

REGULAR MEETING COTTAGE GROVE CITY COUNCIL

June 2, 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 Mark Grossklaus
Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Jim Wolcott

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
John Mickelson, Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

Dan Rehkamp, a volunteer firefighter for the City of Cottage Grove, introduced his wife and children to the Council stating that he is very upset and concerned about a current situation. He explained that at 11:00 a.m., on March 16, 2004, Fire Stations 2 and 4 responded to a house fire in St. Paul Park. Rehkamp explained that after he exited the fire he felt slightly dizzy and was sent directly to the rehab area to get checked out. Rehkamp stated that shortly thereafter he began to get very dizzy. At this point, he was also having difficulty standing so he went to the ambulance area to be examined by the paramedics. The paramedic advised him that he should go to the hospital for further care. He stated that both the Fire Chief and Fire Captain ordered him to go to the hospital, so he had no options.

Rehkamp stated that he was then taken to United Hospital and examined by a cardiologist, who ran several tests to ensure that he had not experienced a heart attack. He stated that he was released from the hospital and returned home noting that several weeks later he began receiving bills from the City and the hospital for services that had been provided. He indicated that he then received a telephone call from the League of Minnesota Cities notifying him that they were denying his claim for Workers' Compensation and would not cover the medical expenses. He stated that their explanation for denial was due to a previous condition noting that he had a cold a few weeks prior to the fire, which they consider a prior condition.

Rehkamp stated that he filed the appropriate injury claim and has been in contact with the Minnesota Department of Labor and Industry. It is his understanding that both past and present members of the Department have also had claims denied for a variety of reasons. Rehkamp stated that he is very upset that he has had questions put to him as to why he did not submit this claim to his own insurance company. He explained that he is self employed and covered by his

wife's medical insurance policies noting that his personal insurance coverage does not cover him while he is working for the City of Cottage Grove. It was his understanding that the City of Cottage Grove carried insurance that covered him while on duty. He stated that he should be covered by the City's policy and he should not have to file a medical claim through his personal insurance.

Rehkamp stated that he has already received two letters regarding late payment. He noted that in approximately two more weeks he would get a third notice and then it would be sent to collections. He expressed deep concerns stating that he has spoken with an attorney regarding this situation in addition to the Minnesota Department of Labor and Industry and his state representative. He stated that they have all expressed concerns regarding this situation noting that the State intends to investigate the situation. Rehkamp stated that it was explained that a pre-existing cause such as asthma or flu could be considered a pre-existing condition and a reason for denial of a claim. He expressed concerns stating that every time a firefighter has to enter a situation they not only have to consider the dangers, they have to consider the potential health hazards and damage, and now they have to be concerned about whether they are medically covered or not. He stated that it is his intent to educate everyone about this situation, and that it is the City's responsibility to take care of their firefighters.

Rehkamp asked the Council to consider the sacrifices his family makes each time he has to leave to answer a call to a fire. He asked them to help him explain to his children why he is not covered if he is hurt on the job. He noted that had he been with the Minneapolis or St. Paul Fire Departments, coverage would not have been an issue, as they have a union that supports their members. He stated that he is a part-time Firefighter who is not medically covered while on the job. He referenced the League of Minnesota Cities and expressed concerns stating that, based on conversations he has had with them and the explanations he has received on his denial, it is his impression that they would argue every case that is submitted, looking for prior conditions and for reasons not to pay.

Rehkamp stated that both the Fire Chief and the Public Safety Director have been very supportive. He explained that he understands the chain of command adding that he did the right thing and worked his way through that chain of command and yet he still has a bill and no response or help from anyone. He stated that he needs to get a response and some assistance with this situation or he will resign. He explained that he would have to depend on his wife to cover him in the event of injury not the City or the Council, which is shameful and should not happen. He noted that two members of the department are asthmatic and now have to be concerned about their coverage every time they answer a call. He stated that the Firefighters of Minnesota deserve better than this. He stated that they deserve a better response and better support. He asked the Council for their help and support stating that this is a very difficult situation. He noted that he is trying to teach his boys what is ethically right adding that this is very difficult to do considering the current situation.

Mayor Shiely acknowledged his concerns and referenced an earlier discussion, prior to the meeting, stating that this is the first the Council has heard regarding this situation. She explained that normally under Open Forum the issue is referred back to Staff for further investigation and information. She stated that response would be provided at the next City Council meeting. She noted that the issue with the League of Minnesota Cities has to be dealt with adding that Council does need some time to review the issues. She explained that Council couldn't respond until they have received more complete information regarding the situation.

Council Member Kohls referenced the bills in question and asked if he was referring to the ambulance or the ambulance and hospital. Mr. Rehkamp explained that \$1,300.00 was for the ambulance service and the remainder of the bill was for the hospital emergency visit and follow-up care.

Council Member Kohls questioned whether the City is sending him bills for the ambulance. Mr. Rehkamp confirmed that he is receiving bills from the City for the ambulance service. He stated that it was explained to him that this is City policy to bill for the service. He asked the Council why they are billing a firefighter from the scene.

Council Member Kohls expressed concerns stating that she wants nothing further to happen against Mr. Rehkamp with regards to the ambulance bill. She stated that she wants the billing to stop, no future letters, no collection agencies, nothing. She stated that she would like more information regarding this situation and urged Staff to respond.

Mayor Shiely stated that this is not the forum for further discussion on this issue. She agreed that the Council has several questions and concerns that must be addressed. She thanked Mr. Rehkamp for coming and providing the Council with this information. She stated that Staff would be directed to research this issue further adding that this would be an agenda item at the next City Council meeting.

CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota held a regular meeting on Wednesday, June 2, 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 Mark Grossklaus
Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Jim Wolcott

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
John Mickelson, Public Safety Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

ADOPTION OF AGENDA

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

PRESENTATIONS

A. Presentation by Mainstreet Bank

Mayor Shiely stated that representatives from the Mainstreet Bank are present this evening to make a presentation to the Public Safety Department. She noted that Mainstreet Bank is a new business coming to Cottage Grove.

Darrell Silverness, Representative for Mainstreet Bank, thanked the Council for their time. He stated that he is present this evening to present the Public Safety Department with a donation from the Safe Lights Vest Program. He explained that his business has been involved in this program for quite some time noting that the purpose of the program is to provide current safety equipment to law enforcement officials. He stated that Greg Mack from Safelights is also present this evening and would like to provide Council with a brief presentation on the vests.

Greg Mack, Safe Lights, thanked Mainstreet Bank for their support in this program and also thanked Council for their time. He explained that they have developed a next generation beacon-wear safety vest and provided Council with a brief overview and demonstration of the vest.

Mr. Silverness stated that on behalf of Safe Lights and Mainstreet Banks he would like to present Public Safety Director Mickelson and the Cottage Grove Public Safety Department with the vests. He thanked the City for their support noting that they are looking forward to be members of the business community.

Public Safety Director Mickelson thanked both Mr. Silverness and Mr. Mack for their donation. He stated that they donated several vests to the department noting that based on the total retail value, had they purchased the vests, the cost would have been approximately \$1,000.00. He stated that this is a wonderful donation and thanked them for their support.

APPROVAL OF MINUTES

A. April 7, 2004 Regular Meeting

Mayor Shiely stated that the minutes stand approved as presented.

CONSENT CALENDAR

Council Member Wolcott stated that he would like to pull Item 4.H. for further discussion. He explained that this is a recommendation from the City Clerk regarding options for the insurance coverage. He stated that he is in agreement with Items 1, 2 and 3 but disagrees with Item 4 and recommended removing Item 4 from the recommendation. He stated that Option 4 recommends reduction of the uninsured motorist coverage and expressed concerns about an employee potentially being hurt on the job noting that they should be able to receive workers' compensation. He expressed concerns stating that the City has several employees in City vehicles that would be impacted negatively by this recommendation. He stated that the savings is not significant enough to justify the change. He suggested voting on this item separately from the Consent Agenda.

MOTION BY WOLCOTT, SECONDED BY KOHLS, TO AUTHORIZE THE FOLLOWING INSURANCE POLICY RECOMMENDATIONS: 1. DO NOT WAIVE THE MONETARY LIMITS ESTABLISHED BY MINNESOTA STATUES 466.04 (\$300,000.00 PER CLAIMANT/\$1,000,000.00 PER OCCURRENCE). 2. REINSTATE NO-FAULT (PIP) COVERAGE ON MARKED PUBLIC SAFETY VEHICLES. 3. REINSTATE UM/UIM COVERAGE ON MARKED PUBLIC SAFETY VEHICLES AND REMOVE ITEM 4 FROM THE RECOMMENDATION. MOTION CARRIED 5-0.

MOTION BY RICE, SECONDED BY GROSSKLAUS, TO:

- A. ACCEPT AND PLACE ON FILE THE FOLLOWING MINUTES:
 - i. PLANNING COMMISSION OF APRIL 26, 2004.
- B. ADOPT **ORDINANCE NO. 763** AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING TITLE 5-3-6 OF THE COTTAGE GROVE CITY CODE RELATING TO HUNTING. ADOPT **RESOLUTION NO. 04-084** AUTHORIZING PUBLICATION OF THE ORDINANCE BY TITLE AND SUMMARY. ADOPT **RESOLUTION NO. 04-085** AMENDING THE CITY FEE TABLE BY AMENDING HUNTING PERMIT FEES.
- C. APPOINT SERGEANT PETER KOERNER TO REGULAR STATUS.
- D. RECEIVE UPDATE ON THE EAST RAVINE PLANNING STUDY.
- E. AUTHORIZE THE CITY ADMINISTRATOR TO CONTRACT WITH TVA FIRE & LIVE SAFETY, INC. TO PERFORM FIRE CODE REVIEW SERVICES FOR BUILDING PERMIT APPLICATIONS THROUGH DECEMBER 2005.
- F. ADOPT **RESOLUTION NO. 04-086** APPROVING CONSTRUCTION PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR SUMMERHILL CROSSING UTILITY AND STREET IMPROVEMENTS.
- G. ADOPT **RESOLUTION NO. 04-087** APPROVING THE CONSTRUCTION PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR PINE ARBOR 2ND ADDITION UTILITY AND STREET IMPROVEMENTS.
- H. REMOVED FOR SEPARATE VOTE.
- I. AUTHORIZE RENEWAL OF A MULTIPLE ANIMAL LICENSE FOR NORMA MACKEY AT 8549 HADLEY AVENUE.

MOTION CARRIED 5-0.

RESPONSE TO PREVIOUSLY RAISED OPEN FORUM ISSUES

PUBLIC HEARINGS

- A. Conduct a Public Hearing on the Intention to Issue General Obligation Capital Improvement Plan Bonds and the Proposal to Amend the Capital Improvement to Provide for the Refunding.

Finance Director Hedberg stated that at the May 5, 2004 City Council meeting the Council called for a public hearing. He stated that following this public hearing, staff is requesting that Council take action to provide for the issuance of the CIP Bonds. He explained that the CIP Bonds would then be issued to refinance the 1995A Public Purpose Bonds. He explained that by issuing this bond and paying off the 1995A Bond Issue, the City would experience an approximate \$50,000.00 savings over the next five years. He stated that after a 30-day response period, the

City Council would receive bids and be asked to consider awarding the sale. On July 13, 2004, the EDA would be asked to recall the old bonds and also take action on the Fire Hall bonds. He acknowledged that the process is a bit complicated but is required by statute. He noted that the total bond amount has been increased to \$1,165,000.00 and explained that the amount stated in the resolution was a typo that had carried throughout the process. He stated that the error has been corrected to reflect the appropriate dollar amount, which is \$1,165,000.00.

Mayor Shiely opened the Public Hearing at 7:46 p.m.

Shelly Eldredge, Ehlers and Associates, provided the Council with a brief overview of the new statute and how it affects the CIP bonds. She noted that it would be a general obligation bond for the City, which would provide a better, lower rate. She explained the process to Council noting that a public hearing is required as part of the process.

Council Member Wolcott clarified that the bonds are tax exempt. Finance Director Hedberg confirmed that they are.

Mayor Shiely closed the Public Hearing at 7:49 p.m.

MOTION BY WOLCOTT, SECONDED BY RICE, TO ADOPT **RESOLUTION NO. 04-088** APPROVING A CAPITAL IMPROVEMENT PLAN AND THE ISSUANCE OF CAPITAL IMPROVEMENT BONDS. MOTION CARRIED 5-0.

MOTION BY WOLCOTT, SECONDED BY RICE, TO ADOPT **RESOLUTION NO. 04-088.1** APPROVING THE SALE OF \$1,165,000.00 G.O. CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2004C. MOTION CARRIED 5-0.

BID AWARDS

NONE

UNFINISHED AND NEW BUSINESS

- A. 1. Provide for the Sale of \$1,400,000.00 General Obligation Tax Increment Bonds, Series 2004A. 2. Provide for the Sale of \$1,775,000.00 General Obligation Taxable Tax Increment Bonds, Series 2004B.

Finance Director Hedberg explained that Staff is requesting that the City Council authorize the issuance of Tax Increment Bonds for TIF District 1-12, the Gateway North Project. He explained that the TIF bond issues would be a combination of taxable and tax exempt bonds. Hedberg referenced Item 8.B., re-issuance of refunding bonds, and suggested combining the refunding bond with the tax-exempt portion of the TIF bond. He stated that they would be able to separate the two through accounting processes noting that they could include the two items under one motion. He stated that the rates would be lower by combining them noting that it would save them approximately \$8,000.00. The tax-exempt issue would provide long-term financing for the area and the taxable issue would provide for long-term financing for demolition work at the site. He further explained that the bonds would be paid back through tax increments financed by the project.

Finance Director Hedberg stated that the action requested this evening is to authorize Ehlers and Associates to begin the bond process. If Council chooses to combine Item 8.B., the amount would increase to \$1,400,000.00.

Council Member Wolcott asked for further clarification of the reasons for this proposal. Finance Director Hedberg explained that it comes down to the timing of issue for payoff.

Council Member Kohls reviewed her concerns stating that they are voting for a 25-year TIF District for one of the most profitable areas of retail. She stated that she would remain consistent with her voting on this issue and would vote no on the resolutions.

MOTION BY WOLCOTT, SECONDED BY GROSSKLAUS, TO ADOPT **RESOLUTION NO. 04-089** PROVIDING FOR THE SALE OF \$1,400,000.00 G.O. TAX INCREMENT BONDS, SERIES 2004A. MOTION CARRIED 4-1. (KOHLS-NAY)

MOTION BY SHIELY, SECONDED BY WOLCOTT, TO ADOPT **RESOLUTION NO. 04-090** PROVIDING FOR THE SALE OF \$1,775,000.00 G.O. TAXABLE TAX INCREMENT BONDS, SERIES 2004B. MOTION CARRIED 4-1. (KOHLS-NAY)

Council Member Wolcott asked if they are going to get good bond rates. Ms. Eldredge explained the Bond Buyers Index to Council noting that the average interest rate has been at approximately 5%. She stated that it has been a bit high in last few months but is beginning to creep back down. She assured Council that 5% is not a bad rate stating that she would update the Council on the results.

RESPONSE TO PREVIOUSLY RAISED COUNCIL COMMENTS AND REQUESTS

NONE

COUNCIL COMMENTS AND REQUESTS

Council Member Grossklaus stated that he is very concerned about the statements made during Open Forum. He asked why Council was not informed of this situation sooner stating that he would like further clarification on whether this is a City issue or not. He stated that he would also like to know the differences between the medical coverage for part-time and full-time employees.

City Administrator Schroeder stated that they have dealt with several workers' compensation claims over the course of the year noting that all are handled in a similar fashion. He provided the Council with a brief overview of the claims process noting that all claims are forwarded for review and coverage determination to the League of Minnesota Cities. He clarified the reasons for denial stating that it is a malady referred to as an occupational illness that could happen to anyone at any time. He noted that the League of Minnesota Cities and the Insurance Carrier made the determination. Schroeder assured the Council that Staff would research the situation further and provide an update and status report. Any further discussion regarding this issue at Council table would not be appropriate as this is not the appropriate forum.

Council Member Kohls agreed that Council should receive further information regarding this situation. She asked that all letters requesting payment stop immediately. City Administrator Schroeder stated that he could stop the payment requests until a final decision has been made.

Mayor Shiely clarified for Council Member Grossklaus that the City is a part of the case with respect to the expected payment for the ambulance services. She expressed agreement with City Administrator Schroeder that this is not the appropriate forum for further discussion.

Council Member Grossklaus asked if there are policy differences between part-time and full-time employees. City Administrator Schroeder stated that the City has handled workers' compensation claims for both part-time and full-time employees and explained that the process for handling claims is the same for both.

Council Member Wolcott expressed concerns stating that the management role in the process should be reviewed noting that he is concerned about ordering an employee to go to the hospital. He suggested reviewing and possibly revising the process to address the appropriate way a supervisor should handle a situation like this. He suggested additional training on the process adding that this would be a completely separate issue from the current insurance claim.

Council Member Grossklaus stated that he is still very concerned about the length of time it took before Council was made aware of the situation. He expressed concerns about City employees having to worry about their own safety while on the job and whether they would be medically covered if they were hurt on the job. He stated that this is a very serious situation adding that he definitely wants further information on the issues.

City Administrator Schroeder clarified that the City did file the first report of injury stating that this is the responsibility of the employer. He explained that they are required to file the report within three days of the incident and at that point it is out of their hands and into the hands of the individuals adjusting the claim. He indicated that there is a field process that has to be followed in addition to the process followed by the Department of Labor noting that the City has done everything they reasonably can at their level for Mr. Rehkamp.

Mayor Shiely asked if most of the metro cities have the same type of coverage with the League of Minnesota Cities. She also asked if the cities have an option or choice for the type of coverage they would want for their employees. City Administrator Schroeder stated that the League of Minnesota Cities handles the claims for metro area. He noted that one of the issues is the scope of the claim and how it has been handled to this point.

Mayor Shiely stated that she would like to be sure that the City employees have good medical coverage while on the job. She stated that she would like more information outlining the level of coverage provided by the League of Minnesota Cities. City Administrator Schroeder stated that he would research further and provide the Council with an update.

Council Member Kohls asked if it would be possible if they could find out the average number of approved and denied claims. She stated that she would also like information regarding the appeal process and how a claim is handled once it goes into the appeal process. She expressed concerns regarding the level of coverage stating that individuals willing to work in a dangerous environment on behalf of the citizens and City should not have to be concerned about medical coverage if they become injured while on the job.

Mayor Shiely stated that she would like to remind everyone that the Strawberry Fest is coming up this month. She noted that the festivities are scheduled for June 11 through June 13, 2004 and

encouraged everyone to check out the City website for the schedule of events. She stated that the majority of activities are scheduled for Saturday, June 12th, including the parade, which is scheduled to begin at 10:00 a.m. and a golfing tournament/challenge from the Cottage Grove City Council with officials from neighboring communities, which is scheduled to begin at 1:00 p.m. at the All-Seasons Golf Dome. She reviewed the parade route with Council and encouraged everyone to come out and enjoy the activities, events and festivities.

Council Member Kohls stated that they have not heard yet who has accepted their challenge noting that Council Members Wolcott, Grossklaus and Rice would participate in the Golf Challenge representing the City of Cottage Grove.

PAY BILLS

MOTION BY WOLCOTT, SECONDED BY RICE, TO APPROVE PAYMENT OF CHECK NUMBERS 134732 THROUGH 134954 TOTALING \$751,594.82. (CHECKS 134732 – 134762 IN THE AMOUNT OF \$50,578.35 ISSUED PRIOR TO COUNCIL APPROVAL.) MOTION CARRIED 5-0.

Mayor Shiely called a break at 8:18 p.m.

Mayor Shiely called the meeting back to order at 8:29 p.m.

Present: Mayor Sandy Shiely
Council Member Mark Grossklaus
Council Member Cheryl Kohls
Council Member Pat Rice
Council Member Jim Wolcott

Also Present: Ryan Schroeder, City Administrator
Ron Hedberg, Finance and Administrative Services Director
Howard Blin, Community Development Director
Les Burshten, Public Works Director
Corrine Thomson, City Attorney

WORKSHOP SESSION – OPEN

A. Stormwater Management Plan

Brian Voelker and Allan Larson, Public Works Department, provided Council with a presentation and overview of the Storm Water Management process for the City of Cottage Grove. Mr. Voelker stated that their goal is to inform the Council Members and public of the current storm water management situation and discuss the requirements of federal authorities. He provided Council with an overview that included a definition of the NPDES (National Pollutant Discharge Elimination System), an explanation of the origins of NPDES Phase II, a review of their legal obligations and federal requirements, the importance of storm water control, an overview of the Storm Water Management Plan, the Storm Water Improvement/Maintenance Process, Staff and Contractor Projects, Current Problems and Work Completed.

Mr. Voelker reviewed the MS4, Municipal Separation Storm Sewer System Program with Council. He explained that this program would regulate Cities within the urbanized areas determined by the 2000 Census. He provided the Council with an overview of the MS4's legal obligations noting that the SWPPP becomes an enforceable part of the permit application. He stated that the MS4's would retain responsibility for programs provided by outside entities and reviewed enforcement possibilities with the Council. He reviewed the regulation and monitoring process for projects within the City noting that large projects that are located just outside the City that could affect or impact the City, are also monitored through this process.

Mayor Shiely asked if any federal funding came to the City when the Water Quality Act, the Clean Water Act and NPDES were established. Mr. Voelker clarified that the City would not receive any funding from the federal government to assist in addressing any problems the City might have in complying with the federal mandates.

Mr. Voelker reviewed the importance of Storm Water Runoff Control noting the environmental impacts, the possible changes in hydrology and the increase in chemical pollutants. He stated that control of the runoff would help to protect habitat loss and protect water resources. He stated that currently the Department of Public Works manages the surface water with respect to developing standards, managing the capital-project administration in addition to planning current and future systems. He stated that they are also responsible for monitoring construction management and best practices for storm water control.

Mr. Voelker explained that storm water maintenance and improvements would include annual maintenance of the existing storm water system including ponds, inlets, and structures. He stated that they must also clean the sediment from the ponds and gain better control of the storm water runoff. He stated that the process would also include rural ditch cleaning, pond mowing and overall improvement of the water quality. He stated that this is necessary in order to prevent future environmental impacts.

Mr. Voelker reviewed project detail with the Council noting that City Staff must complete these steps over the next five years. He provided the Council with an overview of current problems, resolved issues and projects completed by contractors. He reviewed the financial statement for the central ponds and structure improvements with Council. He provided Council with a map of the area by district noting that the bottom line number, for all expenditures, would total approximately \$1.8 million.

City Administrator Schroeder referenced the tree removal stating that Residents might question their reasons for removing the trees and ask for a different solution. He asked why the trees would have to be removed. Mr. Larson explained that they have to bring the ponds back to their original form. He further explained that the existing ponds did not originally have all of the trees or sediment noting that over time the area would fill with sediment and cause buildups within the pond area that would in turn affect drainage. He stated that the pond areas were not built to sustain the amount of growth that they are currently finding.

Public Works Director Burshten agreed stating that the areas have been neglected for the last few years. He stated that the EPA has informed them that the ponds must be cleaned up and improved over the next five years in addition to having a consistent maintenance plan in place for ongoing maintenance of the areas.

City Administrator Schroeder asked if the residents would have a choice with respect to the tree removal. Mr. Voelker clarified that the residents would not have a choice. He stated that the trees would have to be removed. Public Works Director Burshten further clarified that the trees were not part of the original pond area design. He explained that they have to bring the ponds back to their original state noting that the current vegetation has been allowed to grow freely over the years and it is now causing problems.

Public Works Director Burshten reviewed the areas with Council stating that they have gone into many of the areas and resolved minor problems. He explained that now they have to go back into these areas and clean the system out completely, bring everything back to square one and start over again. He stated that this has to be done due to water quality issues and also to be in compliance with the EPA requirements. He offered to take Council Members on a tour of the pond areas if they are interested in seeing the problems first hand.

Mr. Larson stated that each pond has been designed to have a certain amount of acreage feed into the pond. He stated that the storage has been corrupted over time with all of the vegetation within the pond itself and they have to bring back the storage as it was initially designed for Cottage Grove. He explained that this would allow the water to flow through the various areas properly.

Mayor Shiely clarified her understanding that not all of the ponds have water in them. Mr. Larson confirmed and reviewed the differences between a dry pond and a wet pond with Council. He noted that this process is basically a cleanup of the catch basins and pond areas in order to help improve the water flow through Cottage Grove.

Council Member Wolcott stated that with the EPA bringing this issue to their attention, in addition to the charges coming from the various Watershed Districts, costs would begin to incur as they begin the clean up process for the ponds. He suggested that Staff put together information that could be provided to the public educating them on the problems and what the City has to do to resolve them. He stated that the City should educate the public on these issues as the residents also play a part in some of the problems they have discovered. He stated that what has to be done is going to cost a lot of money and would impact the City budget. He stated that the public should be informed of what has to be done and what it will cost to get there.

Mayor Shiely indicated that the origins of the NPDES, Clean Water Act and Water Quality Act was enacted over thirty years ago and asked what happened that would cause the EPA to suddenly come in, after all this time, and lay down a five-year clean up requirement.

Mr. Larson explained that Phase 1 of this process was originally initiated in the Minneapolis/St. Paul metro area. He stated that the EPA saw the improvements made and decided to initiate Phase 2 in the urban areas.

Public Works Director Burshten stated that this is not only a cleanup of the areas it is also putting a process of prevention in place. He indicated that once they get to a certain point in the clean up of these areas they can then work proactively to prevent and reduce pollutants from getting into the system at the construction phase. He stated that a very large effort has been put forth to eliminate much of the problem areas and agreed that this project would cost money. He explained that if the City does not expend the dollars now it would become a more expensive process in the future. He stated that if the City does not work to create a preventative

maintenance program for the pond areas now that they could end up in a similar situation like the City of Eagan.

Mayor Shiely agreed that there is a need to educate the public on this issue. She stated that there are areas that are not publicly owned, where residents have been planting or placing small structures. She stated that educating the public on their reasons for removal would be a major undertaking that has to be done.

Council Member Kohls stated that she has heard various plans for the tree removal in the areas along 80th Street and asked for further clarification. Public Works Director Burshten reviewed the area with Council stating that the pond would have to be brought back to its original design in order to improve water flow and quality. He stated that they would like to be able to leave some of the trees around the outer perimeter but that they must bring the ponds back to their original design.

Mr. Larson provided the Council with a brief overview of the 80th Street pond area noting that they intend to concentrate on clearing the corridor area in order to bring the pond back to its original condition. He stated that it would be a challenge trying to establish a working bench in that area that would allow them to place the equipment that would be required for the cleanup. He stated that each area would have to be reviewed in order to determine the appropriate equipment that would be required for cleanup and to also determine the type of bench that could be installed in the area that would accommodate the equipment.

Council Member Rice clarified that all of the trees on the north side of 80th Street would have to be removed. Mr. Larson confirmed and explained that the trees are located directly in the pond area.

Mayor Shiely asked if they have completed a survey that would show them all of the storage areas included in the cleanup. Mr. Larson stated that they are not at this level yet noting that each pond would have to be widened or deepened in order to get them back to their original design. He stated that much of the material removed so far has been sand materials, leaf decay and sediment.

Council Member Wolcott asked if they have prioritized the areas. Mr. Larson indicated that they have begun the prioritization process and that they are trying to deal with the worst pond areas first due to the costs.

Council Member Wolcott agreed that they should address the worst areas first. He stated that they should get them done first in order to ensure the areas are draining properly and move forward with the minor areas once they are completed. Mr. Larson agreed and reviewed the prioritization process with Council.

Council Member Wolcott asked if they would be working in these areas during the winter months. He stated that it would make more sense, as the ponds would be frozen and easier to access. Mr. Larson agreed stating that the winter months are actually the best time to do this kind of work in these areas.

Public Works Director Burshten stated that they are currently in the process of trying to determine the best way to repair some of the pipe damage in these areas. He noted that it is difficult to plan

for everything adding that they are trying to anticipate surprises as they move forward in the planning process. He stated that they have a good system that does function adding that they want it to continue to work properly and in order to do that they need to do a lot of work in the stormwater ponding areas.

Mr. Voelker stated that as the City of Cottage Grove continues to develop and grow, more ponding areas would be required. He stated that Staff plans to introduce ordinances requiring compliance that would encompass current and future pond maintenance. He stated that Staff also plans to provide copies of their reports to the City of Cottage Grove and the Washington County Bulletin in addition to scheduling workshops with the public and providing updates on the City hotline. He stated that they also plan to utilize the neighborhood-meeting forum, Cable TV and put together a team that would carry out Council objectives.

Mayor Shiely complimented Staff on their communication plan and encouraged their continued work in keeping the public informed of their progress.

Council Member Wolcott agreed and encouraged Staff to provide the community with an opportunity to correct any deficiencies before forcing compliance. Public Works Director Burshten assured the Council that Staff would work with the Community throughout the process.

Council Member Kohls asked if they have determined the access points in each of the neighborhoods. She indicated that some of the more recent developments have difficult access issues to address in addition to residential encroachment. Mr. Voelker stated that they have designed some of the access points. He stated that they have found areas where residents have planted trees, installed fences and small structures that would all have to be removed. He agreed that this would be a sensitive situation and assured Council that Staff would work with the Community throughout the process.

City Administrator Schroeder stated that the small structures and fencing are a very important issue and concern. He referenced the easement issues stating that residents tend to use the land they own, knowing that if the City has a need they can authorize removal for their use. He stated that the Residents have to understand that anything they place within an easement is at their own risk and cost. He stated that the City would not be responsible for payment or for replacement.

WORKSHOP SESSION – CLOSED

NONE

ADJOURNMENT

MOTION BY WOLCOTT, SECONDED BY RICE, TO ADJOURN THE MEETING AT 9:20 P.M.
MOTION CARRIED 5-0.

Respectfully submitted,

Bonita Sullivan
TimeSaver Off Site Secretarial, Inc.