

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 7:03 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

April 3, 2012, City Council Meeting Minutes	Approved
Bill List, \$43,107.93	Approved
Brochman Blacktopping, Pothole Repair, \$26,197.00	Approved
Indian Hills, Camp Odayin, Gambling Exempt Permit, June 18, 2012	Approved
Resolution No. 2012-05, Gambling Premises Permit, Big T Windy Acres	Approved

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

PUBLIC COMMENT

1 Mr. Bill David, Keswick Avenue, came forward and thanked everyone that helped with clean-up day
2 noting it was very successful. He referred to the agenda that was posted on the website noting he
3 wished the website were more accurate. He asked that the City look into the \$1600 that was charged
4 to the City that should have been charged through the School District's escrow.

5 Mr. John Smith, 67th Lane, came forward and stated he is still waiting for the road referendum to be
6 on the agenda. Discussions led to a revised road policy to be funded by a road referendum. The City
7 Attorney has indicated the road policy revision prior to a road referendum is not necessary because it
8 is a funding issue. He stated he has been in Grant for 30 years and the City is still just talking about
9 this. The petition system has not worked. Residents need to know where the Council is going with
10 this.

11 Mark Wojcik, 110th Street, came forward and pointed out the trend he is seeing with the Council.
12 Certain topics within the City are moving very slowly, such as the road referendum, emergency siren
13 and dry hydrant. He stated he would like to see these things put in gear and get done.

14 Mr. Loren Sederstrom, 107th Street, came forward and stated the newsletters from year 2009-2010 are
15 not on the website. The 4-H Club is no longer in Grant. The City should encourage 4H to come
16 back. He noted he is showcasing agricultural business within the City on the next All About Grant
17 show.

18 Mr. Bob Tufty, Jasmine Avenue, came forward and advised brush can be burned again as of April 27.
19 He suggested time be tagged on the City meeting DVD's.

20 Mr. Bob Englehart, Joliet Avenue, came forward and stated nothing to date has been done on the road
21 referendum. Citizens want it on the agenda and a Council Member needs to put in on.

22 Mr. Larry Lanoux, Keswick Avenue, came forward and stated he wants the items that have been
23 brought up during public comment addressed. The GRP will help residents out during the stormy
24 season if necessary. He has asked for the last two months for the Council to endorse the GRP to
25 install the dry hydrant parts. The GRP is now rescinding that offer. The City may have to hire out to
26 get the job done.

27 Mr. Wally Anderson, 80th Street, came forward and stated the trees per the school project have been
28 planted but he is upset about the grading and the berm that was previously removed. It also appears
29 the elevation of the school is too high and is higher than his house.

30 Steve Bohnen, 60th Street, came forward and stated two longtime residents of Grant recently passed
31 away, Mr. Butch Sawyer and Lorna Springborn.

32 Mr. John Wyckoff, Maplewood, came forward and stated he may move to Grant but is concerned
33 about the City. After watching the recent Planning Commission meeting, it is concerning that there is
34 not a report from the PC on the Council's agenda.

35 Mr. Bob Zick, N. St. Paul, came forward and stated again the City needs to establish a legal defense
36 fund to fight the Met Council. He referred to an article in the paper relating to Lake Elmo and their
37 growth. Grant needs to brace themselves for what is coming with sewer and water. He read a letter
38 he wrote to the City Attorney relating to a letter of apology being written to Mr. Larry Lanoux.

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41 **STAFF REPORTS**

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City Engineer, Phil Olson

School District Update– City Engineer Olson provided an update on the Mahtomedi Elementary School project noting the site grading and landscape plan that has now been finalized.

Staff Report – City Engineer Olson reviewed the April staff report relating to engineering activities. He advised the Planning Commission tabled the grading permit review item at their April meeting. The Planning Commission did discuss the seal coat plan and recommended that the City’s roads be reviewed during a road tour before finalizing the seal coat plan. It was recommended that one representative from the City Council, Planning Commission, engineering and Astech Corp attends the road tour.

City Engineer Olson advised the City is required to get quotes for the project and typically contractors would not be taken out on tours. All contractors would have to bid the project based on the specifications.

Interim City Planner, Paul Hornby

Ordinance No. 2012-27, Amendment to Chapter 32, Article III, Section 32-249 (a) of the Zoning Code Pertaining to the Height of Permitted Structures – Interim City Planner Hornby advised the amendment to Chapter 32, Article III, Section 32-249 (a) of the Zoning code proposed to add “Government Emergency Management Systems” as an exemption to the maximum height restriction. The requested action is to consider the amendment to the Zoning Code to exempt emergency siren poles from the permitted structure maximum height of thirty-five (35) feet.

Council Member Huber moved to approve Ordinance No. 2012-27, as presented. Council Member Potter seconded the motion. Motion carried unanimously.

Resolution No. 2012-04, Summary Publication of Ordinance No. 2012-27 – Resolution No. 2012-04 authorizes a summary publication of Ordinance No. 2012-27.

Council Member Fogelson moved to adopt Resolution No. 2012-04, as presented. Council Member Huber seconded the motion. Motion carried unanimously.

Emergency Siren Location – Interim City Planner Hornby advised he has not reviewed a site location but he did look at an aerial photo of the site. He stated it appears there is room to move the siren to the north in the right of way area due to the amount of trees in the proposed location.

Mayor Carr stated he did speak to the installer of the siren who indicated he has not seen the site. He asked if this is the best site location as it can be moved but it does cost \$2600 to relocate. He stated he wants to know that this is the best site with the best coverage. He stated he believes the siren location issue should be assigned to the City Planner to ensure this is the best site. It should not just be located at this site because Mr. Lanoux said to.

1 Mr. Bob Englehart came forward and stated the trees have been removed and he also looked at the
2 County siren map. It is a good location but it does seem that the Mayor doesn't want the siren
3 installed.

4
5 Mayor Carr stated he is asking if the Council would like to send the siren location issue to the Planner
6 to make sure the siren is placed in the best location.

7
8 Interim Planner Hornby stated that typically they would take a map and the number of total sirens and
9 lay them out to obtain the best coverage. Also taken into consideration is the concentration of where
10 the lots are.

11
12 Council Member Huber stated the population density is the key. He asked if the proposed location
13 gives the City the most set of ears to hear the siren.

14
15 Mr. Bob Englehart came forward and withdrew his offer to locate the siren on his property.

16
17 Interim City Planner Hornby advised it would take a couple of hours to complete a table top study of
18 the area to ensure best placement of the siren.

19
20 City Attorney Vivian stated the City does have right of way along Joliet. If it is determined that is the
21 best area the siren can be placed in the right of way and not on Mr. Englehart's property.

22
23 It was the consensus of the Council to move forward with Mr. Englehart's property for installation of
24 the siren.

25
26 City Engineer Olson stated towards the corner of Highway 96 and maintaining 20 feet is ideal but as
27 close to the right of way as possible.

28
29 City Attorney Vivian noted the offer for the property is irrelevant. The City has right of way to place
30 the siren.

31
32 The Council directed staff to notify neighbors within a quarter mile of the siren placement and
33 include Council Member Fogelson's contact information regarding any questions.

34
35 **City Attorney, Nick Vivian**

36
37 **Staff Report** – City Attorney Vivian advised he really has nothing to report on but he will take
38 specific questions. He noted a confidential update will be provided in the next week relating to the
39 Nelson request.

40
41 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
42 April 2012 to be placed on file for review.

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45 **OLD BUSINESS**

1 **Website Items, Mayor Carr** – Council Member Huber advised he provided the newsletter CD’s for
2 the website to Council Member Fogelson

3
4 Council Member Potter inquired about the status of the Clerk getting documents on the City website.
5 He asked who is responsible for getting that done.

6
7 Council Member Huber advised he would contact the webmaster to get that project taken care of.

8
9 **Ordinance Codification Update, Mayor Carr** – Mayor Carr advised the last ordinance revisions that
10 were provided to update the official City Code book does not note the date of the last revision. He
11 asked the Council how they would like to proceed.

12
13 It was the consensus of the Council to revise the dates of the latest set of revisions the next time
14 ordinance are printed and updated for the Code Book.

15
16 **NEW BUSINESS**

17
18 **Public Comment Inquiries, Mayor Carr** – Council Member Huber stated he will not be writing a
19 road referendum until the Council rewrites the road policy. He stated he will not bring in tax dollars
20 for this Council or future Councils to spend anyway they want. A revised road policy needs to be in
21 place before he looks at a road referendum. He referred to the dry hydrant and stated the Fire
22 Department does have a dive team and they should be contacted to install the parts for the dry
23 hydrant.

24
25 Council Member Fogelson stated he has talked to the Fire Department and they will not install the
26 hydrant parts.

27
28 **Council Member Bohnen moved to endorse the GRP to install the dry hydrant parts. Council**
29 **Member Huber seconded the motion. Motion carried unanimously.**

30
31 Mr. Larry Lanoux came forward and stated the GRP would discuss and consider, later this evening,
32 installation of the dry hydrant parts.

33
34 Council Member Bohnen stated he spoke to the City Attorney regarding the planning work that was
35 charged to the City as opposed to the School District escrow. He believes the City Attorney indicated
36 those fees could not be charged to the school escrow.

37
38 City Attorney Vivian advised he will look at the charges and if they can be billed to the escrow they
39 will be. He stated he would provide an update at the next meeting.

40
41 Council Member Potter stated he thought the Council had talked about putting a Planning
42 Commission Report on the regular agenda. He stated he would like a PC report on the Council
43 agenda.

44 Council Member Bohnen stated it is sad that the City does not have the 4H Club in the City anymore.
45 He stated he would like the City to see what they can do to get them back and involved in the
46 community.

1
2 Mr. Larry Lanoux came forward and stated the Planning Commission Report should be under staff
3 reports within the Council agenda.

4
5 Council Member Huber stated a written report from that PC that is included in the Council packets
6 would be beneficial.

7
8 Council Member Potter stated he wants an update from the PC and can review their minutes.

9
10 Council Member Bohnen stated he is fine with the PC minutes sent electronically.

11
12 City Attorney Vivian stated he does have concern over Planning Commission and Council
13 discussions at meetings relating to potential litigation. He would prefer not having any open
14 discussion relating to minutes.

15
16 It was the consensus of the Council that the Planning Commission minutes would be provided
17 electronically and Planning Commission items would be under regular agenda items relating to
18 Planning.

19
20 Planning Commissioner Mark Wojcik came forward and stated he hopes the Council thinks the
21 Planning Commission is reasonable and would only explain key points within a PC report.

22
23 Council Member Bohnen referred to the road referendum issue and stated again that he is collecting
24 data and road information that is needed for a potential revised road policy. All of that takes time to
25 put together. He suggested the City offer Mr. Lanoux an apology.

26
27 **Council Member Potter moved to have the City Attorney send Mr. Lanoux a letter of apology.**
28 **Council Member Bohnen seconded the motion.**

29
30 City Attorney Vivian advised as legal counsel for the City of Grant, he had nothing to do with Mr.
31 Lanoux's issue with the state. He advised he did send Mr. Lanoux a letter regarding the occurrence at
32 the League of Minnesota Cities. The letter was in response of a concern raised from the League. The
33 City has to protect itself and does not want to incur additional liability. He advised the discussion is
34 inappropriate relating to potential slander. The record needs to reflect the facts. He noted he would
35 draft a letter if the Council directs him to do so.

36
37 Mr. Larry Lanoux came forward and stated he has never received an apology. He waited for an
38 apology for 30 days prior to writing the freedom for information letter. He stated he wouldn't accept
39 an apology anyway.

40
41 **Motion carried with Council Member Huber and Fogelson abstaining and Mayor Carr voting**
42 **nay.**

43 **Goodview Avenue Project Joint Powers Agreement, Council Member Bohnen** – Council
44 Member Bohnen provided the background of the Goodview Avenue projecting noting there are 750
45 cars per day on that gravel portion of the road. Grading is needed very frequently. He recommended

1 the City move forward with the paving of that roadway as an equal partner with the other agencies
2 and completes the project without assessing the property owners.

3
4 Mr. Phil Caswell, 11855 Goodview, came forward and stated he appreciates the work Council
5 Member Bohnen has done on this. The gravel portion of the roadway has been an issue for a very
6 long time. He stated he does not necessarily object to paving the road but he does not want to pay for
7 it. There also needs to be some form of traffic calming and additional enforcement. He stated there
8 are benefits to paving it but it will also increase traffic there.

9
10 Mayor Carr stated he would not even consider paving that road if the residents were opposed to it. If
11 the City does move forward and pay for the project, all of the City residents are paying for it with tax
12 dollars. He noted the City does not have control over the speed limit.

13
14 City Engineer Olson added that there may be a petition from the City of Hugo for a speed study at
15 some point.

16
17 Council Member Bohnen stated maintenance dollars on that road are approximately \$3,100 per year.
18 The road will eventually be paved. Washington County, White Bear Township and the City of Hugo
19 believe this is an important project. All entities are involved and this is a good opportunity to get it
20 done and will not set a precedent as there is no other road like this within the City. He noted the City
21 is under budget for snow plowing this year and \$10,000 could be taken from the special road projects
22 fund. The City is also saving \$5,200 on dust control and \$1400 on engineering fees for the dust
23 control project.

24
25 Mayor Carr stated White Bear Township gets \$20,000 and Hugo gets \$550,000 in gas tax money. All
26 residents of Grant pay that tax but the City of Grant does not get any gas tax dollars. The project
27 goes against the road policy and although it is a special situation, paving the road will not solve the
28 problem.

29
30 Mr. Mike Lovlee, Goodview Avenue and County Road 7, came forward and thanked Council
31 Member Bohnen for the good neighborhood meeting that brought forward a lot of solutions. The
32 problem with that roadway is that Hugo is building homes but not building infrastructure. A
33 temporary cul-de-sac is a good solution but those costs should be looked at. Paving the road is just
34 putting off the problems and the road is a big liability to the City of Grant.

35
36 City Attorney Vivian advised residents pay for the general road policy. There is discretion within
37 that policy that allows the Council to authorize funding of a special road project.

38
39 Council Member Bohnen stated the Joint Powers Agreement needs to be revised to include the
40 following 1) signage is included in the project cost; 2) speed limit stay the same; 3) one-going
41 maintenance will be a three way split; 4) Irish Avenue is included; and 5) Grant's portion is one third
42 of the project cost and monetary only.

43 **Council Member Bohnen moved to approve the Goodview Avenue Project Joint Powers**
44 **Agreement, as revised. Council Member Fogelson seconded the motion.**

45

1 Mayor Carr asked if Hugo would pay for the whole project. He advised he does not want to move
2 forward with the project unless they pay for it.

3
4 Council Member Potter thanked Council Member Bohnen for his efforts with the project.

5
6 Council Member Huber stated he does appreciate Council Member Bohnen’s work but the road is
7 Hugo’s responsibility and he cannot support the project.

8
9 Mayor Carr noted for the record that no petition for the road improvements has been brought forward.

10
11 **Motion carried with Council Member Huber and Mayor Carr voting nay.**

12
13 **Gravel Budget Discussion, Council Member Bohnen** – Council Member Bohnen referred to a
14 previous conversation regarding different types of gravel. He would like to move forward with the
15 higher grade of gravel and still gravel 4.2 miles. That would result in going over budget
16 approximately \$3,000-\$4,000 dollars.

17
18 It was the consensus of the Council to move forward with the higher quality gravel.

19
20
21 **City Planner RFP, Mayor Carr** – Council Member Huber officially read the letter of resignation
22 from Ms. Jennifer Haskamp, previous City Planner.

23
24 Mayor Carr referred to the draft RFP that was included in the packets and asked for comments.

25
26 Council Member Potter read the minutes from last month that stated a job description for the Planner
27 was going to be developed prior to the RFP process.

28
29 Council Member Huber stated the job description is outlined in the RFP.

30
31 Council Member Potter stated he would volunteer to review the planning RFP and bring his revisions
32 forward next month.

33
34 City Attorney Vivian stated he reviewed the RFP and has no legal issues or sees any weakness in the
35 document.

36
37 Mayor Carr suggested everyone bring their proposed revisions back to the June Council meeting.

38
39 Council Member Potter stated the Council can hammer out the RFP at the next meeting and approve
40 it. The Council can then look at proposals in July and appoint a planner in August.

41
42 **Demontraville Trail, Highway 36 Project Update, Council Member Bohnen** – Council Member
43 Bohnen referred to a map of the project and provided and update from MnDOT regarding the closed
44 intersection. There will be no cross at Demontraville Trail so vehicles will have to go right. The City
45 has no say over this and he directed residents to the County website for more information. He also
46 provided an update on the Hilton Trail exchange.

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DISCUSSION ITEMS

City Council Reports: Mayor Carr presented two certificates of achievement to two Grant residents for accomplishments in Girl Scouts.

Council Member Potter stated Ken Johnson has ordered 20 new signs and they should be delivered and installed soon. The sign inventory sheet will need to be updated.

Council Member Potter requested the Assessor Contract be on the June Council agenda.

Council Member Bohnen explained the shoulder reclaiming process noting it is a fairly new one within the City. Lansing Avenue was a mess after the process as it rained right away. The process has been revised to eliminate that problem in the future.

Staff Reports (any updates from Staff)

COMMUNITY CALENDAR MAY 2 THROUGH MAY 31, 2012:

Planning Commission Meeting, Monday, May 21, 2012, Town Hall, 7:00 p.m.

ADJOURN

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

These minutes were considered and approved at the regular Council Meeting June 5, 2012.

Kim Points, City Clerk

Tom Carr, Mayor