

CITY OF GRANT
MINUTES

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DATE : May 2, 2013
TIME STARTED : 7:00 p.m.
TIME ENDED : 10:32 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 7:00 p.m.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Mayor Carr advised the City has a new system for public input. The agenda request item form specifically stated the City must have jurisdiction over a topic and must not address individual Council Members. In addition, the Open Meeting Violation topic should be processed as a complaint.

Council Member Fogelson excused himself from the meeting at 7:02 p.m.

Mayor Carr removed the Charter Commission, Disbandment of the Planning Commission, and Open Meeting Violation from the Public Input.

Mayor Carr moved to approve the agenda, as amended. Council Member Lobin seconded the motion. Motion carried with Council Member Bohnen voting nay.

CONSENT AGENDA

April 2, 2013 City Council Meeting Minutes	Approved
Bill List, \$56,717.72	Approved
Resolution No. 2013-13, Collette Lot Line Adjustment	Approved
Camp Odayin Application for Exempt Gambling Permit, Raffle at Indian Hills	Approved

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

3
4 Council Member Fogelson returned to the meeting at 7:06 p.m.

5
6 **PUBLIC INPUT**

7
8 **Outdoor Warning Siren, Larry Lanoux** – Mr. Larry Lanoux came forward and commented on the
9 sirens that were recently purchased and not having service when the power goes out.

10
11 **Charter Commission, John Smith** – This item was removed from the agenda.

12
13 **Disbandment of the Planning Commission, Mark Wojcik** – This item was removed from the
14 agenda.

15
16 **Comment on Public Input, Robert Engelhart** – Mr. Robert Engelhart came forward and
17 commented on Public Input being removed from the City Council agenda, meeting minutes being
18 edited and not receiving a response from a Council Member.

19
20 **Open Meeting Violation, Loren Sederstrom** – This item was removed from the agenda.

21
22 **CONCEPT PLAN REVIEW, PAUL LOVAS**

23
24 City Planner Haskamp provided the background on this item advising an incomplete application was
25 reviewed and the proposal does not meet the City Code. The applicant withdrew his application and
26 would like to discuss the proposal with the Council. The issue with the application relates to lot
27 minimum requirements.

28
29 Mr. Paul Lovas came forward and advised he may need a variance to get the project done. He would
30 like to give a family member a larger lot. He noted he currently owns a nine acre lot that is not
31 buildable and would like to adjust the lot line from that parcel.

32
33 Mayor Carr advised the City looks at the non-buildable lot as a 10 acre lot. There is a contiguous lot
34 ordinance and the minimum lot size is five acres. The house would be non-conforming. He
35 suggested a lot split with a private permanent easement.

36
37 City Attorney Vivian suggested a lot split that creates two five acre parcels and then creates an
38 easement on the back lot.

39
40 Mr. Lovas advised that would not work as he wants his family member to have a three acre lot. He
41 stated this is an unusual situation that would work for him and his family member but apparently not
42 for the City.

43
44 City Attorney Vivian advised variances are not granted for non-conforming lots.

45

1 City Planner Haskamp advised there is one building on a 10 acre lot. It is a non-conforming lot with a
2 non-conforming building that has two PID's and two legal descriptions. They are separate. The only
3 way to solve the issues is to bring the lot into conformance.

4
5 City Attorney Vivian agreed and noted the County does not enforce the City ordinances. There are
6 two deeds and one was transferred into another name. There is the potential to combine the two lots
7 and then subdivide into two five acre parcels.

8
9 Mayor Carr suggested the non-conforming lot should be brought to four acres or provides an
10 easement. The City is not involved with private easements.

11 12 **STAFF REPORTS**

13 14 **City Engineer, Phil Olson**

15
16 **Seal Coat/Roadway Maintenance Plan** – City Engineer Olson stated a revised Seal Coat/Roadway
17 Maintenance plan was included in the packet for review and comment. This plan is an updated
18 version of the Seal Coat plan developed in 2008.

19
20 Due to the degraded condition of some of the City's roads, it appears that several of the roadways may
21 benefit more from an increased amount of patching compared to receiving a scheduled seal coat.
22 These roadways were discussed during the road tour. They have now been incorporated into the new
23 Seal Coat/Roadway Maintenance Plan has candidates for patching.

24
25 The new Seal Coat/Roadway maintenance plan also allows the City to give residents an opportunity
26 to utilize the patching money for a larger overlay or rehabilitation project. By notifying residents that
27 their road is scheduled for patching in the near future, residents would have the ability to petition the
28 city for a project with partial funding from this project.

29
30 The plan has identified roadways for patching through 2016. Roadways scheduled beyond 2016 are
31 currently scheduled for a seal coat but should be reviewed again prior to completing the seal coat.

32
33 The budget for 2013 is \$60,000.

34
35 Council Member Bohnen stated the concept was to get a locked down seal coating schedule. That
36 way if a road project is done, the Ciuty can contribute the seal coating dollars to that project. The
37 problem is that many of the roads are beyond seal coating.

38
39 Council Member Fogelson stated it does not make any sense to seal coat roads that are beyond repair.

40
41 Mayor Carr stated he believes it is a good idea to have the plan and it may eventually be utilized to
42 establish funding districts.

43
44 City Engineer Olson stated the 2013 patching should be started or a notice should be sent out to
45 residents.

1 Council Member Bohnen advised the initial potholing process will be completed as scheduled. The
2 timing is key due to obtaining bids and the three neighborhoods needs to be identified. Extensive pot
3 hole repair can happen anything during the season. The seal coat has to be done when it is warm.
4 City Engineer Olson advised the updated plan indicates it will take effect in 2014 so there would only
5 be patching done this year.

6
7 The Council directed staff to bring back a letter to send to residents in the three neighborhoods. The
8 plan will be reviewed again and based on the funding district to ensure it is in the right order per
9 funding district opportunities.

10
11 **Class 5 Surfacing Quotes** – City Engineer Olson advised the City completes a calls 5 resurfacing
12 project every year on roadways scheduled by the Road Commission. The request for quotes was sent
13 to Miller Excavating, Inc., and Raleigh Trucking Inc. He reviewed the quotes and asked for Council
14 approval.

15
16 Council Member Bohnen advised that last year the City deviated from the regular process and
17 obtained quotes and purchased gravel from different contractors. He stated that worked very well and
18 he would like to continue with that process.

19
20 Council Member Huber stated there were quality issues last year and asked why the City would look
21 at two contractors again this year.

22
23 Council Member Bohnen advised the two different contractors have a different clay content and
24 certain gravel works better with the roads that have dust control applied. Last year the contractors
25 were very flexible with the process and recommended the City accept the quotes and he purchase the
26 gravel as he deems necessary.

27
28 **Council Member Fogelson moved to accept both quotes and authorize the Road Commissioner**
29 **to purchase Class 5 from both contractors as he deems appropriate. Council Member Lobin**
30 **seconded the motion. Motion carried unanimously.**

31
32 **Irish Avenue Drainage Repair** – City Engineer Olson advised this item was to authorize extensive
33 patching on Irish Avenue. However, this may be part of an overlay project and he recommends this
34 be delayed for a few months.

35
36 Council Member Bohnen advised safety patching will be done extensively but the City will want to
37 see if this is part of an overlay project. He referred to the cost estimate for the project and suggested it
38 be put out to contractors for a design bid.

39
40 City Engineer Olson advised he would put together a simple request for a design bid.

41
42 **Resolution No. 2013-14, CSAH 7 Pavement Rehabilitation Project** – City Engineer Olson advised
43 Washington County is requesting municipal consent for a pavement rehabilitation project on CSAH
44 7. The project will extend from Manning Avenue to White Bear Township. It will address poor

1 pavement conditions with a full depth reclamation and bituminous overlay. This project will not
2 require cost participation from Grant.

3
4 **Council Member Fogelson moved to adopt Resolution No. 2013-14, as presented. Council**
5 **Member Lobin seconded the motion. Motion carried unanimously.**

6
7 **Manning Avenue Pavement Rehabilitation Project** – Washington County is requesting municipal
8 consent for a pavement rehabilitation project on Manning Avenue. This project is proposed to extend
9 from 80th Street to Highway 96. The project will include a roundabout at Highway 96 along with
10 minor turn lane improvements.

11
12 This project also includes a signal and a right turn lane at 80th Street. Per the Washington County
13 Policy for Cost Participation (attached), Grant is required to fund 25% of the signal and 100% of the
14 turn lane. Additionally, Grant is required to fund 50% of the electric costs, approximately \$250 per
15 year.

16
17 On April 16th, Council Member Bohnen and I met with Washington County to discuss the details and
18 funding for this project. At the meeting, an alternate funding option was discussed where Grant
19 would fund the signal based on the percentage of traffic from Grant. This method is recognition of
20 Grant's limited use of the signal.

21
22 The traffic volumes at Manning Avenue and 80th Street are as follows:

- 23 • Manning Avenue: 13,400 cars/day
- 24 • 80th Street (Stillwater): 2,000 cars/day
- 25 • 80th Street (Grant): 300 cars/day (summer)
- 26 • 80th Street (Grant): 30 cars/day (winter)

27
28 Below is a comparison of Grant's funding obligation based on Washington County's current policy
29 and based on an estimate of the traffic volumes. Additional discussion is needed with Washington
30 County to determine the exact traffic volumes and formula for the agreements.

31
32 Washington County Policy:

33 $\$10,000$ (turn lane) x 100% + $\$150,000$ (signal) x 25% = $\$47,500$

34
35 Traffic Volumes:

36 300 cars/day (Grant) ÷ 2000 cars/day (Stillwater) = 15%

37 $\$80,000$ (50% of the cost of the turn lane and signal) x 15% = $\$12,000$

38
39 Staff is requesting Council direction prior to working with Washington County to develop agreements
40 for this project. The agreements will still need Council approval at a future City Council meeting.

41
42 Council Member Bohnen noted he has ordered road counts on that road.

43
44 City Engineer Olson stated warrants are being met there for a stop light by the City of Stillwater.

45

1 Council Member Huber added it should like the City is solving Stillwater's problems with City of
2 Grant dollars.

3
4 City Engineer Olson stated the City does have the option to say no. Municipal consent is needed for
5 the project.

6
7 Council Member Bohnen stated there is a change a stop light will be put in at McKusick and the City
8 may have to finance a turn lane. If the same stadards is used, the City will have to pay 50% plus the
9 turn lane costs and the only reason a turn lane may be constructed is to have a sensor to trip the stop
10 light. He suggested contributing \$10,000 to this project may be a good idea.

11
12 It was the consensus of the Council to contribute up to \$10,000 for the project.

13
14 **Staff Report** – A report from City Engineer Olson was provided for April 2013 engineering activities
15 to be placed on file.

16
17 **City Planner, Jennifer Haskamp**

18
19 **Staff Report** – A report from City Planner Haskamp was provided for April 2013 planning activities
20 to be placed on file.

21
22 **City Attorney, Nick Vivian**

23
24 **Civil Legal Services Contract** – City Attorney Vivian advised that as the City goes into budget
25 season, he put together a contract for review. The theory behind it is to help with the annual budget
26 process. It provides for a flat fee and more interaction with the City. All of his communities have a
27 flat fee for prosecutions and many have a flat fee for general also. The Administrator/Clerk requested
28 a draft contract and it was included in your packets for consideration and review.

29
30 Mayor Carr stated the numbers came from the three line items in the budget. General legal fees are
31 typically at \$30,000 - \$35,000 per year. He asked if a retainer system still allows for keeping track of
32 time entries and what is being billed.

33
34 Council Member Huber thanked the Administrator/Clerk for getting the draft agreement. He would
35 like to see what went into developing the numbers. Information for the past several years would be
36 helpful as well as to see what the City is actually being billed for.

37
38 Council Member Bohnen reviewed year to date numbers for 2011 and 2012. He would like to review
39 the bills to determine what are ordinary services and extraordinary services.

40
41 It was the consensus of the Council that more information is needed to further discuss the agreement.

42
43 **Staff Report** – A report from City Attorney Vivian was provided for April 2013 legal activities to be
44 placed on file.

45

1 **Building Inspector, Jack Kramer** – A report was from Building Inspector Kramer was provided for
2 April 2013 to be placed on file for review.

3
4 **NEW BUSINESS**

5
6 **City Assessor contract, Administrator/Clerk** – Administrator/Clerk Points provided a three year
7 contract and pricing for the City Assesor. She noted there have not been any service issues or resident
8 complaints. The three year contract will lock in the pricing for assessing services.

9
10 **Council Member Huber moved to provisionally approve the contract based on obtaining a price**
11 **quote from the County and the contract expiration date be changed to September 1. Mayor**
12 **Carr seconded the motion.**

13
14 Administrator/Clerk Points pointed out that the contract expiration date may be per the County.

15
16 Council Member Huber withdrew the expiration date requirement from the motion. Mayor Carr
17 agreed to the withdrawal.

18
19 Council Member Fogelson suggested a one year contract be approved so the City can go out for bids
20 next year. If the County comes back with a less expensive option a special meeting would have to be
21 held because a contract has to be in place by June 1.

22
23 Council Member Bohnen stated he is prepared to take action tonight. The County could have been
24 called prior to the meeting.

25
26 **Mayor Carr added a friendly amendment to include if the County comes back with a less**
27 **expensive option a special meeting is called. Council Member Huber agreed to the friendly**
28 **amendment. Motion carried with Council Member Bohnen and Fogelson voting nay.**

29
30 **Town Hall Repairs, Council Member Fogelson** – Council Member Fogelson advised every year the
31 City does have some repairs done to Town Hall. Dollars have been dedicated for grading, windows
32 and steps. Bids for the windows were included in the packet.

33
34 It was the consensus of the Council to move forward with the replacement of four wood windows this
35 year.

36
37 **Reschedule November 5, 2013 City Council Meeting, Administrator/Clerk** – Administrator/Clerk
38 Points advised the November 5 Council meeting has to be rescheduled due to a School District
39 special referendum.

40
41 The November 2013 regular City Council meeting was rescheduled to Monday, November 4, 2013.

42
43 **Approval to Extend Asphalt Apron on 69th, Council Member Bohnen** – Council Member Bohnen
44 advised there is a visibility issue at 69th and the County Road. The asphalt apron would give time to
45 get on the asphalt. He did speak to the County about a cost share and they have declined but may

1 wave the permit fee. The County may be interested in the installation of a blinking light warning that
2 a car is coming.

3
4 **Council Member Fogelson moved to approve the project as presented and continue discussions**
5 **with the County regarding the placement of flashing signs. Council Member Huber seconded**
6 **the motion.**

7
8 Mr. Paul Roth came forward and stated he has lived there a long time. His kids are of driving age
9 now and it is very dangerous.

10
11 Mayor Carr stated he is confused as to why the County wants the City's help on 80th Street but they
12 will not help with paving their own right of way.

13
14 City Engineer Olson advised he can talk to the County about some warning lights being placed there
15 while the project is being done.

16
17 Council Member Bohnen stated he is comfortable with talking to the County again about the City
18 helping with 80th Street and them helping with this project.

19
20 **Motion carried unanimously.**

21
22 **OLD BUSINESS**

23
24 **City Website Update, Mayor Carr** – There were no issues raised with the website.

25
26 **CUP Review Process, Mayor Carr** – Mayor Carr advised staff will present an option for CUP
27 reviews.

28
29 Administrator/Clerk Points advised staff discussed CUP reviews at a staff meeting and research was
30 done on how other cities conduct CUP reviews. Staff is recommending a systematic approach that
31 includes all CUP's grouped by addresses. All CUP documents will be administratively reviewed and
32 those that are a large land use in relation to health, safety and welfare will have an on-site visit.
33 Those that do not have reviewable conditions will not have an on-site visit. Staff as a team will
34 review all the CUP documents and a report will be drafted every year. Only reviews that have
35 compliance issues will be brought to the Council.

36
37 Council Member Bohnen stated the option sounds fair and equitable and he appreciates that.
38 However, the City has limited funds and staff so he would prefer the City utilize the complaint basis
39 this year and revisit this next year.

40
41 Mayor Carr stated he lived through the complaint basis previously utilized. The ordinance says the
42 City is to review CUP's. He stated the staff option is a good compromise.

43
44 Council Member Fogelson stated he likes the new approach and it is apolitical. The only concern is
45 cost but it is the best solution he has heard.

1 Council Member Huber stated he would like to see what the costs are to implement the process. He
2 asked staff to keep the billing separated.

3 Discussion was held as to whether the process should have a five or four year cycle.
4

5 Council Member Bohnen stated the fewer there are to review every year the less expensive it will be.
6 Having a four year cycle is setting the City up for failure and the City may get bogged down with
7 litigation.
8

9 **Mayor Carr moved to implement the CUP Review Process as outlined on a four year cycle.**
10 **Council Member Fogelson seconded the motion. Motion carried with Council Member Bohnen**
11 **voting nay.**

12 DISCUSSION ITEMS

13 **City Council Reports:**

14
15
16
17 Council Member Fogelson stated the Metropolitan Council had a meeting on ground water and the
18 relationship to ground water and what is happening in White Bear Lake. He stated the City needs to
19 continue being represented at the meetings.
20

21 Council Member Huber stated the Cable Commission is getting close to franchise negotiation. There
22 are \$30,000 dollars in funds that need to be utilized. He stated he met with the tech people regarding
23 lighting issues and other upgrades to Town Hall. He will continue to provide updates.
24

25 Council Member Bohnen referred to the potholes on the roadways. He stated he has received some
26 very concerning calls regarding the potholes and damage to vehicles. The timing this year between
27 the frost coming out and the potholes being fixed has been lengthy. Residents are ruining tires and it
28 is dangerous. Residents need to wait on traffic and go around the potholes.
29

30 Mayor Carr stated there will be water testing in May in the City of Scandia. Information will be
31 posted on the website.
32

33 **2013 City Council Goals** – There was no discussion regarding this item.
34

35 **Staff Reports (any updates from Staff):**

36
37 Administrator/Clerk Points advised a citizen has requested there be another clean-up day. Due to the
38 weather road side trash was not picked up. Maroney's is available for a one time pick up at Town
39 Hall if the Council would like to accommodate the request.
40

41 It was the consensus of the Council to schedule a onetime pickup at Town Hall for road side trash that
42 is picked up. Information will be posted on the website.
43

44 Administrator/Clerk Points referred to the staff report and updated the Council on the Municipal
45 Clerk's training. She noted the City of Grant was the tenth largest City in the first year group.

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Council Member Huber moved to approve Administrator/Clerk attendance at the Municipal Clerk’s Training for the next two consecutive years. Council Member Fogelson seconded the motion. Motion carried unanimously.

COMMUNITY CALENDAR MAY 3 THROUGH MAY 31, 2013:

Mahtomedi Public Schools Board Meeting, Thursday, May 9, 2013, Mahtomedi District Education Center, 7:00 p.m.

Grant Community Meeting, Wednesday, May 15, 2013, Town Hall, 5:00 – 7:00 p.m.

Stillwater Public Schools Board Meeting, Thursday, May 9th and 23th, 2013, Stillwater City Hall, 7:00 p.m.

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

CLOSED SESSIONS 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 et al

Council Member Fogelson moved to go into closed session at 10:30 p.m. Council Member Lobin seconded the motion. Motion carried unanimously.

Council Member Lobin moved to go back into open session at 10:31 p.m. Council Member Fogelson seconded the motion. Motion carried unanimously.

City Attorney Vivian advised the purpose of the closed session was to confer with legal counsel regarding the decision of Nelson v City of Grant. No action was taken.

ADJOURN

There being no further business, Council Member Fogelson moved to adjourn at 10:32 p.m. Council Member Bohnen seconded the motion. Motion carried unanimously.

These minutes were considered and approved at the regular Council Meeting June 4, 2013.

Kim Points, Administrator/Clerk

Tom Carr, Mayor