

CITY OF GRANT
MINUTES

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DATE : July 10, 2012
TIME STARTED : 7:10 p.m.
TIME ENDED : 10:14 p.m.
MEMBERS PRESENT : Councilmember Bohnen, Fogelson, Huber, Potter
and Mayor Carr
MEMBERS ABSENT : None

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

CALL TO ORDER

Mayor Carr called the meeting to order at 7:10 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Item 7F, Mahtomedi School District Letter was added to the regular agenda.

Item 7G, Clerk Salary Adjustment was added to the regular agenda.

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

CONSENT AGENDA

June 5, 2012, City Council Meeting Minutes	Approved
Bill List, \$71,273.46	Approved
City of Mahtomedi, 2 nd Quarter Fire Contract, \$28,739.50	Approved
City of Stillwater, 1 st Half Fire Contract, \$44,896.00	Approved
Envirotech Services, Dust Control, \$19,258.57	Approved
Gambling Exempt Permit, Little Sisters of the Poor, July 16, 2012 Indian Hills Golf Club	Approved

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

3
4 **PUBLIC COMMENT**

5 Mr. Loren Sederstrom, 9330 107th Street, came forward and informed the Council of some issues at
6 the School District site including two tanks being removed, no testing done on the ponds or soil and
7 5,000 yards of dirt have been removed from the site. He stated he has talked with the State Inspector
8 and he indicated directional drilling is no appropriate on this site. He advised he will continue to
9 work with the State Inspectors regarding these issues.

10 Mr. Warren Johnson, Jamaca Avenue, came forward and stated the School District is building
11 holding ponds on his property close to the trail. He stated they took down 60 trees without any
12 notification and replanted some trees in the wrong location. The City needs to look at what is going
13 on there.

14 Mr. Larry Lanoux, Keswick Avenue, came forward and stated there is a show regarding
15 contamination on the cable channel that includes Ms. Erin Brockavich. He referred to the draft gas
16 tax letter included in the packet and stated one representative is not running again and another will
17 not be a representative for the City of Grant due to redistricting. He suggested the letters wait until
18 after election. The City should have gone after the dry hydrant as that grant money was lost. He
19 added he does not believe a timer for public comments belongs in the City of Grant.

20 Mr. John Smith, 67th Lane, came forward and provided information on a Charter form of government.
21 He stated a Charter form can be beneficial and allows for a Charter Commission. He requested that
22 discussion be on next month's agenda and the Council send it to the Planning Commission for
23 review. The Council's risk is small and it should not take as long as it does to get things done in the
24 City, especially when it comes to roads.

25 Mr. Mark Wojcik, 110th Street, came forward and stated he is in disbelief there is an egg timer at a
26 City Council meeting. A timer is not taking care of the problem. The Council needs to listen to its
27 residents. He noted Council Member Bohnen did a great job on the 22 year old Goodview project.
28 He referred to an article the Mayor write regarding White Bear Lake and it being ridiculous to spend
29 money on a study. He stated he does not understand that at all and he needs to spend more time
30 listening to people.

31 Mr. Bill David, Keswick Avenue, came forward and stated soil is being hauled out of the school site.
32 The CUP has conditions and they are not being adhered to. The school needs to test the soil so we
33 can protect ourselves.

34 Mr. Bob Englehart, Joliet, came forward and asked where the specifications book is. He wants to
35 look at it and it was not at the City office.

36 Ms. Tina Lobin, 11034 Irish Avenue, came forward and stated she has been to several meetings over
37 the last several years. It seems here lately that there is a lot of complaining about petty things. The
38 timer is a good idea because most of the people here act like five year olds. She stated she is
39 attending meetings to be more involved with the City and she does not want to listen to the
40 complaining.

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42 **STAFF REPORTS**

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City Engineer, Phil Olson

Authorization of 2012 Seal Coating Bid – City Engineer Olson advised the City received three quotes for the seal coat project. He reviewed the quotes and proposed roadways to be included in the project. He recommended the City award the project to the low bidder, Pearson Brothers, Inc.

Council Member Bohnen moved to accept the bid from Pearson Brothers, Inc. as presented and stay within the budget. Council Member Potter seconded the motion. Motion carried unanimously.

Justin Trail Neighborhood Overlay Notification Process – City Engineer Olson advised the Council has discussed options for the City to notify property owners if their roadway is a potential candidate for an overlay project. He referred to a memo that has been drafted to property owners on Justen Trail discussing why they should consider an overlay at this time. He reviewed the memo noting it does provide a rough costs estimate and describes the petition process.

Mayor Carr advised he is concerned that if letters are sent out, improvements may be piecemealed. He also requested it be made very clear in the letter that it is the resident’s road and they will decide if the improvements are made.

City Engineer Olson advised that smaller and larger areas will be included in the feasibility study to and that will be included in the letter.

Council Member Huber suggested an estimate as to how long they have to make a determination based on the City Engineer’s best judgment.

Mr. Denny Kulp, 9045 Justin, came forward and encouraged the Council to do what is prudent in terms of road maintenance. People do not understand the road policy and residents need to be educated through the City newsletter and other means. Residents need to know that they have to pay for their roads again. The Council does a great job of keeping taxes down but the roads have to be kept drivable.

Council Member Bohnen clarified the area noting it is on Justin Trail from Jamaca up to Hwy 96. The point of the letter is to provide residents information about overlays.

The Council directed staff to redraft the letter and bring back to the Council for review at the August City Council meeting.

June Staff Report – City Engineer Olson reviewed the June staff report relating to legal activities.

Interim City Planner, Paul Hornby

June Staff Report – There were no planning activities to report on for June, 2012.

City Attorney, Nick Vivian

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 2 **Fabio Zoning Complaint** – City Attorney Vivian updated the Council on the zoning enforcement
 3 issue at 6510 Jocelyn Avenue N. A site visit has been conducted and the property owner indicted that
 4 he operates as a general contractor and is in the process of purchasing a building where he will
 5 relocate his business operations. All vehicles and equipment maintained on his property is owned
 6 and used personally. The property appeared to be well maintenance and Mr. Fabio recently planted
 7 15-20 large pine trees to screen his property from the adjacent property. Mr. Yeager will be
 8 supplying the City with an update regarding Mr. Fabio’s efforts in purchasing his new building. The
 9 City will review this file in 30 days.

10
 11 **Staff Report** – City Attorney Vivian reviewed the June staff report relating to legal activities.

12
 13 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
 14 June 2012 to be placed on file for review.

15
 16 **NEW BUSINESS**

17
 18 **Schedule City Planning Services Interviews, Council Member Potter** – Council Member Potter
 19 reviewed the staff report noting eighteen firms were sent the Planning Services RFP and three
 20 proposals were submitted. He recommended the City interview all three of them.

21
 22 Council Member Huber agreed all three should be interviewed and wondered why only three came
 23 back to the City.

24
 25 Council directed the Clerk to schedule three twenty minute interviews beginning at 6:00 p.m. on
 26 August 7, 2012.

27
 28 **Schedule 2013 Budget Meeting, Mayor Carr** – Mayor Carr asked the Council to schedule a date
 29 for a budget work session. Dates were provided and Council was asked to confirm those dates with
 30 the City Clerk.

31
 32 **Gas Tax Letter, Council Member Huber** – Council Member Huber reviewed a draft letter to send
 33 to State Representatives pointing out the City of Grant does not receive any gas tax dollars from the
 34 State. He asked all of the Council to make revisions if necessary and sign the letter to send out. It is
 35 not fair that the City does not receive any gas tax money and he acknowledged the letter should have
 36 been sent out a long time ago.

37
 38 Mayor Carr noted he has met with representatives in the past regarding this issue.

39
 40 Council Member Fogelson stated he believes the timing is off and believes the letter should be sent
 41 after the upcoming election. He also suggested a letter be sent to the League of Minnesota Cities
 42 requesting they lobby for the City of Grant as well as other small communities.

43
 44 Council Member Potter stated he believes it is a good topic to discuss but believes sending the letter
 45 right now is premature. He stated the City should do its own research and understand the benefit of
 46 receiving gas tax dollars and have a plan in place if the City does receive those dollars.

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Council Member Huber noted the gas tax money is dollars everyone pays in. It is not a new tax.

Mayor Carr stated he believes the City should be more focused on this and additional information is needed but is in favor of sending the letters now.

Council Member Huber suggested the Council work together on this issue. Council Member Fogelson can contact the League of Minnesota Cities, Council Member Potter can research other small communities he would be sending more than one letter. He requested the Council sign the letter to send now and begin the process.

Council Member Bohnen stated the number of miles noted on the letter within the City of Grant needs to be confirmed.

Council Member Potter stated he does not agree with the verbage or endorse sending the letter. He indicated he will not sign it.

Council Member Huber stated he would pass the letter around and Council Members may sign it if they wish.

City Letters, Mayor Carr – Mayor Carr stated that the City shares office space and that has worked well. There have been incidents in the past at the City office and there is the potential for those incidents again. He stated he wants to send a letter to the City of Willernie and Dellwood noting that the City of Grant is aware of potential issues and is working through them. The letter is just to show the other cities that the Grant City Council does recognize the situation.

Council member Potter asked if they have ever had a meeting with the other cities. He stated he is curious as to the specifics of the office arrangement.

Council Member Bohnen suggested revisions to the letter and it was determined it would be sent to the City of Willernie and Dellwood.

Complaint Protocol and Communication Process, Planning Commission – Chair Derosier referred to the documents provided in the packet and reviewed the proposed changes to the draft complaint document. He explained those changes noting why they were made and clarified that a phone call to the resident should be the first course of action.

Council Member Huber stated a lot of people no longer have home phone lines.

Council Member Potter stated he expects that a resolution be drafted and adopted by the City Council outlining the final complaint process.

Council Member Fogelson stated it appears the whole process is being over thought and over worked. He stated he trusts staff and if a policy is adopted it should be done in very simple terms.

1 City Attorney Vivian referred to the language within the complaint process and asked who
2 determines if there is a legitimate issue. Does the City want the Clerk explaining the problem to
3 residents as well as explaining resolutions to those problems?
4

5 Mayor Carr stated that is not the Clerk’s job and it is not the City Council’s job to determine if
6 something is legitimate. There is a cost to running a City.
7

8 City Attorney Vivian stated the Clerk is the point person with complaints. In the past, there have
9 been some complaints and resolutions that were not satisfactory to residents and some Council
10 Members. It is a policy determination if the Clerk handles complaints or staff handles complaints.
11

12 Council Member Potter stated he believes it is the Council’s duty to determine how complaints are
13 handled. He suggested the Planning Commission review the draft again then bring it back to the
14 Council.
15

16 Council Member Huber stated the City has to trust staff to handle complaints within the City.
17

18 Council Member Bohnen stated if there is a complicated question or issue, the Mayor as supervisor
19 should be contacted to obtain a second opinion. Election officials sending complaints to staff is a
20 better process.
21

22 Mayor Carr agreed to that and the Council requested the draft be reviewed by the Planning
23 Commission again.
24

25 **Mahtomedi School District Letter, Mayor Carr** – Mayor Carr referred to a letter sent by the
26 School District outlining their complaints regarding discussion of the new school at Planning
27 Commission meetings when not on the regular agenda.
28

29 City Attorney Vivian advised topics discussed at meetings should be on the agenda.
30

31 Mayor Carr stated the City Attorney and City Engineer took notes during public comments regarding
32 potential issues at the school site. An update will be provided at the next Council meeting if staff
33 feels an update is needed.
34

35 Mr. Terry Derosier, Chair of the Planning Commission, came forward and stated issues were brought
36 up by a resident during public comment that seemed pressing so they discussed those issue.
37

38 Council Member Potter stated he believes a letter of response to the School District should be
39 provided by the Chair of the Planning Commission. He provided an example of how that letter could
40 be written.
41

42 Council Member Bohnen pointed out the original letter was addressed to the City Council.
43

44 Council Member Huber stated the City and its representatives should be careful not to discuss
45 complaints about a CUP holder when they are not present.
46

1 Council Member Fogelson stated if issues are brought up during public comment, they should not be
2 discussed by the City Council or the Planning Commission until they go through the proper channels.

3
4 Council Member Potter indicated he would draft a letter of response to the School District.

5
6 **Clerk Salary Adjustment, Council Member Huber** – Council Member Huber removed this item
7 from the agenda.

8
9 **OLD BUSINESS**

10
11 **Portable Restroom Rental from AirFresh Industries, Council Member Bohnen** – Council
12 Member Bohnen advised the previous quote from AirFresh industries includes all costs and fees
13 expect for the sales tax. The company will also chain the unit down to prohibit it from being knocked
14 down.

15
16 City Engineer Olson referred to the dry hydrant noting the clear zone for it is twenty feet. A guard
17 rail can be installed. The Council directed the City Engineer to see what can be done to protect the
18 dry hydrant and provided an update at the next meeting.

19
20 **Council Member Bohnen moved to utilize AirFresh Industries for the portapot service, as**
21 **presented. Council Member Huber seconded the motion. Motion carried unanimously.**

22
23 **Resolution No. 2012-03, Notification to Political Candidates relating to Sign Regulations, Mayor**
24 **Carr** – Mayor Carr stated the City has received some inquires about campaign signs during election
25 time. He stated it would be beneficial to have all the information in one place. The point of the
26 resolution is to clarify that state statute trumps the City ordinance during election time.

27
28 City Attorney Vivian stated it is also important for those running to know that they have to comply
29 with the City ordinance and state statutes. The only thing that trumps the City is the size and number
30 of signs.

31
32 Council Member Potter referred to point number three relating to the removal of signs and suggested
33 that be removed. City Attorney Vivian stated that point is included du tot litigation two years ago.

34
35 Council Member Huber stated the resolution is not necessarily for candidates but other entities. He
36 suggested an elections page be posted on the City website that would include the resolution.

37
38 Revisions to the resolution should include a statement that state law supersedes, per state statute, and
39 the time frame in which it does supersede and that the City reserves the right to remove signs.

40
41 Council directed staff to revise the resolution and bring back to the next Council meeting.

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43 **Website Items, Mayor Carr** – Council Member Huber stated he would arrange for an election page
44 to be included on the City website.

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46 **DISCUSSION ITEMS**

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Public Comment Inquires, Mayor Carr – Mayor Carr asked if there were any responses to public comment noting staff did take notes relating to potential school site issues.

City Engineer Olson stated he is taking care of the issues. Site visits have been conducted and he has not seen anything done that does not meet the plan. He will do further research and provide a report at the next meeting.

City Council Reports:

Council Member Fogelson advised it is time for the fall newsletter. He asked that all articles by submitted by August 15, 2012.

Council Member Potter posted pictures of a positive thing occurring in Grant that promotes community pride. The pictures included a Grant Town Hall float that participated in the Manitow Days parade.

Council Member Bohnen stated the chloride was put down again this year. There was a lot of rain after the application that washed some of it out. The treatment did not stick as well this year due to mother nature.

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

COMMUNITY CALENDAR JULY 10 THROUGH JULY 31, 2012:

Planning Commission Meeting, Monday, July 16, 2012, Town Hall, 7:00 p.m.

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

Nelson v. City of Grant

Council Member Huber moved to go into closed session at 9:50 p.m. Council Member Potter seconded the motion. Motion carried unanimously.

Council Member Huber moved to go back into open session at 10:12 p.m. Council Member Potter seconded the motion. Motion carried unanimously.

City Attorney Vivian advised the City went into closed session to discuss pending litigation. No formal action was taken.

ADJOURN

There being no further business, Council Member Potter moved to adjourn at 10:14 p.m. Council Member Huber seconded the motion. Motion carried unanimously.

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These minutes were considered and approved at the regular Council Meeting August 7, 2012.

Kim Points, City Clerk

Tom Carr, Mayor

APPROVED