

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

April 16, 2003

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
Kim Lindquist, Community Development Director
John Mickelson, Public Safety Director
Nancy Hanzlik, City Engineer
Les Burshten, Public Works Director
Corrine Thomson, City Attorney
Michelle Wolfe, Assistant City Administrator

William Tennis, 6693 Goodview Court South, stated that he is present regarding the closing of the Fire Station in Old Cottage Grove. He expressed concerns stating that he has several relatives and friends in the neighborhood adding that he would be concerned about their safety if the Fire Station were to be closed. He further explained that he and his brother, as local business owners, would like to donate funds to the City to keep the Fire Station open and presented the Council with a check for \$3,000.

Gary Willms, 8991 Hamlet Avenue South, stated that he has serious concerns regarding the dirt pile located at the dead end portion of Hamlet. He reviewed the approach to the dirt pile noting that it is approximately 100 yards away from his property. He stated that if they continue to add to this pile that it would seriously affect his home and property. The dirt and rubble from the pile is continuously blown into his yard and that his vehicle is always covered in a dust. An increase in traffic turnarounds and dirt bike activity has also added to the amount of dust blown into his yard and onto his vehicles. He stated that the dirt is very difficult to clean and that he is unable to get the dirt out of his vehicles, his yard, and his home. Mr. Willms expressed his frustrations with the situation stating that he has contacted the police department several times regarding the dirt bikes and traffic issues. He stated that the City did not notify him that this area would become the dump area for the street improvement project. He expressed concerns regarding the effect on property values stating that the dump pile could directly impact the pricing and sale of his home. He stated that there is a decrease in the quality of life and asked City Council to look into this matter.

Bill Murphy, 8960 Hamlet Avenue South, expressed his agreement with Mr. Willms stating that he has the same concerns about the dirt pile. He explained that his wife has asthma stating that the dirt and dust from the pile medically affects his wife. He further explained that due to his wife's medical condition and the amount of loose dirt and dust kicked up from the pile, they are not able to open their windows. He also asked the City Council to look into the matter.

Mayor Shiely acknowledged the concerns of Mr. Willms and Murphy stating that the City Council would look into the situation and respond in three weeks, at the next regular meeting of the City Council.

Bob and Debbie Dornsbach, 6727 90th Street South, expressed concerns regarding a letter they recently received from the City's Building Inspector. He explained that they are being cited for parking a dump truck in a residential area. He further explained that he has owned the dump truck for 12 years stating that he has parked it in the same place the entire period of time. He further explained that he uses this vehicle to make his living stating that he is a small business owner and that the truck is a critical part of his business. He stated that until he had received the citation he was not aware of the ordinance changes noting that the ordinance was amended in March 2002. He asked the Council why he had never received notification of the change. He stated that the truck is registered with the State of Minnesota and the DOT. He referenced the length of time he has resided in Cottage Grove stating that he wants the truck to be grandfathered into his residence. He stated that it would cause hardship and undue expense if he has to move the vehicle and rent space for parking. He explained that the vehicle is off the main road, parked on asphalt. He further explained that he keeps the vehicle clean and well maintained noting that he has never had any complaints from his neighbors. He stated that he has a petition, signed by all of the neighbors, stating that they do not have a problem with him parking his truck at his residence. He expressed concerns and anger that a resident, outside of their neighborhood, would interfere stating that no one in his neighborhood or area has an issue with his truck. He further explained that this resident was responsible for reporting 130 violations from other neighborhoods in the City. He stated that it is not right to single out specific residents and asked the Council to reconsider his situation.

Mayor Shiely acknowledged Mr. Dornsbach's concerns stating that Council has copies of letter and the petition and that City Council will discuss the situation with the City Administrator and provide an answer in three weeks, at the next regular meeting of City Council.

Ruby Reed, 8829 90th Street South, referenced page seven of the Cottage Grove City Reports noting that the City garden areas have been cut from the City budgets. She stated that she is saddened by the decision of the City to cut funding for the garden. She explained she and her husband are seniors and the garden plot is a major food source in addition to enjoyment. She stated that they pay \$20 for their plot and asked the Council to reconsider this decision and make the plots available to the residents.

Dick King, 10855 68th Street South, expressed concerns regarding the closing of the Fire Station and the shortage of funds for the Police Department. He suggested putting together fundraisers to help with the funding. He stated that he spoke with Jerry Gerlach regarding this issue and offered to help organize fundraisers to keep the Fire Hall open. He further stated that the fundraisers could be citywide noting that a cutback in police officers would affect everyone in Cottage Grove. He encouraged the residents of Cottage Grove to get involved stating that when

times get tough neighbors should pull together to help out. Mayor Shiely thanked Mr. King for his suggestion noting that Tennis Sanitation has also made a donation.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, April 16, 2003, at the Cottage Grove City Hall, 7516 80th Street South. Mayor 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
Kim Lindquist, Community Development Director
John Mickelson, Public Safety Director
Nancy Hanzlik, City Engineer
Les Burshten, Public Works Director
Corrine Thomson, City Attorney
Michelle Wolfe, Assistant City Administrator

Mayor Shiely presided over the meeting.

ADOPTION OF AGENDA

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

APPOINTMENTS AND PRESENTATIONS

- A. APPOINTMENTS – NONE.
- B. PRESENTATIONS – NONE.

APPROVAL OF MINUTES

- A. March 19, 2003 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

- B. March 25, 2003 Special Meeting

Council Member Kohls clarified her understanding that the meeting was on the budget issues. She referenced Item C, reviewed the adjustments noting that Council has not consented to any of the items, and asked if all of it had been finalized. She explained that her concern is in the verbiage that states the City Council has consented. She further explained that this refers to finalization. She asked that the verbiage be clarified that the items have not been finalized. Mayor Shiely suggested changing the verbiage to 'exploring potential for the following cuts'. Council Member Kohls agreed.

Mayor Shiely stated that the minutes stand approved as amended.

CONSENT CALENDAR

Mayor Shiely pulled Item Q. She stated that Public Works Week is scheduled for May 18-24, 2003. She stated that the community truly appreciates the Public Works Department and the work they do. She asked Public Works Director Burshten to highlight the May 3rd Spring Cleanup Day.

Public Works Director Burshten stated that the annual Spring Cleanup Day would be held on one day, Saturday, May 3, 2003. He explained that household hazard waste would be accepted as a part of the spring cleanup. He encouraged residents to bring in their unwanted items noting that there would be charged for certain items. He reviewed acceptable and unacceptable items to be accepted and noted the event will run from 7:00 a.m. to 6:00 p.m.

Council Member Wolcott asked if they were going to have an express lane. Public Works Director Burshten confirmed that they would have an express lane for individuals with one or two items noting that they are expecting approximately 850 vehicles this year.

Council Member Grossklaus pulled Item T. He clarified his understanding stating that the City would not allow any signs on street corners unless it is on an owner's property. Community Development Director Lindberg clarified that the only acceptable items would be the benches and special event signs. Council Member Wolcott asked if garage sale signs are included. Community Development Director Lindquist explained that typically they ignore the garage sale signs due to the short duration.

Council Member Kohls pulled Items I, J, and K. She referenced that the items relate to the Hardwood improvements noting that the total dollar amount is over \$300,000 asking how much would be reimbursed back to the City. City Administrator Schroeder explained that one Change Order is a credit, the next is the demolition of buildings in the Gateway District, and the third is the parallel pipe adjacent to the existing pipe. He explained that the second change order is in the development budget stating that the contractor for the street portion was low bidder for that portion of the project. He further explained that the change order does not increase any costs. The third Change Order, the parallel pipe adjacent to existing pipe, is to serve for future construction activity. He stated that this is being funded out of the area fund with the premise that when additional land is developed that there would be an additional surcharge for the service. Council Member Kohls clarified that they could expect the full \$270,000 back. City Administrator Schroeder confirmed.

Council Member Wolcott pulled Item I. He stated that his concern is if the pond floods, what would happen. He acknowledged that deleting 246 feet of storm sewer pipe would save \$10,000.00 and he asked Staff for further clarification. Hanzlik explained that it is still a draft plan stating that future development would not drain into this pond. She further explained that it is a land lock basin and that it would cost \$35,000 to install. She stated that eventually, the developer would pay for the costs. City Administrator Schroeder clarified that if they do the project now they would be fronting the dollars to pay for it. He stated that the dollars would eventually come back to the City through future development of the area. He reviewed various drainage route options with Council and suggested waiting until the area builds up before making a decision on any of the alternatives. He stated that he is not concerned with flooding in this area from the pond and assured the Council that it is not an issue.

Council Member Wolcott pulled Item O. He asked for clarification of the plans and specifications. Public Works Director Burshten explained that it is a combination of most of the paving projects in the developed areas.

MOTION BY RICE, SECONDED BY KOHLS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MEETING MINUTES:
- i. PARKS, RECREATION, AND NATURAL RESOURCES COMMISSION OF FEBRUARY 10, 2003.
 - ii. COTTAGE GROVE VOLUNTEER FIRE DEPARTMENT RELIEF ASSOCIATION OF FEBRUARY 19, 2003.
 - iii. PUBLIC SAFETY, HEALTH, AND WELFARE COMMISSION OF FEBRUARY 11, 2003.
- B. APPROVE THE MUTUAL POLICE ASSISTANCE AGREEMENT AND AUTHORIZE EXECUTION OF THE AGREEMENT BETWEEN THE CITY OF COTTAGE GROVE DEPARTMENT OF PUBLIC SAFETY AND WASHINGTON COUNTY AND AUTHORIZE CHIEF JOHN A. MICKELSON TO EXECUTE SUCH AN AGREEMENT ON BEHALF OF THE COTTAGE GROVE POLICE DEPARTMENT.
- C. APPROVE THE 2003 SERVICES MAINTENANCE CONTRACT BETWEEN THE CITY OF COTTAGE GROVE AND KONTRON AND AUTHORIZE THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE THE CONTRACT AT A COST OF \$2,400.
- D. AUTHORIZE THE PURCHASE OF BARETTA 40 CALIBER SEMI-AUTOMATIC HANDGUNS TO REPLACE BARETTA 9MM SEMI-AUTOMATIC HANDGUNS USING GENERAL FUND DOLLARS DESIGNATED FOR HANDGUN REPLACEMENT AND CRIMINAL FORFEITURE FUNDS AT A TOTAL REPLACEMENT COST OF \$16,772.57.
- E. AUTHORIZE THE PURCHASE OF A COMMERCIAL GRADE WASHER FOR THE FIRE DIVISION UTILIZING FUNDS RECEIVED FROM THE ASHLAND OIL REFINERY FIRE SETTLEMENT, NOT TO EXCEED \$5,500, EXCLUDING SALES TAX.
- F. ADOPT **RESOLUTION NO. 03-072** ACCEPTING THE FOLLOWING DONATIONS FOR THE 10TH ANNUAL YOUTH SAFETY CAMP:
- RENEWAL BY ANDERSEN CORPORATION (\$250);
 - XCEL ENERGY (\$250);
 - JOHN J. NORTON, D.D.S., P.A. (\$200);
 - TIRES PLUS (\$100);
 - GREGG G. HIPPLE, D.D.S., M.S., LTD (\$100);
 - MARATHON ASHLAND PETROLEUM, LLC (\$100);

- KLAUS P. BECKER DEVELOPMENT COMPANY (\$75);
 - KINGSBOROUGH HOMES, LLC (\$100);
 - GERARD J. WEINGARTNER, D.D.S., P.A. (\$50);
 - COTTAGE GROVE DAIRY QUEEN (\$25);
 - JACK S. GERMO, STATE FARM INSURANCE, INC. (\$50);
 - RUMPCA SERVICES, INC. (\$25);
 - CCE TECHNOLOGIES, INC. (\$100);
 - F.M. FRATALONNE EXCAVATING & GRADING, INC. (\$50);
 - SANTORI CHIROPRACTIC CENTER (\$50);
 - JAMAICA FOOD MART, INC. (\$50);
 - TRADEHOME SHOE STORES, INC. (\$100);
 - YACKEL DANCE STUDIOS (\$30);
 - COTTAGE GROVE LIONS (\$500);
 - SELVIG JEWELWERS (\$100);
 - WELLS FARGO BANK WEST, N.A. (\$100);
 - VFW POST 8752 (\$100);
 - ED'S TROPHIES, INC. (\$25)
- G. ADOPT **RESOLUTION NO. 03-073** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$3,863.60 TO EUREKA CONSTRUCTION ON THE GROVE PLAZA STORM SEWER IMPROVEMENT PROJECT.
- H. APPROVE CHANGE ORDER #5 FOR ALMAR VILLAGE STREET AND UTILITY PROJECT.
- I. APPROVE CHANGE ORDER #1 FOR THE HARDWOOD AVENUE UTILITY, STREET, AND LIGHTING IMPROVEMENT PROJECT.
- J. APPROVE CHANGE ORDER #2 FOR THE HARDWOOD AVENUE CORRIDOR IMPROVEMENT PROJECT.
- K. APPROVE CHANGE ORDER #3 FOR THE HARDWOOD AVENUE UTILITY, STREET, AND LIGHTING IMPROVEMENT PROJECT.
- L. APPROVE CHANGE ORDER #2 FOR THE ACORN RIDGE PROJECT.
- M. APPROVE THE INSTALLATION OF 30,000 POUNDS OF CRAFTCO 221 JOINT SEALANT (\$.52 PER POUND) FROM NORTHWEST ASPHALT MAINTENANCE.
- N. ADOPT **RESOLUTION NO. 03-074** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$114,169.09 TO HYDROCON, INC. ON THE 97TH STREET EXTENSION PROJECT.
- O. ADOPT **RESOLUTION NO. 03-075** APPROVING CONSTRUCTION PLANS AND SPECIFICATIONS AND SETTING A BID DATE FOR THE 2003A STREET AND PAVEMENT PROJECT.
- P. ADOPT **RESOLUTION NO. 03-076** APPROVING CONSTRUCTION PLANS AND SPECIFICATIONS AND SETTING A BID DATE FOR TIMBER RIDGE 5TH ADDITION UTILITY, STREET AND STREET LIGHTING IMPROVEMENTS.
- Q. ADOPT THE PROCLAMATION OBSERVING MAY 18-24, 2003 AS PUBLIC WORKS WEEK.
- R. RATIFY ELECTION MYRON BAILEY AS CHAIRPERSON OF THE PLANNING COMMISSION FOR A ONE-YEAR TERM.
- S. ADOPT **ORDINANCE NO. 729** AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA AMENDING CHAPTER 9-9-3 OF THE COTTAGE GROVE CITY CODE RELATING TO THE ADVISORY COMMITTEE ON HISTORIC PRESERVATION AND

APPOINT NANNETTE LACHAPELLE, BEVERLY GROSS AND FRANCES RATZLAFF TO THE ACHP.

- T. ADOPT **ORDINANCE NO. 730** AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA AMENDING TITLE 9-8-8 OF THE COTTAGE GROVE CITY CODE RELATING TO OFF PREMISE ADVERTISING SIGNS.
- U. ADOPT **RESOLUTION NO. 03-077** AMENDING THE ADOPTED FEE SCHEDULE FOR THE CITY OF COTTAGE GROVE AND ADOPT **ORDINANCE NO. 731** AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING CHAPTER 7-6-6 OF THE COTTAGE GROVE CITY CODE RELATING TO REGISTRATION AND RIGHT-OF-WAY OCCUPANCY.
- V. ADOPT **RESOLUTION NO. 03-078** APPROVING THE FINAL PLAT NAMED MISSISSIPPI DUNES ESTATES.
- W. RECEIVE INFORMATION REGARDING USE OF PUBLIC PROPERTY BY PRIVATE GROUPS TO USE PUBLIC LANDS OR PROPERTIES FOR FREE SPEECH DISPLAYS.
- X. APPROVE SUPPLEMENTAL AGREEMENT #1 ON THE HARDWOOD AVENUE IMPROVEMENT PROJECT.
- Y. ADOPT **RESOLUTION NO. 03-079** APPROVING INTERFUND TRANSFERS BETWEEN FUNDS AND ADOPT **RESOLUTION NO. 03-080** CLOSING CERTAIN FUNDS.
- Z. ADOPT **RESOLUTION NO. 03-081** ESTABLISHING A POLICY FOR DESIGNATING THE GENERAL FUND BALANCE AND REPEALING RESOLUTION NO. 99-122.

MOTION CARRIED 5-0.

Mayor Shiely stated that if anyone is present for issues on the Consent Calendar all have been passed.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

NONE

PUBLIC HEARINGS

- A. 1. Hold Public Hearing on the Proposed Vacation and Discontinuance of Portions of Right-of-Way, Drainage, and Utility Easements, and Public Park and Open Space Relating to the Gateway North Redevelopment District.

Community Development Director Lindquist stated the Public Hearing relates to the Gateway Plat to discontinue some of the easements in the area that are unnecessary. She reviewed the primary issues with Council noting that the hearing had been tabled several times because the City had to meet with the property owners. She stated that the meetings have been held. She noted minor language modifications that further clarified the resolutions stating that there are no substantive changes.

Mayor Shiely opened Public Hearing at 7:50 p.m.

Mayor Shiely closed the Public Hearing at 7:51 p.m.

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO ADOPT **RESOLUTION NO. 03-082** VACATING AND DISCONTINUING PORTIONS OF RECORDED PUBLIC RIGHT-OF-WAY, DRAINAGE AND UTILITY EASEMENTS AND PUBLIC PARK AND OPEN SPACE, RELATING TO THE GATEWAY NORTH REDEVELOPMENT DISTRICT. MOTION CARRIED 5-0.

BID AWARDS

- A. **Consider Awarding the Highlands 1.5 MG Elevated Storage Reservoir Rehabilitation Bid to Champion Coatings, Inc. in the Amount of \$637,000.00.**

Public Works Director Burshten explained that Champion Coatings is the low bidder for the project noting that they are a very reputable contractor that the City has used several times. He stated that they are very satisfied with their work adding that the bid is under the engineers estimate. He explained that the water tower was constructed in 1971 and is in desperate need of renovation and repairs. He further explained that it is recommended that water towers go through this process every 15 to 20 years stating that this has not been done and it is long over due. He stated that the water tower was inspected in 1994 and that it was recommended at that time to do structural repairs and painting. He stated that they decided to wait noting that two years ago KLM reviewed the tank and made several recommendations to have the tank restored. He stated that they decided to wait because of capacity issues and until the West Draw Tower was completed. He stated that they now feel comfortable enough to bring the tank down for repairs. He reviewed the structural issues with Council noting that this is a very common practice. He assured Council that the paint used would not be lead-based noting that the sandblasting would remove any residual paints. He explained that the restoration and repairs included painting, structural and electrical repairs. He reviewed the costs involved with Council stating that in 1994 the estimate from ADC was \$637,000. He stated that they are doing more work now for the same price that was estimated in 1994. He explained that the work has to be done now adding that it can not be put off any longer. He further stated that with the proper maintenance a water tower would last approximately 100 years.

Mayor Shiely clarified that funding was not coming from the General Fund and asked Public Works Director Burshten to clarify the expense and financing of the project. Public Works Director Burshten explained that part of the funding would be out of the water fund in addition to revenue that has been generated from various cell antenna leases.

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO ADOPT **RESOLUTION NO. 03-083** AWARDING BID FOR THE HIGHLANDS 1.5 MG ELEVATED STORATE RESERVOIR REHABILITATION TO CHAMPION COATINGS, INC. FOR \$637,000.00. MOTION CARRIED 5-0.

UNFINISHED AND NEW BUSINESS

- A. **Consider Approving the Site Plan Review of a Gas Station, Convenience Store, and Car Wash to be Located at Almar Village.**

Community Development Director Lindquist reviewed the site plan noting that the entire commercial project was initially approved in May 2001, with the requirement that a formal site plan review for the gas station take place, which would include the color schemes and

construction materials. She noted that the main issues from Staff relate to the architectural standards and the design of the building. She stated that Staff asked for feedback from the Planning Commission regarding the entrance feature for the canopy of the store. Lindquist reviewed the entrance features with Council stating that they had requested bricking all the way up the columns. Staff recommended removal of the metal portion and add the brick. She stated that this was requested so that the entrance would be similar to other entrances in the Mall. Lindquist clarified that they are not recommending closure of the front entrance, they are recommending consistency with the bricking.

Lindquist stated that the canopy was the outstanding issue. She explained the restrictions stating that the canopy must have recessed lighting. Given the interest in the appearance and the fact that this is a neighborhood/commercial area, Staff recommended a pitched roof on the canopy. She reviewed examples of pitched canopies used in Denver, Colorado. She stated that the developer has a concern with the height of the building adding that they could work through these issues.

Lindquist reviewed the feedback from the Planning Commission regarding the operations of the gas station. She stated that she has also discussed their concerns with the Building Official adding that he did not think there would be any problems from a building standpoint. She stated that there are some mechanical screening issues that are being worked out. She provided Council with an overview of the conditions included in the recommendation and requested feedback regarding the additional brick.

Ryan Smaller, Architectural Designer for the project, provided Council with an example of the design. He explained that they are bringing down the size of the roof to engage the public in a more residential manner. He further explained that the additional pitch on the gas canopy would be a very large pitch that would create extreme shadows. He stated that it would overtake the area noting potential safety issues. He reviewed various canopy styles with the Council. He stated the examples are good precedents for why they are suggesting the current pitch of the canopy.

Steve Dahl, co-owner, stated that adding brick to columns would make the columns larger and impede visibility. He further stated that it would be difficult to maneuver through the area. He explained that this would be a hardship that would cost more money. He explained that the way the front approach was designed provides easier access and also creates an open area to pass under during inclement weather. He assured Council that they designed the canopy in a manner that would be appealing to everyone adding that they do not agree with the recommendations from the Planning Staff.

Mr. Smaller reviewed the design with Council stating that it allows more natural lighting into the store and creates a friendlier atmosphere. He explained that if they begin to build up the bricking it would diminish the natural lighting and would also block visibility to the pumps. He referenced the pitched canopies stating that the canopy allows a driver to see the gas station from the road. The current design would also allow it to fit naturally into the Almar neighborhood. He explained that there would be drainage issues with the pitched roof design recommended by Staff adding that this could create a safety issue. He stated that their recommended design allows for better drainage.

Doc Bowman, Tollefson Development, SR Vice President, referenced pictures of the column design noting the site lines and reviewed issues of visibility with Council. He expressed his agreement with Mr. Smaller adding that the bricking would severely impede visibility of the pumps. He referenced the entry area of the building and the gables stating that they have an architectural issue if they move the door away from the entry of the canopy. He stated that it would take away the open air feeling adding that the current design opens in a style similar to his own building. He explained that he is the property owner adjacent to this structure adding that he prefers the developers designs. He reviewed the pitch scale with Council noting that it scales off at 28-feet into the air. Restrictions were placed more on the canopy than anything else on the site. Everything was designed based on the canopy to keep it as unobtrusive as possible. He stated that to add a hip roof in a close area such as this would only make it stand out more versus fitting into the neighborhood. He stated that as a neighbor, aesthetically, he does not care for the recommended design changes.

Community Development Director Lindquist stated that Mr. Bowman's rendition of the bricking is overstated. She stated that the Rainbow Foods building have columns similar to what Staff is recommending. She stated that it is not an issue of visibility, it is a decision of what they want versus what is being recommended by the City. She further stated that the Planning Commission recommended the bricking.

Council Member Rice asked to view the Holiday Station and asked if the columns were brick. Mr. Dahl explained that the columns are a wrapped steel.

Council Member Rice asked if the columns were wrapped in brick face, would it be as wide as those at the Holiday Station. Mr. Dahl confirmed that they could be as wide. Council Member Rice stated that he is comfortable with the design.

Council Member Wolcott referenced three different types of material on the store, stucco, brick and rock face and asked for further clarification. Mr. Bowman explained that it is a rock face block with brick stating that the three different materials are meant to architecturally match the other buildings in the area.

Council Member Grossklaus asked to view Exhibit D. He noted that the existing building gives depth and asked why they do not have an overhang that would match the rest of the mall. Mr. Bowman clarified that the brick portion comes out from the building by two to three feet, totally enclosed. He explained the process stating that they are trying to give depth and dimension. He reviewed the side elevation exhibit with Council stating that the purpose is to keep the elements off the walkway in front of the building as a safety feature.

Mayor Shiely clarified that what the Council wants is an integrated, related, neighborhood convenience center that looks like it belongs together with the rest of the shopping center. She expressed her agreement with Council Member Rice adding that she is not concerned about the pitch of the canopy. She stated that her concerns are with the lack of bricking. She explained that Council wants it coordinated stating that if it needs more brick over the entry to be consistent with the rest of the buildings that it should be done. Mr. Bowman clarified that both drawings achieve this goal.

Mayor Shiely asked Mr. Dahl to clarify the curve. Mr. Dahl explained that the curve is underneath the arch adding that they would create a barrel under the pointed arch. Mr. Bowman reviewed the arch area and pitch with Council.

Mr. Smaller stated that they would have the opportunity to place brick in the arch area that would create a similar presence. He expressed concerns that the additional bricking in the front would be a safety issue as it would block visibility. He suggested bricking in the upper portion under the arch and reviewed with Council. He clarified that the only rounded portion of the building is the steel structure of the arch that supports the canopy.

Council Member Grossklaus referenced the pharmacy drawing and reviewed the portion above the sign and asked why they are not mimicking this structure more. Mr. Smaller reviewed the pitch support stating that its function supports the structural element.

Council Member Grossklaus asked if the windows in the existing buildings are aluminum or block faced brick. Mr. Bowman stated that they are an aluminum frame adding that under the windows is a painted wood frame inside the aluminum frame.

Council Member Wolcott clarified that the materials would mimic the other buildings, the pitch canopy would go away adding that he is in agreement with the brick pillars.

Council Member Kohls stated the appearance of the building is too industrial. She stated that she agrees with the Planning Commissions recommendation for more bricking and asked how high it would be. She asked what the business color schemes would be along edge of canopy. Mr. Dahl stated that the fascia would be flat faced adding that there would be no florescent colors.

Council Member Kohls expressed concerns regarding the landscaping stating that there is a lot of asphalt in the area. She stated that additional landscaping would soften the look. She asked Community Development Director Lindquist how this would meet the landscape ordinance. Lindquist stated that because this is only one portion of the property, they reviewed the area as a whole. She stated that the amount of landscaping around the building is pretty extensive adding that they want a few more trees along the road. Council Member Kohls stated that in residential areas people are more concerned with appearance and landscaping. She stated that her main concern is to make sure it does not look industrial. She stated that by adding the brick around the pillars and front and keeping the colors around the edge of the canopy would allow it to blend better into a residential area.

MOTION BY WOLCOTT, SECONDED BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 03-084** APPROVING THE SITE PLAN REVIEW OF A KATH FUEL OIL SERVICE GAS STATION AND CONVENIENCE STORE IN ALMAR VILLAGE, WITH CORRECTION TO ITEM 3 TO REFLECT BRICKING AND REMOVE LAST SENTENCE. MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Grossklaus referenced the nuisance ordinance and asked a phone number be provided for residents to call, and the City should have someone answering the phone not voice mail. He expressed concerns regarding the speed limit along Hinton. He also asked if they could place a painted pedestrian crosswalk to cross over to the Country Inn & Suite. Grossklaus expressed concerns regarding the Police Department stating that the City of Cottage Grove has added 900 dwellings since 1999 but that the Public Safety Staff is getting smaller. He stated that they are not backing up service with the growth in the area. He stated that he would like to see Staff move up the process of hiring officers to replace the two officers that are retiring. Mayor Shiely stated she has passed on the concerns regarding the crosswalk and trail.

Council Member Kohls thanked Council Member Grossklaus adding that she does not agree with the hiring freezes. She expressed concerns noting that the City would be down five officers by summer. She agreed stating that the City should move forward with the interview and hiring process noting the difficulty in finding candidates. She noted that they are working to improve the City's ISO rating stating that they would be inspected in the June/July timeframe. She clarified that it was her understanding that by improving the ISO rating it would help improve insurance rates for the commercial/business areas. She stated that they checked with a variety of companies adding that they were unable to find a company that would allow reductions in their rates if the ISO rate improves. Council Member Wolcott clarified personal insurance and commercial insurance for Council Member Kohls. Council Member Kohls asked for further clarification via email from the Fire Chief on what they are doing to improve their ISO rating and how much it would benefit the businesses with their insurance rates.

Mayor Shiely stated it was her understanding at the last budget meeting, with Council approval that they would continue to move forward with the hiring process and candidate search for police and fire. City Administrator Schroeder stated that they have been conducting an ongoing recruiting process for a long time and that it would continue to move forward. He explained that when the Legislature adjourns that they would be back to Council with a request for their recommendations. He assured Council that they would not fill any positions without their approval.

Council Member Kohls clarified that they are in the process of recruiting for police officers and that when they find a qualified candidate that they would make an offer. City Administrator Schroeder stated that they would hold it in abeyance until May 19, 2003 adding that they would maintain a recruitment list until that time. Mayor Shiely clarified that there is not a freeze in recruiting. Assistant City Administrator Wolfe clarified the police/paramedic recruiting process for Council. She explained that they have not stopped any recruiting process for the Public Safety Department at this time. Council Member Kohls asked if they are facing any potential loss of candidates in the next three weeks. Assistant City Administrator Wolfe stated that they do not have anyone in the background check phase adding that the background check would take approximately three weeks.

Mayor Shiely acknowledged that Council Member Grossklaus' continuous reminder on these issues points out the fact that the City Council and the public should have a better understanding of the budget process and funding. She stated that she is concerned that they have not considered the advance of technology and how it has influenced the ability of staff to do more

with fewer people. She stated that they cannot look strictly at the numbers to determine the number of public safety officials that are needed.

Council Member Grossklaus that he does not want spots left open because of a budget or dollar issue. He expressed concerns regarding misleading the public and clarified that they would continue with the hiring process to replace the two officers that retire as soon as possible.

Council Member Wolcott noted that one of the Staff recommendations discussed was not to fill the positions in 2003 or 2004 noting that no definite decisions have been made regarding budget until the Legislature adjourns. He clarified that not replacing these officers until 2003/2004 was a part of the budget discussion. He clarified that Council Member Grossklaus' concern is the continued growth of the City and that they should consider adding and maintaining staff in Public Works and Public Safety.

Council Member Grossklaus reviewed the tax increases, encouraged citizens to express their concerns, and needs to the City and to the Council. He stated that the numbers do not tell the full truth noting that reducing staff, based on retirements, during the summer, is an unwise decision.

City Administrator Schroeder clarified that they have roughly 120 full-time regular employees adding that from 1996 to 2002, on average, there are 22 positions filled over a period of time. He explained that this means there is turnover that occurs in many departments as a normal course of business. He reviewed October/November 2001 through April 2003 noting that during this time, for each month, with the average vacancy level for sworn officers was three. He stated that last year at this time there were four vacancies, with five in August, September and October. He stated that this is not an inordinate amount of vacancies noting that there has been an impression given that there has not been staff growth in the Police Department. He stated that in 1995 they hired five officers through a police grant program and in 1999 added a seventh dispatcher and a narcotics officer. He reviewed the reduction of firefighters with Council noting that staffing growth from 1996 to present has been approximately 3%.

PAY BILLS

MOTION BY WOLCOTT, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS TO 128641 THROUGH 128856 TOTALING \$578,472.98. (CHECKS 128641-128671 IN THE AMOUNT OF \$117,642.85 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

Mayor Shiely called a 5-minute break at 9:20 p.m.

Mayor Shiely called the meeting back to order at 9:33 p.m.

WORKSHOP SESSION – OPEN

A. Phase II National Pollutant Discharge Elimination System Permit

City Engineer Hanzlik stated the workshop is intended to bring Council up to speed on the progress of the NPDES Program and bring light to the process. She reviewed the background of

the NPDES with Council, stating that it is critical to remember the intent of the permit, which is to restore and maintain waters in the State. She stated that Phase I and Phase II of the permit has been implemented noting that Phase III monitoring would be implemented in the next seven years.

Hanzlik stated that each phase contains three major permits, Industrial, Construction MS4 with the final permit application due on or before May 9, 2003. She reviewed significant changes of the construction permit with Council. She stated that the Construction permit is in the review process and is not finalized at this time. She stated that the MS4 permit was originally due March 10 noting that the MSPA is allowing additional time for the final permit application. She stated that all parts of the application are due by May 9, 2003. She explained that approval at this time is not required noting that the only thing they have to do is hear the presentation and ask questions.

Hanzlik stated that the MS4 would impact Cottage Grove the most and reviewed with Council. She explained that the first part is notice of intent, second portion is the Storm Water Pollution Prevention Plan and reviewed with Council. She stated that the final portion is the report to the MSCPA. She stated that it is important to understand that the Storm Water Plan is an enforceable document and anyone can register a complaint for non-compliance. She reviewed the enforcement agencies and potential funding sources with Council. She explained that funding sources would have to be defined as the project progresses adding that it would impact every part of the government with major impact on Public Works and Engineering. She reviewed the immediate steps that they need to take stating that they must be completed on or before May 9, 2003. She stated that they would have to begin implementation noting that the storm water management map would require updating and reviewed with Council. She stated that they would need to reevaluate site plan, review the process and establish record keeping policies.

Council Member Kohls stated that they already have much of this documented. Hanzlik stated that they do not. City Administrator Schroeder confirmed and reviewed the categories that would need to be updated. Hanzlik agreed stating that they would need to redefine what they have, based on the changes to the Storm Water Plan. She explained that the Federal government is requiring that they maintain services and any outfall of stormwater.

Council Member Kohls asked what it would cost. Hanzlik stated that the current estimate is approximately \$70,000.

Council Member Wolcott asked if this was coordinated with the Watershed district. Hanzlik stated that it is and that the agreements would need to be documented.

Council Member Wolcott noted the budget situation and expressed concerns regarding an unfunded mandate. He stated that it should go on record that Council would like to know how this should be funded. He stated that funding should be taken from the Storm Water Utility Fund or area charges noting that those were developed without this in mind. He requested that concerns be expressed regarding the mandated expense with the budget situation. He stated that the Federal and State government is placing more requirements that would take time from City staff and possibly a consultant to pull this together and expressed concerns regarding funding. Hanzlik stated that this is being challenged in court noting that the construction permit

and restrictions on the MS4's is expensive and unrealistic. Council Member Wolcott asked that the concerns be expressed up the ladder.

City Administrator Schroeder stated that when the Storm Water Utility was created it was due to the MPDES noting that they did not have an estimate of costs. He stated that they did have an understanding that the activity would occur through this utility. He agreed that if it is a \$70,000 annual cost to comply that the funding concern should be expressed.

Mayor Shiely stated that enforcement could be an issue. Hanzlik noted that part of the problem is that anyone could complain noting it is a fear factor.

Council Member Kohls clarified that the developer would be more accountable. Hanzlik stated that the developer would be more involved in the construction permit process more so than the MS4. She stated that the City, as a municipality, would be more responsible in the monitoring process.

City Administrator Schroeder stated that the City is the developer in some projects noting that they may not be out of the process. He clarified that they would have to rethink how they operate the storm water system adding that there are certain types of ponds that could not be used in certain situations.

Mayor Shiely agreed that it does appear to be some doubling up of accountability. Hanzlik agreed that it is a hugely overlapped process.

WORKSHOP SESSION – CLOSED – NONE.

ADJOURNMENT

MOTION BY WOLCOTT, SECONDED BY RICE, TO ADJOURN THE MEETING AT 10:00 P.M.
MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.