Minn. 551, 16 N.W.2d 779 (1944).

A city charter should deal only with the fundamentals of the governmental organization of the city, leaving the council free to exercise a broad grant of authority by ordinance. Modern charters contain provisions that claim for the city all powers that the home rule provision of the Constitution permits a city to assume. Older charters contain a long list of specific grants giving various powers to the city. The strong statements of intent found in League and National Civic League model charters should be adequate to ensure that the omnibus grant gives the city all municipal power it might receive through more specific grants.

Minnesota Supreme Court decisions generally have given a liberal construction to all-powers grants in city charters. In addition to powers granted by the charter, various state statutes may give additional powers to a city and regulate certain activities. For example, authority for planning, police civil service commissions, and municipal forest maintenance is included in laws dealing specifically with these subjects.

## 2. Finance

See Handbook Chapter 21 on Budgeting and Chapter 22 on the Property Tax Levy.

The charter may, but does not need to, require a budget system. However, current truth-in-taxation laws require all cities to prepare a budget. The charter may regulate the payment of claims. The charter also may limit or broaden the purposes for which the city may spend money beyond the limits set for statutory cities. For example, a charter could allow appropriations to private agencies performing work of a public nature, while statutory cities probably could not. The law limits statutory cities in their issuance of warrants in anticipation of the collection of taxes. A charter may broaden or curtail this authority.

Minn. Stat. § 410.325.  
See Handbook Part VI.

Both statutory and home rule charter cities may use a system of anticipation certificates. A charter may lower the debt limit applicable to cities, but it may not raise the limit. A charter can restrict the purposes for which the city may issue bonds, and it can make the procedure easier or more difficult. The charter may authorize the city to borrow money directly from banks and other lending institutions, rather than issuing bonds or certificates.

## 3. Utility regulation

See Handbook, Chapter 12.  
Minn. Stat. § 410.09.

The Minnesota Public Utilities Commission and the Department of Commerce regulate the service and rates of private gas, electric and telephone utilities. Charters may require gas and electric franchises and may adopt regulations, including requirements for a gross earnings tax or similar fees. Strict limitations on the use of franchises, taxation, and fees for the use of public rights-of-way exist, whether or not a city has a charter.

## 4. Municipal utilities

Minn. Stat. § 412.321.

Statutory cities may establish electric, gas, light, and power utilities only after a vote by the people—regardless of the method of financing. A charter may provide for acquisition without a vote or may require a different majority from the majority necessary in statutory cities. A charter may give the right of condemnation without a time limit. A charter may also allow the city to use surplus utility funds to support general funds.

## 5. Ordinance procedure

Minn. Stat. § 412.191, subd. 4.  
Minn. Stat. § 410.20.

Statutory cities may pass an ordinance on a single reading at the same meeting that the ordinance first comes before the council. The ordinance must be published in full or in summary form in the local newspaper. Statutory cities may, but do not need to, require several readings and a lapse of time between readings. Charters may or may not provide for publication, and they may impose other restrictions on the ordinance process.

## 9. Special assessments

See Handbook Chapter 25.  
Minn. Const. art. X, § 1;  
Minn. Stat. ch. 429.  
Minn. Stat. § 429.111.  
Minn. Stat. § 429.021,  
subd. 3.  
Minn. Const. art. X, § 1.

Both statutory and home rule cities may finance almost any type of local public improvement by special assessments against benefited property under a uniform constitutional and statutory procedure. While most home rule cities follow state law, a city charter may provide a different procedure or authorize the council to adopt a different procedure and may require the city to use that method exclusively. A charter city, however, must conform to certain requirements of state law. The charter can require the city to use general funds or service charges rather than special assessments for local improvements. Any special assessments used must comply with the constitutional requirement that the amount of the special assessments cannot exceed the increased market value of the property as a result of the benefit due to the local improvement.

*Curiskis v. City of  
Minneapolis*, 729 N.W.2d  
655 (Minn.App.,2007).

Some charters with special assessment provisions that differ from state law authorize the city council to choose between utilizing the charter provisions or state law when imposing special assessments. A recent case has validated such charter provisions. However, when a city elects to use its charter provisions for a special assessment project, the charter provisions must be followed throughout the entire project. The city cannot later elect to use the state law provisions for the same special assessment project. Likewise, the city cannot commence a special assessment project under the procedure in state law and then later elect to utilize the charter procedure.

## 10. Real estate

See Handbook Chapters 14  
and 23.

Charter and statutory cities may acquire real estate that is needed for public purposes and the council can dispose of it when it is no longer needed. State law does not require bids and approval of the voters, but a charter may impose such restrictions.

## 11. Elections

Minn. Stat. § 205.02, subd.  
2.

Minn. Stat. § 205.07, subd.  
1.

*Minneapolis Term Limits  
Coalition v. Keeffe*, 535  
N.W.2d 306 (Minn. 1995).

Minn. Stat. § 410.16.

State statutes regulate many phases of election procedure, but others are open to city regulation through the charter. State law fixes the date of city elections in both statutory and home rule cities for the first Tuesday after the first Monday in November in even or odd years. A charter may not impose term limits.

The charter may use proportional representation as a method of election and may set up different nomination procedures from those in statutory cities. The charter may provide for ward representation, which is generally not available to statutory cities.

A.G. Op. 624a-3 (June 28, 1999); A.G. Op. 1001-a (Sept. 15, 1950).

*Muhring v. School District No 31*, 244 Minn. 432, 28 N.W.2d 655 (1947); *Minneapolis Gas and Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (1886).

## B. Delegation of powers

Absent specific statutory or charter authority, the council of a charter city may not delegate its powers and duties calling for the exercise of judgment and discretion to other persons or bodies. Specific language must exist in the charter authorizing any delegation of these powers.

## IV. Conflict between state laws and home rule charters

Harmonizing general statutory language and charter provisions dealing with the same subject is often difficult. Cities can resolve potential conflicts between state laws and charter provisions through the following process:

### A. General rule

*Nordmarken v. City of Richfield*, 641 N.W.2d 343 (Minn. Ct. App. 2002); *Sinclair Oil Corp. v. City of St. Paul*, 2002 WL 1902920 (Minn. Ct. App. 2002); *Columbia Heights Relief Ass'n v. City of Columbia Heights*, 305 Minn. 399, 233 N.W.2d 760 (1975).

The general rule is that when a charter provision is in conflict with the state statutes, the statutory provision prevails and the charter provision is ineffective to the extent it conflicts with the state policy.

### B. Identifying a conflict

*Mangold Midwest Co. v. Vill. of Richfield*, 274 Minn. 347, 143 N.W.2d 813 (1966); *State v. Kuhlman*, 729 N.W.2d 577 (Minn., 2006); *State v. Burns*, A05-2554 (Minn. Ct.App., 2007) (unpublished decision)

When state law is silent on an issue covered by charter and the issue is one that the Legislature has the power to delegate to a city, the assumption is that there is no conflict with state policy. On the other hand, when a charter provision and state law deal with the same issue, the possibility for conflict occurs. Rather than requesting an attorney general's opinion or having a court resolve the possible conflict, a city council can, by resolution, rely on the opinion of its attorney as to whether a conflict exists. In making this decision, the attorney should consider the following points:

- Is there a court case or attorney general's opinion that deals with the same or similar provisions? If so, the city must follow the court ruling. Even though attorney general opinions are only advisory, the city should seriously consider the reasoning behind such an opinion. The *LMC Handbook* attempts to identify all court decisions and attorney general opinions that deal with charter and state law conflicts in order to assist charter city officials in determining what state laws apply to their city.

**ECKBERG LAMMERS**  
**MEMORANDUM**

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**TO:** Honorable Mayor & City Council Members

**FROM:** Nick Vivian

**DATE:** August 28, 2012

**RE:** Performance Review of City Council Members Larry Lanoux, Loren Sederstrom and Bill David

Mayor and Council:

A performance review has been scheduled regarding the performance of Grant Planning Commission members Larry Lanoux, Loren Sederstrom and Bill David. The performance review is a result of concerns raised regarding the activities and conduct of these individuals over the last couple of months. State law permits the City Council to conduct performance reviews of individuals subject to its authority in closed session, however, the individuals have requested that the performance reviews take place in open session. Accordingly, at the September City Council meeting of the Grant City Council, the performance reviews will take place in open session. The summaries that follow below are intended to provide the City Council with an outline of the concerns raised regarding the performance of these individuals to date:

**Larry Lanoux**

Numerous concerns have been raised regarding Mr. Lanoux's conduct dating back to February 2012 when the City of Grant received a complaint that Mr. Lanoux represented himself as a Grant City Council member in order to gain access to League of Minnesota Cities staff.

The Mahtomedi School District has raised concerns regarding Mr. Lanoux's alleged interference with the District's construction of its new school and it is alleged that Mr. Lanoux has been speaking publically against the school as a member of the Grant Planning Commission.

Finally, it is alleged that Mr. Lanoux contributes to the creation of an uncomfortable work environment at City Hall and makes City Hall a very difficult place for the City Clerk to work. The environment created by Mr. Lanoux's conduct makes it very difficult for the City Clerk to complete her responsibilities when Mr. Lanoux visits the office.

### **Loren Sederstrom**

Numerous concerns have been raised regarding Mr. Sederstrom's conduct dating back to February 2012 when the City of Grant received a complaint that Mr. Sederstrom represented himself as a Grant City Official in order to gain access to League of Minnesota Cities staff.

The Mahtomedi School District has raised concerns regarding Mr. Sederstrom's alleged interference with the District's construction of its new school and it is alleged that Mr. Sederstrom has been speaking publically against the school as a member of the Grant Planning Commission.

Finally, it is alleged that Mr. Sederstrom contributes to the creation of an uncomfortable work environment at City Hall and makes City Hall a very difficult place for the City Clerk to work. The environment created by Mr. Sederstrom's conduct makes it very difficult for the City Clerk to complete her responsibilities when Mr. Sederstrom visits the office.

### **Bill David**

It is alleged that Mr. David contributes to the creation of an uncomfortable work environment at City Hall and makes City Hall a very difficult place for the City Clerk to work. The environment created by Mr. David's conduct makes it very difficult for the City Clerk to complete her responsibilities when Mr. David visits the office.

NJV/sms