

CITY OF GRANT
MINUTES

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DATE : November 8, 2012
TIME STARTED : 7:05 p.m.
TIME ENDED : 9:03 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, Breanne Rothstein; and City Clerk, Kim Points

CALL TO ORDER

Mayor Carr called the meeting to order at 7:05 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

October 2, 2012, City Council Meeting Minutes	Approved
Bill List, \$31,443.37	Approved
T.A. Schifsky & Sons, Jamaca Road Project, \$41,651.49	Approved
Kline Bros. Excavating, Road Maintenance, \$11,077.50	Approved

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

PUBLIC COMMENT

Mr. Bob Tufty, Jasmine Avenue, came forward and commented on the burn restriction being lifted noting the DNR does post the burn restrictions state wide.

1 Mr. Larry Lanoux, Keswick Avenue, came forward and commented on the recent election and the
2 school site.

3 Mr. Bob Englehart, Joliet Avenue, came forward and commented on the cable services cable
4 commissioners receive from the Cable Commission.

5 Council Member Bohnen came forward and announced MnDOT has scheduled open houses on
6 regarding the Hwy 36 and Hilton Trail project on Thursday, November 15 at Lake Elmo City Hall
7 from 4-7 p.m. and Monday, November 19, 2012 at Mahtomedi City Hall from 5-7 p.m.

8 **CONCEPT PLAN REVIEW, MARK DUEA**

9 Mr. Mark Duea came forward and provided the background for the property and hobby farm. He
10 stated he would like to build a new home but there is an issue with splitting the property. He advised
11 he does not want to sell the property but would like to rent it for a while. The road access is the main
12 issue. He reviewed the proposed plan and requested Council direction relating to the road issue and
13 the accessory building currently on the property.

14 Mayor Carr pointed out the option and working with the neighbors to keep the building and perhaps
15 construction a cul-de-sac.

16 City Attorney Vivian advised the City does have examples of allowing cul-de-sacs on gravel roads.
17 The code allows for that flexibility.

18 City Planner Rothstein advised the property could be split down the middle but the size of the
19 accessory building would still be an issue. The road easement is calculated in the lot size.

20 Council Member Bohnen advised the City would have to maintain the roadway and cul-de-sacs do
21 present maintenance issues.

22 Council Member Fogelson pointed out the emergency services issue and the limitation relating to the
23 length of a cul-de-sac.

24 Mr. Duea advised he would like a private roadway. He stated the discussion has been helpful and he
25 will look at splitting the property down the middle and trying to save the pole barns.

26 **CONCEPT PLAN REVIEW, TONY COLLETTE**

27 Mr. Tony Collette, 9655 Keswick Ave., came forward and provided the background on the property.
28 He referred to a current plat pointing out the current homestead and the employ lots. He indicated he
29 is proposing to sell the front five acres of one parcel. That would leave him with one five acre lot and
30 one fifteen acre lot. There may be issues with wetlands and that will be monitored. The question is
31 the four for forty stipulation in the City code.

32 Mayor Carr advised the City does have short forty's and he does not see the proposal as a problem.

33 City Attorney Vivian advised there is a provision in the code to address the short forty using the
34 density calculation. A survey would be required and some of the minor subdivision restrictions can
35 be waived. The City had done lot line adjustments with the simple applications in the past. It
36 appears this would be more than that because it is creating a lot so it should go through the minor
37 subdivision process. The question is if Washington County requires a plat recording.

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39 **STAFF REPORTS**

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City Engineer, Phil Olson

Staff Report – City Engineer Olson reviewed the October staff report relating to engineering activities.

Council Member Huber referred to the staff report and asked for clarification regarding water credits.

City Engineer Olson advised watersheds are moving towards the utilization of water banks. He stated that to his knowledge there are not any within the City of Grant. Some cities do regular the water bank system and he will keep the City posted.

Council Member Bohnen displayed a water bank that was created within a development in the City of Grant.

City Planner, Breanne Rothstein

Harmony Horse Farm Code Enforcement – City Planner Rothstein provided a brief background on this issue noting the apartments on the site were found by the Building Inspector. The property owners are in violation of the City code. She requested Council direction.

City Attorney Vivian asked that the Council provide direction regarding the next step if they are in fact in violation. The apartments should not be there and there are significant code violations. They can't be occupied and need to be brought up to code.

Mayor Carr requested more information regarding the apartments and advised it may be possible for the property owner to have another house there. The current issue is safety and liability with the current apartments. More information is needed. He volunteered to speak to the property owners and will provide an update at the next meeting.

Staff Report – A report from City Planner Rothstein was provided for October 2012 planning activities to be placed on file.

City Attorney, Nick Vivian

Axdahl Jacobs Development Agreement – City Attorney Vivian provided the background of the issue advising the road was to be completed by October 25, 2012. A letter was sent to the Axdahl Attorney but the City has not received a response. The City does have securities in place to build the road. Due to the time of year it seems appropriate to extend the completion of the road until next spring. If it is not completed by then the City will have to utilize the securities and construct the roadway.

Council Member Fogelson advised the road needs to get done. He suggested the City ensure the contractors are in place by April 15, 2012. If that does not happen, the City should use the securities and build the road. Manning Avenue needs to be safe. He inquired about a deadline on the securities.

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2 City Attorney Vivian advised the road can't be built now. The City has allowed extensions before. If
3 another extension is allowed it is important that the contractors are in place and to complete the
4 project. He advised he would determine if there is a deadline on the securities.

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6 Council Member Bohnen stated the timing is what the City needs to focus on. The road needs to be
7 built one way or another.

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9 City Engineer Olson advised the public bid process for the project would take a minimum of three
10 months.

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12 It was the consensus of the Council that the road needs to be constructed by next fall. The
13 performance bond will be revised to determine a deadline. A letter will be sent to the property
14 owners outlining what needs to be in place by February 1, 2013. If there is a bond expiration that
15 conflicts with the February 1, 2013 deadline, the securities should be withdrawn and held in an
16 account.

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

20 21 NEW BUSINESS

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23 **Water Pump at Town Hall, 8380 Kimbro** – Mayor Carr referred to the information in the packet
24 relating to the water pump at Town Hall. The water has been tested several times and is
25 contaminated. Per the Department of Health, the City needs to seal the well or get it cleaned.

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27 Council Member Bohnen and Council Member Fogleson indicated they are in favor of repairing the
28 well.

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30 Mr. Lanoux came forward and suggested it is a good time for the city to put a well in. There is a
31 surplus in the budget and it would be a good investment.

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33 Council Member Huber stated it is nice to water at the Town Hall site for some uses. He suggested a
34 shall well with a jet pump be installed. He advised he would do some research on that option and
35 bring information to the next Council meeting.

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37 **Election Results, Council Member Potter** – Council Member Potter asked if the Canvas of Election
38 can be done prior to a requested recount.

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40 City Attorney Vivian advised the Canvas of Election has to be done three to ten days after the
41 election. The referred to state law regarding this issue and advised the recount has been scheduled for
42 next Thursday. The Canvas of Election can be done but the certification of election cannot be
43 completed until after the recount.

44 It was the consensus of the Council that the City would fund the requested recount.

45 46 OLD BUSINESS

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Website Items – Council Member Bohnen advised his City email has not been working for quite some time. He did request the webmaster to correct the problem but it is still not working.

The Council directed staff to obtain an explanation from the as to why the City email is not working properly.

DISCUSSION ITEMS

Public Comment Inquires, Mayor Carr – Council Member Bohnen stated at the last Council meeting Mr. David inquired about a document tying him to the School District and the performance review. He requested a response to that issue.

City Attorney Vivian advised he spoke to Mr. David regarding this issue. He advised he would make it clear in his December staff report that Mr. David did not have any involvement in the School District’s concerns and issues.

City Council Reports – Council Member Bohnen advised that it has been a very busy month relating to road work and year end projects. Jamaca Avenue has been completed and there are a couple more projects he would like completed. There is approximately \$7000 left in the road budget and he would like to do some grading and brushing. If no more projects are completed, the City may still dip into the reserves in the amount of \$5,000 - \$10,000. Some additional graveling that should be done will cost approximately \$3,000 - \$4,000.

It was the consensus of the Council to move forward with the additional graveling.

Staff Reports (any updates from Staff) – The City Clerk provided an update from the City Assessor noting the 2012 field work has been completed. The scanning and storing electronically all Council and Planning Commission packets has been completed back to year 2007. A requested recount for the election was submitted and the Canvas of Election is Friday, November 9, 2012. A letter was distributed to the City Council.

Mayor Carr asked the Council if a special meeting could be scheduled for Thursday, November 15, 2012 at 7:00 p.m.

The Council directed staff a special Council meeting and requested the City Attorney be present for that meeting.

COMMUNITY CALENDAR NOVEMBER 9 THROUGH NOVEMBER 30, 2012:

Special council Meeting, Canvas of Election Results, Friday, November 9, 2012 City Office, 9:00 a.m.

Planning Commission Meeting, Monday, November 19, 2012, Town Hall, 7:00 p.m.

City Office Closed, Thursday, November 22, 2012, Thanksgiving Day

1 **ADJOURN**

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3 **There being no further business, Council Member Huber moved to adjourn at 9:03 p.m.**
4 **Council Member Potter seconded the motion. Motion carried unanimously.**

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

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Kim Points, City Clerk

_____ Tom Carr, Mayor

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APPROVED