

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

February 4, 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 Jim Wolcott
Council Member Mark Grossklaus

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

Carla Bigham, Chair of the Public Safety, Health and Welfare Commission, announced that the Commission is sponsoring a Blood Drive at Fire Station 1 on February 17, 2004 from 2:00 p.m. to 7:00 p.m. She provided the Council with a brief overview stating that anyone interested in volunteering can contact her at 651-485-1886. She noted that walk-ins are welcome but appointments are preferred.

Public Safety Director Mickelson stated that he would like to update the Council on a police incident that occurred earlier today in Cottage Grove. He explained that the County Special Response Team was activated in response to a domestic situation in the townhomes located along 92nd Street. He reviewed the situation with the Council noting that they were on site within 10 minutes and in phone contact with a female in the home. He stated that the SWAT/SRT Team also responded and with their assistance were able to convince each of the suspects to come out of the home noting that the incident occurred over a three-hour period. Mickelson stated that over 50 officers responded to the call coming from areas such as Woodbury, Bayport, Newport, Oak Park Height and the Washington County Sheriff, and the School District provided heated school buses for the children who were returning home from school, as access to the area was restricted until the incident was resolved. He stated that they were able to resolve the incident without anyone getting hurt adding that he would like to thank all of the officers involved for the outstanding work. He thanked the Council for

their support and funding adding that the Public Works Department did a great job with the cleanup of the area.

Council Member Kohls thanked everyone for the quick response and for being there to ensure the safety of the residents and the people involved.

Mayor Shiely thanked everyone for a great job well done. She stated that it is good to know that they can count on the support of the neighboring communities.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, February 4, 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 Jim Wolcott
Council Member Mark Grossklaus

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

ADOPTION OF AGENDA

MOTION BY WOLCOTT, SECONDED BY RICE, TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED 5-0.

APPOINTMENTS AND PRESENTATIONS

A. PRESENTATIONS

1. Swearing in Ceremony for Police Officer/Paramedic Bryce Wanek.

Mayor Shiely stated that this evening the City Council is fortunate to witness the swearing in ceremony for the City of Cottage Grove's newest Police Officer/Paramedic, Bryce Wanek. She invited the Council to step forward and join her for the swearing in ceremony.

City Administrator Schroeder administered the oath for Officer Bryce Wanek. He reviewed Officer Wanek's background noting that he was born and raised in Rochester, Minnesota, graduated from Inver Hills with a degree in medicine and in law enforcement. He also noted that Officer Wanek's family, his wife Julie and their three children, Allen, Nicole and Andrew are also present this evening. Officer Wanek's wife, Julie Wanek, presented and pinned her husband with his badge.

Officer Wanek stated that he would do his best for the City of Cottage Grove and thanked Mayor Shiely, the City Council and the Cottage Grove Police Department for giving him the opportunity to serve the City of Cottage Grove.

B. APPOINTMENTS.

NONE

APPROVAL OF MINUTES

NONE

CONSENT CALENDAR

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - I. PLANNING COMMISSION MEETING OF DECEMBER 22, 2003.
- B. ADOPT **RESOLUTION NO. 04-011**, APPROVING APPLICATION OF COTTAGE GROVE ATHLETIC ASSOCIATION FOR A CLASS "A" PREMISES PERMIT TO CONDUCT LAWFUL PURPOSE GAMBLING AT FANTASY CRUISE BINGO HALL, 8200 HADLEY AVENUE SOUTH, COTTAGE GROVE, MINNESOTA.
- C. ADOPT **RESOLUTION NO. 04-012**, APPROVING FINAL PAYMENT OF \$500.00 TO HYDROCON, INC., FOR THE ALMAR VILLAGE ADDITION PROJECT.
- D. ADOPT **RESOLUTION NO. 04-013**, APPROVING FINAL PAYMENT OF \$10,303.40 TO HYDROCON, INC., FOR THE ACORN RIDGE UTILITY AND STREET IMPROVEMENT PROJECT.
- E. AUTHORIZE STAFF TO PURCHASE CARPET FROM DELUXE CARPET COMPANY FOR THE RIVER OAKS GOLF COURSE FOR \$16,439 (INCLUDES SALES TAX).
- F. ADOPT **RESOLUTION NO. 04-014**, ADOPTING A FIXED ASSET POLICY FOR THE CITY OF COTTAGE GROVE AND REPEALING RESOLUTION 03-098 AND 95-230.
- G. ADOPT **RESOLUTION NO. 04-015** RESOLUTION SUPPORTING THE 2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION.
- H. RECEIVE UPDATE INFORMATION RELATED TO CITY OF COTTAGE GROVE FACILITIES.
- I. AUTHORIZE THE EXECUTION OF THE MASTER SERVICE AGREEMENT APPLICATION HOSTING SERVICES WITH OPUS21.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE.

PUBLIC HEARINGS

- A. Hold the Public Hearing and Consider Authorizing Issuance of an Off-Sale Intoxicating Liquor License to F. T. L. Corporation/DBA MGM Liquor Warehouse for their New Location at 7201 East Point Douglas Road (Grove Plaza Shopping Center).

Mayor Shiely stated that F.T.L. Corporation has made application to move their operations from their present location at 7155 80th Street South to 7201 East Point Douglas Road in the Grove Plaza Shopping Center. She noted that the move is tentatively scheduled on or around March 1, 2004. She explained that Cottage Grove City Code does not allow for the transfer of liquor licenses from one property to another and that F.T. L. Corporation has submitted an application for an Off-Sale intoxicating liquor license for their new location. She indicated that during the required background investigation no facts were found that would constitute denial of the application.

Mayor Shiely opened the Public Hearing at 7:37 p.m.

Mayor Shiely closed the Public Hearing at 7:37 p.m.

MOTION BY KOHLS, SECONDED BY RICE, TO AUTHORIZE ISSUANCE OF THE OFF-SALE INTOXICATING LIQUOR LICENSE TO F.T.L. CORPORATION/DBA MGM LIQUOR WAREHOUSE FOR THEIR NEW LOCATION AT 7201 EAST POINT DOUGLAS ROAD (GROVE PLAZA SHOPPING CENTER). MOTION CARRIED 5-0.

- B. Hold Public Hearing to Consider Vacation of a Drainage and Utility Easement for Lot 1, Block 1, Hidden Valley 9th Addition.

Senior Planner McCool stated that Custom One Homes by Mike Rygh has made an application for the vacation and discontinuance of a 209 square foot portion of a drainage and utility easement on property located at 7382 Hidden Valley Ridge South. He reviewed the purpose of the easement vacation noting that it is to allow for the construction of a deck on the back of a new home that is proposed for completion in 2004. He explained that the rear yard of the property is encumbered by a large drainage and utility easement noting that the easement was required around the high water safety bounce area of a wetland basin. He stated that the basin has a storm sewer outlet pipe. A certificate of survey verified that the proposed elevation of the grade of the proposed patio located below the deck is above elevation that the easement was established at. He stated that the City Engineer was contacted about the vacation request and no issues were identified.

Mayor Shiely opened the Public Hearing at 7:40 p.m.

Mayor Shiely closed the Public Hearing at 7:41 p.m.

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 04-016**, A RESOLUTION APPROVING THE VACATION AND DISCONTINUANCE OF A PORTION OF A RECORDED PUBLIC DRAINAGE AND UTILITY EASEMENT WITHIN LOT 1, BLOCK 1, HIDDEN VALLEY 9TH ADDITION (7382 HIDDEN VALLEY RIDGE SOUTH). MOTION CARRIED 5-0.

BID AWARDS

NONE.

UNFINISHED AND NEW BUSINESS

A. Consider Authorizing the Mayor and City Administrator to Enter into a Purchase Agreement with Clear Channel Media.

City Administrator Schroeder referenced his memorandum to Council in the Agenda Packet. The City has negotiated a purchase agreement with Clear Channel Outdoor, Inc., for approximately 40 acres of property along the western side of Highway 61 north of 80th Street. Schroeder explained that the City would acquire the 40 acres for \$1.00 noting that in exchange Clear Channel would then have the opportunity to remove all of the signage and appurtenances on the property for easements. This would allow Clear Channel to construct up to three new sign structures on the northern portion of the property. Schroeder reviewed the purchase agreement and the proposed structure locations. He stated that the closing of the property would occur on or before March 1, 2004, and at least one sign structure would be constructed immediately upon closing. Schroeder noted that at no time can there exist on the property more than 2,800 square feet of sign face. In order to construct new sign faces, Clear Channel would first have to remove sign faces and supporting structures in an amount meeting or exceeding the proposed new sign faces.

Schroeder stated that the City has shown this property in its storm water plans as a ponding location. He stated that it would be expected, as planned within the CIP that within the next couple of years additional ponding would be constructed on this property and property previously owned by the City, which is adjacent to the Clear Channel parcels. He stated that the EDA has also suggested acquiring a 4.2-acre parcel, which would be the last remaining parcel on this side of the highway north of 80th Street and east of the railroad that is not in public ownership. He stated that a separate variance and action allowing for replacement of a non-conforming sign is required to complete this transaction.

Schroeder stated that the Purchase Agreement does contemplate easements noting that it would be for a continuance of the new structures in addition to addressing visibility and maintenance. One of the suggested requirements for approval is that all current sign structures and faces would have to be moved prior to the installation of any new signs. He

suggested that this requirement be changed to have all current signage and structures removed prior to signing of the Purchase Agreement.

Mayor Shiely noted that the Planning Commission was able to answer all of her questions. She stated that it does really help to get the Planning Commission's discussion prior to the Council meeting as it truly helps the Council in making their decisions. She stated that she is very happy to hear that the electrical and the power would be underground.

Council Member Kohls noted that it mentions that the City would not require removal of the existing due to the lease agreements and asked City Administrator Schroeder for the timeframe of the lease agreements. City Administrator Schroeder stated that the lease agreements expire in the spring of 2005 and in October 2005. He noted that the goal is to remove the signs immediately adding that they want to leave the removal up to them.

City Attorney Thomson further clarified stating that if they want to extend the leases they would have to work out an agreement with the City.

Senior Planner McCool noted that on the draft resolution for the variance application condition number 6 would be amended striking the sentence: ~~The existing signs on the site shall be removed prior to the final approval of the new structures by the Building Department.~~ He recommended amending this condition in the resolution considering approval of variances to the Sign Regulations, next on the Agenda.

MOTION BY WOLCOTT, SECONDED BY RICE, TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A PURCHASE AGREEMENT WITH CLEAR CHANNEL OUTDOOR, INC., AS PRESENTED. MOTION CARRIED 5-0.

B. Consider Approval of Variances to Title 9-8-8, Off-Premises Advertising Signs, Title 9-8-9, Legal Non-Conforming Signs, and Title 9-8-13B (2), Size and Height, Variances to Allow for Replacement of the Existing Legal Nonconforming Off-Premise Sign Structures with Three New Sign Structures by Clear Channel Outdoor Advertising.

Mayor Shiely stated that Clear Channel Outdoor has applied for a variance to Title 9-8-8, Off-Premise Advertising Signs, Title 9-8-9, Legal Nonconforming Signs; and Title 9-8-13B(2), Size and Height, in accordance with Title 9-8-16, Variances, to allow for replacement of the existing 2,868 square feet of legal nonconforming off-premise signage located on their property with three (3) new signs. She referenced Exhibit A in the Agenda packet noting that it is a copy of the site plan that details the location of the existing and the proposed signage. Shiely noted that as a part of the surface water management plans for the West Draw area, the City needs to improve the size and engineering design of the pond identified as SP52.1 on the City's surface water management plan. She stated that over the last year, the City has been in negotiations with Clear Channel Outdoor, Inc., the current property owner of the pond site.

MOTION BY RICE, SECONDED BY WOLCOTT, TO ADOPT **RESOLUTION NO. 04-017** A RESOLUTION GRANTING A VARIANCE FROM TITLE 9-8-8, OFF-PREMISES

ADVERTISING SIGNS, TITLE 9-8-9, LEGAL NONCONFORMING SIGNS, AND TITLE 9-8-13B(2), SIZE AND HEIGHT, IN ACCORDANCE WITH TITLE 9-8-16, VARIANCES, TO ALLOW FOR REPLACEMENT OF EXISTING LEGAL NONCONFORMING OFF-PREMISE SIGNAGE AND TO REMOVE ITEM 6 FROM THE RESOLUTION. MOTION CARRIED 5-0.

- C. 1. Consider Passing an Ordinance Amending Title 3 of the Cottage Grove City Code by adding Chapter 11 Concerning Fireworks.

Mayor Shiely stated that Staff has been working on a draft ordinance for the sale of Consumer Fireworks. She reviewed the ordinance and asked City Clerk Stransky to further clarify.

City Clerk Stransky stated that under Minnesota Statute 624.20 through 624.25, the City now has the authority to regulate the sale of consumer fireworks through a licensing process. She further explained that the Ordinance would adopt the Minnesota Statute and would include a clear definition of consumer fireworks, non-explosive and non-aerial fireworks. She provided the Council with a brief overview of the definitions stating that it would make it unlawful for a person to sell or advertise to sell consumer fireworks without a license. Stransky noted that the proposed license fees are the maximum amounts allowed under Statute.

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO PASS **ORDINANCE NO. 756**, AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, ADDING TITLE THREE, CHAPTER 11 OF THE COTTAGE GROVE CITY CODE CONCERNING FIREWORKS. MOTION CARRIED 5-0.

2. Consider Adopting a Resolution Amending the City Fee Schedule by Adding Fireworks License Fees.

Mayor Shiely clarified the fees stating that the \$350.00 fee would be for individuals who are only selling fireworks, as their principal business activity and the \$100.00 fee would be for retail sellers who are selling the fireworks as an accessory business activity.

MOTION BY RICE, SECONDED BY WOLCOTT, TO ADOPT **RESOLUTION NO.04-018**, A RESOLUTION AMENDING THE ADOPTED FEE SCHEDULE FOR THE CITY OF COTTAGE GROVE, ESTABLISHING LICENSING FEE FOR THE SALE OF CONSUMER FIREWORKS. MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE.

COUNCIL COMMENTS AND REQUESTS

Mayor Shiely stated that she would like to welcome Howard Blin, the City's new Community Development Director. She noted that he started his new position with the City this week and

wished him well. Community Development Director Blin thanked the Council adding that it is great to be here. He stated that he is looking forward to working with City Staff and Council.

PAY BILLS

MOTION BY WOLCOTT, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 132963 THROUGH 133181 TOTALING \$886,194.92. (CHECKS 132963 – 132981 IN THE AMOUNT OF \$43,304.89 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

- A. 1. Consider Determining the Appropriate Organizational Level for the Position of the City Engineer. 2. Consider Determining the Reporting Relationship/Location for the Position. 3. Consider Authorizing Recruitment for the Position.

City Administrator Schroeder noted that the 2004 Budget provides continued funding for the position of City Engineer but that Council has not provided direction on the level of the position. He stated that Staff is now asking for that direction as well as authorization to move forward with filling the position.

Schroeder stated that the position budgeted was a department head level position, housed in the Public Works Department. Schroeder stated that there are several other options that could be considered: A department head level position with a pay range of \$70,000 to \$90,000; a Professional Engineer reporting to a Department Head with a range of \$50,000 to \$70,000; or a Technical level field position which would be the second position of this type with a range of \$40,000 to \$50,000.

Schroeder reviewed the job duties that could be of benefit including: CIP coordination, subdivision review and monitoring, citizen contact, feasibility studies, Council directed research, EDA project development and review, City representation to agencies, and overall project management. He stated that he spoke with Jerry Bourdon, consulting engineer from Bonestroo, Rosene, Anderlik, & Associates for suggestions. He noted that it was felt that it would also be important to gain someone who could be helpful with budget scope and scheduling so that there is leadership provided to the consulting team. He stated that it became obvious to him in reviewing the value added projects conducted by the in-house engineer in 2003 that the highest return on time expenditure was also on these tasks. He noted that there were major improvements in that area.

Schroeder stated that a year ago, when Council was reviewing this same issue and Council was not comfortable with a City Engineer reporting to a department head level position in that it was believed that autonomy was required. He noted that a shortcoming to that model is that assimilation of recommendations from Public Works and Engineering into design and pre-design decision-making can be cumbersome with our existing organization. He suggested considering a professional level position reporting to a department head level position. He stated that given the expected primary job duties of such a position and

considering the review of 2003 relative to the engineering discussion, a structure that includes a reporting relationship to either the Public Works Director or Community Development Director could work. He noted that there would be advantages and disadvantages from both perspectives adding that either department would benefit from in-house engineering in close proximity.

Mayor Shiely stated she has no problems with this position not being a Department Head level position and asked Council if they agreed. She noted that the biggest problem would be the physical location of the office and in determining which department the position should reside in.

Council Member Wolcott stated that he is not in favor of hiring an in-house City Engineer. He referenced the budget crisis the City has been experiencing over the last two years stating that this is not a cost saving mechanism. He stated that he is having a hard time with this proposal and asked what they would have the Engineer do? He stated that much of the work mentioned is now done in Public Works and asked if they are going to add more equipment, other people. He stated that the City already has a good consulting engineering team and expressed concerns stating that they are adding another layer that does not need to be there. He stated that he would vote against this adding that he firmly believes that they do not need a City Engineer, whose expenses are passed on to the taxpayers. He stated that it has not been proven to him that the City needs the City Engineer or that they have utilized the position correctly in the past. He stated that as far as the location is concerned, 25% is planning, 75% is Public Works. He stated that he is not in favor and that he would not change his mind.

Council Member Rice agreed with Council Member Wolcott. He stated that it is a waste of taxpayer's money at this time. He stated that they have a credible engineering firm currently working for the City that have many different levels of staffing and equipment available. He stated that the firm has been able to take care of what the City needs for last thirty years. He stated that he too would vote against this. He stated that as far as location, there are still a lot of unanswered questions and agreed that location could be a problem that he is not willing to go forward with.

Mayor Shiely stated that it would be difficult to determine and establish job duties since this is the City's first City Engineer in 40 years. She noted that Cottage Grove is one of two metro communities that does not have their own engineer and stated that they need to look forward in considering the advantages and need to do this. She stated that the existing consulting firm would still be available adding that the City would continue to do business with them. She stated that the most important job for a City Engineer is the managing of engineering contracts. She stated that this is a very critical piece that is presently not being addressed. She agreed that it might not save the City money initially adding that she wants someone in this position who works for and is paid for by the City and whose only allegiance is with the City of Cottage Grove. She stated that she would not change where she stands on this issue and that she is in favor of hiring a City Engineer adding that it is long over due. She stated that two City Administrators have recommended this adding that with all that is going on in the East Draw area, the City needs someone in their employ to oversee projects like this.

She stated that the issue now is in considering whether they want a Department Head level position or not and where the position would be located.

Council Member Kohls asked Community Development Director Blin and Public Works Director Burshten how they feel about the reporting structure and location of the position. She stated that she would like to know their views and how much time they would think the City Engineer would be devoting to their respective departments and their needs.

Community Development Director Blin stated that his preference would be to have this person close to either he or Public Works Director Burshten. He stated that in terms of time allotted, it would be closer to 50-50 with a lean towards Public Works. He stated that he would work with whatever is ultimately decided stating that his preference is to have someone close by as a reference point.

Council Member Kohls stated that stormwater management would be one of their main duties and asked for further clarification of the responsibilities. Public Works Director Burshten explained that it would depend upon the project and that the responsibilities would be about 60-40. He reviewed the list of responsibilities with Council stating that the most important issue is to have a solid working relationship with all departments. He stated that all as-builts and files are located in the Public Works Department and that they had contact with the Engineer on a daily basis. He stated that everything revolves around what is being built, which is all located in Public Works. He referenced several projects such as the Bridge work, MPDS, State Aid, In-house tennis courts, parking lots, seal coatings, CIP, Rate Studies, Asset Management, GIS Mapping, Pavement Management, Enforcement of Sign Policies, MnDOT and County Contacts. He stated that he is in favor of hiring a City Engineer adding that Cottage Grove is a growing City with a lot more needs. He stated that there would not be major changes in the responsibilities in as much as changes in how things are presently handled and managed within the City. He stated that the goal is to create a partnership between Public Works and Community Development.

Council Member Kohls agreed that distance in location is not always an issue stating that much of the work today is electronic. She stated that with respect to space there is office space available in Public Works. Community Development Director Blin stated that they could make the space but agreed that there is more room at Public Works. Council Member Kohls stated that presently she is leaning towards locating the position in Public Works.

Mayor Shiely stated the key for her is the fact that Community Development Director Blin and Public Works Director Burshten have sat down and discussed the issues with respect to the reporting structure and location. She stated that nothing is forever and locations can change. She stated that as long as both Public Works Director Burshten and Community Development Director Blin are communicating that there would not be any issues noting that both would have to understand that the engineer works for both departments.

Council Member Grossklaus stated that if it was to be a department head level position that it should be located at City Hall. He suggested that since it is not a Department Head level position that the position should then be located at Public Works. He stated that it would

make the most sense to have them located at Public Works. He encouraged Public Works Director Burshten and Community Development Director Blin to continue working together moving forward.

Mayor Shiely clarified that the consensus is that Council is in agreement that the position not be a Department Head level position and that the reporting structure and location would be with Public Works, with the understanding that the individual would be accessible to both Public Works and Community Development.

City Administrator Schroeder stated that if this is the consensus that he would come back to Council with a few small changes for their consideration and review.

Mayor Shiely called a ten-minute break at 8:29 p.m.

WORKSHOP SESSION – CLOSED

A. City Administrator Annual Review

Mayor Shiely reconvened the regular meeting at 8:35 p.m. and pursuant to open meeting law, temporarily adjourned to the administrative conference room for a closed session to discuss the performance of the City Administrator.

Mayor Shiely adjourned the closed session and reconvened the regular meeting.

ADJOURNMENT

MOTION SECONDED AND PASSED TO ADJOURN THE MEETING AT 10:45 P.M.
MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.