

CITY OF GRANT  
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**DATE** : February 5, 2013  
**TIME STARTED** : 7:05 p.m.  
**TIME ENDED** : 10:10 p.m.  
**MEMBERS PRESENT** : Councilmember Bohnen, Fogelson, Huber, Lobin and Mayor Carr  
**MEMBERS ABSENT** : None

Staff members present: City Attorney, Nick Vivian; City Engineer, Phil Olson; City Planner, Jennifer Haskamp; and Administrator/Clerk, Kim Points

**CALL TO ORDER**

Mayor Carr called the meeting to order at 7:05 p.m.

**PLEDGE OF ALLEGIANCE**

**SETTING THE AGENDA**

Mayor Carr advised there was an incident at the last meeting and he needs to be able to run the meeting. He stated citizens present should not come up to the podium unless called up and should not talk out of turn or they will be removed. The City Council needs to get their work done. He suggested public comment be removed from the agenda tonight.

**Mayor Carr moved to approve the agenda, as amended. Council Member Huber seconded the motion.**

Council Member Bohnen suggested public comment is moved to the end of the meeting after public comment is discussed.

Mayor Carr withdrew the motion and Council Member Huber withdrew the second. Public comment was moved to item 7B under New Business.

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

**CONSENT AGENDA**

Item 4F, Resolution No. 2013-06, Schmidt Lot Line Adjustment, was removed from the consent agenda.

1		
2	Bill List, \$39,149.97	Approved
3		
4	Washington County Sheriff, July-December	
5	2012, \$54,774.45	Approved
6		
7	2013 Tort Liability, City DOES NOT	
8	Waive Monetary Limits	Approved
9		
10	Resolution No. 2013-03, Washington County	
11	All-Hazard Mitigation Plan	Approved
12		
13	Resolution No. 2013-07, Kelley	
14	Lot Line Adjustment	Approved

15  
16 **Council Member Bohnen moved to approve the Consent Agenda, as amended. Council Member**  
17 **Fogelson seconded the motion. Motion carried unanimously.**

18  
19 Resolution No. 2013-06, Schmidt Lot Line Adjustment -

20  
21 **Council Member Bohnen moved to adopt Resolution No. 2013-06, as presented. Council**  
22 **Member Lobin seconded the motion. Motion carried with Council Member Fogelson**  
23 **abstaining.**

24  
25 **STAFF REPORTS**

26  
27 **City Engineer, Phil Olson**

28  
29 **Staff Report** – A report from City Engineer Olson was provided for January 2013 engineering  
30 activities to be placed on file. It was noted that a comment memo will be sent to the Valley Branch  
31 Watershed District regarding their proposed rule changes.

32  
33 **City Planner, Jennifer Haskamp**

34  
35 **Staff Report** – A report from City Planner Haskamp was provided for January 2013 planning  
36 activities to be placed on file. It was noted that the density unit can be applied to either lot on the  
37 Kelley lot line adjustment. The applicant has been made aware of that and documentation will be  
38 submitted to the City for the record. An application for the Certificate of Compliance has been  
39 submitted.

40  
41 **City Attorney, Nick Vivian**

42  
43 **Harmony Horse Farm Enforcement** – City Attorney Vivian provided the background noting the  
44 owner has not responded to the letter sent out regarding a violation. Because the issues identified  
45 involve health and safety, he recommended that he draft another letter requiring a response within ten

1 (10) days. If no response is received, it is recommended formal legal action be taken against the  
2 owner to encourage compliance with the City's Code.

3  
4 It was the consensus of the Council to direct the City Attorney to move forward as outlined.

5  
6 **Resolution No. 2013-04, Approving JPA with State of Minnesota/BCA** – City Attorney Vivian  
7 advised that in order to comply with the County's requirements for E-Charging, the City is required to  
8 adopt a Resolution approving in Joint Powers Agreement with the State of Minnesota/Bureau of  
9 Criminal Apprehension, and a Court Data Services Subscriber Amendment to the CJDN Subscriber  
10 Agreement already in place with the BCA and State Court Administrator's Office. It was noted there  
11 are no additional fees that the City would be responsible for.

12  
13 **Council Member Bohnen moved to adopt Resolution No. 2013-04, as presented. Council**  
14 **Member Fogelson seconded the motion. Motion carried unanimously.**

15  
16 **Joint Powers Agreement with State of Minnesota/BCA** – No action was required for this item.

17  
18 **Court Data Services Subscriber Amendment to CJDN Subscriber Agreement** – Council  
19 **Member Fogelson moved to approve the Court Services Subscriber Amendment to CJDN**  
20 **Subscriber Agreement, as presented. Council Member Bohnen seconded the motion. Motion**  
21 **carried unanimously.**

22  
23 **Staff Report** – A report from City Attorney Vivian was provided for January 2013 legal activities to  
24 be placed on file.

25  
26 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for  
27 January 2013 to be placed on file for review.

## 28 29 NEW BUSINESS

30  
31 **City Policy for Public Comments, Mayor Carr** – Mayor Carr advised language regarding public  
32 comments was added to the January agenda. He stated that all the information regarding the policy  
33 was included in the packet and he would like to get input from the Council. He stated people have  
34 been walking up to the podium without being called on. When people are not called on and still  
35 approach the podium they are abusing public comment. They should raise their hand and wait to be  
36 called on.

37  
38 It was the consensus of the Council that citizens wanting to speak at public comment should raise  
39 their hand and be called on to approach the podium.

40  
41 Mayor Carr stated that someone came up at the last meeting and said something very inappropriate.  
42 Speaking at public comment is a privilege and not necessarily a right. He asked if the Council  
43 agrees that he may not allow someone to speak during public comment.

44

1 Council Member Lobin stated one of the problems is people talking in the audience. She stated she  
2 can't hear and jumping up out of turn is disruptive. She stated she would prefer that people are called  
3 on and agrees the Mayor has the authority to not call on someone.  
4

5 Council Member Huber advised the statutes he read stated the Mayor already has the authority to run  
6 the meeting. Disruptive input should not be tolerated as no one has the right to speak. He stated he  
7 received communication from residents last month using means other than public comment. The  
8 Mayor has the authority to run the meeting and he does not need the Council's permission to do that.  
9 The Mayor has his buy in to run and control the meeting.  
10

11 Council Member Fogelson added that if a resident is coming up to provide input for constructive  
12 criticism, City issues, etc., they should be able to speak. Public comment is not for personal attacks  
13 and that needs to stop. The Mayor has to run the meeting and he does not have to call on people.  
14

15 Council Member Bohnen agreed the Mayor runs the meeting. He stated he appreciates input but it is  
16 disheartening what public comment is being used for and sets a negative tone for the meeting. He  
17 agreed the Mayor does not have to call on someone.  
18

19 Mayor Carr asked if the Council agrees that if someone is not called on and approaches the podium  
20 that they will be removed from the building.  
21

22 Council Member Bohnen agreed they should be removed if they are being defiant. Everyone should  
23 be polite and respectful.  
24

25 Council Member Fogelson agreed. If someone is warned and does not listen necessary measures need  
26 to be taken.  
27

28 Council Member Huber and Council Member Lobin agreed.  
29

30 Mayor Carr reviewed the draft Policy and Procedures for Public Input, Public Comment, Public  
31 Hearing and Agenda Items/ Presentations.  
32

33 The Council was in agreement about the policy. Council Member Fogelson suggested a statement  
34 that the policy applies to the Planning Commission also be added.  
35

36 Item III, Public Comment – During Agenda Items was changed to read “Citizen Comment – During  
37 Agenda Items.  
38

39 **Mayor Carr moved to approve the City Policy for Public Input, as amended. Council Member**  
40 **Lobin seconded the motion. Motion carried unanimously.**  
41

42 **Public Comment** – Mr. Loren Sederstrom came forward and thanked the City Council for making  
43 him aware of the WSB workshop. He stated it was very informational and helpful. He highly  
44 recommended it to the Planning Commission and City Council.  
45

1 Mr. Larry Lanoux came forward and stated he also attended and would recommend the workshop. He  
2 stated he believes it was taped and may be available to the City. He noted that the Mayor stated there  
3 was no cost to change out planners but the current planner charges for meetings per hour. He believes  
4 WSB would better serve the City of Grant.

5  
6 Mr. Bob Englehart, 9520 Joliet, came forward and stated the Council agenda and packet were not on  
7 the website.

8  
9 Ms. Kathy Schwartz, Jewel Avenue, came forward and stated she has lived in Grant for 37 years. She  
10 had requested Town Hall for a meeting regarding volunteerism within the City of Grant. She asked  
11 why she was unable to have that meeting and if she can have future meetings at Town Hall.

12  
13 **Reconsideration of Deputy Mayor Appointment, Mayor Carr – Mayor Carr moved to**  
14 **reconsider the Deputy Mayor appointment at the last meeting. Council Member Lobin**  
15 **seconded the motion. Motion carried with Council Member Bohnen and Fogelson voting nay.**

16  
17 **Mayor Carr moved to appoint Council Member Huber as Deputy Mayor. Council Member**  
18 **Lobin seconded the motion.**

19  
20 Mayor Carr advised the reason for the change is he would feel more comfortable with Council  
21 Member Huber appointing someone to the City Council if the Mayor is not available. He stated he  
22 thinks Council Member Fogelson would be fine as Deputy Mayor but he would like to appoint  
23 Council Member Huber as he has a responsibility to those who voted for him and he did run with  
24 Council Member Huber.

25  
26 Council Member Bohnen stated he does not believe it is a prerequisite that the person you run with  
27 has to be Deputy Mayor. He stated Mayor Carr did withdraw his motion for Council Member Huber  
28 in January and this is showing inconsistencies. He stated he is not proud of this action.

29  
30 Mayor Carr stated he did not want it to happen this way either. Mayor Carr called the question.

31  
32 **Motion carried with Council Member Bohnen and Fogelson voting nay.**

33  
34 **Joint City Council/Planning Commission Work Session Recap, Mayor Carr – Mayor Carr**  
35 **advised a quorum of the Planning Commission was not available for the meeting so the work session**  
36 **did not take place.**

37  
38 **Mayor Carr moved to disband the Planning Commission at this time. Council Member Lobin**  
39 **seconded the motion.**

40  
41 Mayor Carr stated he feels disbanding the Planning Commission is better than just removing some  
42 Commissioners and it does not mean the City will never have a Planning Commission.

43  
44 Council Member Lobin stated the Planning Commission can be good and very helpful but the way  
45 she sees it is that the building is opened up every month when there were only two applications all of

1 last year. It does cost money and is not needed right now. That could change if the work load gets to  
2 be too much for the City Council.

3  
4 City Attorney Vivian clarified the motion was to disband the current membership and not abolish the  
5 Planning Commission.

6  
7 Mayor Carr confirmed the motion and stated the City Council can take the applications if any are  
8 submitted. He indicated he would like to disband at this time and at some point determine if the  
9 Council would like to reappoint.

10  
11 Council Member Bohnen stated he feels it is a shame to disband the entire Planning Commission if  
12 there are only a couple there are issues with.

13  
14 Council Member Huber stated there was one meeting last year that had a land use application to  
15 consider. That is 11% of the total meetings. If the City gets a development plan they can be put back  
16 in place.

17  
18 Council Member Lobin stated this is not a personal issue. One way to save money for the City is to  
19 disband and it is a strictly financial decision that she would like to try for a while.

20  
21 Council Member Fogelson stated citizen involvement is important. He believes the Planning  
22 Commission plays a very valid role in Grant, although he does not agree with all their discussions but  
23 he thinks this is an extreme measure.

24  
25 **Motion carried with Council Member Bohnen and Fogelson voting nay.**

26  
27 **Emergency Siren Locations, Council Member Lobin** – Council Member Lobin reviewed the  
28 information included in the Council packets and advised she is looking for Council authorization for  
29 WSB and Barr Engineering to work on locating the two sirens. The work will include best locations  
30 based on coverage, transformers, and right of way issues. The work would be completed for an  
31 approximate cost of \$4,000.

32  
33 Council Member Fogelson stated he believes the City should get sirens that last in the long term and  
34 have a battery back up. He suggested WSB research grants that may be available.

35  
36 Council Member Huber stated that these sirens running off of power does not concern him. The grid  
37 power comes from Stillwater and by the time the storms get to Grant the sirens have already warned  
38 citizens. The point to the sirens is having maximum coverage within the City's budget. This is a  
39 great opportunity and he is supportive of the two additional sirens being located in Grant.

40  
41 Council Member Bohnen pointed out there is maintenance on the batter sirens every three years. A  
42 combination of a battery and grid sirens may be a good idea.

43  
44 Council Member Lobin stated every 3-5 years a battery must be purchased at an approximate cost of  
45 \$800. There are no maintenance costs on this type of siren.

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Council Member Huber stated he did research this type of siren and they meet industry standards. They are a very robust system.

Council Member Fogelson stated he is concerned as he does not know where the power comes from and power lines can be taken out.

Mayor Carr stated a study needs to be completed.

City Engineer Olson stated the siren study would be completed as part of the work with locating the sirens.

Council Member Lobin stated the City does have three-phase transformers. Larger cities are still using this type of siren. Ready Watt Electric can answer any additional questions the City may have.

**Council Member Huber moved to authorize WSB to move forward with the siren study and work on potential grant opportunities. Council Member Fogelson seconded the motion. Motion carried unanimously.**

**Town Crier Meetings, Council Member Lobin** – Council Member Lobin advised she would like to have some community meetings to give citizens a change to meet their City Council and other citizens without the formality of a regular Council meeting. She would like to have two (2) a year.

Council Member Fogelson stated the meeting should be posted in case a majority of the Council is present.

Mayor Carr suggested the meeting be advertised in the City newsletter.

**City Policy for Town Hall Community Meetings, Mayor Carr** – Mayor Carr advised there was a request to use Town Hall for a meeting. In the past, the City Council has always approved those requests that have been made by 4H, Woodland Acres, Gateway Trail Association, etc. There is video equipment in the building and in 2003 cameras were put in. He stated he voted no to those cameras but was out voted. People like the meetings being taped. Groups that have used the building in the past could be grandfathered in. This is the City Council’s office. He stated he is not in favor of groups using the building unless the City gets rid of the equipment. The City has allowed two groups to have one meeting a year in the past.

Council Member Fogelson stated this the only public building the City has and citizens should be able to use it.

Council Member Bohnen stated if the City allows meetings it means someone has to facilitate that. It is not a simple think for someone to use the building.

Mr. Jerry Helander, 6262 Jasmine, came forward and suggested an alternate location for community meetings. He stated the church where elections are held is very interested in serving the community.

1  
2 Council Member Lobin stated she only objects because of the equipment and there is another option  
3 for the groups.

4  
5 Council Member Huber stated other groups have used the building. Someone has to be responsible  
6 for the building and a good policy should be in place.

7  
8 It was the consensus of the Council to allow use of the building but a policy will be put in place at the  
9 March City Council meeting that may include a form being filled out and consent agenda approval.

10  
11 City Attorney Vivian stated the City can't discriminate based on what a group may be talking about.  
12 The City needs a policy in place that includes how to protect the whole building. Town Hall is an  
13 asset to the City and needs to be protected. One person could be responsible and a deposit could be  
14 required.

15  
16 Council Member Huber stated specific criteria needs to be laid out that includes a chain of  
17 responsibility.

18  
19 Mayor Carr stated his concern his how many groups may want to use the building.

20  
21 A request was made to use Town Hall on February 19 for a meeting to discuss the Charter  
22 Commission.

23  
24 It was the consensus of the Council to allow use of the building but a draft policy regarding use of the  
25 building would be brought forward in March.

26  
27 **Consideration of City Meeting Procedures** – Mayor Carr reviewed the draft document and asked if  
28 the Council had any issues.

29  
30 Council Member Fogelson stated the staff reports should match the packet that is posted on the City  
31 website and a statement regarding the procedures being based on expectations/intentions be added.

32  
33 Council Member Huber stated the meeting DVD's should not be an issue because they will be  
34 streamed on the new website. Cable access will not be required.

35  
36 **Resolution No. 2013-05, Dedicated Funds for Town Hall and County Road 68 Overlay, Sharon**  
37 **Schwarze** – City Treasurer Schwarze advised the Council needs to determine if anything will be put  
38 in dedicated funds by February. The two items noted in the Council packet can be reserved in  
39 dedicated funds in the Council so chooses.

40  
41 Council Member Bohnen advised it would be good to get some grading done at Town Hall to get the  
42 water further away from the building. A lot of work could be done for the reserved amount of  
43 \$15,000. He referred to the other noted dedication of \$50,000 for old County Road 68. He stated  
44 there are no needs for it that at this time so he is not supportive of designating those funds.



1 City Treasurer Schwarze advised that \$50,000 was received from the County for a future overlay on  
2 that road. The issue is that if the City does not designate the funds now, it may not have it later. The  
3 previous Council did choose to put these dollars in the general fund.  
4

5 Council Member Huber stated steps and additional drainage for Town Hall at a cost of \$15,000 is  
6 almost as much as the previous work done at Town Hall. If the steps, grading and windows can be  
7 taken care of he is in support. He also mentioned getting better lighting if the designated dollars  
8 would allow for that.  
9

10 It was the consensus of the Council to eliminate the designation of dollars for Old County Road 68  
11 and designate \$15,000 for Town Hall repairs.  
12

13 **Council Member Fogelson moved to adopt Resolution No. 2013-05, as amended. Council**  
14 **Member Lobin seconded the motion. Motion carried unanimously.**  
15

16 **Charter Commission Discussion, Mayor Carr** – Mayor Carr stated the option of being a Charter  
17 City has been discussed. He stated he is unsure as to whether or not the City should become a Charter  
18 City but he would like the City to be in control of that. A draft resolution was distributed earlier in  
19 the meeting. He reviewed the steps for establishing a Charter City and noted the Council can request  
20 the establishment of a Charter. A maximum of \$1,500 would be put in the budget to aid the  
21 Commission but can only be used for certain things. He advised he believes the City should pass the  
22 resolution noting a district judge appoints members of the commission.  
23

24 It was the consensus of the Council to include nine (9) members of the Charter Commission within  
25 the resolution.  
26

27 **Mayor Carr moved to adopt Resolution No. 2013-08, as amended. Council Member Lobin**  
28 **seconded the motion.**  
29

30 City Attorney Vivian advised that if adopted, the resolution would be submitted to a judge with a  
31 letter outlining the process and a request for the judge to initiate. He outlined the process noting the  
32 statute is not clear on the process of applying for the Commisison as it is left to the descretion of the  
33 court.  
34

35 Mayor Carr stated applicants notify the City and the City makes recommendations to the judge for  
36 appointments.  
37

38 **Motion carried unanimously.**  
39

#### 40 **OLD BUSINESS**

41

42 **Appointments for Brushing, Mowing and Tree Service, Council Member Huber** – Council  
43 Member Huber stated KEJ was added to road services at the January meeting. He did meet with KEJ  
44 and received quotes. He would like to keep KEJ on those services as a secondary contractor with the  
45 option to use at the discretion of the Road Commissioner.

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Council Member Bohnen stated KEJ is already listed for those services. He did meet with KEJ to make sure he has enough activity in Grant to keep him on the plowing services for many years. Mr. Johnson does take another job in the summer and he would probably hire someone to do the mowing. He asked for direction regarding the mowing.

Council Member Huber stated the Road Commissioner has the option to use KEJ for the mowing services noting he hopes the City does not lose KEJ for the plowing services.

**2013 CUP Reviews, Council Member Huber** – Council Member Huber stated he and Council Member Fogelson did discuss the CUP review. Council Member Fogelson is opposed to reviewing CUP's but they did look at finding a systematic approach.

Council Member Huber proposed the CUP's get put into five (5) groups alphabetically, not to include CUP's issued or reviewed in the last four (4) years. One group would be started this year and then all CUP's would be reviewed within a five (5) year period. With this systematic approach, no random picking of CUP's is done and it is the City's responsibility to review CUP's as the City issued them.

Council Member Fogelson stated he is still opposed but he does agree if there is a process all of them should be reviewed. He is in favor of the systematic approach.

Council Member Huber stated the fee of \$100 every five years is not a big financial impact. The fee takes care of all the costs associated with the review. Any enforcement action that may have to be taken would not interfere with the continuing process.

City Attorney Vivian stated there would only be an enforcement issue if there is not compliance. If there is no compliance, the property owner would work with the City Planner on how to achieve compliance. He noted he does not see a high likelihood of the City ending up in litigation resulting from CUP reviews.

Mayor Carr stated he had started the process for health, safety and welfare issues that may be created from a CUP. He does not feel that all of the CUP's should be reviewed and as he went through the list there were six (6) he would like reviewed. He stated he is fine with going through the list and determining which have health, safety and welfare issues and then grouping those.

Council Member Huber reminded everyone that he and Council Member Fogelson were assigned the task of a systematic CUP review. They did that and have brought back a proposed process. If a CUP has no health, safety or welfare issues then perhaps they should not have a CUP. It is the City's job to follow up on these as the City issued them based on special conditions.

Mayor Carr suggested the Council think about the proposed system and look at it again in March unless they are ready to make a decision tonight.

1 Council Member Bohnen stated he believes the complaint basis is the best way to proceed although  
2 he appreciated the apolitical method brought forward. He would like to see some flexibility in the  
3 five (5) year plan that was proposed.  
4

5 **Council Member Fogelson moved to continue with the complaint process relating to CUP**  
6 **reviews. Council Member Bohnen seconded the motion. Motion failed with Council Member**  
7 **Huber and Mayor Carr voting nay and Council Member Lobin abstaining.**  
8

9 **Council Member Huber moved to adopt the systematic, alphabetical, five (5) year approach**  
10 **relating to CUP reviews, as proposed. Council Member Fogelson seconded the motion.**  
11

12 **Council Member Huber withdrew the motion. The second was withdrawn also.**  
13

14 **Council Member Huber moved to table CUP reviews to the March City Council meeting.**  
15 **Council Member Lobin seconded the motion. Motion carried unanimously.**  
16

### 17 DISCUSSION ITEMS

18

#### 19 **City Council Reports:**

20

21 Council Member Fogelson advised there is a meeting at the Metropolitan Council that he will be  
22 attending next Monday.  
23

24 Council Member Huber advised the new website is up and running. It is still in the building stage but  
25 the alpha site is almost complete. He will provide access to all of the Council Members for them to  
26 go through it. The new site will be ready to launch in a few weeks. The address could be changed to  
27 a .mn.us but it may be more trouble than it is worth.  
28

29 Council Member Bohnen stated the new dust control policy has been well received. He encouraged  
30 all residents to call him or the City if they have any questions.  
31

32 Council Member Huber stated he is working with two (2) residents regarding some issues they are  
33 having with Comcast.  
34

35 Council Member Bohnen stated the City does need to keep up the shouldering work so utilities can go  
36 in the right location.  
37

#### 38 **Staff Reports (any updates from Staff):**

39

40 There were no updates from staff.  
41  
42  
43

### 44 COMMUNITY CALENDAR FEBRUARY 6 THROUGH FEBRUARY 28, 2013:

45

1 **City Council Goal Setting Session, Tuesday, February 12, 2013, Town Hall, 7:00 p.m.**

2  
3 **Mahtomedi Public Schools Board Meeting, Thursday, February 14, 2013, Mahtomedi District**  
4 **Education Center, 7:00 p.m.**

5  
6 **Stillwater Public Schools Board Meeting, Thursday, February 14, 2013, Stillwater City Hall,**  
7 **7:15 p.m.**

8  
9 **Washington County Commissioners Meeting, Tuesdays, Washington County Government**  
10 **Center, 9:00 a.m.**

11  
12 **Planning Commission Meeting, Tuesday, February 19, 2013, Town Hall, 7:00 p.m., 2013, Town**  
13 **Hall, 7:00 p.m.**

14  
15 **ADJOURN**

16  
17 **There being no further business, Council Member Fogelson moved to adjourn at 10:10 p.m.**  
18 **Council Member Bohnen seconded the motion. Motion carried unanimously.**

19  
20  
21 These minutes were considered and approved at the regular Council Meeting March 5, 2013.

22  
23  
24  
25  
26 \_\_\_\_\_  
27 Kim Points, City Clerk

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