

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

January 7, 2004

OPEN FORUM – 7:15 p.m.

Open forum provides a person an opportunity to inform the Council of a problem or to request information related to City business not scheduled for Council action and on the Agenda. Mayor Shiely encouraged persons to limit their remarks to two (2) minutes per issue.

Present: Mayor Sandy Shiely
Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Mark Grossklaus

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance & Administrative Services Director
John McCool, Senior Planner
John Mickelson, Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney
Caron Stransky, City Clerk

Not Present: Council Member Jim Wolcott

Darlene Bradsteen, 9005 Jareau Avenue South, asked what the process would be to get an item placed on the City Council agenda. Mayor Shiely explained the process noting that the next Council meeting would be in two weeks. She asked Ms. Bradsteen to explain her concerns.

Ms. Bradsteen explained that she and others in her neighborhood recently found out that a new adult foster care home recently opened across the street from her home. She expressed concerns stating that neither she nor her neighbors had ever received notice that an adult foster care home would be opening in their neighborhood. She asked how this could have been approved without notice to the residents. She stated there have been several incidents that have raised concerns about their safety. She stated that she would like to have this issue placed on the agenda for further discussion with the Council.

Mayor Shiely clarified that the City Council is not involved in the decision making process for these homes noting that this is not the first complaint the City has received regarding this home. She explained that much of the information maintained by the Public Safety Department is privileged and confidential and could not be released to the public. She stated that the Council would ask Staff to prepare a document explaining what the City does know and forward for their review. She stated that the information would be provided for their review prior to the next City Council meeting.

Public Safety Director Mickelson further explained the process and confirmed that the only information they could release is data that involves criminal activity. He stated that medical information could not be released due to privacy laws. He reviewed the process with Council stating that he would put together and provide information to the residents for their review before the next City Council meeting.

Council Member Kohls stated that she had a copy of the State Statues regarding Adult Foster Homes and provided it to Ms. Bradsteen to review.

Ms. Bradsteen thanked the Council. She stated that the information they would like to see is how this would impact their neighborhood and how the City would address the safety concerns. She and several of her neighbors are very concerned about the safety issues this home is presenting to the area residents and children. She stated that they have a lot of families with small children and the parents are very concerned. They would wait for the information from Public Safety Director Mickelson and then contact City Staff.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, January 7, 2004, at the Cottage Grove City Hall, 7516 80th Street South. Mayor Sandy Shiely called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Mayor Sandy Shiely
Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Mark Grossklaus

Also Present: Ryan Schroeder, City Administrator

John McCool, Senior Planner
Tom Thompson, Consultant City Engineer
John Mickelson, Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, Consultant City Attorney
Caron Stransky, City Clerk

Not Present: Council Member Jim Wolcott

ADOPTION OF AGENDA

MOTION BY RICE, SECONDED BY KOHLS, TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED 4-0.

PRESENTATIONS

NONE

APPROVAL OF MINUTES

A. November 19, 2003 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. PLANNING COMMISSION OF NOVEMBER 24, 2003 MEETING.
- B. ADOPT **RESOLUTION NO. 04-001** DESIGNATING DEPOSITORIES FOR CITY FUNDS AND AUTHORIZING THE INVESTMENT OF SURPLUS FUNDS FOR 2003.
- C. ACKNOWLEDGE THE MEETING SCHEDULE FOR THE REGIONAL 2004 BOARD OF APPEALS AND EQUALIZATION OPEN BOOK MEETINGS.
- D. ADOPT **RESOLUTION NO. 04-002** ACCEPTING DONATION FROM S & T OFFICE PRODUCTS FOR COTTAGE GROVE RECREATION DEPARTMENT'S U-LEAD AND U/R YOUTH VOLUNTEERS.
- E. ADOPT **RESOLUTION NO. 04-003** ACCEPTING DONATION OF \$87.00 FROM ZION LUTHERAN CHURCH TO THE FIRE DIVISION FOR THE PURPOSE OF FIRE EDUCATION FOR CHILDREN.
- F. ADOPT **RESOLUTION NO. 04-004** ACCEPTING DONATION OF \$500.00 FROM APPLEBEE'S OF COTTAGE GROVE TO THE FIRE DIVISION FOR THE PURPOSE OF TECHNICAL ADVANCEMENTS WITHIN THE FIRE DIVISION.
- G. DESIGNATE THE SOUTH WASHINGTON COUNTY BULLETIN AS THE CITY OF COTTAGE GROVE'S OFFICIAL NEWSPAPER FOR 2004.
- H. APPROVE THE APPOINTMENT OF HOWARD BLIN TO THE COMMUNITY DEVELOPMENT DIRECTOR POSITION.
- I. ADOPT **RESOLUTION NO. 04-005** ADOPTING THE 2004 PAY PLAN AND BENEFITS FOR EMPLOYEES NOT COVERED BY A LABOR CONTRACT FOR THE CITY OF COTTAGE GROVE (REPEALS RESOLUTION NO. 03-163).

MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES - NONE

PUBLIC HEARINGS

- A. Hold a Public Hearing to Consider Issuance of Liquor License for Establishment, Mississippi Dunes Golf Links.

Mayor Shiely stated that Taher Inc. terminated their operating and management agreement with William and Greg Doebler, owners of Links on the Mississippi Inc., to operate the food and beverage operations at the Mississippi Dunes Golf Links and has not renewed their liquor license for 2004. She stated that as a result, the Doebler's have made application for an 'On Sale' Intoxicating and 'On Sale' Special Sunday Intoxicating Liquor License. She reviewed the request with Council and asked if all of the required documents had been received.

City Clerk Caron Stransky confirmed that all documents have been received, are in order and the Police and Fire investigations have been completed.

Mayor Shiely opened the Public Hearing at 7:34 p.m.

Mayor Shiely closed the Public Hearing at 7:35 p.m.

MOTION BY RICE, SECONDED BY KOHLS, TO APPROVE THE ISSUANCE OF AN "ON SALE" INTOXICATING AND "ON SALE" SPECIAL SUNDAY INTOXICATING LIQUOR LICENSE TO LINKS ON THE MISSISSIPPI, INC., DBA MISSISSIPPI DUNES GOLF LINKS, FOR 2004, CONTINGENT ON COMPLIANCE WITH ALL STATE AND LOCAL LIQUOR LAWS, RECEIPT OF A CERTIFICATE OF LIQUOR LIABILITY (DRAM SHOP) INSURANCE, AND SATISFACTORY COMPLETION OF THE REQUIRED POLICE BACKGROUND INVESTIGATION AND FIRE INSPECTION. MOTION CARRIED 4-0.

BID AWARDS - NONE

UNFINISHED AND NEW BUSINESS

A. 1. Appointment of Acting Mayor for 2004

Mayor Shiely explained that at the first meeting of each year, the City Council is required to appoint an Acting Mayor for the upcoming year, and the Mayor is required to appoint Council representatives or liaisons to the various commissions and committees.

Mayor Shiely appointed Council Member Wolcott as Acting Mayor for 2004.

2. Appointments to Various Commissions and Committees for 2004.

The Council accepted Mayor Shiely's Council Liaison appointments to the following commissions and committees for 2004:

- Public Safety, Health and Welfare Commission – Cheryl Kohls
- Advisory Committee on Historic Preservation – Cheryl Kohls
- Human Services/Human Rights Commission – Mark Grossklaus
- Parks, Recreation and Natural Resources Commission – Pat Rice
- Planning Commission – Pat Rice
- South Washington County Cable Communications Commission – Pat Rice and Cheryl Kohls (Alternate)

- Public Works Commission – Jim Wolcott
- Economic Development Authority – Jim Wolcott and Sandy Shiely
- Red Rock Corridor – Sandy Shiely and Pat Rice (Alternate)
- Festival Committee – Cheryl Kohls, Sandy Shiely (Alternate)
- South Washington Watershed District – Pat Rice and Cheryl Kohls
- Investment Committee – Sandy Shiely and Mark Grossklaus (Alternate)
- Intergovernmental Committee – Mayor and Council Members
- Lower St. Croix Watershed – Cheryl Kohls

B. Consider Application of Tennis Brothers Sanitation LLC for a Residential Dwelling Solid Waste License.

City Administrator Schroeder stated that the City received an application from Tennis Brothers Sanitation LLC for a residential dwelling solid waste license. He reviewed the Cottage Grove City Code with Council noting that Tennis Brothers Sanitation is a limited liability company. Prior to the Council considering issuance of the license, Public Works Director Burshten has requested that the application be forwarded to him and the Public Works Commission for their review. They will verify compliance with the eligibility requirements, the licensing conditions, and the duties and obligations of a licensed collector as outlined in the City Code. Administrator Schroeder stated that Public Works Director Burshten has informed him that the applicant is in agreement with the application process and license requirements. Therefore, Staff recommends that the application of Tennis Brothers Sanitation LLC be forwarded to the Public Works Director and Public Works Commission for their review and recommendation.

MOTION BY KOHLS, SECONDED BY RICE, TO FORWARD THE APPLICATION OF TENNIS BROTHERS SANITATION LLC FOR A RESIDENTIAL SOLID WASTE LICENSE TO THE PUBLIC WORKS DIRECTOR AND PUBLIC WORKS COMMISSION FOR THEIR REVIEW AND RECOMMENDATION. MOTION CARRIED 4-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

A. Consider Receiving Response to Previously Raised Council Comments and Requests Regarding Multiple Animal Licenses.

Mayor Shiely stated that at the last meeting the City Council considered issuance of a license to a resident to maintain four dogs at her residence located within a new development. She stated that Council asked for clarification of the policy for future requests. Mayor Shiely reviewed the City Code regulations with Council noting that since the adoption of the multiple licensing requirements, the City Council has authorized issuance of 13 multiple licenses. She noted that all were issued conditioned on compliance with City Code, expiring on December 31, 2003, and subject to renewal for 2004. She stated that additional conditions were noted for each applicant and that three of the 13 licenses issued in 2003 included a condition of attrition. She clarified that the number of dogs and cats maintained must be reduced to a total of no more than three dogs and/or cats at a residence. Currently, however, there is no stipulation or condition of licensure in the Code requiring the eventual reduction of the

number of animals maintained at a residence. She asked if the condition of attrition could be included in the City Code language.

City Clerk Stransky clarified the process noting that the attrition reduction could be included in the City Code.

City Administrator Schroeder further clarified the multiple licensing processes with Council noting that as attrition occurs the owner should utilize the opportunity to come into compliance with City Code. He stated that the process does take into consideration those who are not aware of the ordinance or the licensing requirements.

Council Member Kohls clarified that Council could give a variance if requested. She provided an example of an individual living in the country, possibly working to provide guide dogs or training and asked if this would be a consideration for an exception. City Administrator Schroeder stated that each would be considered on a case-by-case basis.

City Attorney Corrine Thomson clarified the review process and the suggested new language for the City Code.

Council Member Rice asked whether this only affects the urban residents.

Senior Planner McCool explained that boarding and breeding kennels would have to be reviewed by both the Planning Commission and City Council prior to approval. Council Member Kohls clarified that her example was for an individual who works with dogs and trains for other purposes not for boarding/breeding kennels. She expressed concerns noting that it is possible that a change in the language could reduce their chances of having people come forward and request a multiple license when necessary.

Senior Planner McCool explained that the majority of the requests that come before Council were generated by complaints versus actual resident requests for a multiple-license. City Clerk Stransky also noted that residents were identified using the licensing software program. She explained that she was able to identify residents with three or more animals using this application and were able to follow up with the complaints received by other residents. She clarified that there are no exceptions in the current Code based on the zoning of property. She stated that City Code applies to both urban and rural adding that there are no exceptions to the rule.

Mayor Shiely stated that Council would review the language further once the City Attorney has had an opportunity to review the recommended changes. City Attorney Thomson stated that she would have a draft available for Council review at the next City Council meeting.

COUNCIL COMMENTS AND REQUESTS

Council Member Kohls stated that she would like a detailed update on what is happening with the tenants and owner of the Cottage Square property. She stated that she has heard there are concerns and she wants to be sure the Council is doing whatever they can to help resolve the situation.

City Administrator Schroeder stated that a purchase agreement has not been signed yet. He explained that they became aware of an item that would be of benefit to both parties and requires further review. He stated that they expect the purchase agreement to be signed soon adding that he has requested to be notified immediately when it is signed. He stated that they would issue a communication to the tenants once the purchase agreement has been signed.

Mayor Shiely clarified that the tenants are aware that the purchase agreement has not been signed and have expressed concerns that they are not receiving updates. She noted that the buyer has not communicated with any of the tenants.

City Administrator Schroeder explained that the buyer does not feel comfortable communicating with the tenants until he has actually purchased the property. He stated that they are in the process of scheduling meetings with some of the tenants to discuss their concerns and options.

Council Member Kohls acknowledged the tenants concerns stating that it is very disappointing to hear that nothing has happened yet to resolve this situation.

Mayor Shiely stated that an East Ravine Informational meeting is scheduled for Thursday, January 6, at 7:00 p.m. and will be held at the River Oaks Golf Course. She reviewed the issues and encouraged interested parties to attend. Council Member Kohls asked if all of the residents have received communications regarding the issues and the meeting. Senior Planner McCool stated that the residents have been notified and reviewed the distribution with Council.

PAY BILLS

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO APPROVE PAYMENT OF CHECK NUMBERS 132522 THROUGH 132765 TOTALING \$569,029.67. (CHECKS 132522–132589 IN THE AMOUNT OF \$123,955.59 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 4-0.

Mayor Shiely called a break at 7:54 p.m.

Mayor Shiely reconvened the regular meeting at 8:00 p.m.

WORKSHOP SESSION – Open to Public

Present: Mayor Sandy Shiely
Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Mark Grossklaus

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance Director

John Mickelson, Public Safety Director
Les Burshten, Public Works Director

A. Council Goals for 2004

Mayor Shiely referred to the 2003 primary goals, included in the Agenda Packet, asking for any suggested changes for 2004. Council Members Rice and Grossklaus stated they were comfortable with the entire document.

Mayor Shiely commented that under public facilities, we need some improvement and need to ensure that we do something to gain access to the Mississippi River.

Council Member Kohls commented that the goals are growth focused but we need to take care of the maintenance end as well. She asked how resources dedicated to growth take away from providing basic services to the existing taxpayer. Further, that we need to grow but we need to take care of the people who are here. She suggested a goal to provide a fiscal analysis on providing current level of service to existing and new taxpayers. Mayor Shiely suggested placing that idea under the existing fiscal stability goal.

Public Safety Director Mickelson cautioned that the type of growth and development could vary the impact on his department dramatically. He noted that a standard subdivision probably does not affect his resources much but that a senior high rise would be expected to create more demand on the ambulance/emergency medical service.

Council Member Kohls suggested that staff provide a layout of what we predict for numbers of business types, homes, etc., and how that will affect basic services over a few years so that we know how to plan. Mayor Shiely added that after the Cottage Square and 70th/Hinton senior house projects, we probably do not need any more of that type of housing and therefore senior housing should be removed from the goals. Council Member Grossklaus cautioned that we still need patio homes and empty-nester housing, such as Auburn Woods. Council Member Kohls agreed with the need for affordable town homes in the \$170,000 to \$270,000 price range.

Council Member Grossklaus asked that Council receive a ranking of public facility maintenance needs. Public Works Director Burshten commented that his greatest need area increases in the future will be trail and storm water maintenance.

Council Member Kohls agreed that we should improve the quality of public facility construction and that we plan for a new City Hall or police station. Public Safety Director Mickelson responded that if we build another building he would prefer to keep police and City Hall consolidated. Mayor Shiely suggested that we look to developers of the East Ravine to provide land for a government center. Council Member Kohls asked that staff project how much land we would need for City Hall, police, fire, public works, and an athletic complex all on one site. Council Member Rice suggested that we consider a City Hall/police facility adjacent to Fire Station No. 3 given that we own the land and it is a nice site. He also suggested that he would not favor two Public Works facilities. Council Member Kohls

suggested a future workshop for facility planning. Mayor Shiely recommended including a priority listing on state of repair of current facilities.

Mayor Shiely reminded Council that the City Administrator review was to happen in November but now would be scheduled in February. She also commented that the City should assist the Fantasy Cruise Bingo Hall with relocation within the community.

Council Member Grossklaus suggested that they look at the MGM mall as a choice. Mayor Shiely suggested the G-Will mall. There was not universal agreement on a possible Grove Plaza mall location.

Mayor Shiely informed Council of menacing telephone calls both she and City Administrator Schroeder had received in December 2003. Public Safety Director Mickelson informed Council that he would be providing a memo updating them on personal security concerns and measures.

WORKSHOP SESSION – CLOSED - NONE

ADJOURNMENT

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO ADJOURN THE MEETING AT 9:26 P.M. MOTION CARRIED 4-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.