

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

May 5, 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
Tom Thompson, Consultant, BRAA
John Mickelson, Director Public Safety
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Dara Pemble of Hastings stated that she present this evening to talk to the Council about Poppy Days. She explained that she is the VFW Post No 8752 and Fourth District Representative Poppy Queen. Poppy Day will be on May 14, 2004. This is the one day of the year where people come out to the community to sell poppies in memory of the Veterans. Ms. Pemble stated that all proceeds collected go to the veterans. She presented poppies to the Council, Staff and audience, and asked everyone to wear them proudly as it is representative of the past and present soldiers.

Major Joe Mariotti of the Park High School ROTC stated that he would like to thank the Council for inviting members of Cadet 4 to the meeting to present the colors. He provided the Council with a brief overview of the ROTC program noting that they have school programs throughout the United States. Mr. Mariotti stated that there are 700 Air Force ROTC units nationwide that encompasses 9th through 12th grade students. Their main goal and mission is to help build better citizens through a series of character building courses offered through their program. He then introduced the Color Guard Cadet members in attendance.

Council Member Kohls noted that her daughter was in the ROTC program and commented that it is a wonderful program to be involved in. She encouraged parents to encourage their children to consider the program.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, May 5, 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
Tom Thompson, Consultant, BRAA
John Mickelson, Director Public Safety
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

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. PRESENTATIONS

1. Park High ROTC Color Guard.

Park Senior High School ROTC members Randy Gray, Commanding; Elizabeth Peterson; Mike Cole; Tony Swanson; and Brian Young in Reserve, presented the Colors for the Pledge of Allegiance.

2. Preservationist of the Year: Xoua and Tru Thao – In Recognition of their efforts to restore the Historic Cedarhurst Mansion.

Mayor Shiely stated that this is one of the most important awards given each year in the City of Cottage Grove and asked John Burbank to come forward to introduce the recipients.

John Burbank stated that it is always a pleasure to be here to present this award. He stated that it is an annual award the City gives to people who go above and beyond in terms of historic preservation. He stated that a variety of people and structures have come and gone over the years since the establishment of the City in 1843. He noted that the Advisory Committee of the Historic Preservation, voted to present award for Preservationist of the Year to Xoua and Tru Thao in recognition of their efforts to restore the historic Cedarhurst Mansion located at 6940 Keats Avenue South for their work in bring the Mansion back to its former glory. Burbank then reviewed the restoration process with Council noting that there was a variety of additions made to the structure over the years. The most prominent addition was built in 1917 by Cass Gilbert.

Council came forward to present the Preservationist of the Year award to Xoua and Tru Thao.

B. APPOINTMENTS

NONE

APPROVAL OF MINUTES

NONE

CONSENT CALENDAR

Council Member Rice asked to pull Item 4J, acknowledging donations for the Youth Safety Camp from various businesses. He verbally acknowledged and thanked each business for their contribution.

MOTION BY WOLCOTT, SECONDED BY RICE, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MEETING MINUTES:
 - i. PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION OF FEBRUARY 10, 2004 AND MARCH 9, 2004.
 - ii. PLANNING COMMISSION OF MARCH 22, 2004.
 - iii. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION OF NOVEMBER 10, 2003.
 - iv. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION OF DECEMBER 8, 2003.
 - v. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION OF JANUARY 12, 2004.
 - vi. PARKS, RECREATION AND NATURAL RESOURCES COMMISSION OF MARCH 8, 2004.
- B. RECEIVE MEMORANDUM FROM MANAGEMENT ANALYST SCOTT JOHNSON OUTLINING COSTS FOR THE 2004 VOLUNTEER BANQUET.
- C. APPROVE THE LEASE AGREEMENT WITH THE YMCA TO OPERATE THE MUNICIPAL POOL FOR THE SUMMER OF 2004.

- D. AUTHORIZE ISSUANCE OF A SINGLE-OCCASION GAMBLING PERMIT TO THE CHURCH OF ST. RITA, LOCATED AT 8694-80TH STREET SOUTH, TO CONDUCT A RAFFLE, BINGO, AND PULL TABS ON SEPTEMBER 18 AND 19, 2004.
- E. ADOPT **RESOLUTION NO. 04-075** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$18,366.11 TO BURSCHVILLE CONSTRUCTION ON THE HIDDEN VALLEY 9TH ADDITION PROJECT.
- F. ADOPT **RESOLUTION NO. 04-076** APPROVING FINAL PAYMENT IN THE AMOUNT OF \$22,884.81 TO BURSCHVILLE CONSTRUCTION ON THE PINE SUMMIT 1ST ADDITION PROJECT.
- G. APPROVE THE APPOINTMENT OF MS. KRIS MEINERT TO THE PUBLIC SAFETY, HEALTH AND WELFARE COMMISSION TO FILL THE TERM WHICH EXPIRES FEBRUARY 28, 2006, AND MR. BRIAN HAGEN TO FILL A REMAINING TERM WHICH EXPIRES FEBRUARY 28, 2005.
- H. AUTHORIZE THE ISSUANCE OF OUTDOOR EVENTS PERMITS FOR THE FOLLOWING EVENTS ASSOCIATED WITH THE COTTAGE GROVE STRAWBERRY FEST: 1. COTTAGE GROVE JAYCEES TO CONDUCT AN OUTDOOR EVENT/CARNIVAL FROM JUNE 11 THROUGH JUNE 13; 2. RODEO NIGHTCLUB TO CONDUCT AN OUTDOOR DANCE ON JUNE 12; 3. COTTAGE GROVE STRAWBERRY FEST COMMITTEE TO CONDUCT MISCELLANEOUS OUTDOOR EVENTS.
- I. APPROVE THE RENEWAL OF THE WORKERS COMPENSATION AND VOLUNTEER ACCIDENT INSURANCE POLICIES FOR THE 2004 POLICY PERIOD.
- J. ADOPT **RESOLUTION NO. 04-077** ACCEPTING DONATIONS IN THE AMOUNT OF \$950.00 ON BEHALF OF THE PUBLIC SAFETY, FIRE AND RECREATION DEPARTMENTS FOR THE 11TH ANNUAL YOUTH SAFETY CAMP.
- K. AUTHORIZE ISSUANCE OF SINGLE-OCCASION GAMBLING PERMITS TO THE SOUTH WASHINGTON SENIOR CENTER TO CONDUCT BINGO ON JUNE 12, 2004 AND A RAFFLE ON OCTOBER 8, 2004.
- L. ADOPT **RESOLUTION NO. 04-078** CALLING FOR A PUBLIC HEARING ON THE INTENTION TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS AND THE PROPOSAL TO ADOPT A CAPITAL IMPROVEMENT PLAN.
- M. ADOPT **RESOLUTION NO. 04-079** PROCLAIMING MAY 3 TO 9, 2004 AS HISTORIC PRESERVATION WEEK.
- N. APPROVE THE SITE LEASE AGREEMENT ALLOWING T-MOBILE TO PLACE WIRELESS TELEPHONE ANTENNAS ON TOP OF THE CITY'S WATER TOWER AT 81ST STREET AND INNSDALE AVENUE.
- O. APPROVE THE SITE LEASE AGREEMENT ALLOWING SPRINT SPECTRUM L.P. TO PLACE WIRELESS TELEPHONE ANTENNAS ON TOP OF THE CITY'S WATER TOWER AT 81ST STREET AND INNSDALE AVENUE.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

PUBLIC HEARINGS

NONE

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

A. Review the City Council Regular Meeting Schedule.

City Administrator Schroeder stated that the City Council regular meetings are held the first and third Wednesdays of each month. He noted that for the last few years the Council has cancelled the first meeting in July due to the Fourth of July holiday. He stated that this year there are no holidays that would cause conflicts with the regular meeting schedule. He reviewed the meeting schedule for the remainder of 2004 stating that in addition to the regular meetings, the Council would be asked to schedule the 2005 budget workshop sessions in late July or early August. He stated that Staff is requesting Council approval for the 2004 schedule or revise as needed. He noted that in the past they have generally filled the additional time with their budget meetings and suggested considering the same process again for this year.

Council Member Kohls agreed stating that she would like to see the first meeting in July cancelled. Mayor Shiely agreed and suggested canceling the July 7th Council meeting.

Council Member Wolcott noted that typically their budget meetings are held in August and suggested canceling a meeting in August versus July. He suggested canceling the August 4th and 18th meeting and reschedule the Regular Meeting for August 11, 2004.

Council Member Kohls agreed with Council Member Wolcott stating that August is the busier month with the budget workshops.

Council agreed by consensus to change the 2004 City Council Regular meeting schedule to show August 4th and August 18th as cancelled and schedule one Regular meeting on August 11, 2004.

B. Consider Approving an Ordinance Amendment to Allow Currency Exchange Businesses.

Community Development Director Blin stated that the City of Cottage Grove is initiating an amendment to City Codes Title 11-1-3, Rules of Work Construction and Definitions and also Title 11-10A-4, Conditional Uses, to allow currency exchange businesses in all commercial zoning districts. He provided the Council with a brief background noting that Council had adopted Resolution No. 03-208 approving the currency exchange license contingent on the owner of In Concert entering into an agreement with the City that such a license would not be transferred to a new owner and that she must comply with any future ordinances that may be

adopted by the City. He stated that the City Council also adopted Resolution No. 03-209 establishing a moratorium on any future proposal for currency exchanges within the City and Ordinance No. 743 approving the interim ordinance to restrict the development of currency exchanges.

Blin stated that the Planning Commission held a workshop on January 23, 2004 to discuss currency exchanges and the type of performance standards to be considered. He stated that the Planning Commission has directed Staff to prepare an ordinance amendment allowing currency exchange businesses as a conditional use in all commercial zoning districts and require a business license from the City Council. He noted that at the February 23 2004 Planning Commission workshop, a public hearing amending the City Codes for this type of business use was set for March 22, 2004. He noted that notices were published in the March 10, 2004 edition of the South Washington County Bulletin.

Blin highlighted what other communities have done to address the issue noting that State law states that a business cannot be located within one-half mile from each other. He stated that they have taken it a step further and have included other restrictions that requires them to be a minimum of 800-feet from a secondhand goods store; 800-feet from a pawn shop or adult store, and no closer than 500-feet from a daycare center. Blin noted that this only applies to the B-3 zoning district and reviewed the district locations with Council. He stated that there are only a few parcels within the City that could accommodate the requirements noting that Grove Plaza Center is one of the locations. Blin explained that by law, they do have to allow a place for every use. The Planning Commission has recommended approval to allow them as a conditional use in commercial districts. The other option for consideration would be to allow them in a B3 zoning with restrictions.

Mayor Shiely noted that the Planning Commission packet states that it is felt this type of business is no different than a bank and asked Public Safety Director Mickelson if he believes this to be true. Public Safety Director Mickelson stated that he did not agree with that assessment. He explained that it is not the same risk to the City, customers and surrounding areas. In his view it presents a larger safety hazard.

Council Member Grossklaus clarified his understanding and asked if they considered option one could the business end up in neighborhood/commercial districts. Community Development Director Blin confirmed that it could.

Council Member Kohls clarified that this could not be a reason to deny the request. Community Development Director Blin confirmed and explained that if they come in and apply with no problems, they would have to approve the application for a conditional use.

MOTION BY GROSSKLAUS, SECONDED BY WOLCOTT, TO PASS ORDINANCE NO. 762 AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING CHAPTER 11 OF THE COTTAGE GROVE CITY CODE RELATING TO ALLOWING BY CONDITIONAL USE CURRENCY EXCHANGES IN A B-3 ZONING DISTRICT. MOTION CARRIED 5-0.

C. Consider Options to Mitigate the use of Harkness Avenue for Cut-Through Traffic between the Commercial Areas at Hardwood Avenue Northbound to 70th Street.

Community Development Director Blin stated this is from an outgrowth of discussions for the shops located at the Gateway Redevelopment project site. He stated that Council expressed concerns regarding the impact of that and other commercial developments on traffic along Harkness Avenue and had directed Staff to determine how it would be mitigated.

Blin reviewed the locations in question noting that the study was to determine how the Gateway Project would impact traffic in this area. He provided the Council with an overview of the current traffic volumes along the various intersections of Harkness and Hardwood. Presently Hardwood carries very little traffic and the projections show very little increase. He stated that the numbers could increase post-2020, but even if the numbers doubled it would still be less than the current volumes along Harkness.

Blin provided Council with an overview of the results for traffic volumes along Harkness noting that prior to the opening of Hardwood Avenue, the traffic car counts were approximately 500 vehicles per day. He stated that once Hardwood opened the average number of trips dropped by approximately half. Blin provided Council with photographic views of Harkness Avenue noting that the visibility is limited in a number of areas. He stated that speed limits have been limited and advisory signs are posted regarding the limited visibility.

Blin indicated that Staff considered a number of options including sign/speed changes that would include a traffic study of the area. He stated that they have placed a petition request with the Minnesota Department of Transportation (MNDOT) for a speed study. He stated that changing the speed on Hardwood from 30-mph to 45-mph would help to deter traffic increases on Harkness, as it would be the slower route. He stated that the cost to implement this option would be approximately \$200-\$400. The second option considered would be to employ various traffic calming devices. These measures would slow traffic some and cause drivers to take different routes. Estimated cost of this option is \$4,000-\$8,000. The third option considered would be to block access to the area with a partial traffic diverter. Blin pointed out the possible locations where the traffic diverter would be placed with Council stating that the diverter would block the northbound lane for a distance of approximately 100-feet and allow a resident to get out of the neighborhood from the south. He explained that this would deter traffic traveling north and indicated that they would also install a sign approximately 500-feet ahead indicated that road would be closed to through-traffic. The cost to implement this option would be approximately \$5,000 for the curbing and signage. Blin then reviewed the fourth or cul-de-sac options. He stated that this would be the high cost option due to amount of dirt work needed to create the cul-de-sac, noting that they would need a full radius cul-de-sac to allow for turnaround capabilities for school buses and emergency vehicles. Blin reviewed the locations with Council noting that this option would require a considerable amount of work, some tree cutting and grading in the area. He stated that depending upon the Council's wishes there are options that Council should continue to review as the Gateway area continues to develop.

Blin informed Council that staff met with the neighbors along Harkness Avenue and noted that nine of the residents are currently present. He stated that their preference would be the cul-de-sac option to cut off the traffic to the neighborhood.

Council Member Kohls asked where the traffic calming devices would be placed. Blin reviewed the locations noting that they could be placed at either end, at the entrances. He stated that they could also add signage at both ends and place a center median that would tighten the curb areas.

Mayor Shiely stated that it is her understanding that they also made some changes to the site plan that would prevent vehicles from turning left and only allow for right turns. Blin confirmed this and stated that the entrance has been modified to where a vehicle cannot turn north onto Harkness.

Council Member Kohls asked if the property owners would be assessed for any improvements if, in the future, we decide to install a cul-de-sac. Community Development Director Blin confirmed that this would be the suggested approach. He noted that Harkness will be resurfaced this summer as part of the agreement to use of the road for hauling purposes.

Council Member Kohls noted that when the Council originally brought up the traffic issues she had requested that the City do a traffic study that provides a review of the big picture. She stated that she was disappointed with information provided in the packet stating that the focus was what to do about Harkness and only Harkness. Kohls stated that she did not get what she was expecting with respect to information and results. She noted that the process is based on a study provided to the City in 2002 from SRF Consulting Group, Inc. She stated that at that time they were given a full build out of numbers for commercial, retail and residential and asked if the SRF firm had been given another opportunity to re-evaluate their analysis.

Community Development Director Blin confirmed that they were given the opportunity to re-evaluate their analysis. They asked Staff if anything had changed since study. Blin stated that nothing had changed noting that the study was based on 2,000 square feet of commercial development. He stated that nothing has changed with respect to the proposed commercial and residential areas.

Council Member Kohls asked if they had received anything in writing from SRF stating this. Community Development Director Blin stated that they did not receive anything new in writing from SRF. He stated that they still feel that the numbers are effective and noted that all of the intersections are operating at Level A.

Council Member Kohls asked if all comments from the Engineers had been included. Mr. Tom Thompson confirmed that all of the Engineer's comments were included.

Council Member Kohls clarified that the numbers are good and that both Engineering and SRF have signed off on it through the year 2020.

City Administrator Schroeder stated that one of the big changes that occurred since the SRF Study is that one of the drive intersections on Hardwood Avenue, originally planned for the study, is not going to be constructed. He stated that this would improve the traffic flow along Hardwood.

Council Member Kohls asked if everyone is in agreement that the study is good until 2020. City Administrator Schroeder concurred.

Pat Coleman, 7440 Harkness Avenue, stated that this has been a very interesting process noting that she now has a better understanding of how it all works. She referenced the safety issues along Harkness Avenue stating that no one, outside of the residents, actually follows the speed limits or signage. She stated that they have a lot of traffic that is generated by the high school-age children who think it is fun to drive the curves. Ms. Coleman noted that the traffic numbers skyrocket at approximately 2:00 p.m. each day noting that safety is a major issue and concern. She noted that the other issue is the costs. Coleman expressed concerns stating that the residents should not be assessed for a situation that the City created in order to place commercial at the end of the road. She stated that it is her hope that the longevity of living in the area should not be assessed to keep commercial at the south end of the road.

Council Member Grossklaus asked Ms. Coleman what option she would prefer. Ms. Coleman stated that she is in favor of the less expensive cul-de-sac noting that the option to block a lane of traffic could also work.

Mike Rygh asked for further clarification of the \$35,000 cost estimate for the cul-de-sacs. He asked if this was for one or both. Mr. Thompson confirmed that it would include both.

Rygh asked if they would consider the cul-de-sac option if the neighbors at each end would consider paying for their respective cul-de-sac. Blin stated that they have not gotten that far in determining what the costs would be and who would pay.

City Administrator Schroeder clarified Staff's recommendation for payment of the cul-de-sac noting that they did have a handshake agreement with the neighborhood with respect to rural neighborhood development. He reviewed his understanding of the agreement noting that when road improvements occur, the benefiting property owner would be assessed. He clarified that their neighborhood would be treated the same as any other neighborhood in this situation.

Rygh asked if there would be a reason or need for a full cul-de-sac if there is a dead-end at commercial area. Blin clarified the cul-de-sac options and asked if they could effectively T-off the entrance to park. He acknowledged that they would have to go a bit further north to get a service drive access for the shops at Gateway. He stated that this would give some ability to turnaround. Mr. Thompson further clarified stating that the reason for the cul-de-sac is to provide turnaround capabilities for the larger vehicles such as snow removal or fire trucks.

Rygh asked if they would consider designing the turnaround to go directly into the park area, then turnaround and come back out. He stated that this option could lower the cost of \$35,000 down to \$17,000 and be incorporated into the process when they resurface the road. He stated that he would be in support of a temporary median to see if it would slow down the traffic first. If it doesn't work, then consider the cul-de-sac option.

Council Member Wolcott expressed concerns on the variance required for the length of the cul-de-sac. He stated that they would definitely have to provide turnaround capability for school buses; fire trucks, and snow plow trucks. He stated that he is having a little trouble with the cul-de-sac option due to the expense and public safety response times. Wolcott acknowledged Mr. Rygh's concerns stating that this is not good planning and simply does not make good sense. He reviewed the traffic speed signage issues noting that he does not have any problems with the traffic calming devices. He stated that he is in favor of an assessment to property owners if they select one of the cul-de-sac options. Wolcott suggested that if speed is an issue that the police department should monitor the area and give out the tickets for not abiding by the posted speed limit. He stated that he does not want to spend money on a cul-de-sac that they may not actually need.

Ms. Coleman expressed her concerns and frustrations stating that the City took the land from the neighborhood for the road. This was done for the benefit of Cottage Grove not for them. She noted that they are suggesting that this be fair for the City of Cottage Grove and asked that they also be fair to them. She stated that Hardwood Avenue was their property and the City took it for a Kohl's Department Store. Neighbors lost their homes and their friends. She stated that the City should do something fair for the neighborhood.

Gene Zacho, 8338 Grange Boulevard, stated that if the City is going to start building cul-de-sacs he suggested that they build one at Grange Blvd. too, at the end by the Municipal Pool property. He stated that they have had difficulty getting out of their drive due to the amount of traffic but they have learned to deal with it. Zacho stated that if this neighborhood wants a private street that they should purchase it for the same square footage costs. He urged the Council not to start building cul-de-sacs to restrict traffic for every neighborhood that experiences changes and growth. Zacho commented that their neighborhood was changed and rerouted due to the overpass noting that they received nothing to reroute traffic. The City should not have to start special construction or create special neighborhoods due to increases in traffic. If the City responded this way every time this happens the City would be spending more dollars to build cul-de-sacs all over Cottage Grove. He stated that he does not want his tax dollars to go for creating cul-de-sacs. If this is the direction the City is going to take then they can expect a group of Grange Avenue residents ask for the same treatment.

Mayor Shiely acknowledged Mr. Zacho's concerns noting that she has received several calls from residents expressing the same concerns. Mr. Zacho stated that if the residents in this area want a private road let them purchase it and own the maintenance of their private road. He stated that if Council decides to move forward with this option they should then go back and review other neighborhoods that have changed due to development.

Mayor Shiely stated that Council would not be making a decision on this issue tonight. She expressed her agreement with Council Member Wolcott stating that they do not know for sure what the impacts are at this point. She stated that Council is trying to do everything possible to prevent any further impact to Hardwood noting that the Council cannot make a decision on an issue that would impact taxpayer's dollars when they do not have a clear picture of the issue. She noted that the Harkness area has always been designated as commercial and acknowledged Ms. Coleman's concerns regarding safety. She assured the residents that every Council Member is concerned about the increase of traffic along Harkness and want to find out what would be best. She agreed with taking the least expensive route first and move forward from there. She agreed with Council Member Wolcott's concern regarding turnarounds for emergency vehicles noting that this discussion was not over. She restated that the Council is not prepared to make any decisions tonight.

Council Member Rice agreed with Mayor Shiely stating that they don't even have water to the site yet. He stated that once they begin building and in a year, they can review the traffic patterns to better determine what the best option would be at that time.

Mayor Shiely asked Council Member Rice if he is in favor of a traffic diverter for the area. Council Member Rice stated that he was not in favor of a traffic diverter at this time.

Mayor Shiely clarified that the traffic diverter would not be assessed as part of the project. Blin confirmed that the plan would be to include the diverter within the costs of the reclamation project.

Council Member Grossklaus stated that he has not been a fan of this project all along noting that it has not been shown that it would be a huge benefit. He stated that he is not in support of the cul-de-sac option and referenced the issues and problems near the Dairy Queen and Target. He stated that he is willing to wait to see what happens noting that he would prefer to review the issues further. He stated that the City is bringing the issue to residents and would be gaining tax dollars. He stated that he lives in the West Draw area and acknowledged that by nature, he takes the shortest route possible each day. He stated that he is not sure at this point in time as to who should be responsible for the expenses adding that he does not want to see another Target situation created.

Council Member Kohls expressed her agreement with Council Member Grossklaus stating that she did not support the condemnation of the land or the sale of park land for retail. She stated that she is convinced that there will be problems on Harkness. She stated that the City should bear some of the burden if the option they choose fails.

City Administrator Schroeder stated that they see the diverter project as a low cost, low impact maintenance project. He agreed that when they get into the higher cost projects the City should review the options further before making any decisions.

Council Member Kohls clarified that if they decide next spring that they need to do something about Harkness that the City would agree to cover a portion of the cost for the diverter. City Administrator Schroeder stated that it would be a City Council decision and confirmed that

the diverter is part of the reclamation and would not be considered for assessments at this time.

Mayor Shiely stated that she is comfortable with following Staff's recommendation at this point considering the time spent. City Administrator Schroeder stated that they do need an official Council motion to cause anything to happen. He stated that the motion would encompass both Harkness and Hardwood.

Council Member Grossklaus suggested waiting until after Kohls is completed to do the traffic study.

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO AUTHORIZE A TRAFFIC SPEED STUDY ALONG HARKNESS. MOTION CARRIED 5-0.

Council Member Wolcott stated that he does not have a problem with a diverter unless it hinders emergency vehicles or school buses. He stated that he does not want to see it installed if it has any affect on their ability to maneuver through the area.

Public Works Director Burshten stated that a traffic study would have to be completed before they could increase or decrease speeds. He stated that the study would take approximately two months. City Administrator Schroeder confirmed the time frame and assured Council that nothing would change in the next two months. Mayor Shiely clarified that they are looking at the August timeframe for a decision regarding the diverter.

Council Member Wolcott asked Staff to review the legal issues regarding speed limits. He stated that there is a range to reduce and asked Staff to review and clarify for Council.

Mike Rygh asked for clarification on the process the residents would have to take if they chose to pay for the cul-de-sac. City Administrator Schroeder explained that it would have to be done as a petition for public improvement that identifies what they would like done. He further explained that the City prefers the public hearing process.

Council Member Grossklaus asked if there would be any benefit to wait on reclamation for a year. He suggested waiting to see what the results would be from the traffic study and make a decision at that time. Public Works Director Burshten stated that they have been fortunate this spring with respect to additional patchwork. He explained that one of the disadvantages to waiting would be the potential amount of maintenance that could be required during that year. He stated that they could not guaranty that the condition of the road would hold for that long.

- D. Consider Granting Conditioned Site-Plan Approval for a 16,992 Square-Foot Retail Center to be located on the Northwest Corner of Hardwood Avenue and Harkness Avenue. This Application was Tabled by Council at their March 17, 2004 and April 7, 2004 Meetings Pending Additional Design Review Information.

Community Development Director Blin reviewed the proposal stating that this issue has been tabled twice by Council to allow the redesign of the entrances to the site. He stated that Staff has come up with changes that effectively change the service entry area and meet the requirements outlined by Council. Blin provided the Council with an overview of the changes noting that with these changes Staff is confident that a semi would be able to access the back of the site and exit safely. He reviewed the parking issues noting that the two outstanding concerns have been addressed and Staff is recommending approval.

Council Member Wolcott clarified his understanding of the resolutions and thanked the developer for their patience in working with the City on their concerns.

Council Member Kohls thanked the developer for making the changes requested for the truck turnaround. She stated that she is not enthused about the development in this area stating that she did not envision a project of this size for this property. She stated that this has been a real struggle and acknowledged the amount of work they have done. She stated that they have come a long way on this project noting that based on principal; she has not changed her mind on the project. She stated that she could have supported the project had it been smaller with less impact on the residents. She stated that there is too much being placed in the area adding that she would be voting against the project.

Council Member Wolcott asked if they should include a condition that states no left turns/no right turns. Blin stated that it would be effective to add as a condition.

Mayor Shiely noted that Dan Stoltz, Eugene Stoltz's son is representing on this project. She acknowledged that this was Mr. Stoltz's dream adding that she is glad to see that it could be accomplished.

Dan Stoltz stated that he wants the Council to know that it is his intent to be proactive throughout the project. He stated that he and Richard Krumm, Architect met several times with Staff to address their concerns regarding the truck turnaround. He stated that he believes the changes made are a win-win for everyone noting that he wants to ensure a quality project.

Council Member Rice asked Mr. Stoltz when they plan to break ground. Mr. Stoltz stated that four of the general contractors were interviewed last week noting that it is their hope to begin excavation next month with a completion of the project in the next six to seven months.

MOTION BY WOLCOTT, SECONDED BY RICE, TO ADOPT **RESOLUTION NO. 04-080** A RESOLUTION GRANTING A CONDITIONED SITE PLAN APPROVAL OF A 16,992 SQUARE FOOT RETAIL CENTER TO BE LOCATED ON THE NORTHWEST CORNER OF HARDWOOD AVENUE AND HARKNESS AVENUE. MOTION CARRIED 4-1 (KOHLS-NAY)

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Wolcott thanked the Public Works Department and employees for the outstanding job they did this year during the spring-clean up. He stated that the Residents are very appreciative of the effort noting that it was a lot of work for the Staff. Public Works Director Burshten thanked the Council and provided an overview of the event.

Council Member Kohls referenced an email she received for the Strawberry Fest that outlines the logos they are considering for the event. She provided the Council with copies of the new logo. She stated that they are also asking for donations, ideas, and support from City Council, local residents and businesses. She stated that they would welcome any donations of prizes for the raffle that would be held on that Sunday. She stated that anyone interested in donating prizes can contact Jennifer Osborne or Caron Stransky at 651-458-2814.

Council Member Rice suggested including a presentation from the Strawberry Fest Committee at the next City Council Meeting.

Council Member Grossklaus noted that the Chamber of Commerce newsletter included a list of the activities for the event.

PAY BILLS

MOTION BY WOLCOTT, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 134299 THROUGH 134504 TOTALING \$467,373.45. (CHECKS 134299 – 134308 AND 134489 - 134504 IN THE AMOUNT OF \$56,860.76 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

Mayor Shiely called a 5-minute break at 9:16 p.m.

Mayor Shiely called the meeting back to order at 9:27 p.m.

WORKSHOP SESSION – OPEN TO PUBLIC

A. Temporary Garden Centers.

Community Development Director Blin stated that currently there are three temporary garden centers in Cottage Grove. He reviewed the locations noting Home Depot, Rainbow Foods and Cub Foods. All three operate under A conditional use permit from April through the end of June. He stated that the question raised is whether they should continue to allow these centers. The question relates to two permanent garden centers currently located in Cottage Grove, Whispering Gardens and Berryland. Blin stated that Staff has had discussions with the owners of the permanent garden centers regarding competition concerns noting that they would prefer not to have any competition but did acknowledged that they are in a competitive world. The owners felt that they could continue to reasonably compete with the temporary centers due to the type of materials they provide. It is their belief that they provide a higher quality of product geared for the serious gardeners and feel that there would be no issue with

competition. He stated that the Planning Commission also feels that they should be allowed to operate, as it is a free marketplace.

Council Member Kohls explained that she was the one who requested the workshop. She further explained her reason for the request is due to Home Depot and Menards installing new garden centers. She stated that she has reviewed the plans for the center and had expected that all transactions would take place within the center. She did not expect to see a tent installed to expand the area. She acknowledged that the temporary garden centers are geared for convenience. Kohls referenced the expiration dates for the agreements noting that Rainbow permit is good through 2007; Cub Foods through 2008. She stated that they have been trying to do everything possible to improve the Gateway North area and yet they are allowing plastic tents. She referenced the recent variances granted to businesses in the area due to parking issues and noting that they are now taking this space for the garden centers. She suggested considering a limit to the period of time they are allowed to operate noting that the design was suppose to enclose the area and asked why they are giving permits for the tents.

Mayor Shiely acknowledged the issue of competition stating that she had received calls from residents regarding this concern. She stated that the argument was mainly around competition and is why it was included for discussion.

Council Member Rice stated that he has no problems with the temporary centers right now considering that Rainbow Foods and Home Depot are the two largest retail centers in the area. He stated that if they were experiencing traffic issues they would probably be first to get rid of the centers. He noted that the area used by Cub Foods is usually an empty spot adding that there are no issues with that location at all.

Blin reviewed the permit expirations with Council. He noted that Rainbow Foods and Cub Foods do not expire until 2007 and 2008 respectively and they cannot change the permits during that period of time.

Council Member Kohls clarified that one of her concerns is what if Council decides next year that they do not want two temporary centers in the same parking lot, there would be no way out of it. Council Member Wolcott clarified that there is no way out of it until after 2008.

Council Member Kohls suggested restricting any new permits to one year. Council Member Wolcott stated that could end up being fairly costly to regulate.

Council Member Kohls suggested contacting other cities to determine how they handle the temporary garden centers.

Council Member Wolcott agreed with Community Development Director Blin's comments regarding the serious gardeners. He stated that most would utilize Home Depot for their needs using the temporary garden centers to pick up flowers or plants for the house. He agreed that Council might have to review this issue again in the future.

Council Member Grossklaus stated that his concern is the location and the temporary need for space.

Mayor Shiely stated that she feels that the temporary gardens provide a real convenience to the residents noting that they do enjoy having the ability to purchase plants while shopping at a Cub or Rainbow. She stated that it is not Council's job to regulate the competition.

Council Member Kohls clarified that she is not suggesting that they pull the centers. She stated that she is only questioning why they have two centers in the same lot and why they are allowing the installation of tents. She stated that she is also concerned about the length of time allowed on the permits. She stated that she is concerned about Home Depot/Rainbow Foods parking and noted the recent variances that were granted to the businesses in that area. She suggested that they should implement a better monitoring process.

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY RICE, SECONDED BY WOLCOTT, TO ADJOURN THE MEETING AT 9:45 P.M. MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.