

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

April 6, 2005

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 Myron Bailey
Council Member Karla Bigham
Council Member Mark Grossklaus
Council Member Pat Rice

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
Jennifer Levitt, City Engineer
John Mickelson, Public Safety Director
Harry Taylor, Public Works Superintendent
Bob Vose, 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, April 6, 2005, 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 Myron Bailey
Council Member Karla Bigham
Council Member Mark Grossklaus
Council Member Pat Rice

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
Jennifer Levitt, City Engineer
John Mickelson, Public Safety Director
Harry Taylor, Public Works Superintendent

Bob Vose, City Attorney
Caron Stransky, City Clerk

ADOPTION OF AGENDA

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

PRESENTATIONS

A. Swearing in Presentation: Fire Department Captains, Richard Abel and Donna Honeyman, and Firefighter Patty Donaldson

Mayor Shiely stated that Richard Abel and Donna Honeyman are present to be sworn in as Captains for the City of Cottage Grove Fire Department, along with Firefighter Patty Donaldson. She asked them to come forward to take their oaths of office.

City Administrator Schroeder provided the Council with a brief background for Firefighter Patty Donaldson and performed the oath of office. EMT Technician Cassie Donaldson presented her mother, Firefighter Patty Donaldson, with her badge.

City Administrator Schroeder provided the Council with a brief background for Captains Richard Abel and Donna Honeyman and performed the oath of office. Captain Abel's grandparents presented him with his badge. Captain Honeyman's father presented her with her badge.

Fire Chief Byerly thanked everyone for their efforts and dedication. He noted that Captain Honeyman is the first female Captain for the City of Cottage Grove Fire Department and congratulated both Captain Richard Abel and Captain Donna Honeyman. He welcomed Firefighter Patty Donaldson as the newest regular member to the City of Cottage Grove's Fire Department.

B. Certificate of Achievement for Excellence in Financial Reporting

Finance and Administrative Services Director Hedberg stated that the Certificate of Achievement received is for the fiscal year 2003. He stated that this is the 14th consecutive year that the City of Cottage Grove has received this award. He provided the Council with a brief overview of the reporting process noting that 2003 was the first year the City had to comply with the new government standards, which made this award a bit more significant for the City. He stated that he would like to commend the extra efforts put forth from Staff members Brenda Pepper and Cathy Mohr. He thanked them both stating that Ms. Pepper did an excellent job in pulling together the 2003 City financial reporting along with the assistance of Ms. Mohr.

Mayor Shiely congratulated Finance and Administrative Services Director Hedberg stating that the City is extremely proud of the outstanding job done by the City's Finance department.

APPROVAL OF MINUTES

NONE

CONSENT CALENDAR

MOTION BY BAILEY, SECONDED BY RICE, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PUBLIC WORKS COMMISSION OF FEBRUARY 14, 2005.
 - ii. PLANNING COMMISSION OF FEBRUARY 28, 2005.
- B. APPOINT CATHY LATTU TO THE HUMAN RIGHTS/SERVICES COMMISSION.
- C. ADOPT **RESOLUTION NO. 05-040** AUTHORIZING EXECUTION OF A GRANT AGREEMENT AUTHORIZING PARTICIPATION IN AN ALCOHOL SATURATION PROGRAM DESIGNED TO ARREST IMPAIRED DRIVERS (OPERATION NIGHTCAP).
- D. ADOPT **RESOLUTION NO. 05-041** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$58,479.09 TO HYDROCON, INC. FOR THE PINE ARBOR 1ST ADDITION UTILITY, STREET AND STREET LIGHTING IMPROVEMENTS PROJECT.
- E. AUTHORIZE THE PURCHASE OF VEHICLE STABILIZATION KIT.
- F. AUTHORIZE THE PURCHASE OF SIREN FROM FEDERAL WARNING SYSTEMS PLUS INSTALLATION AT A COST OF \$16,183.00 TO REPLACE SIREN NO. 6 AT 74TH AND LAMAR.
- G. APPROVE CHANGE ORDER #2 FOR THE DEEP WELL #4 MAINTENANCE PROJECT.
- H. AUTHORIZE THE PURCHASE OF AN EXTRICATION/CUTTING COMBINATION TOOL.
- I. ADOPT **RESOLUTION NO. 05-042** AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE REGINA MEDICAL FOUNDATION FOR THE PURCHASE OF REPLACEMENT MANUALS, FACE SHIELDS AND EDUCATIONAL POSTERS FOR USE IN THE CPR PROGRAM.
- J. RATIFY THE APPOINTMENT OF CHRIS REESE AS CHAIR OF THE PLANNING COMMISSION.
- K. ADOPT **RESOLUTION NO. 05-043** APPROVING THE FINAL PLAT NAMED MISSISSIPPI DUNES ESTATES 2ND ADDITION.
ADOPT **RESOLUTION NO. 05-044** ORDERING IMPROVEMENT AND PREPARATION OF PLANS AND SPECIFICATIONS FOR MISSISSIPPI DUNES ESTATES 2ND ADDITION.
- L. APPROVE AMENDING THE GATEWAY REDEVELOPMENT DISTRICT BOUNDARIES.
- M. ADOPT **RESOLUTION NO. 05-045** AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE 95TH STREET REGIONAL POND GRADING PROJECT.
- N. ADOPT **RESOLUTION NO. 05-046** RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE ORNAMENTAL STEEL FENCE SYSTEM FOR THE GATEWAY REDEVELOPMENT DISTRICT.
- O. APPOINT WILLIAM HALUZAK, KEITH KLEINSASSER, PAUL PONCIN, AND RYAN SIMMERS TO THE PARKS, RECREATION AND NATURAL RESOURCES COMMISSION.
- P. ADOPT **RESOLUTION NO. 05-047** APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE 95TH STREET AUTOBODY, PLASTIC RESOURCES AND ICC UTILITY AND TRAIL IMPROVEMENT PROJECT.
- Q. ADOPT **RESOLUTION NO. 05-048** APPROVING PLANS AND SPECIFICATIONS AND ESTABLISHING A BID DATE FOR THE 2005A CURB AND PAVEMENT PROJECT.
- R. APPROVE NOT WAIVING THE MONETARY LIMITS ON TORT LIABILITY.
- S. AUTHORIZE THE REFUND OF AREA CHARGES FOR SUMMERHILL CROSSING.

- T. ADOPT **RESOLUTION NO. 05-049** TO WASHINGTON COUNTY IN SUPPORT OF THE AUTHORIZATION OF THE COMMISSIONER OF TRANSPORTATION TO PERFORM AN ENGINEERING AND TRAFFIC INVESTIGATION TO DETERMINE THE REASONABLE AND SAFE SPEED LIMIT AT THE FOLLOWING LOCATION: THE CITY OF COTTAGE GROVE COUNTY STATE AID HIGHWAY (CSAH) 13 (RADIO DRIVE/HINTON AVENUE) BETWEEN CSAH 18 (BAILEY ROAD) AND CSAH 22 (70TH STREET SOUTH). ADOPT **RESOLUTION NO. 05-050** TO AUTHORIZE THE COMMISSIONER OF TRANSPORTATION TO PERFORM A SPEED STUDY TO DETERMINE THE REASONABLE AND SAFE SPEED LIMIT AT THE FOLLOWING LOCATION IN THE CITY OF COTTAGE GROVE: MUNICIPAL STATE AID STREET (MSAS) 180-101 (HINTON AVENUE SOUTH) BETWEEN COUNTY STATE AID HIGHWAY (CSAH) 22 (70TH STREET SOUTH) AND MSAS 180-102 980TH STREET SOUTH).

MOTION CARRIED 5-0.

Mayor Shiely noted that the consent agenda includes items that are considered non-controversial and are passed under one motion.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

PUBLIC HEARINGS

NONE

BID AWARDS

- A. Consider Adoption of Resolution Awarding Bid for the 2005 Sealcoating Project to Allied Blacktop Inc. in the amount of \$110,634.85.

Public Works Superintendent Taylor reviewed the three bids received for the project with Council stating that Allied Blacktop, Inc. was the low bidder.

MOTION BY GROSSKLAUS, SECOND BY BAILEY, TO ADOPT **RESOLUTION NO. 05-051** RESOLUTION AWARDDING BID FOR THE SEALCOAT PROJECT TO ALLIED BLACKTOP, INC., IN THE AMOUNT OF \$110,634.85. MOTION CARRIED 5-0.

UNFINISHED AND NEW BUSINESS

- A. Consider Approving the Joint Powers Agreement with Washington County for planning the Washington County South Service Center and the proposed City Community Center and City Hall.

Community Development Director Blin stated that the agreement covers roles and responsibilities for the planning of the Washington County South Service Center and the proposed City Community Center and City Hall. He explained that the agreement establishes a process for planning the site and infrastructure improvements in the campus area. He noted that it defers the decision on how infrastructure costs would be allocated between the City and the County. He stated that the County has hired an architect and is currently in the process of working on the

designs. He stated that the Council would have the authority to approve the plans for the project adding that it is their hope to begin construction later this year. He mentioned that a smaller ravine separates the sites and reviewed the site maps with Council.

Mayor Shiely clarified that the County is aware that the City's plans are not included at this point. Community Development Director Blin confirmed that the County is aware.

Council Member Bailey referenced the East Ravine Parkway area and asked if the work in this area would stop or continue during the period of time Washington County is building. Community Development Director Blin stated that they would continue to work on the East Ravine Parkway during construction.

MOTION BY RICE, SECOND BY BIGHAM, TO APPROVE THE JOINT POWERS AGREEMENT WITH WASHINGTON COUNTY. MOTION CARRIED 5-0.

B. Consider Authorizing a Master Planning Contract with Close Landscape Architecture for the Oakwood Park Area.

City Administrator Schroeder stated that the City Council has allocated \$300,000 within the 2005 budget for the development of the Camel's Hump. He noted that an additional \$120,000 is allocated towards redevelopment of Oakwood Park. He explained that Staff is proposing that \$40,000 of the construction funds be allocated towards a master planning effort to ensure that the short and long term park developments in the area achieve a coordinated vision for the park area. He reviewed the Master Planning proposal provided by Close Landscape Architecture with Council.

City Administrator Schroeder reviewed the land areas included in the project stating that the property is roughly 170 acres between 70th Street and 80th Street, west of the City Hall. He stated that approximately three to four years ago the City acquired a piece of property known as Camel's Hump and last year the City acquired a fee title to approximately forty acres along Highway 61. He explained that the City received this land to be used as an open area gateway for the City. He stated that the City also acquired land to the east and is now considering how to utilize the land to better improve the park areas. He stated that Staff is trying to determine the best way to approach development of this area and how best to provide a true amenity for the Community. He stated that Staff has suggested contracting with experts in this area to assist with the planning process. He explained that Close Architecture was selected due to their level of expertise in open land architecture and planning. He stated that Staff is requesting that Council authorize the Oakwood Park Master Planning contract with Close Architecture.

Council Member Bailey stated that this is a great idea and plan. He asked what the timeframe would be before Council would see designs and plans. City Administrator Schroeder stated that the entire project would take approximately five months to complete. He stated that he would provide Council with updates noting that Staff's expectation is to use this project as an example for future budget conversations.

Council Member Bigham asked if all of the Commissions would receive updates throughout the process of the project. City Administrator Schroeder confirmed that all Commissions would receive updates throughout the project. He noted that part of the planning process would include input from Residents in the area, all Commissions and City Council.

Mayor Shiely agreed that this is a really great idea, especially the interpretive center, adding that this would be a very important landmark for the City.

MOTION BY BIGHAM, SECOND BY BAILEY, TO APPROVE THE MASTER PLANNING CONTRACT WITH CLOSE LANDSCAPE ARCHITECTURE FOR THE OAKWOOD PARK AREA. MOTION CARRIED 5-0.

- C. Consider Approving a Resolution to change the name of the 'Pinecroft' Subdivision to 'Pinecliff Addition'. Consider Adopting a Resolution approving the Feasibility Report, Preparation and Acquisition of Easements, and Preparation of Plans and Specifications; and Consider Approving the Subdivision Agreement with US Home Corporation for Pinecliff Addition.

Community Development Director Blin stated that this involves three separate actions, a resolution amending Resolution No. 04-215, to change the subdivision plat name from Pinecroft to Pinecliff Addition; adopt a resolution approving the preliminary feasibility report, ordering the project, authorizing preparation and acquisition of easements and authorizing preparation of plans and specifications for the Pinecliff Addition; and to approve the subdivision agreement with US Home Corporation. He stated that the only change to the project is the name change from Pinecroft to Pinecliff Addition, and that everything else within the proposed project would remain the same.

MOTION BY BAILEY, SECOND BY BIGHAM, TO ADOPT **RESOLUTION NO. 05-052** A RESOLUTION AMENDING RESOLUTION NO. 04-215 TO RENAME THE FINAL PLAT 'PINECROFT' TO 'PINECLIFF ADDITION'. MOTION CARRIED 5-0.

MOTION BY BAILEY, SECOND BY SHIELY, TO ADOPT **RESOLUTION NO. 05-053** APPROVING THE FEASIBILITY REPORT, ORDERING THE PROJECT, AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS, AND AUTHORIZING THE PREPARATION AND ACQUISITION OF EASEMENTS FOR THE PINECLIFF ADDITION WATER, SEWER AND STREET IMPROVEMENT PROJECT. MOTION CARRIED 5-0.

MOTION BY BIGHAM, SECOND BY BAILEY, TO APPROVE THE SUBDIVISION AGREEMENT WITH US HOME CORPORATION. MOTION CARRIED 5-0.

Council Member Rice asked US Homes Representative Jay Liberacki, if the lot size, lot prices, home sizes and values have been determined yet for the second phase.

Jay Liberacki, US Homes Representative, stated they redesign the product and update the plans with each project. He indicated that this project would probably include some of the home styles currently being built in Pine Summit, but would be upgraded based on what the buyer wants. He stated that the price range for the homes would be \$330,000 up to \$550,000 that would include some high-amenity lots along the wetlands, in addition to some challenging lots along Hinton Avenue.

Council Member Rice asked if US Homes is comfortable with the 15 additions to the resolutions. Mr. Liberacki confirmed that US Homes is comfortable with the additions noting that most are built into the Development Agreement, which has been signed off on.

Community Development Director Blin stated that there was considerable discussion around the location of the fencing at the Planning Commission public hearing. He stated that the layout recommended by the Planning Commission would be the street, the trail, the landscaping and then fence. He stated that they do not want any fencing in front of the landscaping.

Mr. Liberacki referenced the west side of Hinton Avenue stating that he and Senior Planner McCool discussed one of resolutions with the intent that any fencing be at the foot of the slope and reviewed with Council. He noted that it was implied that Staff would consider bringing this back to Council at a later date, with graphics to reconsider placement. He stated that they have accepted all conditions.

Council Member Rice thanked Mr. Liberacki for all of his hard work on this project. He noted that they have gone well beyond the conditions outlined and thanked him for the work he has done to meet their expectations and beyond.

Council Member Grossklaus referenced the elementary school located on 65th and asked if they would be providing sidewalk access to this school. Community Development Director Blin explained that there would be a trail constructed linking the school to everything south from Hardwood. In terms of 65th, there is a possibility they could add a trail link in this area when the Kemp property is developed.

D. Consider Amending Title 3 of the Cottage Grove City Code Relating to Liquor and Gambling.

Mayor Shiely clarified they are adding language, not deleting language, to the City Code. Public Safety Director Mickelson confirmed.

City Clerk Stransky stated that most of the amendments are housekeeping items noting that there are six major elements to this ordinance. She provided Council with an overview of the recommended changes and conditions of compliance.

Council Member Rice asked if Carbone's would be included in the application to serve strong beer. City Clerk Stransky confirmed that Carbone's has applied for a license to serve strong beer.

Public Safety Director Mickelson referenced the 18-plus changes noting that each establishment has their own security process. He explained that State law does not prohibit a person under 21 from entering, dancing or socializing but it does prohibit them from purchasing alcohol. He stated that several 18-plus establishments have been popping up all over the metro area and they have done considerable research in regard to callouts to these establishments. He stated that they found that the increase for callouts is not that significant adding that they would like to try a gradual approach that would allow businesses to operate as usual and add restrictions based on issues and problems as they arise.

Mayor Shiely asked for clarification on the section of the ordinance that requires an establishment to let members of the police department enter when closed. Public Safety Director Mickelson explained that this portion of the ordinance focuses on closed-door events or after closing hours where officers were not allowed to enter adding that the request is to allow them to enforce the City liquor laws.

City Attorney Vose stated that the City has an interest in enforcing the licensing codes and the City needs the ability to enter a building. He expressed his agreement with Public Safety Director Mickelson adding that interpretation of the State statute would mean that whenever anyone is on the premise officers should be able to enter.

Council Member Rice stated that he would like a memo sent to all licensed owners that outlines what would happen if there is a violation. He agreed that the City could start where they are now, along with sending the memo, and then tighten the process based on results of this change, as needed.

Council Member Bigham agreed with the memo stating that all owners should be notified and provided with an outline of what could happen if there is a violation.

Dennis Muck, Owner of the Rush, Denver, Colorado, stated that he is the founder and owner of the Rush. He thanked Council for their time and consideration noting that he is available for any questions the Council might have.

Council Member Rice asked Mr. Muck how he feels about the changes presented for consideration. Mr. Muck agrees with Council's concerns noting that Public Safety Director Mickelson is right. He stated that he has managed some of the largest clubs in the world and expressed concerns that the 18 to 21 age group does not have a place to go, noting that they could lose their life for their country and be accountable for signed contracts but cannot enter certain places because they serve alcohol. He explained that the idea of preventing them from coming into an establishment to decrease drinking and drunk driving has actually been found to increase the probability of drinking and drunk driving. He stated that the younger people need a place to go and indicated that they are trying to provide an entertainment facility that would provide entertainment for audiences 18 and up. He indicated that the majority of the audiences for the bands they hire are the 18-plus crowds adding that they have a considerable amount of security in place to ensure that alcohol is not served to the underage group.

Council Member Rice clarified that the concern he has is that there is more co-mingling between 18 year olds and 21 year olds today and as such, drinks can get transferred a lot easier. He stated that he does want this to be successful and that he does not want officers camped out in the parking lot.

Mr. Muck assured Council that he is there to provide entertainment more so than to sell liquor, adding that he is dedicated to providing a safe environment for his customers and the community.

Council Member Bailey stated that he had some of the same concerns as Council Member Rice and asked for an explanation on how they plan to keep the underage customers from getting alcohol.

Dana Fasset, General Manager of the Rush, explained that their method is being taught through Alcohol Training Awareness and reviewed the training with Council. She stated that the 18 to 21 group should have a place to go and assured Council that they are very strict with enforcing their rules and do not condone underage drinking.

Council Member Rice clarified that if they do catch an underage drinker the policy is to make them leave the facility. Ms. Fasset explained that the individual would be pulled aside by staff, brought to the manager, who would explain the situation, photocopy the individual's ID for record purposes and then they would be asked to leave. She stated that if the individual is cooperative throughout the process they would only be restricted from the establishment for 90 days, adding that if they are uncooperative it could result in a permanent restriction. She noted that they review the record of ID's periodically to ensure there are no repeat offenders. She stated that the police are contacted only if the individual is belligerent or uncooperative adding that the individual is not allowed to drive home; they are expected to get a ride with a friend.

Mayor Shiely expressed concerns stating that she does not think this a good idea to have a drinking establishment that allows underage patrons. She stated that she is willing to accept this only because it comes with a recommendation from the police department. She stated that if the City begins to see an increase in violations that would make a big difference as to whether this would be allowed to continue.

Council Member Grossklaus referenced problems with rowdy crowds at a recent event and expressed concerns regarding the potential problems the community could have in other areas of the City with rowdy groups coming from the clubs. Public Safety Director Mickelson stated that the crowd in reference that was causing problems after a recent event was a younger age group crowd, under the age of 18. He agreed that if an increase in violations does begins to happen he would be back before Council immediately to request that the city code be amended.

MOTION BY RICE, SECOND BY SHIELY, TO PASS **ORDINANCE NO. 771** AMENDING TITLE 3 OF THE COTTAGE GROVE CITY CODE RELATING TO LIQUOR AND GAMBLING. MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Mayor Shiely reminded citizens that the Spring Showcase, 8180 Belden Boulevard, is scheduled for tomorrow, Thursday, April 7, 2005 from 4:30 p.m. to 7:30 p.m. at the Armory.

PAY BILLS

MOTION BY BIGHAM, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 139163 THROUGH 139429 TOTALING \$886,808.09. (CHECKS 139163 – 139199 IN THE AMOUNT OF \$63,725.17 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

WORKSHOP SESSION – OPEN

NONE

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY BAILEY, SECONDED BY RICE, TO ADJOURN THE MEETING AT 8:36 P.M.
MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.