

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

March 3, 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
Howard Blin, Community Development Director
Craig Woolery, Deputy Director Public Safety
Harry Taylor, Public Works Superintendent
Corrine Thomson, City Attorney
Caron Stransky, City Clerk

No one stepped forward to speak during Open Forum.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, March 3, 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
Craig Woolery, Deputy Director Public Safety
Harry Taylor, Public Works Supervisor

Corrine Thomson, City Attorney
Caron Stransky, City Clerk

Mayor Shiely presided over the meeting.

ADOPTION OF AGENDA

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

APPOINTMENTS AND PRESENTATIONS

A. PRESENTATIONS

1. Swearing in Ceremony for Police Officer Matthew Foucault

Mayor Shiely invited the Council to step forward and join her for the swearing in ceremony for Police Officer Matthew Foucault.

City Administrator Schroeder administered the oath of office for Officer Matthew Foucault. He reviewed Officer Foucault's his educational background noting that Officer Foucault has an Associate in Science Degree in Law Enforcement and is presently going through his paramedic training. Schroeder stated that Officer Foucault's grandfather, a retired Public Safety Officer from the Duluth Police Department, is in attendance to present his grandson with his badge.

Officer Foucault's Grandfather asked to make a few statements about his grandson. He stated that he is very proud of Matt and all that he has accomplished. He noted that one of his strongest characteristics, which will make him a good police officer, is that he has a true desire to help people adding that he will be a truly good Officer for the City of Cottage Grove.

Deputy Public Safety Director Woolery provided a brief history of Officer Foucault's badge stating that the badge is a representation of many things including the Officer's who have worn it before him. He stated that it also serves as a reminder of the oath he has just taken. Woolery encouraged Foucault to always remember what the badge represents and to wear it with pride and dignity.

2. Certificate of Appreciation - Presentation for Commission Volunteers

Mayor Shiely stated that the Council would like to take the opportunity to recognize three long standing Commissioners and thank them for their past service to the community as citizen Commission members. She noted that the three individuals have served the maximum number of terms allowed. The City truly appreciates all of their past efforts and the work they have done.

Shiely recognized Chris Willhite, Planning Commission - 1999 to 2004; Bruce Schmidt, Human Services Human Rights Commission - 1998 to 2004; and William Schmidt, Public Safety, Health & Welfare Commission - 1997 to 2004.

B. APPOINTMENTS

NONE

APPROVAL OF MINUTES

NONE

CONSENT CALENDAR

Council Member Wolcott asked that Item 4.J be pulled for further discussion. He explained that it is a request for Council to consider the Public Works Commission's recommendation to deny the request for placement of a stop sign at the intersection of 85th Street and Hillside Trail. He stated that Tom Boyer, a resident from the Hillside Trail area, is and would like to address the Council.

Tom Boyer, 8511 Hillside Trail South, stated that in early December the residents submitted a petition requesting a review of the traffic flows in the area of 85th and Hillside to determine the feasibility of installing a stop sign. He indicated that the residents are concerned about the possibility of accidents due to high speeds along Hillside Trail. He acknowledged that the Public Works Commission is recommending denial of the request and asked the City Council to consider including this location in the current traffic study.

Mayor Shiely clarified that the Public Works Department is presently doing a traffic study. Public Works Supervisor Taylor confirmed noting that he met with Mr. Boyer last week to discuss his concerns.

Public Works Supervisor Taylor explained that it was felt, upon review of the area, that the request did not meet the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and the City Sign Policy. He indicated that the Public Works Department does not have an issue with including this area in the current traffic study. Taylor also noted that the Public Works Commission unanimously denied the request stating that stop signs do not control speed.

Mayor Shiely clarified that the reason for the current traffic study is due to all of the new development in Cottage Grove noting that the development would place more focus and traffic in that area. She stated that she did not have an issue if Public Works is willing to include the area in the study. She asked if there would be additional costs incurred if they include this area in the study. Public Works Supervisor Taylor stated that he is not sure if there would be additional costs.

Deputy Public Safety Director Woolery acknowledged Mr. Boyer's concerns regarding the amount of traffic in the area. He explained that it was determined, after reviewing the request and area, that it did not meet the MUTCD standards. He indicated that they have now directed extra patrols during peak traffic times in the area adding that enforcement in the area would be stricter for the next couple of months. He encouraged Mr. Boyer and the residents of the area to contact the Department with any concerns they might have. He assured them that speeding is a true concern throughout the community.

Mayor Shiely asked Public Works Supervisor Taylor to determine what would be involved and provide the Council with an update.

Council Member Kohls expressed concerns stating that every time a stop sign issue is presented for consideration, the Council either hears that it meets the requirements or doesn't, based on a book issued by the State. She stated that the State guide does not mean that the City cannot place the stop sign. Kohls clarified that it was her understanding that the City could install a sign in any location if they believe it is necessary. She indicated that the same applies to Hadley Avenue. Kohls stated that she has been on the Council for at least seven years noting that both areas keep coming before the Council expressing concerns for their safety with regards to the speeding in their neighborhoods. She referenced the statement that stop signs do not control traffic speed stating that logically, in her mind, stop signs would help alleviate speeding. She noted that there are children in this area who walk to school and should be able to do it safely. While it might not meet the requirements stated in the book, the Council should give the circumstances some consideration. She expressed her support for adding 85th and Hillside Avenue to the study. Public Works Supervisor Taylor clarified whether the study is to include the 85th and Hillside area or the entire length of Hillside Avenue. Council Member Kohls stated that it should be the entire length of Hillside Avenue and encouraged them to try and determine the problem areas. She stated that if they have the people here to do the study, they might as well include Hillside Trail in that it would not take that much time to include it as part of the study.

Council Member Wolcott agreed that the Traffic Engineer should review the entire length of Hillside Trail noting that there is a curve in the hill that might warrant a closer review.

Public Works Supervisor Taylor explained that the manual was developed to help manage random requests. He reviewed the intent of the policy with Council noting that they review each individual request on a case-by-case basis. He referenced the two stop sign requests on the agenda that are recommended for approval noting that they met the standard requirements.

MOTION BY WOLCOTT, SECONDED BY RICE, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MEETING MINUTES:
 - i. VOLUNTEER FIRE DEPARTMENT RELIEF ASSOCIATION OF DECEMBER 10, 2003.
 - II. PLANNING COMMISSION OF JANUARY 26, 2004.

- B. AUTHORIZE THE SALE OF THE 1976 PIRSCH 100' LADDER TRUCK FOR \$4,000.00 TO A FIREFIGHTER IN LAKE ELMO.
- C. ACCEPT THE RESIGNATION OF BRUCE GENGNAGEL FROM THE PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION, THANK HIM FOR HIS YEARS OF SERVICE AND DECLARE A VACANT SEAT ON THE COMMISSION.
- D. APPROVE THE 2004-2006 LABOR AGREEMENT WITH AFSCME LOCAL 517 FOR CLERICAL EMPLOYEES.
- E. APPROVE THE APPLICATION FROM KELLY ANDERSON, 8807 – 88TH STREET SOUTH, FOR A MULTIPLE ANIMAL LICENSE.
- F. APPROVE THE APPLICATIONS FOR MULTIPLE ANIMAL LICENSES FROM EARL A. WOLFORD, 8061 – 71ST STREET SOUTH; ALAN AND BOBBI JO MAYERS, 9362 – 72ND STREET SOUTH; JOY C. SIMONDS, 8867 HALLMARK AVENUE SOUTH; AND STEVE AND SHERI RUNTSCH, 8748 IDEN AVENUE SOUTH.
- G. AUTHORIZE STAFF TO PURCHASE VOICE MAIL PHONE SYSTEM FROM ACTICOR TECHNOLOGIES FOR THE RIVER OAKS GOLF COURSE FOR \$6,045.46 PLUS SALES TAX.
- H. ADOPT **RESOLUTION NO. 04-027**, ACCEPTING DONATION OF \$500.00 FROM CHERYL KOHLS TO THE PUBLIC SAFETY DEPARTMENT, POLICE AND FIRE DIVISIONS, TO BE DIVIDED EQUALLY AND TO BE USED AS EACH DIVISION DEEMS APPROPRIATE.
- I. AUTHORIZE THE REQUEST FOR A STOP SIGN AT JEWEL/JENNER LANE AND HILLSIDE TRAIL.
- J. ITEM PULLED FOR FURTHER REVIEW.
- K. ADOPT **RESOLUTION NO. 04-028**, APPROVING FINAL PAYMENT IN THE AMOUNT OF \$4,508.16 TO RICHARD KNUTSON, INC., FOR THE WEST DRAW ELEMENTARY PERMANENT SANITARY SEWER INSTALLATION PROJECT.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

NONE

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

- A. 1. Consider Approving the Site Plan Review of the Proposed Cooperative Housing Community, Summerhill of Cottage Grove, Consisting of 56 Owner-Occupied Units for Active Seniors 55 Years and Over to be Located on the Northwest Corner of 70th

Street and Hinton Avenue. 2. Consider Approving the Final Plat named Summerhill Crossing. 3. Consider Amending Resolution No. 02-019 and Ordinance No. 707.

Senior Planner McCool stated that Cooperative Services Group, LLC, has applied for a site plan review of a cooperative housing project named Summerhill of Cottage Grove. He reviewed the request with Council noting that the original application has been modified. The private road originally proposed is now being constructed as a City street and would be a part of the PUD that was approved by the City Council. He explained that it requires an 8-foot bituminous trail along the one side and that they are recommending a 6-foot concrete sidewalk also be provided. The Planning Commission is in full support of the amendment noting that a public meeting was held and they received testimony from the public and the applicant. McCool stated that overall, the Planning Commission liked the building and made no modifications adding that they felt it was an attractive structure. He indicated that the Planning Commission did express concerns with parking. McCool stated that the City ordinance requires a minimum of 1.5 spaces per unit noting that, based on the minimum requirements, the plans would require 84 spaces. He indicated that this application proposes 94 spaces, which would exceed the required number and that parking would be adequate. McCool stated that the Planning Commission also expressed concerns regarding the increased traffic and clarified that at the time they expressed concerns they were reviewing a private road. He stated that the road has since changed and would now be constructed as a City road. McCool explained that there would not be any parking on either side and that the road would be paved based on commercial construction requirements. He noted that changes to the application also include the changes approved in 2002. As a part of the discussion with the developer it was noted that the developer would have to petition for the improvements and go through the bid process. He stated that they have prepared resolutions amending the original site plan and the ordinance for Council consideration.

Doug Stevens, Cooperative Services Group stated that they are glad to be back in Cottage Grove, working with City Staff. He acknowledged the work and efforts of the staff stating that his project team is present this evening to provide the Council with a presentation of the building structure adding that they would also be available for questions.

Roger Holley, Miller Hanson Partners Architects, reviewed the overall concept of the site plan and materials with Council. He indicated that his firm has been in business for over 40 years, specializing in mixed unit and planned unit developments. He explained that the community planning, landscape design, site design, and architecture are woven together to create a specific vision. He stated that in reviewing the proposed Summerhill project it was determined that they have a site design that presents a front door to the community, which includes a drive and a beautifully landscaped garden with a fountain. The fountain would have the building as a backdrop with features that would include brick and stone work, chimneys and lap siding that would be tucked into the landscape and also provide a great view from all sides of the building. He indicated that the building would be highly articulated by creating nooks and crannies, bends and decks that would overlook the landscaping. He stated that area would be connected to the community through the trail connections that provide access to the area neighborhoods and commercial districts. The materials are a 100% cement product and that the building would sit on a brick block face. He reviewed the

stonework noting that the building would have trim, wraparound windows and stucco siding, which would be 30% brick, 10% stone and 15% stucco. He stated that it would also have aluminum railings would not require maintenance. He stated that their goal is to meet the needs of people age 55 and better, who desire low maintenance and a sense of community. He reviewed the interior materials with Council noting that the design is one that is fresh, articulated, rich in materials, composed well, connected to the City and would be a great asset to Cottage Grove.

Council Member Kohls asked where they intend to use the brick, stone and lap panel boards. Mr. Holley reviewed the materials with Council stating that they are proposing to utilize the flat smooth surface around the windows and doors and the lap siding would have a wood grain and stucco texture to it. He stated that it would require very little maintenance and that it would also hold paint well. Holley reviewed the chimney components and the stone that would be used at the front entrance noting that there would be brickwork along the columns of the decks and inside the living rooms. He stated that the building would have 9-foot ceilings and would include a rich interior environment.

Council Member Kohls clarified that it was more of an architectural decision versus a financial one. Mr. Wilson, Project Team member reviewed the choice of materials noting that it was purely a design issue. He explained that they are trying to create an illusion that would blend people who are coming from a single-family home and are still looking for some form of identity. He further explained that they tried to bring together a lot of different materials that would provide the ability for an individual, as they drive to the building, to begin to break down the texture of the building and identify their piece of the property.

Council Member Kohls referenced the proposed aggregate concrete mixture between the sidewalk and the street and asked if this is a decorative type of element or strictly functional. Mr. Stevens stated that this component came up in a meeting with City Staff adding that City Staff requested this material. Senior Planner McCool clarified that the aggregate is intended to separate the sidewalk from the curb and would serve both a decorative and a functional purpose.

Council Member Kohls stated that she would prefer to see something nicer than concrete mixed with rock. Mr. Stevens stated that the area is narrow which is another reason for the aggregate mixture. He stated that it would be better to use this type of material versus a small two-foot strip of grass. He stated that they would not be opposed to sizing down the road to create some green space noting that they would be creating a larger green space on the other side between the sidewalk and the parking lot.

Council Member Wolcott asked how many feet they would need to protect the area from the salt and sand. He stated that maintenance could be an issue and agreed that it would make more sense to utilize the aggregate mix. Council Member Kohls agreed with respect to maintenance.

Mike Rygh, 8335 Quinten Avenue stated that the biggest issue was trying to create a space between the street and the sidewalk that would allow enough room for the placement of

signage and for the ease of maintenance. He indicated that they could color the aggregate noting that the exposed aggregate would be much tougher and stand up for a longer period of time. Rygh stated that they could also consider stamped aggregate versus the exposed aggregate for the smaller area noting that it would cost more. He stated that concrete would be the best option for this area.

Rygh reviewed the potential problems with maintenance between the sidewalk and street stating that a concrete/aggregate mixture would make it easier to maintain. Council Member Kohls stated that she understands the function adding that she does not like the aesthetics.

Rygh stated that he is very impressed with the proposal and site plan and provided the Council with a brief overview. He explained the thoughts behind the architectural design noting that their intent was an effort to keep the building from overwhelming the neighborhood. He stated that they tried to work with the architecture of the neighborhood and still be able to pull it into the commercial areas with appearance. He stated that they did not want the building to have an institutional look noting that the building is big but looks very residential.

Winston Riedesel, 8342 68th Street South, stated that he is a resident in a development similar to what is being proposed and expressed concerns regarding the temperature controls. He stated that the units in his building are not able to individually control the temperature adding that they find this very disturbing. Riedesel explained that they end up having to turn their air conditioners on in the winter to offset the high temperatures. He suggested that they include individual temperature controls for each unit. Mr. Stevens clarified that the building Mr. Rydesel referenced is not a Summerhill project. He stated that the units in the project would have their own individual heating and cooling thermostats. Stevens explained that there is insulation between each of the units to prevent both heat and sound from transferring through the walls.

Mayor Shiely noted that one of the Planning Commissioners had asked how they would ensure that this building would remain a facility for 55-years and older. She asked that they clarify their process noting that they have had experiences with a building intended for senior housing that was changed in order to sell the units. Doug clarified that it has been identified, straight upfront that a unit cannot be sold to anyone less than age 55.

Council Member Wolcott asked him to clarify the cooperative noting that this is not just a rental unit. He further explained that the individual is actually buying into the co-op. He asked the Project Team to review the units and the available options.

Mr. Stevens explained that in a co-op environment the individual owns a share in the building not just a particular unit with an option to put down minimum share payment. He further explained that if they do not want a mortgage they can pay a full share and when they leave, another can come in and take over the payment. He stated that everyone buys a share and then get a choice of where their home is located in the building.

Tim Nichols noted the success of the cooperative stating that it is a requirement of the building to be age 55 years or older and also be a shareholder in the building. He clarified that it is not a concept of 'if they build they will come' but is 'if they come, they will build it'. He stated that they would have 90% of the units pre-sold prior to construction adding that the sale of the units would take place later this spring and summer. He noted that the process would also allow the buyer an opportunity to choose the materials that would be used within their respective home. He assured the Council that they have not had any problems with their projects with respect to the pre-sale requirements or the waiting lists prior to construction. They intend to do as good a job as possible for the City of Cottage Grove.

Council Member Wolcott asked them to review the large variety of available floor options.

Dina Meyer, Marketing Coordinator, provided the Council with an overview of the available floor plans. She stated that the largest unit would be 1,557 square-feet and the smallest would be 1,047 square-feet. All of the units would include individually controlled heating and cooling systems. Meyer stated that they would always include the resident in the process noting that each building that she has worked with is a bit different from the other. She reviewed the access points within the units and available storage noting that the windows in the units are very large and would provide ample light whether in a corner unit or the interior. She stated that many of the residents would be able to decide on the type of bath fixtures they would prefer prior to construction.

Council Member Wolcott asked if an individual would receive a parking space if they purchase a unit.

Meyer noted that the main level would include a great room that could be used for personal or community gatherings. She stated that the building would have common areas including a game/billiard room, a wood working shop, a car wash, and guest rooms for residents to use for their visitors, a fitness center, a craft room and a library. Meyer reviewed the purchase process with Council noting that an individual could purchase a share in the building that would include a monthly carrying charge. She explained that the carrying charge would be a once a month payment that incorporates all utilities noting that it could also be used as a tax deduction. She stated that it is a very attractive lifestyle to many.

Mr. Nichols stated that he has been involved in over 25 developments in the metropolitan area. He stated that a very interesting component to the project is who the people are that are coming into their community. He stated that it is usually the current resident of the area who has larger homes than what they need yet want the benefits of home ownership and remain in the community. Nichols stated that the familiarity of being part of the neighborhood is also an advantage and consideration. He stated that when they asked people where they would move if they did not build Summerhill the most common answer received was that they would not have moved that they would have remained in their current home, which in turn does not free up homes for younger families. He stated that seniors would be moving into a well-constructed quality home that would provide them with independence and a sense of ownership. He stated that it would also open the larger homes to young families.

Council Member Grossklaus asked what the differences would be between the Summerhill project and the projects in Apple Valley and Bloomington. Mr. Nichols explained that basically there is no difference in the concept. He stated that their intent is to bring a higher quality, better built building, at an affordable level, to individuals who are selling their current homes. Grossklaus stated that generally people downsize as they are aging and this would provide them with a home that better fits their needs. He stated that the main differences between the Cottage Grove project and the Apple Valley project would be the larger footprints in the Apple Valley project. He explained that more of the larger layouts were left versus the smaller square footage, which brought them to change the layouts and offer more of the 1500 square footage versus the 1,800. He noted that they had planned for approximately 50 people at their first meeting and were surprised to receive 150 people. He stated that the response was so overwhelming that they knew they were in the right spot adding that based on conversations with residents, they know they are doing the right thing. He stated that they are very proud of the exterior design of the building and expressed his appreciation for Mr. Rygh's comments. He reviewed the feedback they have received from residents they have sold to in the past noting that they do not want to bring an institutional appearing building to Cottage Grove.

Mayor Shiely clarified that the type of building they build would be based on the type of home sales in the area. She expressed concerns that they would receive a lesser building in a community that has a lower than average home sale. Mr. Nichols assured the Council that they are building the same type of quality building as they have built in other areas. He stated that they addressed the issue by providing smaller square footage homes.

Mayor Shiely stated that they do not want anything less than what is provided in other areas noting that brick is always seen as a higher quality. She explained that when they see a design like this they have to be assured that the quality is not sacrificed. Mr. Nichols assured the Council that the quality of their buildings is only improved over the quality of the last and stated that it would not be any different for Cottage Grove.

Council Member Kohls asked if this is the first underground, enclosed garage in Cottage Grove. A resident noted that there was another building in the area that has underground parking along the same line with like materials.

Council Member Kohls clarified that her concern is to address security issues with underground parking areas. She asked if they would install security cameras and if the area would be monitored. Ms. Meyer confirmed that there would be cameras installed throughout the parking area and reviewed their locations with Council. She assured Council that it would be a safe building.

Mayor Shiely stated that for a number of reasons, she would prefer that the road not be 34-foot wide. She noted the green space, the safety of seniors crossing the road, and speed issues. She stated that they know that Cottage Grove has one of the finest Public Works Departments in the area and they value them completely. She stated that their plowing is exceptional adding that she would go along with this recommendation but suggested that they begin to think more creatively as a community. She stated that many of the

communities have lowered their road widths to 28-feet. She stated that 34-feet is appropriate in some areas adding that she did not think it was necessary for this area.

MOTION BY WOLCOTT, SECONDED BY RICE, TO ADOPT **RESOLUTION NO. 04-029**, A RESOLUTION APPROVING THE SITE PLAN REVIEW OF A COOPERATIVE HOUSING SENIOR HOUSING COMMUNITY, SUMMERHILL OF COTTAGE GROVE, LOCATED ON THE NORTHWEST CORNER OF 70TH STREET AND HINTON AVENUE. MOTION CARRIED 5-0.

MOTION BY KOHLS, SECONDED BY RICE, TO ADOPT **RESOLUTION NO. 04-030**, A RESOLUTION APPROVING THE FINAL PLAT KNOWN AS SUMMERHILL CROSSING. MOTION CARRIED 5-0.

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO ADOPT **RESOLUTION NO. 04-031** A RESOLUTION AMENDING RESOLUTION NO. 02-019, WHICH APPROVED THE PLANNED UNIT DEVELOPMENT, MASTER DEVELOPMENT PLAN, PRELIMINARY PLAT, AND SITE PLAN REVIEW FOR A MIXED-USE DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF 70TH STREET AND HINTON AVENUE AND TO ADOPT **ORDINANCE NO. 757**, AN ORDINANCE AMENDING ORDINANCE NO. 707, WHICH AMENDED CITY CODE SECTION 11-1-6, ZONING MAP VIA REZONING CERTAIN PROPERTY FROM R-2-5, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT. MOTION CARRIED 5-0.

Council Member Rice referenced the discussion regarding the exposed aggregate versus stamped aggregate and asked how the stamped aggregate holds up in comparison. Community Development Director Blin stated that they have been working with it in some areas and have utilized the colored concrete and different textures in various areas. He stated that they have been working with different contractors for ideas noting that one of the downfalls is with respect to weed growth.

Community Development Director Blin stated that the color does tend to fade over time adding that it can also be painted. Council Member Rice asked if this should be included in the ordinance or resolution. Public Works Superintendent suggested that they include it with an either/or statement.

MOTION BY RICE, SECONDED BY KOHLS, TO AMEND THE RESOLUTION AND ORDINANCE TO INCLUDE EITHER EXPOSED OR STAMPED AGGREGATE. MOTION CARRIED 5-0.

Ms. Meyer stated that they would be holding a Community Meeting next Wednesday, March 10, 2004 at 6:00 p.m. in the Program/Senior Center. She invited the Council to attend.

Mayor Shiely called 5-minute break at 9:02 p.m.

Mayor Shiely called the meeting back to order at 9:15 P.M

B. Consider Authorizing Issuance of a Multiple Animal License to Kevin and Mary Bryniarski, 8397 Foothill Road South.

Mayor Shiely explained that this is to consider a multiple animal license for Kevin and Mary Bryniarski. She indicated that a memo related to the situation in addition to considerable input regarding the situation has been included in the packet for Council review.

Council Member Kohls asked what the limit is for the number of household pets allowed before they require a multiple animal license. City Clerk Stransky clarified that under the ordinance a resident can maintain three dogs or cats without a multiple animal license. She stated that to maintain four or five would require a multiple animal license.

Mayor Shiely clarified that the neighbors were informed when issuance of a multiple animal license was being considered. City Clerk Stransky confirmed that the neighbors were informed adding that in this particular case a notice was sent to everyone on Foothill due to number of earlier comments from the neighborhood.

Kevin Spears, 8635 81st Street South, stated that his children play with their children and that they are familiar with the family and their pets. He stated that he is in favor of approval noting that their pets have been a plus for the family. The animals get along well with the children in addition to the exposure and learning they provide the children in the neighborhood. He stated that he appreciates the sense of security it provides in the neighborhood.

Mayor Shiely clarified that there is 27 animals in this home. Deputy Public Safety Director Woolery stated that the last time they were there, prior to the February 2004 Public Safety meeting, they counted five dogs, four cats, two hamsters, and thirteen wild birds, including pigeons and pheasants. He explained that part of the process is to notify the neighbors. He noted that the community service officer indicated in his report that all of the animals were well cared for, the cages were clean adding that the complaints received involved barking and a large number of dogs. Mayor Shiely stated that it was her understanding that they do not allow wild animals or pigeons. Deputy Public Safety Director Woolery confirmed stating that this is a separate issue.

Council Member Grossklaus referenced the memo from the City Clerk and the Public Safety Director stating that in the third paragraph of the document it identifies six dogs and asked for clarification. Deputy Public Safety Director Woolery stated that it is actually a mystery as to the actual number of dogs they have on the property. He stated that the wife was not very cooperative on their last visit. Much of the activity at the residence, as far as officer visits, was due to complaints.

Deputy Public Safety Director Woolery explained that in their reporting, they take the complaint verbatim and review the numbers when they visit the premise. He clarified that the issue is how to address the number of dogs and cats noting that in the past they have allowed grand fathering. City Clerk Stransky stated that there have only been two cases that they allowed and grandfathered more than five. She added that they did not receive any complaints on them.

Daniel Buckley, 1464 2nd Avenue, asked if there is an actual ordinance that addresses a dog barking. Deputy Public Safety Director Woolery confirmed that there is an ordinance that addresses habitual barking.

Council Member Wolcott stated that this resident has a very lengthy report that goes back to 2001 with dog barking complaints and no licenses. He expressed concerns regarding the inconsistency with licensing the animals. He asked for further clarification on the number of vehicles they have parked on the property. Community Development Director Blin stated that in reviewing the property it was noted that they are in violation of the vehicle-parking ordinance.

Council Member Wolcott noted that when the Officers went to the premise the owner was a bit upset and made statements that bother him. He expressed his concerns stating that the City is being very realistic about the number of pets allowed in a City home. He stated that he could support the recommendation that they allow the license and asked if it would be renewable on a yearly basis. He asked that a condition be included that if the animals are not licensed and they have further concerns or complaints with the household that he would not vote to renew the license.

Council Member Kohls agreed with Council Member Wolcott but expressed concerns regarding the number of times the Officers have had to go to the premise. She stated that the department is already short staffed and they did not like the idea that they had to go back out to count the number of pets on the premise. She expressed concerns regarding their lack of being upfront about the number of pets they actually have. She stated that she is also concerned about the number of calls to the premise and their attitude when they come. She stated that they are treating the situation as if it is the City's or the neighbor's fault that the Officers had to come. She stated that she too is an owner of two dogs noting that if she had five or more she would have a very hard time giving them the appropriate care and attention they require. She questioned how they are spreading their time between their children and their pets noting that they all have needs. She stated that she has taken everything into account noting that she too loves animals. In this particular case, they have received numerous letters and calls, plus the time the City has invested in this issue already, she has had to ask herself, if someone else had made an application for a liquor license with similar issues, would the Council hesitate to approve. She expressed concerns stating that she has a fear that if they allow them a certain number/combination of dogs and cats that in two years they could be back in the same situation, revisiting this issue.

Council Member Wolcott agreed stating that Council Member Kohls brings good points for consideration. He stated that he is not sure how many multiples they have reviewed. He stated that the report really bothers him because of the numbers and the types of pets that are on the premise. He stated that his biggest concerns are the amount of activity to the premise, the total disregard for licensing the pets and the attitudes of the owners. He stated that he truly wished the owners were present to defend themselves noting that he is torn on this issue. He stated that he would have liked to have had a discussion on these issues with the owner.

Council Member Kohls clarified that the Council is not obligated to approve an application. She stated that if they make concessions in a situation like this, when do they say no. She clarified that they are not denying them any pets, they are only limiting the number they can have in the home. She stated that she is not in favor of any concessions.

MOTION BY SHIELY, SECONDED BY KOHLS, TO DENY THE APPLICATION FOR A MULTIPLE ANIMAL LICENSE TO KEVIN AND MARY BRYNIARSKI, 8397 FOOTHILL ROAD SOUTH. MOTION CARRIED 5-0.

Council Member Rice asked if they would have 60 days to remove the animals. Council Member Kohls stated that they could keep a total of three animals and that it could be a combination cats and dogs. She stated that she is willing to give them time to determine how to remove the animals.

Mayor Shiely stated that the birds are a different issue. She stated that they are in violation and that it would be treated separately. She suggested giving them 60 days to determine how they would remove the animals.

Council Member Wolcott asked for clarification stating that if there is a motion on the floor to deny the application, with an allowance to keep three of the animals, what course of action is taken by the City. City Clerk Stransky explained that they would send a letter informing the owner of the action and timeframe. She stated that they would also inform them of the violation with the birds at the same time.

Deputy Public Safety Director Woolery stated that they would provide an outline with a timeframe to the owners. He stated that they would also have to gain a court order to inspect the premise to ensure compliance.

Council Member Kohls stated that she would like as little trauma as possible for the children. Deputy Public Safety Director Woolery stated that most of this could be done away from the family and home noting that they would have to appear in court to determine compliancy.

Mayor Shiely asked if the court would actually make the determination. Deputy Public Safety Director Woolery reviewed the court process with Council and suggested that Council apply a timeframe. He stated that 60-days would be a reasonable timeframe. He stated that they would be willing to work with the owners as long as they communicate and make an effort to work with them.

The Council agreed by consensus to include a 60-day timeframe in the letter of notification.

City Attorney Thomson clarified that the only issue before Council is whether the City Council is granting a multiple license application. She further clarified that the issue regarding the birds does not require City Council action. She stated that Staff could manage the situation, as it is an ordinance violation. She stated that there is no limit to the number rabbits and hamsters included in the ordinance so they are not in violation. She stated that if there was

inappropriate treatment or the animals are kept in a manner that creates a nuisance then Staff could handle the issue but it would not require any action by City Council.

Mayor Shiely stated that they would like a follow-up on all other issues including the storage.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Kohls stated that the East Ravine Planning Process between the Council and Planning Commission is scheduled for May 10, 2004. She stated that she would not be able to attend the meeting. Kohls stated that she has also heard rumors regarding the convenience store at Almar Village. She explained that she has heard that they are not going to do the project and asked for an update.

Community Development Director Blin stated that they do not have any information at this point. He stated that he would research and provide the Council with an update. City Administrator Schroeder reviewed the original delay with Council adding that he is not aware of any new delays.

Mayor Shiely reminded residents that there would be a Neighborhood Informational Meeting on March 5, 2004, 5:00 p.m. to 7:00 p.m., at City Hall. She stated that they would be discussing the expansion of Hamlet Park.

PAY BILLS

MOTION BY RICE, SECONDED BY WOLCOTT, TO APPROVE PAYMENT OF CHECK NUMBERS 133370 THROUGH 133606 TOTALING \$742,147.56. (CHECKS 133370 – 133397 IN THE AMOUNT OF \$47,730.21 ISSUED PRIOR TO COUNCIL APPROVAL.)
MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

NONE

WORKSHOP SESSION – CLOSED

A. Labor Negotiations

Mayor Shiely stated that they would be moving the meeting into a closed workshop, pursuant to the open meeting law, to discuss labor negotiations. The following were present:

Mayor Sandy Shiely

Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Jim Wolcott
Council Member Mark Grossklaus
Ryan Schroeder, City Administrator
Ron Hedberg, Finance Director

MOTION BY WOLCOTT, SECONDED BY RICE, TO CLOSE THE MEETING AT 9:55 P.M.
MOTION CARRIED. 5-0.

City Administrator Ryan Schroeder updated Council on the status of labor negotiations, comparisons to market, and internal comparison.

MOTION BY RICE, SECONDED BY KOHLS, TO ADJOURN THE CLOSED SESSION AND RECONVENE THE REGULAR MEETING. MOTION CARRIED. 5-0.

ADJOURNMENT

MOTION BY RICE, SECONDED BY KOHL, TO ADJOURN THE MEETING AT 10:30 P.M.
MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.